

RULES
of
THE UNITED PROFESSIONAL FIREFIGHTERS UNION OF WESTERN
AUSTRALIA

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RULES
of
THE UNITED PROFESSIONAL FIREFIGHTERS UNION OF
WESTERN AUSTRALIA

1 - NAME

The name of the Union shall be "The United Professional Firefighters Union of Western Australia".

2 – INTERPRETATION

- (1) (a) So far as is consistent with their express provisions these Rules are to be construed so as not to be contrary to any provision of the Act or the Regulations or an Award and so as not otherwise to be contrary to law and so as not to exclude the jurisdiction of any relevant Court.
- (b) Words importing the masculine gender shall be taken to include female and the singular to include the plural and the plural the singular.
- (2) So far as is consistent with their express terms all resolutions, decisions and directions purporting to be made or given pursuant to these Rules are to be construed as within the power of the Union and of the body or person making or giving the same.
- (3) In these Rules unless inconsistent with the context or subject matter:

"financial unit" means the monetary amount equivalent to 5% of the total weekly Rate of pay of a Senior Firefighter in the Fire and Rescue Service of WA as at 1st July in each year, rounded upwards to the nearest dollar. An amount calculated by the reference to "financial units" is inclusive of any applicable GST.

"the Act" means the *Industrial Relations Act 1979 (WA)*.

"Award" means an award made or an industrial agreement certified under the Act and binding on the Union.

"Branch" means the West Australian Branch of the National Union.

"Committee of Management" means the Committee of Management of the Union provided for in Rules 15 and/or 24 and/or 24A as the case may be.

"General Election" means any election which is not a by-election.

"Member" means a Member of the Union.

"National Union" means the United Firefighters Union of Australia registered pursuant to the Workplace Relations Act 1996.

"Penalty" means any reprimand, fine, suspension of membership or removal from membership under Rule 35.

"Postal Address" of a Member in relation to the posting of ballot papers by a Returning Officer or the giving of any document or notice to the Member means the postal address shown in the Register unless the Secretary has since the entry of that address in the Register received notification of a changed postal address in which case the changed postal address shall be the postal address of the Member.

"Professional Officer" means a person appointed and employed by the Union to undertake either industrial relations or research work.

"Register" means the register provided for in Rule 9.

"Registrar" means the Registrar of the Western Australian Industrial Relations Commission.

"Returning Officer" means the Returning Officer provided for in Rule 22.

"Regulations" means the Regulations made under the Act.

"Union" means the Union formed under these Rules.

"WAFB" means the West Australian Fire Brigades Board or successor.

"WAFB Firefighter" means a person employed by the WAFB in any rank of firefighter and who is not a WAFB Officer.

"WAFB Officer" means a person employed by the WAFB occupying a position above the rank of Leading Firefighter.

"WAFB Firefighter" means a person employed by the WAFB in any rank of firefighter and who is not a WAFB Officer.

"WAFB Officer" means a person employed by the WAFB occupying a position above the rank of Leading Firefighter.

3 - BINDING EFFECT OF RULES

Members of the Union shall be bound by these Rules.

4 - OBJECTS

The Objects of the Union are as follows:

- (1) to further and protect the interests of the Members.
- (2) to improve the working conditions and general welfare of the Members.
- (3) to improve the position of the Members by increasing their proportionate share of the national wealth and by endeavouring to educate them towards the socialisation of the means of production, distribution and exchange.
- (4) to uphold the rights of organised labour.
- (5) to endeavour by conference or otherwise to prevent any threatened, impending or probable dispute or cessation of work and endeavouring by conciliatory measures to uphold the interests of the Union and the Members in the settlement of a dispute and if such endeavours fail, providing ways and means of supporting any of the Members involved in a dispute.
- (6) to act as agent for any member of the Union in any matter pertaining to the member's privileges, rights and duties as an employee and in any matter pertaining to the relationship between the member and his /her employment
- (7) to secure the election of working class representatives in Parliament and to promote such legislative enactments as will ensure industrial justice to the Australian working class.
- (8) to preserve and advancing civil liberties.
- (9) to ensure its Members absolute and complete freedom of political and religious conviction.
- (10) to advance the efficiency of the services of fire prevention, suppression and extinguishment throughout Australia.
- (11) to co-operate with and assist other organisations, associations, institutions and groups in the pursuit of these objects.
- (12) to affiliate to or amalgamate with or in any manner associate with any trade union or industrial union or other organisation, associations or institutions having objects similar in whole or in part to the objects of this Union.

- (13) to purchase or otherwise acquire and undertake all or any part of the property, assets, and liabilities of any one or more of the organisations or associations with which the Union is authorised to amalgamate, affiliate or otherwise in any manner associate.
- (14) to transfer all or any part of the property, assets, and liabilities of the Union to any one or more organisations or associations with which the Union is authorised to amalgamate, affiliate, or otherwise in any manner associate.
- (15) to uphold the rights of labour and to represent the Members in the peak councils of the trade union movement and in international forums or organisations.
- (16) to do anything authorised or required by these Rules.
- (17) to do anything authorised or required by the Act, the Regulations or an Award.
- (18) to raise money by levies and/or other means or disburse funds for any of the purposes of the Union.
- (19) to raise or disburse funds for investigating the methods of attaining these objects of the Union.
- (20) to affiliate with and support financially political parties.
- (21) to establish and support financially or aid in the establishment and financial support of associations, institutions, funds, trusts, recreational, educational and health facilities, and other conveniences calculated to benefit Members or their dependants or connections.
- (22) to support financially, maintain, conduct, own in whole or in part or subsidise any newspaper, Union journals or other publication or any company publishing a newspaper or other publication advocating the cause of the working class.
- (23) to purchase, take on lease, hold, sell, leave, mortgage, exchange or otherwise own, possess and deal with any real or personal property.
- (24) to borrow money and to give security for its repayment.
- (25) to do anything which it is required to do by law.
- (26) to do all such other things as are incidental or conducive to the attainment of these objects of the Union and the exercise of its powers.
- (27) to enter into contracts and agreements for the purposes of furthering directly or indirectly any one or more of these objects.
- (28) to determine actions on matters of concern to Members in relation to international affairs and to carry out these actions internationally.

- (29) to provide financial assistance to Members and their dependants in the pursuit of these objects at the Union's sole and absolute discretion.
- (30) to provide legal assistance to Members at the Union's sole and absolute discretion.
- (31) to provide from time to time such services to and for Members as shall be determined.
- (32) to establish funds for mutual assistance and support in the carriage of these objects.
- (33) to elect Officers and to appoint and employ Professional Officers and employees for the furtherance of the Union's objects and to remunerate such persons by salaries, wages, honoraria and other payments and benefits.
- (34) to make contributions to the financing of superannuation schemes or retirement funds for the benefit of the elected Officers, appointed or employed Professional Officers and employees and to enter into such arrangements as may be necessary for those purposes.
- (35) to subscribe to any charity, or make donations for any public purpose or for any purpose in direct or indirect furtherance of any objects of the Union.
- (36) to further any scheme that has for its objects the establishment of a Labour research and information bureau and to assist in the establishment and maintenance of labour and trade union radio broadcasting and television stations and to invest in shares in such radio and television stations.
- (37) to hold, purchase, lease, sell, mortgage or otherwise Union property.
- (38) to attain such other objects as the Committee of Management shall from time to time determine.
- (39) to further and give support to underprivileged people and disadvantaged peoples.
- (40) to advance the cause of peace and friendship throughout the world.

5 – ELIGIBILITY

The conditions of eligibility for membership of the Union are as follows:

- (a) The membership of the Union is unlimited in number.
- (b) Any person who is employed in, or usually employed or appointed in or in connection with:
 - (1) The prevention, suppression or extinguishment of fires.
 - (2) The protection of life and property through the provision of rescue services at the scene of accidents, explosions or other emergencies other than in the capacity of a registered medical practitioner.
 - (3) The handling of spillages of toxic or hazardous materials and the disposal of those in emergency situations; or
 - (4) The sale, supply, installation, maintenance, repair and/or inspection of fire protection equipment other than fixed or semi-fixed fire protection systems;

shall be eligible for membership of the Union.

Without limiting the generality of the foregoing, membership of the Union shall include persons referred to in paragraph (b) above employed:

- (i) By a Fire Brigades Board, Commission or Authority.
 - (ii) In the service of any public institution or Authority of the State Government the duties of which are not materially different to those of persons employed by a Fire Brigades Board, Commission or Authority.
 - (iii) In private industry, in any rank, grade or classification of industrial Firefighter or industrial Fireman or in any employment the duties of which are not materially different from the duties of one of these employments, or in any position in respect of which the duties are similar to those of persons employed by any Fire Brigades Board, Commission or Authority.
- (c) Any person who is an appointed and employed Professional Officer of the Union shall be eligible for membership of the Union.

- (d) Notwithstanding the provisions of Sub-Rule (b) the Union may at its discretion decline to admit to membership any person otherwise included within this Rule:
- (1) Who does not make an application as required by the Rules, or
 - (2) Who does not pay the amount properly payable in respect of admission to membership, or
 - (3) Who is of general bad character.
- (e) Provided, however, that the following persons shall not be eligible for membership of the Union:
- (1) Persons engaged in the following industries or callings, namely: timber and saw milling industry; afforestation and silviculture; sugar growing; cane cutting; milling and refining; the manufacture of chemicals and gases; metalliferous mining; smelting; reducing and refining of ores; mining for brown coal including the extraction of the by-products; the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, the distillation of oils and all labour incidental thereto; as surface labourers engaged about or in connection with all brown coal mines; the manufacture and milling of paper and all employees other than craftsmen or engine drivers engaged in boring for water or oil or engaged in refining such oil or in the extraction of the oil products.
 - (2) Persons employed as licensed aircraft engineers or pilots in civil aviation.
 - (3) Persons employed in electrical, electronics or similar functions whether as tradespersons and their assistants or technicians or other sub-professional electrical or electronics employees however described in or in connection with the installation, maintenance, repair and/or inspection of fire protection or firefighting equipment.
 - (4) Persons engaged in any clerical capacity and/or engaged in the occupation of shorthand writers and typists and/or on calculating, billing or other machines designed to perform or assist in performing any clerical work whatsoever, provided that this exclusion shall not apply to persons engaged as uniformed employees of a public firefighting authority who are engaged as attendants, operators, supervisors or trainees in watchrooms or control rooms.

- (5) All persons engaged as salaried Officers or in a professional, technical, sales, clerical and supervisory capacity employed by a gas company.
- (6) Employees of the Department of Conversation and Land Management and Water Authority of Western Australia.
- (7) Members of the Western Australian Police Force and the Australian Federal Police or any successor to those said Police Forces; of any persons who are in employment and/or training (including those designated or described as police cadets) being employment and/or training which leads directly to the employee and/or trainee being qualified for membership of any of the Police Forces specified in this paragraph.
- (8) Persons eligible to be Members of the Administrative and Clerical Officers' Association pursuant to its eligibility rules as at 11 November, 1988 as reproduced in Appendix "B" to these Rules except those persons eligible to be Members of the Federal Firefighters Union pursuant to its eligibility rule as at 11 November, 1988 as reproduced in Appendix "A" to these Rules.
- (9) Persons eligible to be Members of the Health and Research Employees' Association of Australia pursuant to its eligibility rules as at 31 May, 1989, as reproduced in Appendix "C" of these Rules.
- (10) Persons eligible to be Members of the Federal Municipal and Shire Council Employees' Union of Australia pursuant to its eligibility rule as at 11 November, 1988 as reproduced in Appendix "D" to these Rules.
- (11) Persons eligible to be Members of the Municipal Officers' Association of Australia pursuant to its eligibility rule as at 11 November, 1988 as reproduced in Appendix "E" to these Rules.
- (12) Any person employed by:
 - (i) The Crown in right of the State.
 - (iii) Any statutory body representing the Crown in right of the State; or
 - (iv) Any instrumentality or authority acting under the control of or on behalf of or in the interest of the Crown in right of the State; or

- (iv) Any company or corporation in which at least fifty per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown in right of the State or if there are no issued shares, in which the governing body by whatever name called includes nominees appointed by or on behalf of or in the interests of the Crown in right of the State;
other than by a Fire Brigades Board, Commission or Authority.
- (13) Any person employed in an administrative, clerical or professional capacity (other than in any rank, grade or classification or Firefighter) by a Fire Brigades Board, Commission or Authority shall not be eligible for membership of the Union.
- (14) Any person employed:
 - (a) By the Western Australian Bush Fires Board; or
 - (b) As storeman, store officer, general assistant and technical officer by the Western Australian Fire Brigades Board.
- (15) Any person employed by the Australian Public Service, the service of any public institution or authority of the Australian Government whether such service as is the Australian Public Service or not.

6 - ADMISSION TO MEMBERSHIP

- (1) An applicant for membership of the Union shall be informed by the Secretary, in writing of:
 - (i) The financial obligations arising from membership; and
 - (ii) The circumstances, and the manner, in which a Member may resign from the Union.
- (2) An applicant for membership of the Union shall make a written application to the Secretary of the Union containing the applicant's name, address and willingness to assume all the rights and liabilities attaching to membership.
- (3) An applicant shall become a Member upon the entry of such applicant's name with the authority of the Committee of Management in the Register.

7 - RESIGNATION

- (1) A member of the union may end that membership by written notice of resignation to the union.

- (2) A notice of resignation shall be served on the union by;
 - (a) Delivering it personally to the union's office at the address registered under the act.
 - (b) Sending it by certified mail to the address mentioned in paragraph 2 (a) of this rule or to the address of the union as ascertained by referring to a current directory of telephone numbers.
- (3) A notice of resignation takes effect on the day on which it is served of the organisation or on a day specified in the notice.
- (4) Any dues payable but not paid by a former Member of the Union, in relation to a period before a Member's resignation from the Union took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.
- (5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with Sub-Rule (1 and 2).
- (6) A resignation from membership of the Union is valid even if it is not effected in accordance with this Rule if the Member is informed in writing by or on behalf of the Union that the resignation has been accepted.

8 - REGISTERED OFFICE

The registered office of the Union shall be situated at 21 View Street, North Perth or at such place as is from time to time determined by the Committee of Management and each change shall be notified to the Registrar.

9 - REGISTER

A register shall be kept in the registered office of the Union in which the Secretary shall cause to be kept:

- (a) A list of the names, residential addresses, postal addresses and occupations of the Members of the Committee of Management and of every person holding, whether as trustee or otherwise property of the Union or property in which the Union has any beneficial interest.
- (b) A list of the Members showing the name, residence and postal address of each Member and all details of membership.
- (c) An account in proper form of the receipts, payments, funds and effects of the Union.

- (d) A copy of the Rules of the Union together with any amendments.

10 - CONTROL OF UNION BY MEMBERS

Final control of the Union in relation to all matters shall rest with the decision of the financial Members present at a general meeting or voting in plebiscite conducted under these Rules and every such decision shall bind:

- (1) The Committee of Management and Officers; and
- (2) All Members.

All powers conferred by these Rules are conferred subject to this Rule but nothing in this or any other Rule shall empower the decision of a plebiscite to affect or alter a declaration by a Returning Officer of the result of an election or plebiscite.

11 - LIFE MEMBERSHIP

A general or special general meeting of the Union shall have power to confer life membership on any Member for services rendered. All life members shall not be liable to pay annual membership subscription.

12 - FINANCIAL MEMBERS

Any Member who owes the Union as subscriptions and/or levies and/or fines an amount in excess of 1 financial unit shall be an unfinancial Member of the Union and shall not be permitted to hold office or participate in the management or control of the Union. All other Members shall be financial Members of the Union

13 - POWERS AND DUTIES OF GENERAL MEETINGS

- (1) The powers and duties of the Union shall be exercised at general meetings or special general meetings of the Union.
- (2) General Meetings and Special General Meetings of the Union:
 - (a) Shall act as the governing, controlling, managing and policy-making body of the Union.
 - (b) May pass resolutions which shall bind the Committee of Management, Officers and Members.

- (c) Shall manage and control all the monies of the Union and shall acquire, manage and control all the property, effects, records and documents necessary for the proper conduct of the business and affairs of the Union and may sell or otherwise dispose of such property and effects as are no longer necessary for the proper conduct of the business and affairs of the Union.
- (d) May:
 - (i) Authorise the receipt of all monies payable to the Union;
 - (ii) Incur or authorise the incurring of all proper Union liabilities;
 - (iii) Authorise the disbursement of all proper amounts of money in respect of Union liabilities.
- (e) Shall engage or employ such persons as in its opinion are necessary to carry out the business and affairs of the Union and shall determine the wages, salaries, honorariums, payments and allowances to be paid to such persons.
- (f)
 - (i) Shall appoint annually a person registered as an auditor under Section 18 of the Companies (Western Australia) Code as the auditor of the Union and shall make provision for that auditor to have full and complete access to all the books and documents of the Union and shall ensure that the accounts of the Union are audited yearly.
 - (ii) The Union's financial year shall be from 1 July to 30 June.
- (g) Shall as required by the Act, adopt or otherwise deal with the annual report, accounts and balance sheet of the Union and the auditor's report.
- (h) May appoint delegates or representatives to any body, organisation or association.
- (i) May appoint sub-committees from the Members to inquire and report in respect of any matter that may involve the interests of the Union or any Member.
- (j) Shall have power:
 - (i) Insofar as it may lawfully do so, to initiate any proceedings affecting the Union or its interest or a Member or such Member's interest.

- (ii) To have the control of any proceedings in which the Union is a party or intervener or appears or is represented and to appoint agents, solicitors or counsel to represent the Union in such proceedings.
 - (iii) Insofar as it may lawfully do so, to support financially and to appoint agents, solicitors or counsel to represent any Member or the interest of any Member in any proceedings.
- (k) May do or cause to be done anything:
- (i) Authorised or required by the Act, the Regulations, an award or by law to be done by the Union and for the doing of which no provision is made in these Rules.
 - (ii) Authorised or required by these Rules to be done by the Union and for the doing of which no provision is made in these Rules.
- (l) May conduct plebiscites in accordance with Rule 29 and Rule 30.

14 - GENERAL MEETINGS AND SPECIAL GENERAL MEETINGS

- (1) A general meeting shall be held in the months of September and March each year. The March meeting shall be the half yearly meeting and the September meeting shall be the annual general meeting. Such meetings will be called by posting a notice at all places of work fourteen (14) days prior to the date of the said meeting, stating the time, place and the business to be transacted.
- (2) Special general meetings of the Union may be convened by resolution of a general meeting or the Committee of Management. Such meetings will be called by posting a notice at all places of work fourteen (14) days prior to the date of the said meeting, stating the time, place and the business to be transacted. Provided always that where in the opinion of the Committee the matter to be decided is of sufficient urgency, the above requirements may be waived, such waiver to be approved by the special general meeting and if not so approved the meeting must be recalled in accordance with the requirements of this Rule.
- (3) The President shall, on receipt of a requisition signed by at least one twentieth of the financial Members of the Union or such other lesser number as determined by the Committee of Management, convene a special general meeting in the manner prescribed in Sub-Rule (2) provided that the object of the requisition is to review any business which has been transacted by the Committee of Management or to consider any business not previously disposed of a general meeting or a special general meeting.
- (4) At a general meeting or special general meeting the quorum shall be at least one fortieth of the financial Members of the Union and the chairperson shall have an

ordinary vote but in the event of an equality of votes the motion shall be deemed to have failed.

- (5) A Member shall not be eligible to vote at any general meeting or special general meeting by means of a proxy vote.

15 - COMMITTEE OF MANAGEMENT

- (1) The Committee of Management shall consist of a President, a WAFB Officer Vice President, a WAFB Firefighter Vice President, a Secretary, an Assistant Secretary, a WAFB Officer Trustee, a WAFB Firefighter Trustee, an Ordinary Trustee, five WAFB Officer Committee Members, five WAFB Firefighter Committee Members and one General Committee Member.
- (2) Of the two Vice Presidents, one shall be the Senior Vice President and the other the Junior Vice President. At the first meeting of the Committee of Management following the election of the Vice Presidents the Committee of Management shall determine by simple majority vote which of the Vice Presidents shall be Senior Vice President and Junior Vice President respectively.

16 - POWERS AND DUTIES OF THE COMMITTEE OF MANAGEMENT

- (1) Between general meetings and special general meetings the Committee of Management may, subject to the direction and control of a general meeting or special general meeting, exercise any of the powers and perform any of the duties given to the general meeting or special general meeting by Rule 13 (2).
- (2) All acts and resolutions of the Committee of Management under its powers shall have full force, effect and validity. Any resolution of the Committee of Management may be reversed or altered by a general meeting or special general meeting but this shall not affect the validity of anything which was done or which occurred prior to such reversal or alteration.
- (3) The Committee of Management shall act as the administrative authority to carry out the decisions of general meetings or special general meetings.
- (4) The Committee of Management shall determine all questions and disputes between Members or between a Member and the Union.
- (5) The Committee of Management shall determine all questions in connection with any application to the Secretary for admission to membership of the Union.

17 - MEETINGS OF THE COMMITTEE OF MANAGEMENT

- (1) The Committee of Management shall meet at such times, dates and places as it resolves or as shall be fixed by the Secretary after consultation with the

President. A Committee of Management Meeting may also be held by means of telephone, radio or any other means by which Members of the Committee of Management are able to communicate orally with each other without being physically present at the meeting. Decisions of the Committee of Management shall be taken on the basis of the majority of votes cast in accordance with these Rules.

- (2) Meetings of the Committee of Management shall be summoned by the Secretary giving to each Member of the Committee of Management reasonable notice by telephone, telex, facsimile electronic mail or mail of the time, date and place or manner of holding the meeting.
- (3) At any meeting of the Committee of Management a quorum shall consist of ten Members and the Chairperson shall have an ordinary vote but in the event of an equality of votes the motion shall be deemed to have failed.
- (4)
 - (a) The Secretary after consultation with the President may submit any question or matter to the Members of the Committee of Management for resolution by telephone, telex, facsimile electronic mail or postal vote.
 - (b) In submitting such a question or matter the Secretary shall allow a period of time reasonable in the circumstances of the case for Members of the Committee of Management to record their votes.

17A - EXECUTIVE

- (1) There shall be an Executive comprising the President, the two Vice Presidents, the Assistant Secretary and the Secretary.
- (2) Between meetings of the Committee of Management, the Executive may, subject to the direction and control of a meeting or meetings of the Members and of the Committee of Management, exercise any of the powers and perform any of the duties given to the Committee of Management in these Rules, save that the Executive is not empowered to alter, amend, rescind or substitute new Rules in accordance with Rule 40.
- (3) All acts and resolutions of the Executive under its powers, shall have full force, effect and validity. Any resolution of the Executive may be reversed or altered by the Committee of Management or by a Branch meeting or meetings, but this shall not affect the validity of anything which was done or which occurred prior to such reversal or alteration.
- (4) The Executive shall meet at such times, dates and places as it resolved or as shall be fixed by the Secretary after consultation with the President.

- (5) Meetings of the Executive shall be summoned by the Secretary in the manner set out in Rule 17 hereof and the provisions of Rules 19 (1) and 19 (4) shall apply as though the reference to the Committee of Management therein were references to the Executive.
- (6) At any meeting of the Executive, a quorum shall consist of three (3) Members and the Chairperson shall have an ordinary vote, but in the event of any equality of votes, the motion shall be deemed to have failed.

18 - POWERS AND DUTIES OF PRESIDENT

- (1) The President shall wherever practicable attend at general meetings and special general meetings. The President shall act as Chairperson at all general meetings and special general meetings at which he or she is present. If the President (or Acting President) is absent from a general meeting or special general meeting and no Vice President of the Union is present the meeting shall appoint one of its Members to act as Chairperson of the meeting.
- (2) The President shall wherever practicable attend at meetings of the Committee of Management. The President shall act as Chairperson at all meetings of the Committee of Management at which he or she is present. If the President (or Acting President) is absent from the meeting and no Vice President is present the Committee of Management shall appoint one of its Members to act as Chairperson of the meeting.
- (3) The President may choose to act as Chairperson of any other meeting within the Union at which he or she is present.
- (4) If the Secretary dies or is absent from Australia or unable or unwilling to summon any meeting which the Secretary could summon under these Rules and no Acting Secretary has been appointed the meeting may be summoned by the President.

19 - POWERS AND DUTIES OF VICE PRESIDENTS

Vice Presidents shall, wherever practicable attend at general meetings, special general meetings and meetings of the Committee of Management. If the President is absent from a meeting the Senior Vice President shall, if present, act as Chairperson. If the President and the Senior Vice President is absent from the meeting then the Junior Vice President shall act as Chairperson.

20 - POWERS AND DUTIES OF SECRETARY

The Secretary:

- (1) May subject to the direction and control of a general meeting or special general meeting and/or the Committee of Management, exercise any of the powers and perform any of the duties given to the general meeting or special general meeting of the Union in Sub-Rules (2)(c), (2)(d) and (2)(k) of Rule 13.
- (2) Shall be the chief administrative officer to carry out the decisions of general meetings and special general meetings and of the Committee of Management.
- (3) Shall comply with all valid directions given by general meetings and special general meetings and the Committee of Management.
- (4) Shall take all reasonable steps to attain the purposes of the Union and to carry out these Rules and the decisions of those bodies within the Union which bind the Secretary.
- (5) Shall have the day to day management and control of:
 - (a) The monies, property, effects, records and documents of the Union.
 - (b) The business and affairs of the Union.
- (6) Shall receive monies payable to the Union and shall give a receipt for the same and shall deposit the same in the appropriate account of the Union.
- (7) Shall not incur liabilities on behalf of the Union without the authority of a general meeting or special general meeting or the Committee of Management which at any time total more than 120 financial units.
- (8) Shall pay from the Union fund all amounts properly payable from the Union fund. Provided that:
 - (a) Where the amount exceeds 20 financial units the Secretary shall not pay the same without the authority of the Committee of Management.
 - (b) Where the amount exceeds 10 financial units the Secretary shall pay the same by cheque. Unless authorised to do otherwise by the Branch Committee of Management.
- (9) Shall keep proper records of all financial transactions and payments relating to the Union monies.
- (10) (a) Shall keep up proper accounts and submit them to the auditor of the Union and then submit them to the annual general meeting of the Union.

- (b) Shall supply a copy of the auditor's reports and copies of the accounts and statements prepared in accordance with the Act to the Members free of charge.
- (11)
 - (a) Shall ensure that the auditor of the Union has full and complete access to all the books and documents of the Union and shall ensure that the accounts of the Union are audited yearly.
 - (b) Shall during normal office hours and within 48 hours of having received a request to do so, make available for inspection by a financial member or members of the Union any books or documents held by the Union.
- (12) Shall be the general custodian of the Union monies, property, effects, records and documents.
- (13) Shall, within forty-eight hours of making a demand for any Union money, property, effect, record or document, be entitled to receive the same from any Officer or Member who has possession, custody or control of the same.
- (14) Shall, within forty-eight hours of receiving notice of a direction by the Committee of Management to do so, deliver any funds, money, property, effect, record or document of the Union in his or her possession, custody or control to the person named in the direction.
- (15) Shall keep an up-to-date register of the Members and shall keep records which show any amounts which a Member owes to the Union.
- (16) Shall summon meetings of the Committee of Management.
- (17) Shall wherever practicable:
 - (a) Prepare an agenda for each meeting of the Committee of Management and circulate it to the Members thereof a reasonable time before the meeting.
 - (b) Prepare an agenda for each general meeting and special general meeting and make it available to the Members at the meeting.
- (18) Shall wherever practicable attend all general meetings and special general meetings and all meetings of the Committee of Management and shall keep minutes in accordance with these Rules of all proceedings at such meetings.
- (19) Shall write, send, receive, answer, file and produce to the appropriate general meeting or special general meeting of the Union or the Committee of Management the correspondence of the Union for endorsement.
- (20) Shall draw up an annual report and submit it to the annual general meeting of the Union.

- (21) Shall on request supply to each Member free of charge a copy of these Rules and up-to-date amendments.
- (22) Shall make available or cause to be made available to any prospective applicant for membership of the Union a form of application requiring the information (if any) which the Committee of Management has resolved shall be required of applicants for membership.
- (23) Shall receive or cause to be received from any applicant for membership such applicant's signed and written application and the amount properly payable in respect of admission to membership.
- (24) Shall if the Committee of Management has directed the Secretary to refer to it:
 - (a) All applications for membership; or
 - (b) A particular type or description of application for membership; or
 - (c) A particular application for membership.refer to the next meeting of the Committee of Management all applications covered by such a direction.
- (25) Shall, if in his or her opinion there is a doubt as to the admission of the applicant to membership refer the application to the next meeting of the Committee of Management.
- (26) Upon the Committee of Management resolving that an applicant whose application for membership has been referred to it to be admitted to membership the Secretary shall enter or cause the name of the applicant to be entered in the Register of Members.
- (27) Shall be deemed to have the authority of the Committee of Management to enter in the Register of Members the name of any applicant for membership if in such Secretary's opinion there is no doubt as to the admission of the applicant and if the application is not covered by a direction under Sub-Rule (24) of this Rule.
- (28) Shall, unless he or she has referred the application to the Committee of Management, enter or cause the name of the applicant to be entered in the Register of Members within fourteen days of receiving the application and the amount properly payable in respect of admission to membership.
- (29) Shall be a delegate to the National Executive and National Committee of Management in accordance with the Rules of the National Union.

21 - POWERS AND DUTIES OF TRUSTEES

- (1) Shall wherever practicable attend all meetings of the Committee of Management.
- (2) Shall be responsible for the investment of any part of the Union monies which the Committee of Management determines should be invested.
- (3) Shall, subject to these Rules, make any investment of Union monies in accordance with any directions of the Committee of Management.
- (4) During any time when the Union is not registered under the Act all the Union monies, property, effects, records and documents of the Union shall by virtue of these Rules be vested in the Trustees for the time being of the Union on trust for the Union and past Trustees shall execute all documents and do all things necessary to perfect the title of the Trustees for the time being.

22 - RETURNING OFFICER

- (1) The Union shall at the annual general meeting appoint a Member of the Union, who shall not be the holder of any office in and shall not be an employee of the Union or the National Union, as Returning Officer who shall hold such office until the appointment of a Returning Officer at the next annual general meeting.
- (2) If the Returning Officer becomes a candidate for election to any office in the Union or is unwilling to act as Returning Officer on any occasion such Returning Officer shall be treated as having resigned the office of Returning Officer.
- (3) If the office of Returning Officer becomes vacant for any reason a general meeting or special general meeting or the Committee of Management shall appoint a Member qualified in accordance with Sub-Rule (1) as Returning Officer who shall hold office until the appointment of a Returning Officer at the next annual general meeting of the Union.
- (4) If the Returning Officer is or is to be absent from Western Australia or unable for any reason to act as Returning Officer a general meeting or special general meeting or the Committee of Management shall appoint a Member qualified in accordance with Sub-Rule (1) to act in such Returning Officer's place and during such absence or inability the Member acting as Returning Officer shall have the powers and duties given by these Rules to the Returning Officer.
- (5) A Returning Officer shall decide a tied vote by the casting of lots.

23 - POWERS AND DUTIES OF RETURNING OFFICER

- (1) If a Returning Officer conducting an election pursuant to these Rules finds a nomination to be defective such Returning Officer shall before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so give the person the opportunity of remedying the defect within a period of seven days after such person has been so notified.
- (2) The decision of the Returning Officer shall be final and binding regarding any matter touching the validity or normality of any nomination or vote or any matter touching or concerning such an election and the conduct thereof.
- (3) If, prior to any declaration of election to an office or within fourteen days from the close of voting in the ballot (whichever is later) any written protest is made to the Returning Officer signed by any Member, scrutineer or candidate:
 - (a) As to the sufficiency of the nomination of a candidate for an office.
 - (b) Or as to anything done or omitted to be done by any person in or in connection with the ballot.

the Returning Officer shall inquire into the subject of the protest and:

- (i) If satisfied that there were irregularities in or in connection with the election which may have affected the result and which cannot be cured by a final declaration by the Returning Officer as to the result of the election for an office:
 - (1) Shall direct that a new election be held for any office or officers and shall conduct such election.
 - (2) And shall fix all proper and necessary dates and give all proper and necessary directions for the conduct of the new election.
- (ii) If satisfied that there was an irregularity only in or in connection with the ballot step of an election for an office which may have affected the result of the election and which cannot be cured by a final declaration of the Returning Officer as to the result of the election, the Returning Officer may direct that the ballot step be taken again and shall thereupon fix all proper and necessary dates and give all proper and necessary directions for the taking of the said ballot step again.
- (iii) If not satisfied that clause (i) or (ii) of this Sub-rule applies the Returning Officer shall make a final declaration of the result of the election for the office or offices concerned.

- (4) The Returning Officer shall declare the result of an election for an office in an election conducted by him or her:
- (a) If there is only one proper nomination for an office:
 - upon the closing of nominations.
 - (b) If an election is held for the office or if all candidates for the office but one withdraw their candidature:
 - as soon as the result is known.
- (5) The Returning Officer shall declare the result of an election for an office by posting a formal notification to the:
- (a) President; and
 - (b) Secretary who shall be obliged to ensure that the document is displayed at the registered office; and
 - (c) To all work areas.
- (6) A direction under Sub-Rule (3) of this Rule that a new election be held shall be given where the irregular election was one in which only the financial Members of the Union were entitled to vote:
- By posting to the President a signed notification that such Returning Officer directs a new election.
- (7) The existing holder of an office for which an election is held shall continue in that office until the declaration of that election. A person declared elected to an office by a Returning Officer may act in that office until such person receives in writing from the Returning Officer a notice that a protest as to the election in which such person was declared elected has been made under these Rules. On receipt of such notice such person shall continue to act in that office, pending determination of such protest and until the declaration of a new election conducted as a result of the successful protest.

**24 - ELECTION OF PRESIDENT, VICE-PRESIDENTS,
SECRETARY, ASSISTANT SECRETARY, TRUSTEES
AND MEMBERS OF COMMITTEE OF MANAGEMENT**

- (1) The President, Vice Presidents, Secretary, Assistant Secretary, Trustees and Members of the Committee of Management shall be elected every three years and shall hold office from the time of the declaration of their election.

- (2) All Members who are financial Members at the time when nominations for the election close shall be entitled to vote in the election of the President, Vice Presidents, Secretary, Assistant Secretary, Trustees and other Members of the Committee of Management.
- (3) The ballots for the President, Vice Presidents, Secretary, Assistant Secretary, Trustees and other Members of the Committee of Management shall be conducted by the Returning Officer.
- (4) Notwithstanding any other provisions of these Rules each office of the Committee of Management may, from such time as the Committee of Management determine, be held by the person who holds the corresponding office in the Branch.

25 - BY-ELECTIONS

- (1) Where a casual vacancy occurs in the office of President, Vice President, Secretary, Assistant Secretary, Trustee or other Member of the Committee of Management and the unexpired part of the term of office exceeds one year the vacancy shall be filled by ordinary election of a person eligible to be candidate for the position pursuant to Rule 26 for the unexpired part of the term of office. The Returning Officer shall conduct the election. The Committee of Management shall determine the dates for calling nominations, the closing of nominations and the dates of the opening and closing of the ballot.

In all other respects the Rules for the conduct of the Union triennial election shall apply with the necessary changes. When a casual vacancy is to be filled by an election the Committee of Management may appoint one of its Members to carry out the functions of the office until the declaration of the result of the election.

- (2) Subject to Sub-Rule (3) hereof, where a casual vacancy occurs in the office of President, Vice President, Secretary, Assistant Secretary or other Member of the Committee of Management and the unexpired part of the term of office does not exceed one year the Committee of Management shall determine whether the vacancy shall be filled by ordinary election as specified in Sub-Rule (1) hereof or whether the office shall be left unfilled.
- (3) No more than two offices on the Committee of Management shall be left unfilled.
- (4) In this Rule:
 - "Ordinary election" means an election held in accordance with Rule 24.

- "Term" in relation to an office means the total period for which the last person elected to the office by an ordinary election (other than an ordinary election to fill a casual vacancy in the office) was entitled by virtue of that election to hold the office in accordance with the Rules without being re-elected.

26 - CANDIDATES

- (1) A candidate for any position in the Union shall be a financial Member as at the closing date of nominations or a serving Life Member of the Union.
- (2) A candidate for election to the position of WAFB Officer Committee Member shall be a financial Member who is a WAFB Officer as at the closing of nominations.
- (3) A candidate for election to the position of WAFB Firefighter Committee Member shall be a financial Member who is a WAFB Firefighter as at the closing of nominations.
- (4) A candidate for election to the position of General Committee Member shall be a financial Member who is not a WAFB Officer nor a WAFB Firefighter as at the closing of nominations.
- (5) A candidate for election to the position of WAFB Officer Trustee shall be a financial Member who is a WAFB Officer as at the closing of nominations.
- (6) A candidate for election to the position of WAFB Firefighter Trustee shall be a financial Member who is a WAFB Firefighter as at the closing of nominations.
- (7) A candidate for election to the position of WAFB Officer Vice President shall be a financial Member who is a WAFB Officer as at the closing of nominations.
- (8) A candidate for election to the position of WAFB Firefighter Vice President shall be a financial Member who is a WAFB Firefighter as at the closing of nominations.
- (9) In order to become a candidate for election to any position on the Committee of Management, a person shall be nominated for the office in writing signed by two financial Members of the Union. Every candidate shall provide a signed undertaking stating that such candidate will accept the office if elected.
- (10) In the event that a candidate who has nominated for two or more offices on the Committee of Management is elected to the higher or one of the higher offices that candidate's nomination or nominations for the lower office or offices shall lapse.
- (11) For the purpose of Sub-Rule (11) hereof the higher offices in the Committee of Management shall be ascertained from the following table:

- (i) President
 - (ii) Secretary
 - (iii) Assistant Secretary
 - (iv) Vice Presidents
 - (v) WAFB Officer Trustee and WAFB Firefighter Trustee
 - (vi) Ordinary Trustee
 - (vii) Ordinary Committee Members
- (12) For the purposes of this Rule the Returning Officer shall count the ballot papers and declare candidates elected for the offices referred to in Sub-Rule (12) above in the order set out in Sub-Rule (12).

27 - FILLING OF CASUAL VACANCIES

If a casual vacancy occurs in an office it shall be filled in accordance with Rule 25.

28 - LODGING OF NOMINATIONS

- (1) Nominations for the positions of President, Vice Presidents, Secretary, Trustee or other Members of the Committee of Management shall not later than 5 pm on the first weekday occurring on or after 31st March in each year in which there is a general election for these positions be either delivered to the registered office of the Union addressed to the Returning Officer or delivered to the Returning Officer.
- (2) A Returning Officer conducting an election shall call for nominations by notice which shall be displayed in the registered office of the Union and at work areas and be published in the Union journal and in other ways likely to come to the attention of the Members.
- (3) The Returning Officer shall consider all nominations and if, in his or her opinion, any nomination is defective, he or she shall immediately notify the person concerned of the defect by the most expeditious means and, where it is practicable to do so, give such person the opportunity of remedying the defect, within seven days after being so notified.

29 - PLEBISCITES

- (1) Where a General Meeting, a Special General Meeting or the Committee of Management determines that any matter should be submitted for determination by a plebiscite of all the financial Members of the Union the Returning Officer shall submit the matter to a postal vote of all Members whose names appear on the Union register as at the date of the General Meeting, Special General Meeting or the Committee of Management decision and who are financial Members.
- (2) That plebiscite shall be conducted so far as is practicable in accordance with the provisions of Rule 30.
- (3) If a majority of the Members voting, vote in favour of the proposal or decision shall be carried and shall have the effect of a decision of a General Meeting.

30 – BALLOTS

All elections and all plebiscites shall be by secret postal ballot conducted by the Returning Officer specified by these Rules and shall be held in accordance with the following:

The role of voters for any election to be conducted pursuant to this rule is to be closed seven days before the day on which nominations are opened in relation to elections by a direct voting system for all offices in the Union

- (1) The Returning Officer shall have the ballot papers printed and obtain and retain a certificate from the printer as to the number printed.
- (2)
 - (a) Ballot papers for an election shall be set out with the names of the candidates for the respective offices. The order of the names of candidates on the ballot paper to be determined by drawing lots.
 - (b) In a plebiscite the Returning Officer shall formulate the matter or matters the subject of the plebiscite in the form of proposals which are proposed or decisions which have been made under these Rules. Ballot papers for a plebiscite shall set out each proposal or decision to be determined, and shall provide for satisfactory wording which will accurately reflect the intention of the plebiscite.
- (3) The Returning Officer shall in the name of the Union rent a post office private box before the commencement of the ballot and shall personally keep the key and not allow the box to be opened during the ballot.
- (4) The Returning Officer shall on or before the date fixed by the posting of ballot papers by ordinary post to each Member of the Union entitled to vote in the ballot a sealed envelope containing:

- (a) A ballot paper initialed or stamped with the Returning Officer's initials by the Returning Officer.
- (b) An envelope addressed to the post office private box which will be delivered by the post office to the private box without charge to the Member and in relation to an election in the Union a declaration envelope.
- (c) (1) In an election the Returning Officer shall issue instructions to the following effect:

Enclosed is a ballot paper for an election in the The United Professional Firefighters Union of Western Australia.

To vote for a candidate for an office you should place the figure 1 opposite the name of the candidate for whom you vote as your first preference and give preference votes for all the remaining candidates by placing figures 2, 3, 4 (and so on as the case requires) opposite their names so as to indicate the order of your preference for them.

Failure to so indicate the order of your preference will not render invalid your vote for that candidate for whom you do vote.. However if the candidate or those candidates who you do vote for are eliminated at an early stage of the count your vote will not have the same force and effect as a voter who has expressed the order of his preference for all candidates. After voting you should place the ballot paper in the declaration envelope and insert the declaration envelope in the addressed envelope which is enclosed and post it so that it will reach the private box to which it is addressed by (set out the time and date on which the ballot closes).

- (2) In a plebiscite, instructions to the following effect.

Enclosed is a ballot paper for a plebiscite in the The United Professional Firefighters Union of Western Australia.

To vote in favour of a proposal or decision you should place the figure 1 opposite the word "Yes". To vote against a proposal or decision you should place the figure 1 opposite the word "No". Where the Rules require an expression of preference you should place a figure in the box opposite the proposals commencing with the figure 1 for your first preference. You should ensure that all boxes are appropriately numbered. After voting you should place the ballot paper in the addressed envelope which is enclosed and post it so that it will reach the private box to which it is addressed by (set out the time and date on which the ballot closes).

- (5) The sealed envelope to be posted by the Returning Officer to each Member of the Union entitled to vote shall be addressed to the Postal Address of the Member. Provided that, if a Member entitled to vote has before the posting of the sealed envelope requested the Returning Officer in writing to address it to a specified address it shall be addressed to that address.
- (6) Members shall vote in an election or a plebiscite respectively in accordance with the procedures set out in Clause (c) of Sub-Rule (4) of this Rule.
- (7) the vote of a member shall not be informal –
 - (a) If in some way other than that prescribed intention in voting is indicated.
 - (b) If such Member's intention is indicated only as to first preference or if indication is given as to the order of preference for some but not all of the candidates for an office.
 - (c) As to any office, proposal or decision in respect of which such Member votes validly although such Member does not vote or votes informally for other offices, proposals or decisions.
 - (d) If it contains any identifying marks.
- (8) The Member voting in a plebiscite shall place the ballot paper in the addressed envelope which was enclosed with the ballot paper and seal and post the same.
- (9) The Member voting shall not sign either the ballot paper or the envelope in which it is returned but any such signature shall not invalidate such Member's vote. Provided that, in an election, the member shall sign the declaration envelope in the place provided for the signature of the voter.
- (10) In an election:
 - (a) the date for opening nominations shall be the first weekday occurring on or after 14th March.
 - (b) the time on which nominations close shall be 5 pm the first weekday occurring on or after 31st March.
 - (c) the time on which nominations may no longer be withdrawn shall be the first weekday occurring on or after 11th April.
 - (d) The date for the posting of ballot papers shall be 21 April.
 - (e) The time on which the ballot closes shall be 5 p.m. on 7th May.
- (11) The Returning Officer shall as soon as practicable after the time on which the ballot closes open the private box, collect the envelopes therein and convey them

to an office selected by the Returning officer and proceed to count the election papers.

- (12) (a) Any candidate in an election may by notice in writing given to the Returning Officer appoint one Member as a scrutineer to represent such candidate and may in a similar manner change the scrutineer representing such candidate. Any reasonable expenses of a scrutineer appointed by a candidate shall be paid by the candidate.

The scrutineer shall be entitled to be present at the counting of the ballot from the time when the Returning Officer collects the envelopes from the private box until the conclusion of counting and the Returning Officer shall on request give a scrutineer all reasonable information to enable the scrutineer to be so present. It shall be the duty of a scrutineer to represent the interests of the candidate who appointed such scrutineer, to be present at any stage of the counting 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 comes to the scrutineer's notice. Unless specifically authorised by the Returning Officer a scrutineer shall not be entitled to handle any ballot paper.

- (b) In a plebiscite all scrutineers shall be members of the Union and shall with necessary modification, have the same powers and duties as in an election

- (13) The ballot papers in an election shall be counted in accordance with the following provisions:

- (a) The Returning Officer shall count the ballot papers in the presence and subject to the inspection of such scrutineers as choose to be present (if any) and of no other person.

- (b) The Returning Officer shall arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate omitting informal ballot papers.

- (bb) In the event of the nomination of a candidate for an office lapsing in accordance with these Rules by reason of that person's election to a higher office the votes cast in favour of that person shall as a first step be allocated according to preferences.

- (c) The Returning Officer shall count the first preference votes given for each candidate respectively.

- (d) The candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected.

- (e) If no candidate has an absolute majority of first preference votes the Returning Officer shall:
 - (1) Treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate as indicate the voter's next preference shall be distributed amongst the non-defeated candidates next in order of the voter's preference. After such distribution the number of votes given to each non-defeated candidate shall again be counted.
 - (2) If no candidate then has an absolute majority of votes the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers as indicate the voter's next preference shall be repeated and the votes obtained as absolute majority of votes and such candidate shall be declared elected.
- (ee) If on the final count two candidates have received an equal number of votes the Returning Officer shall cast lots.
- (f) Where more than one person is to be elected to an office counting shall cease when the number of non defeated candidates is equal to the number of persons to be elected. Seniority in the office shall be determined by the number of votes distributed to the non-defeated candidates when counting ceases. In the case of an equality of votes the Returning Officer shall decide seniority by casting lots.
- (g) The Returning Officer shall make and keep a record of:
 - (1) The total number of votes counted.
 - (2) The number of ballot papers rejected as informal.
 - (3) The number of first preference votes given for each candidate.
 - 4) In relation to each distribution of the ballot papers of a defeated candidate:
 - (a) The number of ballot papers which did not show the voter's next preference.
 - (b) The number of votes of each candidate after the distribution.

This record shall be signed by the Returning Officer and by such of the scrutineers as are present and consent to sign it.
- (14) The counting of ballot papers in a plebiscite shall with necessary modifications be carried out in accordance with the provisions of Sub-Rule (13) of this Rule.

In the event of an equality of votes on any question or decision the question would be deemed to have failed.

30A - SHOP STEWARDS

- (1) There shall be a shop steward elected to each shift at Headquarters Fire Station and at each outstation, section or shift where more than (4) Members are employed. A Shop steward may be any financial Member of the Union. A Member of the Committee of Management is entitled to hold concurrently the position of shop steward.
- (2) Shop stewards shall:
 - (a) Represent the industrial interests of the Members within their section or shift; and
 - (b) Carry out the directions of General Meetings and the Committee of Management.

31 - UNION FUNDS

The monies of the Union shall be kept in such accounts as determined from time to time by the Committee of Management.

32 - DISBURSEMENT OF UNION FUNDS

All payments from Union funds in excess of 20 financial units shall be by cheque signed by the Secretary and one other Member of the Committee of Management or other person so empowered by the Committee of Management.

33 – SUBSCRIPTIONS

- (1) Subscriptions shall be paid weekly by the sum fixed being deducted from each Members pay.
- (2) Each application for membership of the Union shall be deemed to include an acceptance on the part of the applicant that all dues, levies or fines will upon advice from the Secretary be deducted from the Members pay by the members employer provided that the said employer agrees to make the said deduction.
- (3) (a) The weekly subscription payable by each member in all Officer Classifications shall be 1.1% of the Station Officer Level 2 weekly pay rate as defined in the relevant employment instrument plus any tax component that might be imposed by the Australian Tax Office (ATO). The weekly subscription payable by each member in the Senior Firefighter Classification shall be 1.1% of a Senior Firefighter's weekly pay rate as

defined in the relevant employment instrument plus any tax component that might be imposed by the Australian Tax Office (ATO). Provided members in Classifications lower than the Senior Firefighter Classification, weekly subscription payable shall be 1.1% of the Firefighter 3rd Class weekly pay rate as defined in the relevant employment instrument plus any tax component that might be imposed by the Australian Tax Office (ATO).

- (b) The subscription payable by each casual member as defined in the relevant employment instrument shall be determined by the Committee of Management.
- (4) Where any Member is absent from duty due to sickness, injury or upon unpaid leave the Committee of Management may absolve such Member from the obligation to pay subscriptions for the period of absence and the Member shall be deemed to be a financial Member during such absence.
- (5) Except where subscriptions are paid by payroll deduction, each Member of the Union shall pay an annual membership subscription as determined by the Committee of Management quarterly in advance by four (4) equal payments to be paid on or before the quarter days, which shall be the last days of the month of March, June, September and December.

34 - LEVIES

A general meeting or special general meeting may by resolution impose levies upon Members of the Union to raise money for the objects of the Union.

35 - OFFENCES BY MEMBERS

- (1) The Committee of Management may and, at the request of a Union Officer who has submitted to the Committee of Management a case against a Member or Union Officer shall, by summons in writing call upon any Member or Union Officer whom the Committee of Management or Secretary alleges is acting in breach of these Rules or has within the preceding twelve months committed any offence against these Rules in which such Member's membership lies to show cause why such Member should not be reprimanded, fined or expelled from the Union.
- (2) The summons shall:
 - (a) State the allegation together with particulars thereof.
 - (b) Disclose the substance of the evidence on which the allegation is based.
 - (c) Be signed by the President or Secretary.

- (d) State the time, date and place at which the Member is to show cause.
 - (e) Be delivered personally to the Member concerned or posted by registered or certified mail to such Member's last known address at least 21 days before the meeting at which the matter is to be determined.
 - (f) Have attached to it a copy of this Rule.
- (3) Should any Member against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for such non-attendance, the Committee of Management may proceed with the hearing of the allegation in such Member's absence provided it is first satisfied that notice of the hearing in accordance with this Rule has been served on such Member.
- (4) If in the opinion of the Committee of Management the Member is guilty of the offence alleged the Committee of Management may reprimand or fine such Member a sum not exceeding 3 financial units for any one offence or may suspend such Member for a period not exceeding 12 months or may expel such Member from the Union.
- (5) The Secretary shall promptly inform the Member by registered letter of the decision of the Committee of Management. In the event of expulsion the expulsion shall become effective 14 days after the date of posting of such letter and in the event of a fine being imposed the fine subject to Sub-Rule (6) hereof shall become payable immediately and the Member shall be deemed unfinancial if the fine is unpaid one month after the date of posting such letter and shall remain unfinancial until the fine is paid.
- (6) A Member who is found guilty of an offence by the Committee of Management shall have a right of appeal to a special general meeting of the Members against such finding and/or any penalty imposed by the Committee of Management provided that such Member submits such appeal to the Secretary in writing not more than 14 days after the date of posting of the letter informing such Member of the decision of the Committee of Management and pending the determination of any such appeal the finding and/or penalty shall not become effective. The special general meeting's determination of the appeal shall be final.
- (7) Any Member expelled pursuant to this Rule shall not be readmitted to membership except by vote of the Committee of Management.

36 - REMOVAL OF OFFICERS

- (1) No Officer of the Union shall be removed from office unless the Officer has been found guilty under the Rules of the Union of:
- (a) Misappropriation of the funds of the Union.

- (b) A substantial breach of the Rules of the Union.
 - (c) Gross misbehaviour or gross neglect of duties; or
 - (d) Has ceased, under the Rules of the Union to be eligible to hold the office.
- (2) A person shall not be dealt with pursuant to Sub-Rule (1) hereof unless a resolution to that effect is passed by a majority of two thirds (2/3) of the Members (present and entitled to vote) at a special general meeting and of which the person has been given at least twenty-one (21) days notice in writing of the date and place of the meeting and of the motion to be considered together with particulars of all allegations. Such person shall be given the opportunity to be heard at the meeting.
- (3) Where a resolution to remove from office has been adopted at a Special General Meeting in accordance with Sub-Rule (2) the decision must be endorsed by a plebiscite of all members conducted in accordance with these Rules. The plebiscite is to be finalised within one month of the Special General Meeting decision being made. All members shall, prior to being required to cast their vote in the plebiscite, be provided by the Branch Secretary in documentary form with a copy of all material that was before the Special General Meeting.
- (4) The powers to remove from office referred to in this Rule shall, in relation to persons holding the offices specified therein be exercised only in accordance with this Rule and no other Rules of the Union shall purport to authorise the exercise of those powers in relation to persons holding offices of the Union.

37 - SUMMARY SUSPENSION OF OFFICER

If the Committee of Management lays a charge against an officer for any of the following;

- (1) Misappropriation of funds of the Union.
- (2) A substantial breach of the Union's Rules.
- (3) Gross misbehaviour in relation to the office held.
- (4) Gross neglect of duty in the conduct of the office held.

then, if upon reasonable grounds it appears probable that such officer is guilty of the charge, it may without notice suspend such officer from the office held for a period not exceeding 12 months pending the outcome of the charge, but such suspension shall not affect the right of the officer to salary, remuneration or continuity of office.

38 - EXPULSION

- (1) If the Committee of Management determines by a majority of those present at its meeting that a person who is a Member of the Union or who has been treated as a Member is not for the time being a person included within Rule 5 it may expel such person from the Union.
- (2) If the Committee of Management proposes to exercise its powers under the preceding Sub-Rule it shall give to the Member in question notice in writing stating that it proposes to expel such Member under this Rule and requesting such Member to notify the Secretary within twenty-eight days whether such Member wishes to oppose the expulsion.
- (3) If within twenty-eight days of the Member in question being given the notice referred to in the preceding Sub-Rule the Secretary does not receive notification that such Member wishes to oppose the expulsion the Committee of Management may proceed to exercise its powers under Sub-Rule (1) of this Rule and such Member's membership of the Union shall cease upon the Committee of Management resolving that such Member be expelled. If within twenty-eight days it does receive this notification from the Member in question the Committee of Management may charge the Member in question under Sub-Rule (1) of this Rule and proceed to hear and determine the charge and exercise its powers under that Sub-rule as nearly as practicable in accordance with the procedures prescribed by these Rules for the hearing of charges and the provisions relating to appeals and the time from which expulsions operate in the case of charges shall apply.

39 - POSTAL ADDRESSES

Each Member shall forthwith notify the Secretary of any change in such Member's Postal Address.

40 - AMENDMENT OF RULES

- (1) No amendment, repeal or alteration of the Rules of the Union shall be made unless the amendment, repeal or alteration has been passed and approved by a vote of the majority of Members of the Union present in person at a general meeting, special general meeting or annual general meeting of the Union so called by a minimum of fourteen (14) days previous notice specifying the time, place and detail and reason therefore of the amendment, repeal or alteration to be considered by the meeting has been given by publishing a copy of a notice thereof in a newspaper circulating generally in the district in which the office of the Union is situated, by posting a copy of the notice in a conspicuous place outside that office and by posting a copy of the notice at all places of work.
- (2) The Secretary shall publicise any Rule change adopted by a general meeting, special general meeting or annual general meeting of the Union, the reasons therefore and that the Members or any of them can object to the proposed alteration by forwarding a written objection to the Registrar within 14 days after

the date of resolution by written notices thereof being displayed and made available to the Members at the registered office of the Union, on the Union's website and at all places of work and in other ways likely to come to the attention of Members..

- (3) Notwithstanding anything contained in this Rule where the Branch is required by law to amend its Rules such amendment when endorsed by a simple majority of the Committee of Management shall be deemed to have been made in compliance with the procedural requirements of this Rule.

41 - INVESTMENTS

Any monies of the Union which are invested shall be invested in Australia in investments which are authorised by law for investment by trustees in the part of Australia where the investment is made. In addition monies may be invested on deposit with Credit Unions, as determined by the Committee of Management.

42 - GIVING NOTICE TO MEMBERS

Any document or notice required or authorised to be given to a Member under these Rules may be given by addressing to the post addresses of the Member shown in the register a letter containing the document or notice and sending such letter prepaid by ordinary post and unless the contrary is proved the document or notice shall be deemed to have been given to the Member at the time at which the letter would be delivered in the ordinary course by ordinary post. Where any document or notice is required or authorised to be given by registered letter or certified mail to a Member the provisions of this Rule shall apply with necessary modifications.

43 - OFFICERS, EMPLOYEES AND OTHER PERSONS ON REMUNERATION AND EXPENSES

The remuneration (if any) to be paid to any officer, employee or other person shall be determined by the Committee of Management in accordance with the Policies of the Union as determined by General Meetings.

44 - MINUTES

- (1) There shall be entered in books kept for that purpose minutes of all proceedings of general meetings and special general meetings of the Union and meetings of the Committee of Management and those minutes shall be signed by the chairperson of the meeting at which the proceedings took place or of the next succeeding meeting of the body in question.
- (2) Any minute so entered that purports to be signed as provided in Sub-Rule (1) of this Rule shall be evidence of the proceedings to which it relates.

- (3) Where minutes have been so entered and signed, then, until the contrary is proved:
- (a) The meeting shall be deemed to have been duly held and convened.
 - (b) All proceedings which took place at the meeting shall be deemed to have taken place validly; and
 - (c) All appointments made at the meeting shall be deemed to have been duly made.

45 - IRREGULARITIES

- (1) Subject to the order of any relevant court and the provisions of the Act:
- (a) No act or omission done or omitted in good faith in or in connection with the summoning of any meeting under these Rules shall invalidate the proceedings at the meeting unless within 60 days thereafter a later meeting of the body in question is satisfied that there was an irregularity in or in connection with the summoning of the earlier meeting and resolves that the proceedings at the earlier meeting are to be treated as invalid.
 - (b) Any Member present at a general meeting or special general meeting may obtain a ruling from the chairperson of the meeting as to whether any person present at the meeting is entitled to be present. Any person who the chairperson rules is not entitled to be present at the meeting shall leave the meeting. No general meeting or special general meeting shall be invalid if Members who are unfinancial Members attend and participate and vote in proceedings so long as:
 - (i) No ruling as to the entitlement of the Member in question to be present was sought; or
 - (ii) The chairperson ruled in good faith that the Member in question was entitled to be present.
 - (c) All acts done in good faith by all concerned by any meeting of the Committee of Management or by an officer of the Union shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or election of any Member of the body in question or of any such officer, be as valid as if every such Member of the Committee of Management or officer had been duly appointed or elected.

- (d) Any irregularity in any election or appointment of or any act or thing done by anybody shall be rendered regular if approved by a two-thirds majority of financial Members of the Union present and voting at a general meeting or special general meeting summoned in good faith and in accordance with these Rules by the Person who is for the time being purporting to act as the Secretary or President. The provisions of Clause (a) of this Sub-Rule shall not apply to this clause.
- (2) A meeting summoned to consider a specific question or specified questions shall not be irregular by virtue of the fact that it deals with other questions or business of which notice is not required under these Rules.
- (3) Notwithstanding the provisions of this Rule no penalty shall be imposed by the Committee of Management on any Member unless the meeting of the Committee of Management was summoned in accordance with these Rules and unless the persons voting for the resolution imposing the penalty and participating in the debate upon the resolution were regularly elected or appointed Members of the Committee of Management.

46 - IMPLIED AND INCIDENTAL POWERS

Each body of officer constituted or provided for by these Rules:

- (a) May exercise all powers and shall perform all duties given to such body or such officer by these Rules expressly or by implication.
- (b) May do all such other things as are incidental or conducive to the attainment of the objects of the Union and the exercise of the powers and the performance of the duties of such body or officer.

47 - DISSOLUTION

If, in a plebiscite, a number of Members equal to two-thirds of the number of financial Members in the Union vote for its dissolution the Union shall be dissolved and after the discharge of all liabilities all Union money, property and effects shall be converted to money and distributed equally between the financial Members of the Union.

48 - LOANS, GRANTS AND DONATIONS

- (1) A loan, grant or donation which is less than \$1,000 shall not be made unless the Committee of Management:
 - (a) Has satisfied itself that the making of the loan, grant or donation would be in accordance with the Rules other than this Rule; and

- (b) Has satisfied itself in relation to a loan that in the circumstances the security proposed to be given for repayment is adequate and the proposed arrangements for repayment are satisfactory; and
 - (c) Has approved the making of the loan, grant or donation.
- (2) A loan, grant or donation in excess of \$1,000 shall not be made without the approval of a general meeting or special general meeting of the Union.

49 - UNION SEAL

The Seal of the Union shall bear the following device: A Firefighter's helmet and two crossed battleaxes in a circular frame with the motto "Through Fire and Water" in the centre, which shall not be altered or renewed without the consent of a special general meeting convened in the manner prescribed in Rule 14. The Seal shall be in the custody of the Secretary.

50 - AGREEMENTS

- (1) Industrial agreements and any other documents may be executed by or on behalf of the Union by two Members of the Committee of Management at least one of whom shall be the President or Secretary.
- (2) Any document required by law to be under seal shall be executed under the Seal of the Union.
- (3) Any contract or agreement on behalf of the Union shall be valid and enforceable by or against the Union to the same extent that a contract or agreement by a private person made in the same form or evidenced in the same manner would be valid and enforceable by or against such private person.

51 - THE CONDUCT OF MEETINGS

- (1) In dealing with correspondence, every letter, after having been read, may be taken as "formally received" unless a motion to the contrary be submitted, and every letter may be dealt with immediately after the contents have been made known to the Union.
- (2) No discussion shall take place, except on a motion or an amendment, moved and seconded and put in writing. A motion or amendment must be relevant and must affirm. A direct negative to a motion is not a legitimate amendment. An amendment may not be proposed by the mover or seconder of the motion. A mover must obtain the permission of the meeting without a time being specified.

- (3) The chairperson may accept any number of amendments to a motion but only one amendment shall be discussed at any one time. When the debate has concluded on the first amendment it shall be put to the meeting. If lost, further amendments can be moved to be dealt with as above. If the amendment under discussion is put and carried it will become the substantive motion. Before the motion or the final amended motion is put to the meeting, the original mover of the motion has the right of reply. Amendments may be foreshadowed without discussion during the debate. The order of placing amendments before the meeting shall be first moved, first debated.
- (4) No Member shall propose more than one amendment on a motion, and no Member shall speak more than once upon the same question, which shall include motion and all amendments, except the mover of the motion, who shall be entitled to reply, and thereupon all discussion shall cease, and the question shall be put. Any Member seconding the motion or amendment, without remark, shall not be held to have spoken thereon. In the case of amendments being lost, the Chairperson shall put the motion to the vote.
- (5) The motion that "the motion be put" must be moved and seconded . The motion that " the motion be put" may be moved at any time, but when a speaker is addressing the meeting or has received the call from the Chairperson to address the meeting, that motion shall not be put to the meeting until the speaker has concluded. The motion that "the motion be put" may be moved at any time provided that the speaker has at least called for two speakers for and two speakers against the motion. Provided always that it shall be at the discretion of the chairperson to refuse to accept the motion on the basis that there has not been sufficient debate on the subject.

If the motion that "the motion be put" is defeated, the debate shall proceed in accordance with Sub-Rule (3). If the motion that "the motion be put" is carried, the chairperson shall call upon the mover of the original motion to exercise a right of reply which must be brief and does not introduce new matter. The motion and all amendments shall then be put to the meeting in the order determined elsewhere in Standing Orders. The motion that "the motion be put " may be moved any number of times during a debate, but the same two persons cannot move or second it a second time in respect to the same question. The person who has moved or seconded or spoken on the question before the chair, cannot move, "that the motion be put".

- (6) When a motion is moved and seconded, "that the chairperson's ruling be disagreed with", the chairperson shall forthwith leave the chair and the debate on the original question then before the chair shall be suspended. Another chairperson shall take the chair in accordance with Rule 10, and the question "that the chairperson's ruling be disagreed with" shall be discussed and decided, after which the former chairperson shall resume the chair, and the debate on the original question shall be proceeded with as if the same had not been suspended.

- (7) Debate - a motion or amendment having been moved and seconded, debate may ensue; but no more than two other speakers having so spoken, there being no speaker to take the opposite view, the question shall be put forthwith.
- (8) Any Member, with the consent of the chairperson, may offer an explanation of any expression used by him, but must confine himself strictly to such.
- (9) No Member shall enter or leave the meeting whilst a vote or division is being taken; and all Members must vote.
- (10)
 - a) Any subject that may be settled by vote or division cannot be again entertained at the same meeting except when a motion for recommittal of a subject be carried by a two-thirds majority of the number present when the motion was originally carried
 - b) No resolution or any meeting shall be rescinded, unless notice of the intention to rescind has been given, prior to the meeting and included on the agenda.
- (11) Any Member on giving notice to move a resolution at any subsequent meeting shall read same aloud, and forthwith hand to the chairperson a copy of such resolution together with his or her name.
- (12) No motion entered on the notice paper for consideration at any meeting shall be moved except by the person giving such notice, or by some other Member who has been authorised by him in writing to act on his behalf.
- (13) On all questions, and during all discussions, the Members speaking shall address the meeting through the chairperson, and shall be standing.
- (14) In all cases where a point of order is raised, the Member raising the same shall state his or her point of order clearly and distinctly, and if a Member be speaking, such Member shall take his or her seat until the point of order is decided. The chairperson shall decide the matter promptly, and not allow a discussion.
- (15) Any Member violating any of the Sub-Rules of Rule 51 may be fined by the chairperson a sum not exceeding \$5.00 for each violation. The chairperson having called a Member to order, a repetition of the offence, or any display of disorder on the part of the Member, shall be deemed a separate offence.
- (16) In all cases not herein or otherwise provided for, the conduct of the meeting shall be determined by the chairperson with reference to the 1979 third edition of the book "Guide for Meetings and Organisations" by N.E. Renton except where it is inconsistent with the Rules or the Act.
- (17) Notwithstanding anything contained in this Rule 51, the chairperson may, on a vote of two-thirds of the Members present at any meeting, suspend any or the

whole of the Sub-Rules in Rule 51, provided that the object of such suspension shall not be the rescinding of any resolution previously adopted by the Union.
