

**WESTERN AUSTRALIAN PRISON OFFICERS'
UNION OF WORKERS**

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THESE RULES HAVE BEEN CONSOLIDATED UP TO AND INCLUDING
APPLICATION FBM 11 OF 2013, DATED 1 MAY 2014

S. BASTIAN
REGISTRAR
1 MAY 2014

REGISTERED RULES OF THE
WESTERN AUSTRALIAN PRISON OFFICERS' UNION OF WORKERS

1 - NAME

The name of the organisation (hereinafter termed the "Union") shall be WESTERN AUSTRALIAN PRISON OFFICERS' UNION OF WORKERS.

2 - OFFICE OF THE UNION

The registered office of the Union shall be 63 Railway Parade, Mt. Lawley or at such other place as the State Council may from time to time determine.

3 - OBJECTS

The objects of the Union shall be:-

- (a) To maintain the conditions, rights and privileges of the members as far as lies in its power. To render pecuniary or other assistance in repelling any infringement that may be attempted against conditions, rights and privileges.
- (b) To afford opportunity to discuss matters affecting the welfare of the service and to provide means for combined action in matters affecting any member thereof.
- (c) To raise funds by contributions, fees, fines, donations, or levies to carry out the objectives of the Union.
- (d) To promote the interests of Prison Officers generally.
- (e) To assist other Unions by all lawful means.
- (f) To assist members by maintaining a funeral benefit.

4 - INTERPRETATIONS

- (1) In these Rules, unless the contrary intentions appears:

“Act” means the Industrial Relations Act 1979 as amended.

“Registered Office” means the Office where the business of the Union is conducted and which is registered with the Commission.

“Commission” means the Western Australian Industrial Commission.

“Consent Award” means any Enterprise Agreement and or new Awards that are registered with the Commission in accordance with the requirements of the Act.

5 - QUALIFICATIONS FOR MEMBERSHIP

Any person employed in a prison or prison service in the State of Western Australia, who is not a member of, or eligible to be a member of, the Civil Service Association of Western Australia (Incorporated), shall be eligible for admission to this Union.

No person shall be a member who is not an employee within the meaning of the Industrial Relations Act 1979.

Membership shall cease upon the member severing employment with a prison or prison service within the State of Western Australia.

Any person who is employed in a prison or prison service in Western Australia shall be required to pay full dues from the date of employment when applying to become a member of this Union.

6 - ENTRANCE FEES AND CONTRIBUTIONS

- (1) A candidate for membership shall sign an application form and shall be deemed to be a member of the Union as from the date of signing such application, provided that if within one month after such date the State Council so decides that person shall cease to be a member as from the date of such decision, in which event any monies paid by way of contributions shall be repaid to that person.
- (2) (a) Except as hereinafter provided the subscription rate for all members shall be a rate set by the State Council but shall be no more than 1% of the annualised salary of the classification Senior Officer 1st Year Shifts rounded to the nearest 10c plus GST. For the purpose of determining the salary of the classification Senior Officer 1st year Shifts, all supplements such as overtime or allowances are excluded. The subscription shall be paid fortnightly.

- (b) The subscription rate for members employed on a casual basis shall be the same amount calculated under 2 (a) of this Rule.
 - (c) The subscription rate for part-time members who work in excess of an average of 20 hours per week, shall be the same amount calculated under 2 (a) of this Rule.
 - (d) The subscription rate for part time and job share members working an average of 20 hours per week or less, shall be 75% of the rate prescribed under 2 (a) of this rule.
 - (e) The contribution rate prescribed by paragraph (a) hereof, shall be adjusted as required in accordance with the calculation set out in 2 (a), (b), (c) and (d).
- (3) In addition to the subscription prescribed elsewhere in this rule, each member shall pay a sum fixed by a general meeting to the funeral benefit.
- (4) Under special circumstances the State Council may authorise a reduction in a member's payment of union contributions.

7 - ALL MONEYS AND PROPERTY BELONG TO THE UNION

All moneys subscribed by, and property obtained on behalf of the members of this Union as a whole, shall form the funds of the Union.

8 - MEMBERS CEASING MEMBERSHIP

A member may end membership of the Union by giving written notice of the intention to resign. The notice of resignation shall be delivered in person or by certified mail to the Registered Office.

The resignation takes effect from the day on which it is received by the Union or on such later date specified in the notice, but the member will be responsible for any subscriptions, levies and fines owing up to and including the date of ceasing to be a member of the Union.

9 - DUES RECOVERABLE BY LAW

All fees, fines, levies and dues payable by members in so far as they are owing for any period of membership may be sued and recovered in any court of summary jurisdiction by the Secretary, who shall have the authority, and empowered on behalf of the Union to sue for and recover the said fees, fines, dues and levies in any such court pursuant to Section 109 of the Act.

10 - THE REGISTER OF MEMBERSHIP

- (1) The Secretary shall as soon as practicable after a notice of resignation takes effect pursuant to the provisions of Rule 8, remove from the register of members the names and details of the persons who have resigned or whose membership has ceased in accordance with these Rules.
- (2) The Secretary shall ensure the register is purged at least four times each year and shall ensure the register shall show full names and addresses of all members and the date of joining the Union.

11 - DISCIPLINARY MATTERS

- (1) The State Council may expel from the Union, suspend for a specified period, any member and may remove from office any holder of an office who in the opinion of the State Council has been shown to its satisfaction to have been responsible for:
 - (a) Any material or persistent breach of these Rules.
 - (b) Non-compliance with or disobedience of any order or resolution carried by an Annual Conference, General or Special General Meeting or State Council.
 - (c) Misappropriation of the funds of the Union.
 - (d) Conduct detrimental to the interests of the Union or of its members and/or likely to bring the Union into disrepute or to cause it to suffer financial loss.
 - (e) Divulging the correspondence or business of the Union to persons not entitled to such information.
 - (f) Aiding, abetting, counselling or procuring the commission of any act mentioned in this Rule.
- (2) Where the State Council determines a complaint is established under this Rule, the nature of any action taken under (1), shall strictly apply to membership status only and no other matter.
- (3) Should a member wish to make a complaint against another member for alleged conduct in breach of these Rules, then the complaint must be lodged in writing at the Registered Office, addressed to the Secretary.
- (4) The State Council will consider the complaint at the next meeting of the State Council and if in their opinion there is merit in the complaint, then a special meeting of the State Council is to be convened. At least 14 days notice of the meeting is to be given to the State Council, the member making the complaint (to be known as the Complainant) and the member against whom the complaint is made (to be known as the Respondent)

and every reasonable action is to be taken to inform them of the date and time of the meeting.

- (5) The Respondent is to be given full details of the complaint made against him or her.
- (6) At the special meeting of the State Council to consider the complaint, the State Council will take all reasonable steps to inform themselves in regard to all matters relevant to the complaint being made. The State Council at the special meeting shall regulate the procedures to be taken, but must ensure that the principles of natural justice apply and that all parties receive a fair hearing.
- (7) The Complainant and the Respondent may make submissions to the State Council either verbally or in writing and may choose to have a member represent them. The Complainant, the Respondent and the State Council may request the attendance of witnesses. The Complainant, the Respondent and the State Council have the right to ask questions of any witnesses relevant to the complaint. Questions of any witnesses from the State Council must be directed through the Chairperson.
- (8) At the conclusion of hearing, all of the submissions of the Complainant and the Respondent, the State Council shall in the absence of all other parties, determine whether the complaint is established and the nature of the action to be taken in accordance with this Rule. The decision of the State Council must be by a two-thirds ($\frac{2}{3}$) majority.
- (9) The Chairperson of the State Council will inform the Complainant and the Respondent of the decision of the State Council immediately following such decision or as soon as practicable thereafter. If requested by the Complainant or the Respondent, the decision shall be supplied in writing.
- (10) Any decision to expel or suspend a member or a holder of an office may be subject to appeal by that person to a Special General Meeting of the Union. Such an appeal must be lodged with the Secretary within fourteen (14) days of receipt of notification to expel or suspend the member.
- (11) The President shall call a Special General Meeting within twenty one (21) days for hearing of appeals pursuant to Sub-Rule (10).

12 - CONSENT AWARDS

- (1) Any consent award must comply with the requirements of the Act and shall not be entered into and registered with the Commission unless the contents first have been approved by a General or Special General Meeting or by secret ballot of the members.

- (2) Copies of all consent awards shall be supplied to all Branch Elected Representatives for distribution to members.
- (3) That only members covered by any consent awards, enterprise agreements shall be entitle to participate in any ballot or referendum referred to in this rule.

13 - MISAPPROPRIATING OF FUNDS

The State Council shall have power to institute proceedings against any person or persons misapplying, withholding or receiving by imposition any part of the Union's funds or property and the State Council shall duly recover the moneys so misapplied, withheld or received by imposition.

Should the State Council misapply or withhold the monies of the Union, they shall be severally and jointly held liable to make good the full amount of monies misapplied or withheld.

14 - STATE COUNCIL AND STATE EXECUTIVE COMMITTEE

- (1) Subject to the Rules and decisions of a General or Special General Meeting, the State Council shall have the general control and conduct of the business of the Union and shall act on its behalf in all matters. Between meetings of the State Council and subject to the control of the State Council, the State Executive shall have the control and conduct of the business of the Union and shall act on its behalf in all matters. It shall have the daily management of the business of the Union. Without in any way limiting the generality of the foregoing, the State Executive shall have power to hear and determine all disputes between any two or more members relating to matters concerning the Union. It shall interpret the rules and shall determine all matters where the rules are silent and shall provide delegates to affiliated organisations in pursuance of all the objects of the Union.
- (2) The State Executive shall consist of the President, Vice President, Secretary, Assistant Secretary, Treasurer and three members. Members of the State Executive, shall be elected four yearly.
- (3) (a) The State Council shall consist of:
 - (i) The State Executive, and
 - (ii) Delegates elected by each Branch on the basis of one delegate for each hundred members or part thereof.
- (b) For the purpose of determining the number of delegates to be elected in accordance with sub-rule 3(a)(ii) hereof, the number shall be determined in accordance with the number of financial members in each Branch at the end of the quarter of the year

preceding the calling for nominations for election to the State Council.

- (c) Delegates elected by each Branch shall be elected four yearly. Elections for all branches that are not Northern Regional Branches will be held in 2014 and every 4 years thereafter. Elections for the Northern Regional-Branches will be held in 2006 and every 4 years thereafter. Each election under this rule shall be conducted so that the result is declared no earlier than the first of May and not later than the 30th June.
 - (d) To allow for transition to the election terms and cycles set out in rules 14(2) and (3)(c) elections for all positions shall take place in 2014. The first term for Northern Region Branch delegates elected in 2014 shall be 2 years. The first term for Branches Delegates other than Northern Region Branch delegates elected in 2014 shall be 4 years. Elections under this rule shall be conducted so that the result is declared no earlier than the first of May and not later than the 30th June.
 - (e) The current post holders will remain in place until the conclusion of the elections under this rule.
 - (f) A Branch Delegate transferred to another Branch, other than on a temporary basis for less than 6 months, shall resign from his office.
 - (g) For the purposes of this Rule, the Northern Region shall include the following Branches:

Bandyup Women's Prison, Broome Regional Prison, Eastern Goldfields Regional Prison, Greenough Regional Prison, Hakea Prison, Roebourne Regional Prison and West Kimberley Regional Prison.
 - (h) Rest of State Branches shall include all prisons not defined in the Northern Region.
- (4) The quorum for meetings of the State Council shall be twelve (12) and for meetings of the State Executive shall be (4) four.
 - (5) (a) Meetings of the State Council shall be held as when decided by the State Council. Meetings of the State Council however, shall be held at least bi-monthly.
 - (b) Meetings of the State Executive shall be held as and when determined by the State Executive.
 - (6) With the exception of delegates elected by Branches to the State Council who reside fifty kilometres or more away from the Perth Metropolitan Area, a member of the State Council or State Executive who, without

good and sufficient reasons acceptable to the State Council, absents himself from three consecutive meetings, may with the consent of a General Meeting be removed from office and the vacancy filled as provided for in Rule 17.

- (7) All members of the State Council and State Executive, with the exception of the Secretary, shall be members of the Union and shall be clear upon the books of all dues and demands prior to taking their seats on the State Council or State Executive, as the case may be.

14A - COUNTERPART FEDERAL BODY

- (1) Each office within the Union may, from such time as the State Council may determine, be held by the person who, in accordance with the rules of the Community and public Sector Union, in respect of the CPSU, the Community public Sector Union, SPSF Group, Western Australian Prison Officers' Union Branch, holds the corresponding office in that body.
- (2) Where each officer of the Western Australian Prison Officers' Union of Workers is held in accordance with subsection (1) of this rule then the provisions in these rules relating to elections no longer apply.
- (3) This Rule does not affect the State Council's right pursuant with these Rules to expel the holder of an office of the Union.

15 - REMOVAL OF THE STATE COUNCIL OR STATE EXECUTIVE

Should the membership at any time lose confidence in the State Council, any fifty financial members may request the President in writing to summon a Special General Meeting for the purpose of considering the actions of the State Council. At such meeting the actions of the State Council shall be considered and they shall be heard in defence and it shall be competent for the Special General Meeting to move a vote of want of confidence in the State Council.

Should the motion be carried two-thirds ($\frac{2}{3}$) majority, the Special General Meeting shall appoint a Returning Officer who shall without any delay conduct an election for a new State Council, in accordance with Rule 25 : Nominations for Office. The State Council officers shall hold office until the Returning Officer declares the result of the election.

The new State Council shall hold office for the Balance of the unexpired term of office. This Rule shall apply mutatis mutandis to the State Executive.

16 - RESIGNATION OF OFFICERS

Should any officer or member of the State Council desire to resign their office, they shall give in writing to the Secretary TWO WEEK'S notice of his intention to do so.

The Secretary shall give the President ONE MONTH'S notice of his intention to resign.

The Assistant Secretary shall give the President ONE MONTHS'S notice of his intention to resign.

17 - CASUAL VACANCIES

- (a) Should any member of the State Council cease to be a member of the State Council for any other reason than because the period for which such member of the State Council was elected has expired, the powers and duties of the State Council shall not be invalidated because of such vacancy.
- (b) Casual Vacancies shall, if considered necessary by the State Council, be filled in accordance with the provisions of Rules 24 and 25 of these Rules, provided that any person so elected shall hold office for the balance of the unexpired term of office.
- (c) Should the State Council decide not to fill a casual vacancy, the vacancy shall be filled in accordance with these Rules, if a requisition signed by at least 150 financial members of the Union is delivered to the Secretary in which case the State Council shall take immediate steps to comply with such requisition.

18 - RESIGNATION OF THE STATE COUNCIL

Should the State Council desire to resign in a body they shall give a General Meeting three months notice of their intention, except in the case provided in Rule 15.

19 - PRESIDENT

The Branch President shall:

- (a) preside at all meetings of State Council, State Executive and any meetings of the Union that they attend, and sign the minutes thereof;
- (b) enforce the Union rules, policies and standing orders and have control of meetings at which he or she presides, and shall use all necessary power to secure and enforce order and expedition in the conduct of the business and good order of the members thereat;

- (c) in consultation with the Secretary determine the date, time and place of meetings of State Council and State Executive whenever such date, time and place has not been determined by State Council or State Executive;
- (d) exercise a deliberative vote if he or she so desires at meetings of State Council and State Executive;
- (e) ensure, as far as possible, that the rules of the Union are performed and observed by officers and members of the Union;
- (f) request and receive an explanation from any officer or member of the Union in any case where the President believes that the rules of the Union have not been performed or observed and report thereon to State Executive and State Council;
- (g) generally act to safeguard the reputation, unity, autonomy and property of the Union;
- (h) be an ex-officio member of all committees of the Union;
- (i) act in conjunction with the Secretary and at least two other members of the State Executive in all matters of urgency.

20 - VICE-PRESIDENT

The Branch Vice-President shall:

- (a) assist the President in the performance of the duties of the President;
- (b) in the absence of the President, or whenever the President requests, or State Council or State Executive instructs, perform the duties of the President or such of those duties as may be specified in each request or instruction;
- (c) in the absence of the Treasurer, or whenever State Council or State Executive instructs, perform the duties of the Treasurer or such of those duties as may be specified in each request or instruction; and
- (d) attend all meetings of the State Council and State Executive.

21 - SECRETARY

The Secretary shall:

- (a) be the executive officer of the Union and, subject to these, be responsible for the administration of the Union, the management of the Union Office and the direction of the employees of the Union;
- (b) attend all General Meetings and meetings of the State Council or State Executive;

- (c) attend to and keep a copy of all correspondence;
- (d) keep minutes of all meetings and record business transacted by the Union, circulate such minutes in draft where required and present a true copy of minutes at a subsequent meeting of the same body;
- (e) convene all General Meetings and summon members of the State Council and State Executive to all meetings;
- (f) keep a register of all members of the Union and the Branches to which members are assigned;
- (g) conform to all the requirements of legislation required to be observed by the Union and where necessary and appropriate submit industrial disputes to conciliation and arbitration in accordance with the practices and procedures set out in the legislation;
- (h) keep proper books of account of the Union and see to the preparation of an annual balance sheet and statement of receipts and payments and income and expenditure disclosing the true financial position of the Union and submit same together with all books and vouchers or records required for audit to the Union and in particular:
 - (i) be accountable for all monies received by the Union;
 - (ii) ensure prompt payment of Union monies into the appropriate bank account of the Union;
 - (iii) be accountable for all monies expended from Union funds;
 - (iv) ensure cheques drawn upon the Union fund in payment of accounts are correct to be paid and that all cheques are countersigned;
 - (v) not make any disbursement directly out of monies received before being banked;
 - (vi) produce any books and records for inspection at all reasonable times when demanded by the State Council;
 - (vii) produce any financial records for inspection when demanded by the Auditor or Treasurer;
- (i) discharge all such other duties and services as may be assigned by the State Council or State Executive;
- (j) not pay, lend or otherwise appropriate any of the funds of the Union for any cause or purpose whatsoever unless so authorised by the State Council;

- (k) not make any disbursement directly out of monies received before being paid into the bank.
- (l) be an ex-officio member of all committees of the Union; and
- (m) act in conjunction with the President and at least two other members of the State Executive in all matters of urgency.

21A - ASSISTANT SECRETARY

The Assistant Secretary shall:

- (a) assist the Secretary with the discharge of their duties; and
- (b) act on behalf of the Secretary when he or she is absent.

22 - TREASURER

The Treasurer shall:

- (a) furnish to the State Council at each ordinary meeting a statement showing the financial position of the Union;
- (b) present to the State Council such reports as may have been supplied by the Auditors;
- (c) in the absence of the President and the Vice- President, or whenever the President requests, or State Council or State Executive instructs, shall perform the duties of the President or such of those duties as may be specified in each request or instruction; and
- (d) attend all meetings of the State Council and State Executive

23 - STATE EXECUTIVE MEMBERS

- (a) The Branch Executive Members shall attend all meetings of the State Council and State Executive.
- (b) With the exception of the Secretary, where a State Executive Officer is unable to perform a duty of office, the State Executive may authorise one of the Executive Members or member of Branch Council to perform that duty.

24 - BRANCHES

- (a) There should be a branch of the Union at all institutions. To form a Branch of the Union an application by financial members at an institution

shall be forwarded to the State Council who shall have power to approve or reject such application.

- (b) Each Branch shall be administered by the Branch Elected Representative who shall preside at all meetings of the Branch. Authorise the taking of fullest minutes of proceedings, attend to all correspondence, receive fees and contributions payable by branch members when required to do so by the State Council and pay all such fees and contributions to the Secretary.

Shall keep all documents and books relating to the Branch and shall further discharge other such duties as may be allotted from time to time by the Branch and pay the strictest attention to the interests of the Branch.
- (c) Each Branch shall pass resolutions for its own government provided always that such resolutions do not conflict with the Rules, policies or decisions of any General, State Council or State Executive Meeting.
- (d) Each Branch shall keep a Standing Order Book to regulate the activities of the Branch, all orders contained in the Standing Order Book must have the prior approval of the State Council, who shall determine whether said orders are constitutional and in the best interests of the Union as a whole.
- (e) Branches shall have meetings when considered necessary or in accordance with established Branch policy in respect to such matters and the minutes of all such meetings to be forwarded to the Secretary within fourteen (14) days.
- (f) Branches shall have the authority, if considered necessary to elect a number of committee persons to assist the Branch Elected Delegate to conduct the affairs of the Branch.
- (g) Branch elections for Branch Elected Delegate and Committee, where applicable, shall be held triennially. The Branch Elected Delegate shall be elected from the Branch Delegates to the State Council.
- (h) Where in the opinion of the State Council a Branch fails to operate in the best interests of the Branch or the Union as a whole, the State Council shall have the power to intervene in the affairs of the branch and declare all positions vacant and conduct new elections to re-establish the Branch.
- (i) A Branch shall mean a Branch of the Union formed in a Prison Institution authorised by the State Council and the Office bearers of which shall be elected in the prescribed manner. All Branch elections must be by secret ballot.
- (j) Each Branch shall designate one meeting a year as the Annual Branch Meeting. At that meeting the Branch shall determine the number of

members that will form a quorum for Branch meetings for the forthcoming twelve months, having regard to the membership at the Branch and the average attendance at Branch meetings.

25 - NOMINATIONS FOR OFFICE

- (a) Nominations for all Offices shall be lodged with the appointed Returning Officer. For the purpose of this Rule, the term "Offices" shall include the Office of Delegate to State Council and member of the State Executive and any subsequent casual vacancy that may arise in those categories.

The nomination shall be in a form authorised by the Returning Officer and shall be signed by the Candidate and two financial members of the Union. With the exception of the Office of Secretary, a member under rule 48, a nomination shall not be valid unless the Candidate is a financial member of the Union continuously for at least six (6) months prior to the date nominations close.

The appointed Returning Officer shall determine the times and dates of the commencement and close of the period for lodging nominations of candidates for election for an Office.

- (b) If only sufficient valid nominations are received to fill all vacancies the Returning Officer shall declare the persons so nominating duly elected.
- (c) No person shall hold office (except the offices of Secretary and Assistant Secretary) unless they are a member of the union as set out in the rules including rule 48.

26 - ELECTION OF OFFICERS

If an election is necessary to fill the offices referred to in Rule 25, such election shall be by secret postal ballot in accordance with the "Act" (Union Elections) Regulations, 1980.

- (a) The ballot shall, where possible, be conducted in sufficient time to allow the Returning Officer to declare the result of the election at the Annual General Meeting. Any vote received after the close of the ballot shall be regarded as an informal vote.
- (b) The ballot shall be conducted by the Returning Officer in the presence of Scrutineers and the election shall be determined on the "first past the post" principle. Should the voting be equal in any election under those rules, then in the event of one only of the candidates being the retiring officer, he/she shall be duly elected. Any other case where a tie occurs, the matter shall be decided by drawing lots.
- (c) All ballot boxes used at the election shall be held by the Returning Officer. The ballot shall be counted as soon as possible after the close

thereof, and where possible, the Returning Officer shall report the results to the January meeting of the Union.

- (d) For the purpose of the ballot the books of the Union shall be deemed to have closed on the same date the Returning Officer declares the opening of nominations for the election, and any member unfinancial at that date, shall be ineligible to vote. A list of all financial members as at that date shall be supplied to the Returning Officer by the Secretary.
- (e) A ballot paper shall be posted by the Returning Officer to all financial members along with a written notice advising of the purpose, the method and time of the closing of the ballot.
- (f) The sequence of names on a ballot paper shall be drawn by lot by the Returning Officer.

27 - RETURNING OFFICER

The State Executive shall take action to have a Returning Officer appointed by making application pursuant to the provisions of the "Act".

Such Returning Officer shall not be the holder of any other Office or be an employee of the Union.

It is not necessary the Returning Officer be a member of the Union.

- (a) He/she shall receive all nominations for offices to be filled.
- (b) When an election is necessary, issue ballot papers and initial same.
- (c) Be responsible for ballot papers and boxes until such time as the ballot is counted.
- (d) The Secretary shall supply to the Returning Officer a nominal roll of members of the Union.
- (e) The Returning Officer shall count the ballot and submit a report to the President of the Union. Scrutineers shall be present while the Returning Officer carries out the count of the ballot.
- (f) Prior to the close of the ballot, the Returning Officer shall carry out the following checking procedures:
 - (i) Returned envelopes to be opened;
 - (ii) Electors to be marked off roll;
 - (iii) Elector certificates to be removed;
 - (iv) Ballot paper envelopes to be opened; and

- (v) Ballot papers to be placed, without inspection, into a sealed ballot box ready for the count.

The Returning Officer's Report shall show:-

- (i) The number of ballot papers, other than duplicate ballot papers, issued;
 - (ii) The number of duplicate ballot papers issued;
 - (iii) The number of ballot papers admitted as formal;
 - (iv) The number of ballot papers rejected as informal;
 - (v) The number of unused ballot papers;
 - (vi) The number of ballot papers certified by the printer as printed in respect of the election; and
 - (vii) The number of votes admitted as recorded in favour of each candidate.
- (g) The Returning Officer shall forward all election material to the Union for retention for a period of 12 months after declaration of the ballot. The material shall be sealed, signed and dated by the Returning Officer.

28 - SCRUTINEERS

- (a) Two Scrutineers may be nominated by State Council to assist the Returning Officer in his duties. The Scrutineers shall assist the Returning Officer at the count of the ballot and shall draw his attention to any irregularities therein.
- (b) Any candidate desiring to do so may at any time before the scrutiny and count for election of offices which follows, appoint a scrutineer to represent him at that scrutiny and count. Such a Scrutineer may be present but shall not be entitled to take part therein or in any way interfere in or hinder the progress of the count or any proceedings relevant thereto.

29 - MEETINGS

The Annual General Meeting shall be held in the third quarter of each year with the date and arrangements determined by the State Council, and will receive, subject to audit being completed, the Auditors report and Balance sheet.

Quarterly General Meetings may be held in the months of April, July and October if the State Council determines there is sufficient business to warrant the calling of such a meeting.

Special General Meetings will deal with the Special Business only.

The State Executive shall notify all members of any Annual General, Quarterly General or Special General Meetings by notice published in the "West Australian" Newspaper at least seven (7) days prior to such meeting. Twenty (20) financial members shall form a quorum of any such meetings. The Secretary shall count towards the quorum of any such meeting. State Council shall determine the date, venue and meeting time for all meetings called under this Rule.

The manner of voting at all General Meetings shall be by show of hands or division.

30 - INSPECTION OF BOOKS

Any financial member having an interest in the funds of the Union shall be permitted to inspect the books and register of members at any reasonable hour.

31 - OFFICERS, MEMBERSHIP, AUDITED FINANCIAL RETURNS AND DECLARATIONS

Each year pursuant to the requirements of the "Act", the Secretary shall furnish the Registrar of Industrial Unions a list of Officers of the Union, the Membership Number and Audited Financial Returns and required Declarations.

32 - CONTROL OF PROPERTY

The State Council shall have the power to invest funds and to acquire, sell, lease, mortgage or otherwise dispose of any freehold or leasehold property for the purposes of the Union.

33 - THE SEAL

The seal of the Union shall be an oval-shaped seal bearing the words "WESTERN AUSTRALIAN PRISON OFFICERS' UNION OF WORKERS". The Secretary shall have the custody and use of the seal for all documents issued by the Union in compliance with the Act and the Registered Rules.

34 - ALTERATION OF RULES

Subject to the provisions of the Act:

- (1) The rules of the Union may be altered, added to or amended by resolution of an Annual General Meeting, a General Meeting or a Special General Meeting.

- (2) The notice convening such a meeting shall specify the purpose of the meeting and the Secretary shall cause a copy of the proposed alterations or additions or amendments and reasons therefore to be forwarded to each prison institution, Branch representative and reasonable steps shall be taken to inform members of the proposal.
- (3) In the notice referred to in Sub-Rule 2, members are to be informed that they or any of them may object to the proposed alteration by forwarding a written objection to the Industrial Registrar to reach him no later than 21 days after the date of receipt of the notice. Members may raise the objection at the meeting convened to approve such changes and/or may forward a written objection to the State Executive.
- (4) In the notice referred to in Sub-Rule 2 and with respect to any proposed alteration of the rule relating to the qualification of persons for membership of the union, members are to be informed that they or any of them may object to the making of the application for the proposed alteration and/or object to the proposed alteration by forwarding a written objection to the Industrial Registrar to reach him no later than 21 days after the date of receipt of the notice. Members may also raise the objection at the meeting convened to approve such changes and/or may forward a written objection to the State Executive.
- (5) No alteration to any Rules of the Union shall become effective until the Registrar has given to the Union a certificate that the alteration has been registered.

35 - DISSOLUTION OF THE UNION

The Union shall not be dissolved while there are fifteen (15) financial members willing to carry on.

36 - THE VOTING AT MEETINGS

The President shall put all questions in a distinct and audible voice to the Meeting. The manner of voting at all General Meetings shall be by show of hands, or division.

37 - SETTLEMENT OF DISPUTE

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

38 - APPLICATION OF FUNDS

All monies shall be paid into the general funds, invested in the manner approved by the State Council and be applied in carrying out the objects of the Union according to the Rules thereof.

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 or persons engaged in any strike or lock-out in Western Australia.

39 - DEATH BENEFIT LEVY

- (1) When a member dies the Union shall deduct from all members and pay, immediately upon proof being given of the death of that member, a sum equal to a payment of \$15 per member in accordance with this rule, such payment hereinafter called the Death Benefit.
- (2) The Union shall pay the Death Benefit to such person or purpose as nominated by the Member in the form prescribed by the secretary of the Union from time to time, and if more than one person or purpose is so nominated in equal shares.
- (3) Where a member has not so nominated the choice of recipient of the Death Benefit is entirely within the discretion of the Union, however the Union shall give consideration to that member's dependants, next of kin and any other matter the Union considers relevant.
- (4) If within six (6) months from the time of a member's death the Union cannot locate any dependent or next of kin, the Union may return the Death Benefit for that member to the general funds of the Union.

40 - LEGAL ASSISTANCE

The State Council may grant from the funds of the Union, financial assistance for the obtaining the provision of legal assistance arising from an action or event brought about by the member performing his or her duties within the Prison Service or Prison Operations.

The State Council shall establish the merit of each request for legal assistance and resolve whether to grant assistance or not to grant assistance.

The State Executive may grant emergency legal assistance should they consider the circumstances necessary, provided that any decision by the State Executive to grant emergency assistance is conveyed to the State Council at its next meeting.

The State Council and State Executive shall have the discretion to retain legal representation from a firm of Solicitors appointed by the Union for any member's request for assistance under this Rule.

State Council shall also have the authority to grant any further financial assistance to any member's application for assistance that is approved, so that

any fines or other imposts whatsoever arising from any proceedings may be discharged from Union funds.

Members shall not have a right to be granted legal assistance and the granting of assistance in accordance with this Rule shall be at the sole discretion of State Council.

41 - VOTING IN UNION ELECTIONS

- (a) Elections are conducted by the appointed Returning Officer on a "first past the post" system.
- (b) Elections to State Council and State Executive shall be by a secret postal ballot of all financial members of the Union and shall be conducted pursuant to Section 69 of the Act and in accordance with the following provisions:
 - (i) Vote for the appropriate number of members required for the relevant position/s by placing an "X" in the box opposite the name of the candidate/s of your choice.
 - (ii) A vote is invalid if a member marks more than the appropriate number required for the position.
 - (iii) A vote is not invalid if a member marks less than the appropriate number required for the position.
 - (iv) No other mark shall be made anywhere on the ballot paper as such mark will automatically render the vote invalid.
 - (v) If for any reason a new ballot paper, envelope or counterfoil is required, a declaration must be sent to the Returning Officer stating the reason for same before another may be issued.

42 - SECRETARY'S WAGES

The Secretary's salary and other entitlements shall be determined from time to time by the State Executive.

43 - PRESS STATEMENTS

Only the State Secretary or persons authorised by the State Executive from time to time are permitted to make press, radio or T.V. and or any other statements on behalf of the Union or any Union member.

44 - STATE EXECUTIVE VISITS TO BRANCHES

Representatives from the State Executive shall visit each Branch of the Union at least once in every twelve (12) months.

45 - REFERENDUM

Members wishing a referendum to be held on any matter shall forward to the President, a petition requesting the referendum signed by 150 members of the Union. Where upon, the President must cause such referendum to be held.

Results of this referendum shall be binding upon the Union. A Referendum may also be ordered by the State Council, General Meeting, or Special General Meeting, in which case, no petition is required.

Unless otherwise determined by the State Council, the State Council shall appoint a Returning Officer to conduct the Referendum in accordance with the requirements of Rule 27 : Returning Officer.

46 - LEVIES

Should it be deemed necessary to strike a levy to subsidise the financial state of the funds of the Union the State Council shall recommend the amount together with the purpose, to the membership at a Special General Meeting.

47 - VICTIMISATION

Should any financial member of the Union be dismissed from or jeopardised in his employment for taking part in any matter connected with the Union, the State Council may grant pecuniary assistance pending the decision of a General or Special General Meeting of the membership.

48 - LIFE MEMBERSHIP

Life Membership may be conferred upon any person who has been a member of the Union for a minimum of fifteen (15) years and who has given distinctive service to the Union for an aggregate of ten (10) years or more in either a State Council, Administrative Committee or Branch office. Life Membership shall not be granted to any person who is eligible to be or remain as a member of the Union.

The State Council shall nominate and a general meeting may endorse all persons nominated for life membership. Life members shall retain all the rights and privileges of membership and shall be free from further contributions.

49 - STANDING ORDERS AND RULES OF DEBATE

- (1) The following order of procedure shall be adhered to as far as participable at all meetings within the State Council and State Executive and any General Meetings.
 - (a) The Chairperson shall take the chair for the meeting and upon ascertaining that a quorum is present, shall then declare the meeting open for the transaction of business.
 - (b) Attendance and apologies.
 - (c) Confirmation of the Minutes.
 - (d) Business arising from the Minutes.
 - (e) Correspondence.
 - (f) Financial statements and accounts.
 - (g) Reports.
 - (h) General Business.
- (2) The following Rules of Debate shall be observed at all meetings as stated in Sub-Rule (1).
 - (a) No motion or amendment shall be entertained or discussed until it has been seconded and one amendment only shall be entertained at the one time, but all amendments shall be considered and be put before the original motion.
 - (b) On the adoption of any amendment, it shall be held to have quashed the original motion and, for all purposes of subsequent discussion, the amendments so carried shall be acted upon as the original motion.
 - (c) No amendment shall be received by the Chairperson which is a direct negative to a motion which has been moved and seconded or does not preserve the substance of such motion.
 - (d) In the event of the voting of any motion or amendment being equal, it shall be deemed to have been decided in the negative and shall be declared lost.
 - (e) Notices of Motion for debate should be signed and handed to the Chairperson during the meeting. The member making such notice of motion, shall read it aloud and the Chairperson shall consider whether it is in order. A Notice of Motion shall not be proceeded with in the absence of the mover unless some other member

present and duly authorised in writing which has been submitted to the Chairperson, takes up the motion in his/her absence.

- (f) To rescind any resolution previously passed and confirmed, a month's notice must be given.
- (g) Any resolution may be recommitted during the period of the meeting at which it was passed, on the affirmative votes of two-thirds ($\frac{2}{3}$) of those present at such meeting.
- (h) No member shall be allowed to speak more than once on any motion except strictly in explanation of or in contradiction of a misstatement excepting the mover of the original motion, who shall have the right to reply and be allowed ten (10) minutes to open and five (5) minutes to reply. No other speaker shall occupy a longer period than five (5) minutes. The meeting may however by resolution put by the Chairperson on the proposition of two (2) members and without debate, grant an extension of the time prescribed under this paragraph for a member to speak.
- (i) No further discussion shall take place nor shall questions be allowed after the mover has replied. When a motion is moved, the mover and the seconder shall have the right to speak. If no one rises to speak in opposition, the motion shall be put, but should debate ensue, the order shall thereafter be alternately one for and one against. Unless otherwise determined by the meeting, the Chairperson shall allow only two (2) speakers for and two (2) speakers against before allowing rights of reply to the mover of the motion.
- (j) On any member rising to a point of order during a discussion, the speaker shall sit down and a person on rising shall state the point of order upon which the Chairperson shall rule which ruling shall be final provided it is not disagreed with by the majority of members present.
- (k) Every member who proposes or seconds any motion or amendment or who takes part in any discussion or puts replies to any question or makes any statement or any address or observation at any meeting, shall while doing so, stand up (unless prevented by bodily infirmity) and shall address himself/herself to the Chairperson of the meeting. Every member attending any such meeting shall conduct himself/herself in an orderly manner.
- (l) Any member acting contrary to any of the Rules of Debate or using improper language, shall be called to order and should he/she persist, he/she shall be asked to withdraw from the meeting.
- (m) Voting at all meetings shall be by a show of hands or division, unless a majority of those present decide that any particular

question should be decided by ballot. In the latter event, a ballot amongst those present shall forthwith be taken provided that in order to expedite business, the Chairperson may, with the acquiescence of the meeting, decide any question on the voices.

- (n) When a motion of dissent from the Chairperson's ruling is moved and formally seconded, only the mover of such motion shall be heard in support of it after which the Chairperson shall be heard in reply and the motion shall then be put to the vote.
 - (o) No subject or matter shall occupy the meeting for a longer period than sixty (60) minutes, unless an extension is agreed to by a majority of members present at such meeting.
 - (p) The adjournment of the debate upon any matter under discussion may be moved for a given time after the question has been debated for any period up to twenty (20) minutes but upon any motion being so determined, the subsequent time taken in debate shall not exceed the period set down in paragraph (o).
 - (q) Members in their addresses shall not refer to individual members by name (this is to prevent points of order or personal explanations).
 - (r) A motion may be superseded at any time by another motion "that is to be discharged from the agenda paper" or that "the next business be proceeded with" being resolved in the affirmative.
 - (s) Any member who has not previously spoken in the debate shall have the right to move "that the question be now put" at any time during the course of the debate.

Such motion, if seconded, shall be put to the meeting without discussion, and if carried, the motion before the meeting shall be put without further discussion, after the mover of the original motion has been given the opportunity of closing the debate.
 - (t) Any member desiring to correct an alleged mis-statement during any debate, shall not be permitted to do so until the speaker has resumed his/her seat.
 - (u) A motion to suspend Standing Orders or Rules of Debate in order to deal with any matter, may be moved at any time during the currency of the meeting.
- (3) Where any meeting is held via telephone conference or video conference in accordance with these Rules, then the provisions of Rule 49 (2) shall only apply to the extent practicable.