

NOTICE TO MEMBERS

Please be advised that a Special General meeting of the Members of the Local Government, Racing and Cemeteries Employees Union (WA) will be held at 5.00 pm Monday the 19th of February 2024, at Unit 209/396 Scarborough Beach Road, OSBORNE PARK, WA, 6017

The business of the meeting will be: **“Proposed Substitution of the existing rules in their entirety with a substitute set of rules containing all proposed amendments, alteration, deletions and new proposed rules with accompanying justifications.”**

The rules affected by the proposed substitutions: **Rule titles;2,6,7,8,11,12,13,14,15,16,17,18,19,20,22,23,24,25,26,27,28,29,30,31,32,33,34,35,38,39,40, 41,42,43,44,45 and proposed new rules 46 and 47.**

***Copies of the proposed Rule amendments and or alterations with accompanying justifications can be obtained in writing in person, by mail communication, email communication or from the union’s website at lgrceu.org.**

The Union’s address for in person receipt of information is Unit 209/396 Scarborough Beach Road, OSBORNE PARK WA 6017.

Attached to this NOTICE MEMBERS in annexure sequence are the following required documents:

ANNEXURE 1:

PROPOSED SUBSTITUTE RULES CONTAINING ALL PROPOSED AMENDMENTS; ALTERATIONS; DELETIONS AND NEW PROPOSED RULES, WITH ACCOMPANYING JUSTIFICATIONS.

ANNEXURE 2:

AN ACCOMPANYING SCHEDULE SHOWING IN SERIATUM FORM THE RULES THAT ARE PROPOSED TO BE AMENDED, ALTERED, DELETED AND NEW RULES PROPOSED TO BE INCLUDED. THE SCHEDULE ALSO CONTAINS THE CORRESPONDING JUSTIFICATION FOR EACH PROPOSED CHANGE.

Andrew Johnson
General Secretary
LGRCEU (WA)

ANNEXURE “1”

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

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

1 - NAME OF UNION

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

2 - DEFINITIONS AND INTERPRETATION

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

"Act" means the ~~Industrial Arbitration Act, 1912,~~ **Industrial Relations Act 1979** as amended from time to time.

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

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

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

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

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

"General Secretary" means Secretary of the Union.

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

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

"Member" means member of the Union.

"Membership" means membership of the Union.

"Office" means -

- (a) the office of President, Vice-President, Secretary, Treasurer or other executive officer, by whatever name called, of the Union.

- (b) the office of a person holding, whether as trustee or otherwise, property of the Union or property in which the Union has any beneficial interest; and
- (c) every office within the Union of the filling of which an election is conducted within the Union.

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

"Organisation" means an organisation registered under the Act, and/or an organisation registered under the ~~Cconciliation and Arbitration Act, 1904~~ **Fair Work Act 2009**, as amended from time to time.

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

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

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

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

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

Justification: Change to definitions above reflect changes and current names of relevant legislation that apply.

3. CONSTITUTION

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

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

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

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

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

4 - PURPOSES OF UNION

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

Justification: the number is inserted to ensure consistency throughout these rules

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

Justification: Proposed change reflects modern methods of communication now used.
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- (h) To promote or assist financially or otherwise in the promotion and/or publication of a ~~newspaper, magazine, a journal or e-journal~~ other publication having for its policy the promotion of the cause of Labor.

Justification: Proposed change reflects modern methods of communication now used.

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

5 - REGISTERED OFFICE OF UNION

- (1) The registered Office of the Union shall be Unit 209/396 Scarborough Beach Road, Osborne Park WA 6017, or such place the Union Executive shall determine from time to time.
- (2) The General Secretary shall notify the Registrar of any change of address of the Registered office of the Union.

6 - REGISTERED OFFICER OF UNION

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

Justification: use of gender-neutral language to reflect modern practice and also true nature of membership and office holders

7 - ZONES OF UNION

- ~~(1) The Union shall for the purpose of election of delegates to Conference and such other purposes as are indicated in these Rules be divided into:~~
- ~~—— (a) Metropolitan Zone;~~
- ~~—— (b) Central Districts Zone;~~
- ~~—— (c) South Western Zone;~~

~~— (d) Coastal District Zone;~~

~~— (e) Goldfields Zone;~~

~~— (f) Murchison Zone;~~

~~— (g) Pilbara Zone;~~

~~— (h) Kimberley Zone; and~~

~~— (i) Such other Zone or Zones as Conference may establish from time to time.~~

~~(2) Each Zone shall consist of the members of the Union employed by the employing authorities assigned to it by Conference from time to time. Provided that the Metropolitan Zone shall consist of the members employed by employing authorities coming within the area bounded by the outer boundaries of Wanneroo, Swan, Mundaring, Armadale-Kelmscott, Rockingham, Kalamunda, Kwinana Shire Councils.~~

~~(3) The Conference may later from time to time any former establishment of a Zone whether established by these Rules or not and may alter the name thereof or abolish a Zone at any time.~~

(1) For the purpose of election of delegates to Conference and such other purposes as permitted by these rules, each Member shall be allocated to one of the Zones provided for in sub rule (2) based on the definitions of the Zones in sub rule (3):

(2) The Zones of the Union shall be:

2.1 Metropolitan Zone

2.2 Rural Zone

2.3 General Zone

(3) The Zones shall be defined as follows:

3.1 Metropolitan Zone:

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

3.2 Rural Zone:

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

3.3 General Zone:

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

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

Justification: The proposed changes simplify the structure of the Conference, make election to positions on Conference less complicated for members and give regional members a wider electorate in which to secure election. The Organisation has had trouble in the past three (3) full elections in fully filling these offices and believe the rule change will assist. In the past two elections no Zonal positions have been filled. The proposed rule change will increase the number of non-Executive Committee of Management positions thereby increasing membership participation at Conference Level.

8 - FUNDS OF UNION

- (1) The funds of the Union, consisting of entrance fees, subscriptions, levies, fines and other income from any source shall be used for the purposes of the Union as prescribed by Rule 4 of these rules, and in necessary expenses of management.

- (2) (a) Subject to this Rule Union funds and all real and personal estate belonging to the Union in the hands of the Union shall be under the control of the Executive.
- (b) Union Funds and all personal estate other than securities belonging to the Union in the hands of the Union shall be in the custody of the Executive.
- (c) Real estate and securities belonging to the Union in the hands of the Union shall be vested in the Trustees and shall be held by them in trust for the Union.
- (3) Union funds shall be banked in ~~the Commonwealth Savings Bank~~ a Bank or such other bank **accredited and licensed financial institution** as the Executive may decide, ~~in one or more Society accounts in the name of the Union, as the Executive may from time to time determine.~~

Justification: change to definitions above reflect changes in banking and finance industry in Australia

- (4) All cheques drawn on Union funds shall be signed by the Treasurer and shall be countersigned by the President and the General Secretary: Provided that in the case of absence of any of such persons or ~~of his~~ **their** inability to sign cheques the Executive may appoint a member of the Executive to sign in place of the absent or unable person either generally or in any particular case.

Justification: Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

- (5) No part of the funds or property of the Union shall be paid or applied for, or in connection with, or to aid or assist any person, in the furtherance of any strike.

9 - AUDIT OF UNION FUNDS

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

- (c) upon receipt by the Executive of notice in writing or resignation signed by him, and the Executive may terminate the services of an Auditor at any time.
- (4) For the purpose of this Rule "qualified accountant" shall mean a registered Public Accountant within the meaning of the Public Accountants Registration Act.

10 - UNION SEAL

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

11 - ADMISSION TO MEMBERSHIP

- (1) An applicant for admission as a member of the Union shall complete and sign an application Form in the form ~~prescribed by Rule 11A~~ provided by the Union which ~~he~~ and ~~they~~ shall lodge with or forward to the General Secretary.

<p>Justification: There is no Rule 11A and use of gender neutral language to reflect modern practice.</p>
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- (2) An application for membership may be accompanied by the entrance fee and subscription, payable in respect of the financial year then current, as provided by Rule 16 of these Rules.
- (3) Immediately upon signing an application form the applicant shall be a member of the Union whether an entrance fee and/or subscription have been paid.
- (4) The payment of an entrance fee and/or a subscription and/or levy and/or a fine shall be held to be conclusive evidence of membership, provided the member is qualified according to these rules.
- (5) An entry in the ~~Minute Book~~ **Computer hard drive records and back up disc records** of the Union that a person has been duly admitted as a member of the Union, ~~or the production by the Union of a signed membership form in the form of Rule 11A,~~ shall be prima facie evidence that the person is a member and that all formalities necessary to such admission to membership have been duly complied with.

<p>Justification: The change reflects the actual practice of the union on a day-to-day basis and there is no Rule 11A.</p>

- (6) Notwithstanding any foregoing provision of this Rule, the fact that the requirements of this Rule have not been complied with by or in respect of any person who at the date of commencement of these rules was a member of the Union shall not invalidate that membership, and any such person shall be deemed to have become a member of the Union pursuant to these Rules.

12 - READMISSION TO MEMBERSHIP

- (1) Any person whose former membership of the Union was terminated in any way whatsoever may be readmitted to membership of the Union at the discretion of the Executive: Provided that no person may be readmitted to membership while he owes **they owe** any money to the Union.

Justification: use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

- (2) The provisions of Rule 11 of these Rules shall apply to an application for readmission to membership pursuant to sub-rule (1) hereof.

13 – LIFE MEMBERSHIP

- (1) Conference may confer life membership of the Union upon a financial member **has resigned in accordance with Rule 18 or has retired from the Industry** having not less than twenty-five **twenty** continuous years of membership of the Union whom Conference considers merits life membership by reason of long years of active and faithful service to the Union.

Justification: The proposed changes in years and to the insertion of the mechanisms to attract life membership clarify and enhance the rule and more reasonably reflect the change in the amount time current membership are spending have spent in their Industry. Change will align with the union's federal counterpart rules.

- (2) A life member shall be obliged to pay all moneys due and owing by ~~him~~**them** to the Union up to the date upon which life membership is conferred upon ~~him~~**them**, but thereafter shall not be obliged to pay the Union any entrance fee, subscriptions or levy, but in all other respects a life member shall be entitled to all the rights and privileges and shall be subject to all the obligations of membership.

Justification: Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders

14 - REGISTER OF MEMBERS

- (1) A register of the members of the Union showing the name and postal address of each member, and a list of the postal addresses and occupations of the officers of the Union, as far as they are known, shall be kept at the office of the Union.
- ~~(2) The register of members shall be purged annually of members who are in arrears and have left the industry and shall be purged of members who are in arrears of subscriptions for a period of 12 months, provided that in all cases such purging from the register shall not free the member from the requirement to pay all outstanding fees, fines, levies and subscriptions.~~

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

15 - CHANGE OF MEMBERS ADDRESS

(1) A member who changes his address shall furnish particulars of his new address to the General Secretary within one calendar month of such change. ~~and in default may be fined a fine of fifty cents.~~

Justification: the number is inserted to ensure consistency throughout these rules

Justification: fine provision is archaic and unjustified. The full stop has been added to finish sentence at "change"

16 - ENTRANCE FEES AND SUBSCRIPTIONS

- (1) ~~Each member, upon being admitted to membership may pay an entrance fee of fifty cents the sum of fifty cents lodged by him pursuant to Rule 11 of these Rules shall be appropriated by the Union for that purpose: Provided that an entrance fee need not be paid by an applicant holding a "Clearance card" from an organisation or industrial union which admits to its membership without payment of the entrance fee persons holding a "clearance card" from the Union.~~
- (2) (a) ~~Each member shall pay a subscription per week equal to 1% of the lowest rate of pay in the General Award operating in Local Government in the Metropolitan area of this State and applicable to members of the union. Such subscription shall be calculated to the nearest 10 cents and shall be paid in accordance with subrules 3, 4 and 5 hereof and shall apply on and from July 1st, 1979 and thereafter.~~
- (b) ~~Any member who prior to 1st August, 1978 has paid subscriptions due for a period beyond that date shall to be liable to the subscriptions in paragraph (a) of this subrule until such period has expired at which time he shall become liable.~~
- (3) ~~Subscriptions may be paid annually, half yearly or quarterly but may not be paid weekly except where subscription is deducted direct from his wages by arrangement with the members' employer.~~
- (a) ~~The Annual Subscription rate shall be the weekly subscription rate multiplied by the number of weeks in a calendar year and the due date for payment shall be the 1st day of January in each year for that year.~~
- (b) ~~The half yearly subscription rate shall be the annual subscription rate divided by two and the due dates shall be the 1st day of January, and the 1st day of July in each year for that year.~~
- (c) ~~The quarterly subscription rate shall be the annual subscription rate divided by four and the due dates shall be the 1st day of January, the 1st day of April, the 1st day of July and the 1st day of October in each year for that year.~~
- (d) ~~The subscriptions may be paid by direct instalments from the members wages and paid by his employer to the union. Such direct instalments may be the Annual subscription rate or the Quarterly subscription rate or a Monthly subscription rate calculated by dividing the Annual Subscription rate by 12 (twelve), or a fortnightly subscription rate calculated by the Annual Subscription rate divided by 26 (twenty-six) or the~~

~~subscription per week on a weekly basis. Provided that any amount of subscriptions not deducted or otherwise outstanding at any time, shall continue to be due and payable in accordance with the Rules.~~

- ~~(e) The subscription rate for apprentices or trainees in similar type schemes shall be 50% of the subscription rate in sub-rule (2)(a) of these rules.~~
- ~~(5) All subscriptions shall be calculated to the week in the year in which the member joins and subscriptions from that date shall be due and payable by him.~~
- ~~(6) Notwithstanding any foregoing provisions of this rule a member who is also a financial member of the Federated Municipal and Shire Council Employees' Union of Australia, Western Australian Division, an organisation registered under the Australian Conciliation and Arbitration Act, 1904, by paying Fees and subscriptions, to that Union shall be a financial member of the Union.~~

RULE 16- MEMBERSHIP FEES

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

Justification: modernises the rule, simplifies and aligns member obligations under the rule consistent with the day to day running of the organisation.

17 - ARREARS OF FEES, ETC.

~~A member who does not pay the Union~~

- ~~(a) his or her subscription or instalments thereof as provided for in Rule 16 within a period of 8 weeks after the due date contained in Rule 16; or~~
- ~~(b) any levy before the end of the period of three calendar months after the last day on which such levy may be paid; or~~
- ~~(c) any fine before the end of the period of three calendar months after~~

- ~~(i) the date of dismissal of an appeal instituted in accordance with Rule 37 of these Rules; or~~
- ~~(ii) the last day on which an appeal may be instituted in accordance with the said Rule 37 if no such appeal is instituted;~~
- ~~shall be unfinancial and while he or she they so remains unfinancial shall be excluded from all rights and privileges but not from the obligations of membership, and he may be sued for the moneys owed.~~
- ~~(d) Provided however that a member shall not be unfinancial whose subscriptions for the current year are being deducted by instalments from the member's salary or wage by arrangement with the Employer employing the member AND all subscriptions owing by the member for the year ended the preceding Thirty first December shall have been fully paid.~~
- (1) Any member whose membership fees are outstanding or in arrears as per the payment option set out in Rules 16 of these rules for a period of three calendar months or longer shall be deemed unfinancial and shall be excluded from the benefits and privileges of membership until such time as those outstanding fees or fees arrears are paid.
- (2) Notwithstanding the provisions of subclause (1) any member so prescribed may apply in writing to the Union Executive for a period of suspension of fees on grounds of hardship. The Union Executive at its discretion may exercise a right to suspend the fee obligation for a fixed period that it determines is reasonable. Such decision will be conveyed in writing to the member. After the expiry of the period determined by Union Executive, the member shall be liable for fee payments as per Rules 16 of these rules excepting the period fee suspension.

<p>Justification: Proposed changes reflect modern practices and use of numbering instead of alphabetical codes ensures consistency in the rules.</p>

18 - RESIGNATION OF MEMBER

- ~~(1) A member may resign from the Union by giving to the General Secretary at least three months' written notice of his intention to do so and shall pay all moneys due and owing by him to the Union to the date of such notice.~~
- ~~(Disallowed - See Order No. 858 of 1996 of 4 July 1996.~~
- ~~(2) After the date of such notice and before the date of expiration thereof such a member may also become liable pursuant to these Rules to pay further monies to the Union and if payment thereof is not made on or before the date of such expiration the member may be sued therefor, and for that purpose he shall be deemed to continue to be bound by these Rules.~~
- (1) A member may resign their membership of the Union by notice in writing if they cease to be employed in or in connection with the Industry to which the Union has rules coverage and the notice is given not less than two

weeks before resignation takes effect. Notice of resignation shall be communicated in writing to the General Secretary.

Justification: Proposed new rule reflects modern practise

19 - MEMBER CEASING TO WORK IN INDUSTRY

(1) Notwithstanding anything contained elsewhere in these Rules, a member who ceases to work in the industry for a period of three months and at the expiration thereof is working in another industry shall thereupon cease to be a member of the Union.

~~(2) Notwithstanding anything contained elsewhere in these Rules, the Executive may issue to a member who has ceased to work in the industry and who does not owe any money to the Union a "clearance card" if requested so to do by such member, and upon the issue of such "clearance card" and unless his membership of the Union has been terminated earlier, the person concerned shall cease to be a member of the Union.~~

~~(3) Notwithstanding anything contained elsewhere in these Rules, if the Executive is satisfied that a member has ceased to work in the industry, and such member does not owe money to the Union, the Executive may declare that such member has left the industry, and thereupon such person shall cease to be a member of the Union and he shall be entitled to have issued to him by the General Secretary a "clearance card".~~

~~(4) Notwithstanding anything contained elsewhere in these Rules, if the Executive is satisfied that a member has ceased to work in the industry and such member owes money to the Union, the Executive may declare that such member has left the industry, and thereupon such person shall cease to be a member of the Union he shall be liable to pay immediately all entrance fees, subscriptions, levies and fines due and owing by him to the Union and in default of payment he may be sued therefor.~~

Justification: Current sub rules are outdated and punitive in effect.

~~(5)~~(2) For the purpose of this Rule an employee of the Union shall not be deemed to have ceased work in the Industry and shall not be declared to have left the Industry by reason of his ~~him~~ **them** being an employee of the Union.

Justification: Proposed change reflects gender neutrality

20 - OFFENCES AND PENALTIES

(1) Any member may charge any other member with -

- (a) contravening or failing to observe any of these rules, the breach of which no penalty is prescribed by the particular rule; or
- (b) knowingly contravening or failing to observe any lawful direction or resolution of the Union, Conference or Executive constituted by or pursuant to these Rules; or
- (c) knowingly contravening or failing to observe any lawful and reasonable direction given by any officer of the Union; or

- (d) any dereliction of any duty imposed on a member of these rules; or
 - (e) misappropriation or misapplication of any of the funds or property of the Union; or
 - (f) divulging the Union's correspondence or business to persons not entitled to know the same; or
 - (g) making false statements or giving false information in relation to the affairs of the Union; or
 - (h) wilfully misrepresenting the affairs of the Union; or
 - (i) conniving at any of the foregoing offences being committed by any other person.
- (2) Action under subrule (1) hereof shall be commenced by a complaint in writing signed and dated by the complainant and lodged with the General Secretary and such complaint shall specify the matter or matters charged.
- (3) The General Secretary shall summons the member charged before the Executive and such member shall receive from the General Secretary, at least fourteen days before the meeting of the Executive notice of the complaint (including the matter or matters charged) and notice of the date, time and place of such meeting. The complainant and the member charged shall be entitled to be present at such meeting and be heard.
- (4) If the Executive finds such a member guilty it may do one or more of the following -
- (a) impose no penalty;
 - (b) impose a censure;
 - ~~(c) fine him any sum not exceeding one hundred dollars;~~

Justification: Deleted provision is archaic, harsh and unreasonable.

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

Justification: Proposed changes reflects gender neutrality

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

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

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

21 - CONFERENCE

- (1) Subject to these Rules the supreme government of the Union shall be vested in Conference.
- (2)
 - (a) Conference shall consist of the Union Executive and of the Union delegates from each of the zones of the Union established pursuant to Rule 7 of these rules.
 - (b) a member of the Executive may take part in all discussions and deliberations of Conference and shall have a vote: Provided that the Chairman shall have a casting vote.
- (3)
 - (a) In addition to powers elsewhere conferred on it by these Rules Conference shall have the general management and control of the affairs of the Union and unless specific provision is made to the contrary it shall have the powers conferred by these Rules on the Executive and it shall have all such powers and authorities as are necessary or convenient for carrying into effect these Rules and the purposes of the Union.
 - (b) Conference may exercise any power conferred on it by these Rules notwithstanding that the Executive has exercised a like power in the same matter and where a decision of Conference is inconsistent with a decision of the Executive, the decision of Conference shall prevail.
- (4) All decisions of the Conference are subject to members assembled in General or Special General Meetings as provided for in these rules.
- (5) The conduct by the Conference of its business or the exercise of any power or function shall not be invalidated by reason of there existing a casual vacancy.

22 - ELECTION OF DELEGATES TO CONFERENCE

- (1)
 - (a) A member shall not be eligible to be a candidate for election as a delegate to Conference who has not been a financial member of the Union for a continuous period of two years as at the actual date for closing of nominations.
 - (b) A member shall not be eligible to be a candidate for election as a delegate to Conference if there is reasonable ground for believing that -
 - (i) within twelve months prior to the date of his ~~his~~ **their** nomination, ~~he was~~ **they are** a member of any body of persons, incorporated or unincorporated, which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth.

- (ii) ~~he himself~~ **they themselves** advocates or encourages or has, within twelve months prior to the date of his nomination, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth.
- (c) A member shall not be eligible to be or continue to be a delegate to Conference if there is reasonable ground for believing that -
- (i) ~~he is~~ **they are** a member of any body of persons, incorporated or unincorporated, which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth.
- (ii) ~~he himself~~ **they themselves** advocates or encourages, or has, within twelve months prior to the date of his nomination, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth.

Justification: Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders

- (2) (a) Except as hereinafter provided the delegate from a zone to Conference shall be elected by that zone each four years in the same manner as the election is held for the Union executive and Rule 24 of these rules shall apply Mutatis Mutandis to such election.
- (b) ~~The first election under this rule shall be held in 1978, delegates from 2 zones groups shall be elected for periods of four years, three years, two years and one year. The Returning Officer shall decide which zones are to have their delegates elected for the greater or lesser periods by the drawing of lots for each zone in the presence of the General Secretary and the President.~~
- (c) ~~Each and every election after the first election for all zone delegates shall be for a period of four years.~~

Justification: Deletion of paragraphs (b) and (c) reflect recent change in timing of election cycle without impinging on the determined terms of office.

23 - UNION EXECUTIVE

- (1) There shall be an Executive, which shall consist of the President, the Vice-President, the Treasurer, the General Secretary, Assistant Secretary, ~~three~~ **two** trustees, ~~and six committeemen~~ **committee persons** and ~~a maximum of three organisers~~ as elected from time to time.

Justification: To align as far as practicable the Office Holder Positions of the Union Executive with the Western Australian Division of the Federal Union Counterpart Executive Office Holders. In respect of the proposal to reduce the number of Trustee Offices from three to two, the Organisation has only filled one of those three positions for the past three quadrennial elections. In respect of the proposal to abolish the Office of Organiser, our records do not indicate that at any time these positions have been filled. Further the proposal reduces the number of Executive positions relevant to the proposed number of

positions for Conference, thus increasing membership control and influence over the organisation.

Justification: use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

- (2) The Officers of the Union for the purposes of the Act, shall be as provided for under the term "officers" in Rule 2 of these Rules.
- (3) Between meetings of Conference the government of the Union in all respects shall be vested in the Executive which for that purpose shall have all powers, authorities, functions and duties of Conference. Nothing in this sub-rule, however, shall affect in any way the powers conferred by these Rules on any specified officer or officers to act in cases of emergency.
- (4) All decisions of the Executive are subject to members assembled in General or Special General Meetings as provided for in these Rules.
- (5) The conduct by the Executive of its business or the exercise of any power or function shall not be invalidated by reason of there existing a casual vacancy.

24 - ELECTION OF EXECUTIVE

- (1) (a) A member shall not be eligible for election as a member of the Executive who has not been a financial member of the Union for a continuous period of 1 year at the at the date on which nominations for election to the Executive close.
- (b) A member shall not be eligible to be a candidate for election as a member of the Executive if there is reasonable ground for believing that -
 - (i) within twelve months prior to the date of his nomination ~~he was~~ **they were** a member of any body of persons, incorporated or unincorporated which by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth.
 - (ii) ~~he himself~~ **they themselves** advocates or encourages or has within twelve months prior to the date of his nomination, advocated or encouraged the overthrow by force or violence of the established Government of the Commonwealth.
- (c) A member shall not be eligible to be or continue to be a member of the Executive if there is reasonable ground for believing that -
 - (i) ~~he is~~ **they are** a member of any body of persons incorporated or unincorporated, which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth.
 - (ii) ~~he himself~~ **they themselves** advocates or encourages, or has, within twelve months prior to the date of his nomination advocated or encouraged the overthrow by force or violence of the Commonwealth.

Justification: Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders

- ~~(2) Except as hereinafter provided, the President, Vice President, Treasurer and all other members of the Executive shall be elected each four years by secret postal vote of the financial members of the Union.~~
- ~~(3) The first four yearly election shall be held in 1982. All elections shall be held between the first day of January and the Thirty first day of July in the year in which the elections are held.~~
- ~~(4) Subject to sub rule (3) hereof the several steps in the conduct of a ballot shall be taken at such times as the Executive determine, and the Executive shall determine these matters not later than the month of June preceding the year in which the ballot is held.~~
- (2) **The Union President, Vice President, Treasurer, and other members of Union Executive as defined in sub-rule (1) of Rule 23 -UNION EXECUTIVE shall be elected every four years by secret postal vote of the financial members of the Union.**
- (3) **The Executive shall fix a closing date for the secret postal vote as provided for in sub-rule (3) of this rule. That date and consequent election request shall be made no later than three months prior to the nominal expiry of the terms of office of the holders in the year in which the elections are required to be held.**

Justification: Proposed amendment reflects alignment of election processes for offices as set out in these rules and ensure adequate notice to members and the Commission of elections to be held.

- ~~(5) The Executive shall fix a closing date for the ballot.~~
- ~~(6)~~(4) (a) A Returning Officer and an Assistant Returning Officer shall be appointed by Conference and subject to paragraph (b) hereof shall hold office as Returning Officer and Assistant Returning Officer until a successor is appointed. A Returning Officer and an Assistant Returning Officer shall not be the holder of any office in, and not be an employee of the Union.
- (b) A Returning Officer or Assistant Returning Officer shall be deemed to have vacated ~~his~~ **their** position
- (i) upon death;
- (ii) upon becoming of unsound mind;
- (iii) upon receipt by the Executive of notice in writing of resignation signed by him, and the Executive may terminate the services of a Returning Officer at any time.

Justification: use of gender-neutral language to reflect modern practice and also true nature of membership and office holders

- (c) A Returning Officer shall conduct in accordance with these Rules, all ballots arising during his term of office, for the conduct of any such election including the acceptance or the rejection of nominations.
 - (d) An extraordinary vacancy occurring in the office of Returning Officer or Assistant Returning Officer shall be filled by appointment thereto by the Executive.
- (7)(5) The Returning Officer shall call for nominations for the officers by ~~advertising in the Union's Official Journal~~ **Notice on the Union's website and/or other approved method** and in a newspaper generally circulating within the State of Western Australia at least twenty-eight days before the date for the closing of nominations, which shall be at a time and place or in a manner fixed by the Executive and shall be mentioned in the advertisements.

Justification: the proposed changes reflect and acknowledges the technological changes in mass communication that allow for more efficient communication to members

- (8)(6) Subject to these Rules, and to any direction by the Executive not contrary to these Rules, a Returning Officer shall determine the procedure for each election, provided that:
- (a) The General Secretary shall compile a roll of members eligible to vote containing the names and addresses of all such members, and for this purpose no names of members who become financial after the date of closing of nominations shall be included.
 - (b) Nominations in writing, signed by the candidate and endorsed by at least three financial members, must be made at the time and place, or in the manner mentioned in the advertisement. If the Returning Officer finds any nomination to be defective ~~he~~ **they** shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, shall give such member seven (7) days from the date of his being so notified in which to remedy the defect.

Justification: use of gender-neutral language to reflect modern practice and also true nature of membership and office holders

A candidate shall not be permitted to nominate for more than one position on the Executive.

- (c) (i) A member nominating for the position of a zone delegate shall not be eligible to nominate for any position on the Executive. A zone delegate may nominate for any position on the Executive and vice-versa but if elected shall immediately upon election cease to hold office in the office he was holding at the time of the nomination.
- (ii) There shall be separate ballot papers for the election of zone delegates and for the Executive.

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

Justification: The proposed changes reflect and acknowledges the technological changes in mass communication that allow for more efficient communication to members

- (l) Any candidate in any ballot may, nominate in writing to the Returning Officer at the time of his nomination, one scrutineer to represent ~~him~~**them**. The candidate may, at any time, by notice in writing given to the Returning Officer change the scrutineer representing ~~him~~**them**. A scrutineer shall not be eligible to act for two or more candidates who are standing for the same position in any ballot. The scrutineer shall be entitled to represent the interests of the candidate who nominated ~~him~~**them** to attend at any stage of the ballot as requested by the candidate and to report to the Returning Officer any irregularity in or in connection with the conduct of the ballot which has come to his notice.

Justification: Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

- (m) The non-receipt of a ballot by any member shall not invalidate any election or plebiscite.
- (n) Every person concerned with the election shall ensure as far as practicable that no irregularity occurs in connection with the election.
- (o) All elections held pursuant to the provisions of these rules shall conform to the ~~Industrial Arbitration Act (Elections by Postal Ballot) Regulations, 1977~~ **Industrial Relations Act 1979** and where a matter contained in the regulations is not included in these rules, that matter shall be deemed to be part of this rule.

Justification: Reflects proper names of legislation

25 - CONFERENCE AND EXECUTIVE VACANCY

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

Justification: the number is inserted to ensure consistency throughout these rules

26 - UNION PRESIDENT

- (1) The President shall -
- (a) be Chairman of Conference and of meetings of the Executive or of representatives of the Union at which ~~he is~~ **they are** present;
- (b) superintend the discussion of all business tabled for consideration at such a meeting;
- (c) enforce the Rules of the Union and preserve good order among the members present;

- (d) possess (and may exercise) an ordinary vote and a casting vote. Provided that at Conference ~~he~~ they shall have a casting vote only;
 - (e) sign the minutes of the proceedings of meetings adopted by a meeting at which he is present.
- (2) The President shall be paid such honorarium as may be prescribed by Conference from time to time.

Justification: use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

27 - VICE-PRESIDENT

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

Justification: use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

28 - GENERAL SECRETARY

- (1) The General Secretary shall be elected each four years by secret postal vote of financial members of the Union and from amongst such members in accordance with the rules for the elections under Rule 24.
- (2) The General Secretary shall be paid such salary, and shall enjoy such other conditions of employment, as may be prescribed by Conference from time to time.
- (3) The General Secretary shall be the chief administrative officer of the Union, and, subject to any direction given ~~him~~ to them by Conference or the Executive, shall -
 - (a) control and manage the office and employees of the Union;
 - (b) have charge of the records of the Union and be responsible for the recording, filing and safe keeping thereof;
 - (c) keep accurate, permanent records of the activities of the Union and of all property of the Union in the hands of the Union;

- (d) see that the accounts of the Union are kept and presented for audit in accordance with these Rules;
- (e) prepare and furnish all returns, statements, declarations, or the like required by law;
- (f) prepare a report for each meeting of Conference setting out the activities of the Union since the immediately preceding report;
- (g) prepare a financial statement for each meeting of Conference, or more often, if so directed by the Executive, setting out the financial dealings of the Union since the immediately preceding report and the financial position of the Union as at the date of the report;
- (h) have authority to represent the Union in such cases as the Conference or the Executive authorises;
- (i) generally, perform such other duties as are allocated to ~~him~~ **them** by Conference or the Executive from time to time; and
- (j) hand over all books and other property belonging to the Union in ~~his~~ **their** hands as directed by Conference or the Executive.

Justification: Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

~~(4) The General Secretary, immediately upon his taking office, shall give a security in the sum of two hundred dollars, or such larger sum not exceeding four hundred dollars as Conference may determine, by a guarantee bond taken out in any guarantee society approved by the Executive. The Policy shall be an annual one and the premiums thereof shall be paid by the Union out of Union Funds.~~

Justification: Provision is archaic

29 - TREASURER

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

- (2) The Treasurer may be paid such honorarium as may be prescribed by Conference from time to time.

Justification: Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

30 - TRUSTEES

- (1) (a) A member shall not be eligible for election as a Trustee who has not been a financial member of the Union for a continuous period of two years as at the date of the closing of nominations for such election.
- (b) A member shall not be eligible for election as a Trustee if there is reasonable ground for believing that -
- (i) within twelve months prior to the actual opening date of the calling of nominations, ~~he was~~ **they are** a member of any body of persons, incorporated or unincorporated which, by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth;
- (ii) ~~he himself~~ **they themselves** advocates or encourages, or has, within twelve months prior to the actual opening date of the calling of nominations, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth.
- (c) A member shall not be eligible to be or continue to be a Trustee if there is reasonable ground for believing that -
- (i) ~~he is~~ **they are** a member of any body of persons incorporated or unincorporated which by its constitution or propaganda or otherwise, advocates or encourages the overthrow by force or violence of the established government of the Commonwealth.
- (ii) ~~he himself~~ **they themselves** advocates or encourages, or has, within twelve months prior to the actual opening date of the calling of nominations, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth.
- (2) Real estate and securities belonging to the Union in the hands of the Union shall be vested in the Trustees for the time being, who shall hold it and/or them in trust for the Union.
- (3) With respect to real estate and securities vested in them pursuant to this Rule, the Trustees shall be subject to lawful directions by the Executive.
- (4) The provisions of Rule 24, 31 and 32 of these Rules shall apply, mutatis mutandis to the position of Trustee.

Justification: Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

31 - VACATION OF UNION EXECUTIVE AND OFFICE

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

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

Justification: Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

32 - SUSPENSION AND REMOVAL FROM EXECUTIVE AND OFFICE

- (1) A person elected to any office within the Union may be dismissed from office by the Conference or Executive if found guilty of:
 - (a) (i) misappropriation of the funds of the union;
 - (ii) substantial breach of the Rules of the union;
 - (iii) gross misbehaviour; or
 - (iv) gross neglect of duty;
- OR
- (b) has ceased, according to the Rules of the Union to be eligible to hold office.
- (2) (a) Subject to sub-rule (1) hereof the Conference or Executive may dismiss an officer of the Union from ~~his~~ **their** office at a meeting of the Conference or Executive to which the officer concerned has been summoned in writing, signed by the General Secretary or the President, to show cause why ~~he~~ **they** should not be so dismissed.
 - (b) An officer summoned to show cause pursuant to this sub-rule shall be given twenty-one day's notice of the date, time and place of the meeting to which ~~he is~~ **they are** summoned: Provided that less than twenty-one day's notice be given if the officer so consents. The

notice summoning ~~him~~ **them** shall also specify the ground or grounds upon which it is proposed to consider such dismissal.

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

Justification: proposed changes reflects gender neutrality

33 - MEETINGS OF CONFERENCE

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

34 - MEETINGS OF UNION EXECUTIVE

- (1) Meetings of the Executive shall be held at such time and place as the Executive may determine from time to time; Provided that the General Secretary may summon a meeting of the Executive at any time, and he shall do so whenever so directed by the President.
- (2) At a meeting of the Executive a quorum shall be half of the total number of the Executive and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Executive the meeting shall lapse.
- (3) In the event of the President and the Vice-President being absent from a meeting of the Executive then the members present shall elect a Chairman of the Meeting.

- (4) Where any member of Executive cannot attend a meeting in person, they may attend by way of telephonic and/or video link, or any other such method as approved by the Executive, provided that Executive Officers have all paper necessary to carry out the duties properly. Further, where voting is conducted using telephonic and or video link or other such approved method a proper attainable record shall be maintained of the voting.

Justification: the proposed change reflects geographic restraints on Office holders, external events that may affect in person attendance, and modern practises by both Government and Corporations to ensure that governance can continue to be effective.

35 - ORDER OF BUSINESS AND STANDING ORDERS

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

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

Justification: use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

36 - EMPLOYEES OF UNION

- (1) The Union may employ such persons for the purpose of carrying out these Rules as the Executive thinks necessary. Every such employee shall be employed during the pleasure of the Executive only and shall be employed upon such terms and conditions as the Executive may prescribe from time to time.
- (2) The Executive may appoint collectors for the purpose of collecting moneys due and owing to the Union by Members of the Union. Collectors shall hold their appointment during the pleasure of the Executive only and shall be appointed upon such terms and conditions as the Executive may prescribe from time to time.

37 - APPEALS

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

38 - POWER TO IMPOSE LEVY

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

Justification: the number is inserted to ensure consistency throughout these rules

39 - ADEQUACY OF NOTICE

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

Justification: the number is inserted to ensure consistency throughout these rules

40 - AFFILIATION

- (1) The Union may affiliate with a body established for the protection and promotion of the cause of Labor in the geographical territory of the Union by decision of the Executive and upon such terms and in such manner as the Executive by its decision prescribed, provided that any such affiliation may be nullified by the Conference.
- ~~(2) The Communist Party or a body allied or associated with the Communist Party shall be deemed to be not a body established for the protection and promotion of the cause of Labor.~~

~~For the purpose of this sub rule the expression "a body allied or associated with the Communist Party" and the expression "a group of individuals allied or associated with the Communist Party" means a body or group of individuals declared by the Conference or by the Australian Labor Party (including a State Branch thereof) to be a body or group allied or associated with the Communist Party.~~

Justification: The Communist party is no longer registered as an organization so provision has no practical effect

- ~~(3)~~(2) Where a term of any such affiliation is that the Union shall have delegates to represent it upon the body with which it affiliates, and such delegates are to be chosen or elected (and not appointed), any necessary election of delegates shall be carried out in the same manner as the election for the Executive, and Rule 24 of these Rules shall apply, mutatis mutandis to such an election.

41 - INSPECTION OF BOOKS

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

Justification: the number is inserted to ensure consistency throughout these rules

42 - COPY OF RULES

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

Justification: the number is inserted to ensure consistency throughout these rules

Justification: Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

~~A member upon application, may at any time obtain additional copies of these Rules upon the payment of the sum of ten cents for each such additional copy.~~

Justification: Provision is archaic and not in current practise.

43 - ALTERATION OF RULES

- ~~(1) No new rule shall be made, nor any of the rules herein contained or hereafter to be made, shall be altered, amended or rescinded unless with the consent of a simple majority of members present at a Special General Meeting called for that purpose.~~
- ~~(2) Not less than fourteen days notice of such Special General Meeting shall be given to the representative of each district, to all zone delegates and all members of the Executive by pre paid post or by personal delivery and such notice shall state which rules are to be amended and where copies of the proposed alteration, deletion or amendments or additions can be perused and obtained, and such shall be readily available. The notice shall contain the date, time and place of such Special General Meeting.~~
- ~~(3) The Special General Meeting called for the purpose of this rule shall also be advertised in a newspaper generally circulating throughout the State and such advertisement shall contain the date, time and place of such meeting and that the business of the meeting is an alteration, amendment, deletion or addition to the Rules and which Rules are so affected. The advertisement shall give at least fourteen clear days notice of such meeting and where copies of the proposed amendment, alteration, deletion or addition can be perused and obtained.~~
- (1) These rules may be altered, amended or rescinded by the Union Executive subject to the following:**
- (a) A resolution in writing to alter, amend, rescind or create a new rule in conformity with this rule shall be submitted to all members of the Union Executive by the giving of 21 days' notice.**
- (b) A resolution compliant with paragraph (a) of this rule may be lodged with the Union Executive by any financial member of the union.**
- (c) The rules of the union shall not be altered, amended, rescinded or new rules made until:**
- (i) Notice of the proposed alteration, amendment, rescission or creation of a new rule and justification is given to all members of the union; and;**
- (ii) In accordance with the Industrial Relations Act 1979 and Regulations all members have been advised that they may lodge a written objection to the Union Executive and or the Registrar of the Western Australian Industrial Relations Commission within 21 days of the member having received written notice of the proposed alteration, amendment, rescission, or new rule.**
- (d) An alteration, amendment, rescission, or creation of a new rule shall not have effect until the period of 21 days a set out in paragraph (c), placitum (ii) of this of this sub rule has expired.**

<p>Justification: the proposed changes will allow for more efficient and practical processes for alteration of rules whilst preserving members' oversight.</p>

44 - GENERAL MEETING OF MEMBERS

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

Justification: the "s" has been added to the word 'meeting in line one of (1) to ensure grammatic sense.

- (2) There shall be a minimum of four (4) general meetings of members per year.
- (2A) The quorum for a General Meeting of members shall be ten members.
- (3) The order of business at all General Meetings of members shall be in accordance with Rule 35. The Executive and Conference shall forward to the General Meetings such business it thinks fit and members at the General Meeting shall raise such business as they think fit.
- (4) The Conference and Executive shall be bound by all decisions made at the General Monthly Meetings of members.
- ~~(5) (a) Country District Meetings shall be held at such time and place as the Executive thinks fit for the proper running of the affairs of the Union subject to this subrule.~~
- ~~(b) A Country District Meeting is a meeting of members held in a district, area or locality away from the metropolitan zone and comprising of some or all of the members in that district, area or locality.~~
- ~~(c) The Conference or executive shall not be bound by decisions of Country District Meetings except where those decisions are endorsed by a Monthly General Meeting of Members and upon endorsement shall become thereby bound.~~
- ~~(d) The Quorum of Country District Meetings shall be the same as for the General Monthly Meetings and in the event of there not being a quorum present thirty minutes after the appointed time of the meeting, the meeting shall lapse.~~
- ~~(e) Country District Meetings shall be held at a time and place that the majority of members in the District, area or locality are likely to be available to attend.~~

Justification: the proposed changes reflect and acknowledges the technological changes in mass communication that allow for more efficient communication to members and for more flexible meeting arrangements .

- ~~(6)~~(5) (a) Special General Meetings may be called by the Executive in case of emergency and shall be called by the Executive on written notice of not less than fifteen financial members, stating the nature of the business which they require to be dealt with.
- (b) All Special General Meetings shall be called by not less than fourteen days notice being given by prepaid post or personally to the representative of each district all zone delegates and all members of the Executive stating the business that is to be dealt with by such Special General Meeting. The Special General Meeting shall also be advertised in a newspaper generally circulating throughout the state and shall state the business which is

to be discussed by such meeting. Such advertisement shall give at least fourteen days clear notice and shall contain the time and place of such meeting.

- (c) No business shall be transacted at a Special General Meeting other than that contained in the notice or advertisement of the meeting, but business of Importance can be introduced and forwarded by the Executive.
 - (d) The Union shall be bound by all decisions of Special General Meetings and such decisions, cannot be reversed, rescinded, quashed, amended or otherwise except by a further General Special Meeting called for that purpose.
 - (e) The quorum at all Special General Meetings shall be the same as that for ~~Monthly~~ General Meetings and should a quorum not be present thirty minutes after the appointed time and place of the meeting it shall lapse, and the Executive shall fix another date for the holding of the same.
- ~~(7)~~(6) Only financial members shall be entitled to vote or be present at any meeting of the Union; Provided that this subrule does not apply to paid officers or employees of the Union who are required by the Secretary to be present as part of their duties.

Justification: amendment to sub rule 5 (e) reflects amendments already in place at sub rule (2)

45 - INDUSTRIAL DISPUTES

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

Justification: the number is inserted to ensure consistency throughout these rules

46- HOLDING OVER OF OFFICE

- (1) In the event of any delay for any reason in the conduct of election of any Office as prescribed in rules, then the existing Office holder shall continue to hold office and perform the role of the Office in full until the date of the Declaration of Election is issued by the Returning Office in respect of those elections.

Justification: This new rule allows for removal of uncertainty over continuing administration of the union if an election is delayed for any reason and parallels identical rule place with the union's federal counterpart.

47 - DISSOLUTION OF UNION

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

Justification: This new rule allows for removal of uncertainty over continuing administration of the union if an election is delayed for any reason and parallel rule is in place with the union's federal counterpart.
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ANNEXURE “2”

PROPOSED SUBSTITUTE RULES OF THE LOCAL GOVERNMENT, RACING AND CEMETERIES EMPLOYEES UNION

COLUMN 1 RULE TO BE AMENDED, ALTERED, DELETED OR NEW RULE TO BE INCLUDED OR CREATED	COLUMN 2 JUSTIFICATION
RULES TITLES	
RULES TITLE “16 ENTRANCE FEES AND SUBSCRIPTIONS	To be deleted and new Rule Title “16-MEMBERSHIP FEES” to be inserted
RULES TITLE “46 HOLDING OVER OF OFFICE”	To be inserted after existing Rule Title 45
RULES TITLE “47 DISSOLUTION OF THE UNION”	To be inserted after proposed new Rule Title 46
RULE 2 – DEFINITIONS AND INTERPRETATION	
By deleting and inserting as follows: Industrial Arbitration Act, 1912, Industrial Relations Act 1979	<div style="border: 1px solid black; padding: 5px;"> Change to definitions above reflect changes and current names of relevant legislation that apply. </div>
By deleting and inserting as follows: Conciliation and Arbitration Act, 1904 Fair Work Act 2009	<div style="border: 1px solid black; padding: 5px;"> Change to definitions above reflect changes and current names of relevant legislation that apply. </div>
RULE 4 - PURPOSES OF UNION	
By deleting and inserting as follows: At the start of the rule the sub-rule number : (1) In line one of placitum (g).”... newspaper, magazine, journal or e-journal...	The numbering is inserted to ensure consistency throughout these rules. Proposed change reflects modern methods of communication now used.
By deleting and inserting as follows: In line two of placitum (h)”... a newspaper, magazine, a journal or “e-journal” ether...	Proposed change reflects modern methods of communication now used.
RULE 6 - REGISTERED OFFICER OF UNION	
By deleting and inserting as follows: In line one of sub-rule (1) “... he they ...” And in line four“... he is they are ”	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
RULE 7 - ZONES OF THE UNION	

Existing rule to be deleted in its entirety and the following new rule to be inserted:

“(1) For the purpose of election of delegates to Conference and such other purposes as permitted by these rules, each Member shall be allocated to one of the Zones provided for in sub rule (2) based on the definitions of the Zones in sub rule (3):

(2) The Zones of the Union shall be:

2.1 Metropolitan Zone

2.2 Rural Zone

2.3 General Zone

(3) The Zones shall be defined as follows:

3.1 Metropolitan Zone:

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

3.2 Rural Zone:

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

3.3 General Zone:

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

4. A Member who has more than one employer that entitles that member to Membership and who could be allocated to more than one Zone, is to be allocated to a Zone on the basis of the predominant employer.

5. The Conference has the power to change the Zone allocation from Metropolitan to Rural Zone for any Member where changes to the boundaries or structure of an existing Local Government within the Metropolitan Zone change for any

The proposed changes simplify the structure of the Conference, make election to positions on Conference less complicated for members and give regional members a wider electorate in which to secure election. The Organisation has had trouble in the past three (3) full elections in fully filling these offices and believe the rule change will assist. In the past two elections no Zonal positions have been filled. The proposed rule change will increase the number of non-Executive Committee of Management positions thereby increasing membership participation at Conference Level.

<p>reason including (but not limited to) amalgamation resulting in part of the new entity falling partly outside the Metropolitan Zone-only if majority new entity's land falls outside the boundaries of the Metropolitan Zone.</p> <p>6. The Conference has the power to change the Zone allocation from Rural to Metropolitan Zone for any Member where changes to the boundaries or structure of an existing Local Government within the Rural Zone change for any reason including (but not limited to) amalgamation resulting in part of the new entity falling partly inside the Metropolitan Zone-only if the majority of the new entity's land falls within the boundaries of the Metropolitan Zone.”</p>	
<p>RULE 8 - FUNDS OF UNION</p>	
<p>By deleting and inserting as follows: In lines one, and three of sub-rule (3) “...a Bank or such other bank accredited and licensed financial institution...”</p>	<p>Change to definitions above reflect changes in banking and finance industry in Australia</p>
<p>In line three of sub-rule (4) “...his their...”</p>	<p>Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.</p>
<p>RULE 11 - ADMISSION TO MEMBERSHIP</p>	
<p>By deleting and inserting as follows: In line two of sub-rule (1) “...prescribed by Rule 11A...” And In line three “...he and they...”</p>	<p>There is no Rule 11A and Use of gender-neutral language to reflect modern practice.</p>
<p>By deleting and inserting as follows: In lines two and three of sub-rule (5) “...Minute Book Computer hard drive records and back up disc records of the Union that a person has been duly admitted as a member of the Union, or the production by the Union of a signed membership form in the form of Rule 11A...”</p>	<p>The change reflects the actual practice of the union on a day-to-day basis and there is no Rule 11A.</p>
<p>RULE 12 - READMISSION TO MEMBERSHIP</p>	
<p>By deleting and inserting as follows: In line three of sub-rule (1) “...he owes they owe...”</p>	<p>Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.</p>
<p>RULE 13 LIFE MEMBERSHIP</p>	

<p>By inserting and deleting in sub-rules as follows:</p> <p>In lines one two and three of sub-rule (1)"... has resigned in accordance with Rule 18 or has retired from the Industry having not less than twenty five twenty..."</p> <p>And</p> <p>In line (2)"...him them to the Union up to the date upon which life membership is conferred upon him them..."</p>	<p>The proposed changes in years and to the insertion of the mechanisms to attract life membership clarify and enhance the rule and more reasonably reflect the change in the amount time current membership are spending have spent in their Industry. Change will align with the union's federal counterpart rules. Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders</p>
<p>RULE 14 REGISTER OF MEMBERS</p>	
<p>RULE 15 - CHANGE OF MEMBERS ADDRESS</p>	
<p>By inserting deleting as follows:</p> <p>At start of the sub-rule the number:"(1)"</p> <p>In line two "and in default may be fined a fine of fifty cents."</p>	<p>Fine provision is archaic and unjustified. The full stop has been added to finish sentence at "change"</p>
<p>RULE 16 - ENTRANCE FEES AND SUBSCRIPTIONS</p>	<p>To be deleted</p>
<p>RULE 16 - MEMBERSHIP FEES (NEW TITLE)</p>	<p>To be inserted</p>
<p>Existing rule to be deleted in its entirety and the following new rule inserted:</p> <p>"</p> <p>(1) Each member shall pay a subscription annually or periodically an amount and, in a manner, and an amount as determined by the Union Executive from time to time.</p> <p>(2) Subscriptions may be paid lump sum annually, half yearly, or quarterly by way of electronic fund transfer, cash, money order, credit card (where such facility to receive exists) or money order, into the Union's nominated trading account. The due date for lump sum payments shall be determined by the initial lump sum payment for the purpose of calculating arrears when as they may fall due.</p> <p>(3) Subscriptions may be paid by instalments by arrangement between the Union and the member's employer (as defined in Rule 3 of these rules).</p> <p>(4) Provided that any instalment not deducted or otherwise outstanding, at any time, shall</p>	<p>Modernises the rule, simplifies and aligns member obligations under the rule consistent with the day to day running of the organisation.</p>

<p>continue to be due and payable in accordance with these Rules.”</p>	
<p>RULE 17 - ARREARS OF FEES, ETC</p>	
<p>Existing rule to be deleted in its entirety and the following new rule to be inserted:</p> <p>“(1) Any member whose membership fees are outstanding or in arrears as per the the payment option set out in Rules 16 of these rules for a period of three calendar months or longer shall be deemed unfinancial and shall be excluded from the benefits and privileges of membership until such time as those outstanding fees or fees arrears are paid.</p> <p>(2) Notwithstanding the provisions of subclause (1) any member so prescribed m may apply in writing to the Union Executive for a period of suspension of fees on grounds of hardship. The Union Executive at its discretion may exercise a right to suspend the fee obligation for a fixed period that it determines is reasonable. Such decision will be conveyed in writing to the member. After the expiry of the period determined by Union Executive, the member shall be liable for fee payments as per Rules 16 of these rules excepting the period fee suspension.”</p>	<p>Proposed changes reflect modern practices and use of numbering instead of alphabetical codes ensures consistency in the rules.</p>
<p>RULE 18 - RESIGNATION OF MEMBER</p>	
<p>By deleting existing rule in its entirety and inserting as follows:</p> <p>“(1) A member may resign their membership of the Union by notice in writing if they cease to be employed in or in connection with the Industry to which the Union has rules coverage and the notice is given not less than two weeks before resignation takes effect. Notice of resignation shall be communicated in writing to the General Secretary.”</p>	<p>Proposed new rule reflects modern practise</p>
<p>RULE 19 - MEMBER CEASING TO WORK IN INDUSTRY</p>	
<p>By deleting in their entirety: sub-rules (2) ,(3) and (4) and renumbering existing sub-rule (5) as “(2)”</p> <p>By deleting and inserting as follows: “his them.”</p>	<p>Current sub rules are outdated and punitive in effect.</p> <p>Proposed change reflects gender neutrality.</p>

RULE 20 - OFFENCES AND PENALTIES	
By deleting in its entirety as follows: “(4) (c)”	Deleted provision is archaic, harsh and unreasonable.
By renaming existing placitum 4(d) as 4 “(c)” By renaming existing placitum “ 4(e) as 4“(d)” Be deleting and inserting in renamed (4) (c) and (d) at lines one in each as follows: “ his them ”	Proposed changes reflects gender neutrality
RULE 22 - ELECTION OF DELEGATES TO CONFERENCE	
In existing sub-rule (1) placitum (b)(i) at lines one and two by deleting the words “ his and “ he ” and inserting the words “ their ” and “ they are ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders
In existing sub-rule (1) placitum (b)(ii) at line one by deleting the words “ he himself ” and inserting the words “ they themselves. ”	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders
In existing sub-rule (1) placitum (c)(i) at lines one by deleting the words “ he is ” and inserting the words “ they are ”	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders
In existing sub-rule (1) placitum (c)(ii) at line one by deleting the words “ he himself ” and inserting the words “ they themselves. ”	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders
In existing sub-rule (2) by deleting placita (b) and (c) in their entirety.	Deletion of paragraphs (b) and (c) reflect recent change in timing of election cycle without impinging on the determined terms of office.
RULE 23 - UNION EXECUTIVE	
In existing sub-rule (1) at line two be deleting the word “ three ” and inserting the word “ two ”.	To align as far as practicable the Office Holder Positions of the Union Executive with the Western Australian Division of the Federal Union Counterpart Executive Office Holders. In respect of the proposal to reduce the number of Trustee Offices from three to two, the Organisation has only filled one of those three positions for the past three quadrennial elections. In respect of the proposal to abolish the Office of Organiser, our records do not indicate that at any time these positions have been filled. Further the proposal reduces the number of Executive positions relevant to the proposed number of positions for Conference, thus increasing membership control and influence over the organisation.
In existing sub-rule (1) at line four be deleting the word “ committeemen ” and inserting the words “ committee persons ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

RULE 24 - ELECTION OF UNION EXECUTIVE	
By renumbering existing sub-rule numbers “(6)”, “(7)” and “(8)” to sub-rule numbers “(4)”, “(5)” and “(6)”	
By deleting existing sub-rule “(2)”, “(3)”, “(4)” and “(5)” in their entirety and inserting the following new subclauses:	
“(2) The Union President, Vice President, Treasurer, and other members of Union executive as defined in sub-rule (1) of Rule 23 - UNION EXECUTIVE shall be elected every four years by secret postal vote of the financial members of the Union.	Proposed amendment reflects alignment of election processes for offices as set out in these rules and ensure adequate notice to members and the Commission of elections to be held.
(3) The Executive shall fix a closing date for the secret postal vote as provided for in sub-rule (3) of this rule. That date and consequent election request shall be made no later than two (3) months prior to the nominal expiry of the terms of office of the holders in the year in which the elections are required to be held.”	Proposed amendment reflects alignment of election processes for offices as set out in these rules and ensure adequate notice to members and the Commission of elections to be held.
In existing sub-rule (6) at placitum (b) line two by deleting the word “his” and inserting the word “their”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders
In existing sub-rule (7) at line one, two and three by deleting the words “advertising in the Union’s Official Journal” and inserting the following new words”	The proposed changes reflect and acknowledges the technological changes in mass communication that allow for more efficient communication to members
“Notice on the Union’s website and /or other approved method”.	The proposed changes reflect and acknowledges the technological changes in mass communication that allow for more efficient communication to members
In existing sub-rule (8) placitum (b) at line four by deleting the word “he” and inserting the word “they”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders
In existing sub-rule (8) placitum (k) at line two by deleting the words “in the official Union Journal” and inserting the following new words:	The proposed changes reflect and acknowledges the technological changes in mass communication that allow for more efficient communication to members
“on the Union’s website and/or by other approved method.”	The proposed changes reflect and acknowledges the technological changes in mass communication that allow for more efficient communication to members
In existing sub-rule (8) placitum (l) at lines two, four, and seven by deleting the words “him” and inserting the words “them”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

In existing sub-rule (8) placitum (l) at line ten by deleting the word “his” and inserting the word “their” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing sub-rule (8) placitum (o) at lines two and three be deleting the existing words “Industrial Arbitration Act (Elections by Postal Ballot) Regulations,1977” an inserting the following new words: “Industrial Relations Act 1979”	Reflects proper names of legislation
RULE 25 -CONFERENCE AND EXECUTIVE VACANCY	
By deleting and inserting as follows: At the start of the rule the sub-rule number : (1)	The numbering is inserted to ensure consistency throughout these rules.
RULE 26 - UNION PRESIDENT	
In existing sub-ruel (1) placitum(a) at line two by deleting the words “he is” and inserting the words “they are” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing sub-rule (1) placitum(d) at line two by deleting the words “he” and inserting the words “they ” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
RULE 27 -VICE PRESIDENT	
In existing sub-rule (1) placitum(a) at line two by deleting the words “his” and inserting the words “their” .	Uof gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing sub-rule (1) placitum(b) at line two by deleting the words “he” and inserting the word “they” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
RULE 28 - GENERAL SECRETARY	
In existing sub-rule (3) at line two by deleting the word “him” and inserting the words “to them”	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing sub-rule (3) placitum (i) at line one by deleting the word “him” and inserting the word “them” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing sub-rule (3) placitum (j) at line one by deleting the word “his” and inserting the word “their” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
By deleting existing sub-rule(4) in its entirety.	Provision is archaic
RULE 29 – TREASURER	
In existing sub-rule (1) placitum (d) at line one by deleting the word “him” and inserting the word “them”	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing sub-rule (1) placitum (e) at line one by deleting the word “his” and inserting the word “their” .	use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.

RULE 30 -TRUSTEES	
In existing sub-rule (1) placitum (b)(i) at line two by deleting the words “he was” and inserting the words “they are” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing sub-rule (1) placitum (b)(ii) at line one by deleting the words “he himself” and inserting the words “they themselves” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing sub-rule (1) placitum (c)(i) at line one by deleting the words “he is” and inserting the words “they are” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing subclause (1) placitum (b)(i) at line one by deleting the words “he himself” and inserting the words “they themselves” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
RULE 31- VACATION OF UNION EXECUTIVE AND OFFICE	
By renumbering existing sub-rules “(a),” (b),” (c),” (d),” (e) and (f) to sub-rules “(1),” (2),” (3),” (4),” (5) and (6) .	Consistency of numbering
In existing sub-rule (c) at line by deleting the word “him” an inserting the word “them;”	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
RULE 32 - SUSPENSION AND REMOVAL FROM EXECUTIVE AND OFFICE	
In existing sub-rule (2) placitum (a) at line two by deleting the word “his” and inserting the word “their” and at line four by deleting the word “he” and inserting the word “they” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing sub-rule (2) placitum (b) at line three by deleting the words “he is” and inserting the word “they are” and at line four by deleting the word “him” and inserting the words “they are” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In existing subclause (3) at line three by deleting the word “he” and inserting the word “they” and at line seven by deleting the word “him” and inserting the word “them” and at line nine by deleting the word “his” and inserting the word “their” .	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
RULE 34 - MEETINGS OF UNION EXECUTIVE	
By inserting after existing sub-rule (3) the following new subclause: “(4) Where any member of Executive cannot attend a meeting in person, they may attend by way of telephonic and/or video link, or any other such method as approved by the Executive, provided that Executive Officers have all papers necessary to carry out the duties properly. Further, where voting is conducted using telephonic and or video link or other such	The proposed change reflects geographic restraints on Office holders, external events that may affect in person attendance, and modern practises by both Government and Corporations to ensure that governance can continue to be effective.

approved method a proper attainable record shall be maintained of the voting.”	
RULE 35 - ORDER OF BUSINESS AND STANDING ORDERS	
In sub-rule (2) placitum (a) at line one the word “ Chairman ” and inserting the word “ Chair ” and at line two by deleting the word “ his ” and inserting the word “ their ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In sub-rule (2) placitum (b) at line one the word “ Chairman ” and inserting the word “ Chair ” and at line two by deleting the word “ himself ” and inserting the word “ themselves ” and at line three by deleting the word “ Chairman ” and inserting the word “ Chair ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In sub-rule (2) placitum (c) at line two by deleting the word “ Chairman ” and inserting the word “ Chair ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In sub-rule (2) placitum (h) at line one by deleting the word “ Chairman ” and inserting the word “ Chair ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In sub-rule (2) placitum (k) at line five by deleting the word “ Chairman ” and inserting the word “ Chair ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In sub-rule (2) placitum (l) at line five by deleting the word “ he ” and inserting the word “ they ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In sub-rule (2) placitum (m) at line one by deleting the word “ Chairman ” and inserting the word “ Chair ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
In sub-rule (2) placitum (n) at line two by deleting the word “ Chairman ” and inserting the word “ Chair ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
RULE 38 - POWER TO IMPOSE LEVY	
By deleting and inserting as follows: At the start of the rule the sub-rule number : (1)	The numbering is inserted to ensure consistency throughout these rules.
RULE-39 ADEQUACY OF NOTICE	
By deleting and inserting as follows: At the start of the rule the sub-rule number : (1)	The numbering is inserted to ensure consistency throughout these rules.
By deleting and inserting as follows: At the start of the rule the sub-rule number : (1)	
RULE 40 – AFFILIATION	
By deleting existing sub-rule number “ (3) ” and inserting subclause number “ (2) ”.	Consistency of numbering

By deleting existing sub-rule (2) in its entirety.	The Communist party is no longer registered as an organization so provision has no practical effect.
RULE 41-INSPECTION OF BOOKS	
By deleting and inserting as follows: At the start of the rule the sub-rule number : (1)	The numbering is inserted to ensure consistency throughout these rules.
RULE 42 - COPY OF RULES	
By deleting and inserting as follows: At the start of the rule the sub-rule number : (1)	The numbering is inserted to ensure consistency throughout these rules.
In the existing clause at the first line by deleting the words “ his ” and inserting the word “ their ”.	Use of gender-neutral language to reflect modern practice and also true nature of membership and office holders.
By deleting the second paragraph	Provision is archaic and is not current practice
RULE 43 - ALTERATION OF RULES	
<p>By deleting existing sub-rules “(1),”(2)” and “(3)” in their entirety and inserting the following new sub-rules:</p> <p>“(1) These rules may altered, amended or rescinded by the Union Executive subject to the following:</p> <p>(a) A resolution in writing to alter, amend, rescind or create a new rule in conformity with this rule shall be submitted to all members of the Union Executive by the giving of 21 days’ notice.</p> <p>(b) A resolution compliant with paragraph (a) of this rule may be lodged with the Union Executive by any financial member of the union.</p> <p>(c) The rules of the union shall not be altered, amended, rescinded or new rules made until:</p> <p>(i) Notice of the proposed alteration, amendment, rescission or creation of a new rule and justification is given to all members of the union; and</p> <p>(ii) In accordance with the Industrial Relations Act 1979 and Regulations all members have been advised that they may lodge a written objection to the Union Executive and or the Registrar of the Western Australian Industrial Relations Commission within 21 days of the member having received written notice of the proposed alteration, amendment, rescission or new rule.</p> <p>(d) An alteration, amendment, rescission or creation of a new rule shall not have effect until</p>	The proposed changes will allow for more efficient and practical processes for alteration of rules whilst preserving members’ oversight.

the period of 21 days a set out in paragraph (c), placitum (ii) of this of this sub rule has expired.”	
RULE 44- GENERAL MEETING OF MEMBERS	
By deleting existing sub-rule numbers “(5),” (6)” and “(7)” and inserting new sub-rule numbers “(5),”(6)” and “(7)”	Consistency of numbering the “s” has been added to the word ‘meeting in line one of (1) to ensure grammatic sense.
In existing sub-rule (4) at the second line by deleting the word “Monthly” .	Amendment to sub rule 4 reflects amendments already in place at sub rule (2)
By deleting existing sub-rule (5) in its entirety.	The proposed changes reflect and acknowledges the technological changes in mass communication that allow for more efficient communication to members and for more flexible meeting arrangements.
In existing sub-rule (6) placitum (e) at the second line by deleting the word “Monthly” .	Amendment to sub rule 5 (e) reflects amendments already in place at sub rule (2)
RULE 45 -INDUSTRIAL DISPUTES	
By deleting and inserting as follows: At the start of the rule the sub-rule number : (1)	The numbering is inserted to ensure consistency throughout these rules.
NEW RULE 46 – HOLDING OVER OF OFFICE	
By inserting following new rule:	This new rule allows for removal of uncertainty over continuing administration of the union if an election is delayed for any reason and parallels identical rule place with the union’s federal counterpart.
NEW RULE 47 - DISSOLUTION OF UNION	
By inserting the following new rule: “(1) The Union shall not be dissolved, nor its funds or property appropriated to any purpose other than those set forth in these Rules, so long as thirty members are enrolled in the Union Register of Members. (2) Should the number of members of the Union at any time be reduced from any cause whatsoever to less than thirty, the Union may be dissolved by a decision of the majority of the members voting by secret ballot on the question. (3) After discharging all debts and liabilities, the remaining finds shall be placed in a bank in the names of trustees appointed	This new rule allows for removal of uncertainty over continuing administration of the union if an election is delayed for any reason and parallel rule is in place with the union’s federal counterpart.

for the purpose by ballot among the remaining members and shall be used only for the purpose of reorganising the Union.”	
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