

**WESTERN AUSTRALIAN POLICE UNION OF WORKERS  
CONSTITUTION, RULES & BY-LAWS**

**CONTENTS**

<b><u>RULE</u></b>	<b><u>PAGE</u></b>
1 - NAME .....	1
2 - REGISTERED OFFICE .....	1
3 - INTERPRETATION .....	1
4 - OBJECTS.....	3
5 - MEMBERSHIP .....	3
5.1 Ordinary Membership .....	3
5.2 Retired Membership .....	3
5.3 Life Membership .....	4
5.4 Application for Membership .....	4
5.5 Register of Members .....	4
5.6 Membership of the Police Federation of Australia .....	4
5.7 Termination of Membership .....	5
5.8 Rejoining After Termination of Membership .....	5
6 - GOVERNMENT OF THE UNION.....	5
6.1 Establishment of the Board of Directors.....	5
6.2 Board of Directors – Federal Counterpart Body .....	6
6.3 Board of Directors - Vacancies .....	7
6.4 Branch Representation .....	7
7 - POWERS AND DUTIES .....	8
7.1 Duties of the Board of Directors .....	8
7.2 Powers of Board of Directors .....	9
7.3 Duties of the President.....	9
7.4 Duties of the Senior Vice President and the Vice President .....	10
7.5 Duties of the Treasurer .....	10
7.6 Duties of Finance Officials .....	11
7.7 Duties of the Secretary .....	11
8 – MEETINGS.....	12
8.1 Annual Conference .....	12
8.2 Special Conferences.....	13
8.3 Special General Meeting.....	13
8.4 Meetings of the Board of Directors.....	13
9 – MEETING PROCEDURE .....	14
10 – REFERENDUMS .....	14
11 – FINANCE AND PROPERTY .....	15
11.1 Subscriptions .....	15
11.2 Assets.....	15
11.3 Misappropriation of Funds .....	16
11.4 Auditor .....	16
11.5 Death Benefits .....	17
11.6 Financial and Legal Assistance.....	18
11.7 Levies .....	18
12 – ELECTIONS .....	18
12.1 Application .....	18
12.2 Appointment of Returning Officer.....	18
12.3 Election Timetable .....	19
12.4 Electoral Roll .....	19
12.5 Notice Inviting Nominations .....	19
12.6 Signing of Nomination.....	19
12.7 List of Candidates.....	20

12.8	Declaration of Election where One Candidate or less than Required Number Nominated .....	20
12.9	System of Voting.....	20
12.10	Issue of Ballot Papers.....	20
12.11	Form of Ballot Paper.....	21
12.12	Issue of Duplicate Ballot Paper or Return Envelope.....	21
12.13	Ballot Boxes.....	22
12.14	Preservation of Ballot Papers.....	22
12.15	Duties of Returning Officer.....	22
12.16	Scrutineers .....	23
12.17	Declaration of Results.....	24
13	– DISCIPLINARY MATTERS .....	24
14	– ALTERATION OF RULES.....	26
15	– DISBANDMENT .....	26
16	– SEAL .....	26
	Schedule A – Memorandum of Agreement .....	27

S. HUTCHINSON  
DEPUTY REGISTRAR

### **1 - NAME**

The name of the Union is the "Western Australian Police Union of Workers".

### **2 - REGISTERED OFFICE**

The registered office of the Union shall be situated at 639 Murray Street West Perth or such other place or places as the Board shall determine from time to time.

### **3 - INTERPRETATION**

In these Rules, unless the contrary intention appears –

“**Act**” means the Industrial Relations Act 1979 (WA) as amended;

“**Alteration**” for the purpose of these Rules includes an amendment, addition to, variation, rescission or substitution of a rule or rules.

“**Annual Audit**” means the annual audit conducted by the Auditor in accordance with Rule 11.4 - Auditor.

“**Annual Conference**” means the annual meeting of Directors, Directors-Elect and Branch Delegates held in accordance with Rule 8.1 - Annual Conference.

“**Auditor**” means the person appointed by the Board in accordance with Rule 11.4 - Auditor to act as the auditor of the Union.

“**Board**” means the Board of Directors established in accordance with Rule 6 - Government of the Union

“**Branch**” means a branch of the Union formed by the Board in accordance with Rule 6.4 - Branch Representation.

“**Branch Delegate**” means a Member appointed in accordance with Rule 8.1 - Annual Conference to represent a Branch at the Annual Conference.

“**Branch Officer Bearers**” means those Members elected by Branch Members to the office of Branch President, Branch Vice President, Branch Secretary or other office in a Branch in accordance with Rule 6.4 - Branch Representation.

“**Commission**” means the Western Australian Industrial Relations Commission.

“**Director**” means a Member elected to the Board in accordance with Rule 6 - Government of the Union.

“**Director - Elect**” means a Member elected to the Board in accordance with Rule 6 - Government of the Union who has not yet commenced office.

**“Finance Official”** means a person who by virtue of their engagement by the Union in a finance related role or their election to the office of Treasurer are entitled to participate directly in the financial management of the Union.

**“Journal”** means the “Police News” or such other newsletter published by the Union.

**“Life Member”** means a person on whom life membership has been conferred in accordance with Rule 5.3 - Life Membership.

**“Member”** means a financial member of the Union.

**“Metropolitan Region, North (Kimberly/Pilbara) Region, Central (Midwest/Gascoyne) Region, East (Goldfields/Esperance) Region and South (Southwest/Wheatbelt/Great Southern) Region”** mean respectively the regions the boundaries of which shall be determined by the Annual Conference.

**“Objects”** means the goals and purposes of the Union set out in Rule 4 - Objects.

**“Officers”** includes Directors, the Secretary, Branch Office Bearers and Branch Delegates.

**“Ordinary Member”** means a person who is a member by virtue of Rule 5.1 - Ordinary Membership.

**“President”, “Senior Vice President”, “Vice President” and “Treasurer”** mean the Director appointed to such office by the Board in accordance with Rule 6 - Government of the Union.

**“Register of Members”** means the register of Members and Officers maintained by the Secretary in accordance with Rule 5.4 - Application for Membership. Any person eligible to be an Ordinary or Retired Member may apply to the Board for membership of the Union, and the Board shall have the power to accept or reject such applications; provided that any applicant whose application for membership is rejected by the Board shall have the right of appeal to the next Annual Conference whose decision shall be final.

**“Registered Office”** means the office of the Union determined by the Board in accordance with Rule 2 - Registered Office.

**“Registrar”** means the Registrar appointed in accordance with the *Industrial Relations Act 1979 (WA)*.

**“Retired Member”** means a person who is a Member by virtue of Rule 5.2 - Retired Membership.

**“Returning Officer”** means a person appointed in accordance with Rule 12.2 - Appointment of Returning Officer to oversee an election under these Rules or in accordance with Rule 10 - Referendums to oversee a referendum under these Rules.

**“Scrutineer”** means a Member nominated by a candidate in accordance with Rule 12.16 - Scrutineers to scrutinize an election under these Rules.

**“Secretary”** means the person appointed by the Board to act in that capacity from time to time or any person approved by the Board to hold such position in an acting capacity.

**“Union”** means the Western Australian Police Union of Workers.

## **4 - OBJECTS**

The objects of the Union shall be:

- (a) to uphold the rights and to protect and foster the best interests of Members industrially and otherwise;
- (b) to secure the participation and influence of Members in the administration, development and planning of policing;
- (c) to advance, enhance and promote the profession of policing in the best interests of Members;
- (d) to provide means for combined action in matters affecting Members;
- (e) to consider, and if appropriate endeavour to obtain, redress or settlement of any grievances or complaints affecting Members;
- (f) to take the steps necessary to secure satisfactory industrial conditions for Members;
- (g) to encourage esprit-de-corps among members of the Union;
- (h) to raise funds by means of fees, contributions, subscriptions, levies and other forms of income and investment for the purpose of carrying out the Objects of the Union;
- (i) render financial and other assistance in defending and maintaining the interests, privileges and rights of Members; and
- (j) to do all such other things as the Union may from time to time deem incidental or conducive to the attainment of the Objects of the Union.

## **5 - MEMBERSHIP**

### **5.1 Ordinary Membership**

To be eligible to be an Ordinary Member of the Union a person must be:

- (a) appointed under the *Police Act 1892 (WA)* and employed by the Commissioner of Police; or
- (b) a Police Recruit; or

### **5.2 Retired Membership**

- (a) Any Member who ceases to be eligible for membership by reason of:
  - (1) their retirement on attaining the age of 55 years, or
  - (2) their resignation having attained the age of 55 years with at least 20 years' service as an Ordinary Member, or
  - (3) their total permanent incapacity
 may apply for membership as a Retired Member.

- (b) because of age or total permanent incapacity may apply for membership as a Retired Member.
- (c) A Retired Member shall be entitled to those benefits of membership as determined by the Board from time to time without further payment of any subscription, fee, fine or levy.
- (d) A Retired Member shall not be entitled to stand for election as an Officer of the Union or vote in any election held pursuant to these Rules.
- (e) For the purposes of these Rules a Retired Member shall be deemed to be a financial member of the Union.

### **5.3 Life Membership**

- (a) The Board may by resolution confer life membership on any person, in recognition of long or special services rendered to the Union.
- (b) A Life Member shall be entitled to the full benefits of membership of the Union without payment of any subscription, fee, fine or levy.
- (c) A Life Member who has retired shall not be entitled to stand for election as an Officer of the Union or vote in any election held pursuant to these Rules.
- (d) For the purposes of these Rules a Life Member shall be deemed to be a financial member of the Union.

### **5.4 Application for Membership**

Any person eligible to be an Ordinary or Retired Member may apply to the Board for membership of the Union, and the Board shall have the power to accept or reject such applications; provided that any applicant whose application for membership is rejected by the Board shall have the right of appeal to the next Annual Conference whose decision shall be final.

### **5.5 Register of Members**

- (a) The Union shall consist of Ordinary Members, Retired Members and Life Members.
- (b) A register of the names and residential addresses of the Officers and Members of the Union and such other information as required by section 63 of the Act shall be kept by the Secretary at the Registered Office and will be open at all convenient times for inspection by any Member or by the Registrar or any person appointed by the Registrar.
- (c) The Register of Members shall be purged on not less than four (4) occasions in each year in accordance with section 64D of the Act.

### **5.6 Membership of the Police Federation of Australia**

- (a) In order to develop and maintain relations between the Police Federation of Australia and the Union, any Member is eligible to become a member of the Police Federation of Australia.
- (b) Members who do not wish to become members of the Police Federation of Australia must advise the President in writing.

- (c) The President shall not make an application for membership of the Police Federation of Australia on behalf of any person who notified the President in accordance with this Rule that they did not wish to become a member of the Police Federation of Australia.

### **5.7 Termination of Membership**

- (a) A Member's membership of the Union shall be terminated:
- (1) by resignation;
  - (2) by expulsion in accordance with Rule 13 - Disciplinary Matters;
  - (3) by death of the Member;
  - (4) by the Member ceasing to be eligible to become a Member; or
  - (5) by a Member becoming non financial.
- (b) A Member who fails to pay the applicable subscription for a period of more than 3 months or a fee, fine or levy for a period of 6 months without making an alternative arrangement satisfactory to the Board shall be deemed a non financial member.
- (c) A Member may resign 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.
- (d) Where a Member's membership is terminated that person shall cease to be a Member but shall be responsible for any subscriptions, fees, levies or fines owing up to and including the date of termination of membership.
- (e) Any subscriptions, fees, levies or fines payable but not paid by the former Member in relation to a period before the termination of the former Member's membership 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.
- (f) The Secretary shall remove from the Register of Members the name of any person who ceases to be a Member in accordance with Rule 5.7 - Termination of Membership.

### **5.8 Rejoining After Termination of Membership**

A person whose membership is terminated in accordance with Rule 5.7 - Termination of Membership may only reapply for membership with the written approval of the Board.

## **6 - GOVERNMENT OF THE UNION**

### **6.1 Establishment of the Board of Directors**

- (a) The management of the Union shall be vested in a Board of Directors.
- (b) The Board shall comprise 15 Directors, of which 11 who hold office shall be from the Metropolitan Region and one each from the North (Kimberly/Pilbara) Region, Central (Midwest/Gascoyne) Region, East (Goldfields/Esperance) Region and South (Southwest/Wheatbelt/Great Southern) Region.

- (c) Elections to the Board shall be conducted by a secret ballot of all Members (excluding Retired Members and Life Members who have retired) in accordance with Rule 12 - Elections.
- (d) To be eligible to nominate for election to the Board a person must:
  - (1) be a Member (other than a Retired Member or a Life Member who has retired);
  - (2) be free of any debts or arrears to the Union;
  - (3) have attended at least four branch meetings in the preceding 12 months;
  - (4) be stationed in the Region for which they nominate at the time of their nomination.
- (e) Sitting members of the Board are eligible for re-election.
- (f) Members who have themselves resigned from the Board within the previous term for reasons other than transfer as per Rule 6.3 (a)(1), illness, injury, incapacity or other such reason for which that Board deemed, at the time of resignation to be reasonable, shall not be eligible for re-election at any bi-election within that term or for the next full election for the Board.
- (g) The general election of Directors shall be held every three years and the elections when they become due shall be arranged and conducted so as to allow the Returning Officer to declare the result of the election no later than the 15th of October immediately following the date for the close of the lodging of nominations.
- (h) (1) – Transitional Rule – Board of Directors Term of Office  
 The term of office of a Director holding office at the 2013 Annual Conference or a Director subsequently filling a vacancy in accordance with Rule 6.3 - Board of Directors - Vacancies shall hold office until the dissolution of the Annual Conference of November 2015 only, following which this transitional rule will cease to have effect and the Rules relevant to the Establishment of the Board of Directors as provided for in Rule 6.1 and any other relevant rules as amended at the 2013 Annual Conference will have effect.
- (h) The Board shall hold office until the dissolution of the third Annual Conference following the date of its election. At the dissolution of that Conference the Board of Directors - Elect shall then commence its office.
- (i) The Board of Directors - Elect shall meet within ten (10) working days of election and shall elect from within itself a President, a Senior Vice President, a Vice President and a Treasurer.
- (j) No contracts shall be entered into by the outgoing Board or any Director, after the declaration of the election results without the knowledge and consent of the incoming Board of Directors - Elect.

## **6.2 Board of Directors – Federal Counterpart Body**

- (a) Notwithstanding anything in these Rules to the contrary, but subject to subsection (c), each position on the Board may, from such time as the Board shall determine, be held by the person who, in accordance with the rules of the Police Federation of Australia, holds the corresponding position on the Board of the Western Australian branch of the



Police Federation of Australia in accordance with Rule 52AA of the Rules of the Police Federation of Australia.

- (b) Where each position on the Board is held by the person who holds the corresponding position in the Western Australian Branch of the Police Federation of Australia in accordance with subsection (a) then the provisions relating to the election of Directors and the appointment of a President, Senior Vice President, Vice President and Treasurer in these Rules no longer apply.
- (c) This Rule does not affect the right of the Union pursuant to these Rules, to suspend or expel a Director of the Union.

### **6.3 Board of Directors - Vacancies**

A member holding office as a Director shall cease to hold that office in the event of:

- (1) resigning from the position;
- (2) ceasing to be a member of the Union;
- (3) being absent or partially absent, from three scheduled monthly board meetings within a twelve month period (July 1 to June 30) unless that Director;
  - Is on annual or long service leave and is travelling outside of their normal residential area,
  - Is on Sick Leave,
  - Has urgent family or personal matters,
  - Has been officially summonsed to a Court or other place or
  - Is absent, because he/she is officially representing the WA Police Union at an event and such absence is approved by the WA Police Union;
- (4) being absent or partially absent from three special meetings unless that Director forwards an apology to WA Police Union; or
- (5) being transferred from the Region in which the Director is based.

### **6.4 Branch Representation**

- (a) The Board may, or as a result of the direction of a General or Special Meeting shall, form Branches of members as from time to time it so determines and determine the scope for membership of such Branch. The Board may, also, at its discretion abolish Branches provided that the Branch has not operated or functioned for over 12 months.
- (b) The management of a Branch shall be vested in the Branch Office Bearers comprising a Branch President, a Branch Vice President, a Branch Secretary and any such other office bearers elected by the members of the Branch.
- (c) Each Branch shall be responsible for conducting its own election of Branch Office Bearers.
- (d) Election for Branch Office Bearers shall be held annually. Notice of any meeting to elect new Branch Office Bearers shall be given in writing to the members of the Branch three weeks prior to the meeting.
- (e) Subject to the requirement of annual elections there shall be no restriction on the number of terms any individual may hold office. Should a vacancy occur in an office, for

whatever reason, the Branch may elect a replacement for the remainder of the unexpired term.

- (f) A member holding an office in a Branch shall cease to hold that office in the event of:
- (1) resigning the position;
  - (2) ceasing to be a member of the Union;
  - (3) being absent, without leave or apology, from three consecutive meetings of the Branch; or
  - (4) being transferred from the District in which the Branch is based.
- (g) Every member, on being transferred from one Branch district to another, shall be accepted as a member of the Branch established in the district to which he or she has been transferred.
- (h) Each Branch shall pass resolutions for its own government; provided always that such resolutions do not conflict with these Rules.
- (i) So far as is practicable Branches will have at least four meetings per year, and the minutes of all such meetings are to be forwarded to the Board within seven working days.
- (j) At meetings of Branches having a membership of 100 or more, seven members shall constitute a quorum. With Branches with less than 100 members, four members shall constitute a quorum.
- (k) A member can only be a voting member of one Branch at a time. This Rule does not prohibit attending another Branch as a guest.

## **7 - POWERS AND DUTIES**

### **7.1 Duties of the Board of Directors**

The Board shall:

- (a) establish the policies and strategic direction of the Union, provided that the Board may delegate the implementation and management of those policies and direction to the President;
- (b) inquire into, report upon and make recommendations to the Annual Conference in all matters relevant to the conduct of the business of the Union;
- (c) consider all matters or questions affecting the rights, welfare and interests of Members and take such action as may be deemed necessary in regard thereto;
- (d) determine the conditions of employment and remuneration to be paid to the President;
- (e) direct the labours of the President including instructing the President to institute legal proceedings on behalf of the Union where appropriate;

- (f) appoint a person to the position of Secretary of the Union and to determine the tenure, conditions of employment and remuneration of such appointment provided this power may be delegated to the President;
- (g) employ such personnel as are necessary to carry out the administration of the Union provided this power may be delegated to the President (such appointments shall be according to the tenure, conditions of employment and remuneration agreed by the Board);
- (h) appoint such committees as may be deemed necessary;
- (i) oversee the payment of any charges or expenses incidental to the function and promotion of the Union;
- (j) protect the funds and assets of the Union from mismanagement and misappropriation; and
- (k) appoint an Auditor in accordance with Rule 11.4 - Auditor;
- (l) interpret any doubtful Rules; and
- (m) determine in all matters where the Rules are silent.

## **7.2 Powers of Board of Directors**

The Board of Directors shall have power:

- (a) to make donations to any individual or organisation according to policy;
- (b) to invest funds and to acquire, sell, lease, mortgage or otherwise dispose of any property for the purposes of the Union provided that the decision to do so is made by at least 10 Directors at an ordinary or a special board meeting and that all Directors were notified in writing of the proposal by registered mail or by personal delivery, at least 48 hours before the commencement of the meeting;
- (c) to strike levies in order to provide for the Death Benefit and other contingencies;
- (d) to make a grant from the funds of the Union for financial and/or legal assistance in accordance with Rule 11.6 - Financial and Legal Assistance;
- (e) to grant leave of absence to any Board Member for a period not exceeding three months at any one time;
- (f) to appoint any organisation or agent whose services may be deemed necessary for the carrying out of the Objects of the Union, provided that this power may be delegated to the President; and
- (g) to delegate its authority as the Board may deem necessary.

## **7.3 Duties of the President**

The President shall:

- (a) be chairperson at all meetings of the Board and the Union to maintain order and administer these Rules impartially;

- (b) oversee the control and supervision of the employees and agents of the Union;
- (c) manage the business and affairs of the Union in accordance with these Rules including, but not limited to, policy matters, liaison between the Board and employees, and media liaison;
- (d) sign all Industrial Agreements, deeds or other instruments made on behalf of the Union by the Board;
- (e) arrange the preparation of an annual budget for approval by the Board and monitor and control the budget so approved;
- (f) as required authorise any extraordinary expenditure up to a level as predetermined by the Board each year;
- (g) present a report to each Annual Conference; and
- (h) delegate to a Director, employee, member or agent all such tasks and duties as may be necessary to properly conduct the affairs, financial and otherwise, of the Union and to pursue its Objects.

#### **7.4 Duties of the Senior Vice President and the Vice President**

- (a) During any absence or incapacity of the President, the Senior Vice President has the authority to act for and on behalf of the President, and when so acting, shall have all the rights, powers, duties and responsibilities of the President whether implied or expressed under these Rules.
- (b) In the absence or incapacity of both the President and the Senior Vice President from any meeting the Vice President shall take the chair and shall have all the rights, powers, duties and responsibilities of the President, whether implied or expressed under these Rules.
- (c) The Senior Vice President and the Vice President shall be members, ex officio, of each Committee established by the Board.

#### **7.5 Duties of the Treasurer**

The Treasurer shall:

- (a) keep a general oversight of the financial position of the Union;
- (b) exercise proper control over the management of Union funds;
- (c) ensure accounting records are kept in accordance with proper accounting principles and truly record and explain the financial transactions and financial position of the Union;
- (d) present to each meeting of the Board appropriate accounting reports indicating the status of the funds and financial position of the Union, or other relevant reports as required by the Board;
- (e) present to each Annual Conference an audited balance sheet of the assets and liabilities, a statement of the receipts and expenditure and a statement of the sources and application of funds of the Union;

- (f) be entitled to inspect the books of the Union at any time and in the event of any irregularity shall immediately make a report to the President;
- (g) be an ex officio member of each committee established by the Board;
- (h) assist the President prepare a report for the Annual Conference;
- (i) assist the President in the preparation of an annual budget as well as the monitoring and control of the approved budget; and
- (j) be entitled to call for a full audit at any given time.

#### **7.6 Duties of Finance Officials**

Each Financial Official shall ensure the Union keeps and maintains accounting records as required by Rule 7.5 - Duties of the Treasurer and the Act.

#### **7.7 Duties of the Secretary**

The Secretary shall:

- (a) in the conduct of the day to day business of the Union, report to, be accountable to and take direction from the President;
- (b) ensure he or she maintains a full knowledge of Union affairs and shall be competent to discharge all duties assigned to the Secretary from time to time by the President;
- (c) keep all correspondence, documents, books and accounts relating to the general business of the Union;
- (d) arrange all meetings of the Union, the Board and Committees other than Branch meetings;
- (e) attend all of the Board meetings and Annual Conferences of the Union in an advisory role only but shall not be allowed to vote;
- (f) overview the receipt of all moneys on behalf of the Union and shall see that such moneys are paid promptly into the Union's accounts at a reputable financial institution chosen by the Board;
- (g) be the custodian of all moveable property of the Union and shall hand over to the Board all such property, books, documents and monies belonging to the Union within 24 hours after being requested to do so;
- (h) ensure that the affairs of the Union are conducted to comply with the requirements of the Act;
- (i) shall supply a copy of the provisions of the Act to each Director upon that Director's election to office which relate to:
  - (j) the duties of Officers of organisations; and
  - (ii) the accounting records of organisations.
- (k) shall produce all books, vouchers, or other documents and accounting records, no matter how stored, for inspection at Board meetings or to the Auditor when requested.

## **8 – MEETINGS**

### **8.1 Annual Conference**

- (a) The Annual Conference of the Union shall be the supreme authority over all matters affecting the general management and policies of the Union.
- (b) The Annual Conference of the Union shall be held each year in the month of November on a date determined by the Board.
- (c) The following Members shall be entitled to attend and vote at an Annual Conference:
  - (1) the Directors, each of whom shall have one (1) vote in respect to any question before the Annual Conference;
  - (2) the Directors - Elect each of whom shall have one (1) vote in respect to any question before the Annual Conference; and
  - (3) the Delegates of Branches, each of whom shall have two (2) votes in respect to any question before the Annual Conference.
- (d) Each Branch shall be represented at the Annual Conference by one (1) delegate, provided that the Branch Delegate shall not be a Director or a Director - Elect.
- (e) Each Branch Delegate must be elected by a meeting of the Branch they represent. Where two meetings of the Branch called for the purpose of electing a Delegate lapse for want of quorum, the Delegate from that Branch is to be selected by the Branch Office Bearers from among those office bearers.
- (f) Branch Delegates shall present their credentials, duly signed by the Branch President and Branch Secretary of their Branch, to the President at the beginning of the first day of the Annual Conference.
- (g) At the Annual Conference twenty (20) Members who are entitled to attend and vote at the Annual Conference shall form a quorum.
- (h) At the dissolution of the Conference the office of the Board of Directors - Elect shall commence.
- (i) At each Annual Conference an Auditor's Report and an audited balance sheet of the assets and liabilities, a statement of the receipts and expenditure and a statement of the sources and application of funds of the Union are to be presented.
- (j) The Board shall give at least three months notice to the Branches of the date for the Annual Conference. Agenda items submitted by the Branches for Conference shall be forwarded to the Board 60 days before such date.
- (k) Upon receipt of the Branches agenda items, the Board shall prepare the agenda for Annual Conference, and the agenda shall be given to the Branches at least 30 days before the Annual Conference. The Branches shall then meet to discuss the Annual Conference agenda prior to the Annual Conference.

## **8.2 Special Conferences**

- (a) If the President or a majority of Branches consider that the Board is acting contrary to the best interests of the Union then they shall be empowered to instruct the Secretary to summon a Special Conference, and the Secretary shall within 30 days convene such a Conference.
- (b) Entitlement to attend and vote at a Special Conference shall be the same as at an Annual Conference.
- (c) At a Special Conference, at least twenty (20) Members entitled to attend and vote at the Special Conference must be present to form a quorum.
- (d) The Board may be removed from office on the vote of a majority of those present at a Special Conference called for the purpose, and upon such removal those present shall elect a Governing Board of four (4) Members to conduct the affairs of the Union until only such time as an election has been conducted in accordance with these Rules.

## **8.3 Special General Meeting**

- (a) A Special General Meeting of the Members of the Union may be called by:
  - (1) the Board; or
  - (2) the Secretary on receipt of a request in writing to do so stating the subject matter of the proposed Special General Meeting and signed by not less than one hundred (100) Members of the Union.
- (b) A Special General Meeting may only be called to discuss a matter or matters of a nature which can not be reasonably postponed until the Annual Conference.
- (c) The Special General Meeting must be held within twenty eight (28) days of the decision of the Board to call the meeting or the receipt of the Secretary of the request for the meeting.
- (d) Notice of the Special General Meeting must be given in writing to Members and Branch Secretaries at least three (3) days prior to such a meeting.
- (e) The Notice of the Special General Meeting shall set out the matters to be discussed at the Special General Meeting.
- (f) Only those matters contained in the notice may be discussed at the Special General Meeting.
- (g) Quorum of a Special General Meeting shall be one hundred (100) Members.

## **8.4 Meetings of the Board of Directors**

- (a) The Board shall meet at least once each month at such time and place as the Board may determine.
- (b) Eight (8) Directors shall form a quorum. In the absence of a quorum the meeting shall lapse.

- (c) At all meetings of the Board the names of the Directors present shall be recorded in the minute book, and when a meeting lapses because of the lack of a quorum, the names of the Directors then present shall be recorded.
- (d) The Board may determine to treat a matter as confidential. That matter shall be treated as strictly confidential until the Board determines otherwise.
- (e) Special meetings of the Board may be convened by the:
  - (1) President whenever considered necessary by the President;
  - (2) Secretary within seven days of a requisition signed by at least five (5) Directors setting out the object of the meeting. No other business shall be transacted at the special meeting of the Board than that set out in the request for the meeting.

### **9 – MEETING PROCEDURE**

- (a) The Board shall have the power to make standing orders consistent with these Rules for the conduct of all meetings of the Union.
  - (1) Standing Orders made under Rule 9 (a) shall be annexed to these Rules as a standalone attachment.
- (b) Any business dealing with the alteration, or repeal of standing orders, or the addition of new standing orders, shall not be decided at a meeting of the Board unless particulars of such alteration, repeal or addition have been included in the notice of meeting; and the motion has been supported by a two-thirds (2/3) majority of those present at the meeting.
- (c) The Board shall have authority to interpret any Standing Order and shall finally determine any matter where the Standing Orders are silent.

### **10 – REFERENDUMS**

- (a) The Board, an Annual Conference, Special Conference or Special General Meeting shall have power to remit any question, which in its opinion is of more than ordinary importance, for determination by secret ballot of Members.
  - (1) Under any secret ballot conducted pursuant to Rule 10(a), only those Members directly affected by the question under determination will be balloted.
- (b) The Board shall appoint a Returning Officer who is not a Member or employee of the Union to conduct the referendum ballot.
- (c) The Returning Officer shall have the authority to appoint such Assistant Returning Officers as may be necessary for the proper conduct of the ballot and in the absence of the Returning Officer, an Assistant Returning Officer shall have the same powers, duties and responsibilities of the Returning Officer. Members and employees of the Union are eligible to be appointed as an Assistant Returning Officer.



- (d) The Returning Officer shall forward a referendum ballot paper to each Member of the Union whom are to be balloted in accordance with Rule 10(a)(1). Such referendum ballot paper shall contain full particulars regarding the matter upon which a decision is asked and shall clearly state the date of the closing of the ballot. The system of distribution and return of referendum ballot papers shall be determined by the Returning Officer and may include the use of a system of electronic distribution and return.
- (e) Any referendum under this Rule that may be carried out using an electronic voting system must preserve the secrecy of members' votes and the integrity of the voting process. The outcome of the vote and the records associated with such electronic vote must be preserved for a period of 12 months.
- (f) The Returning Officer shall certify to the Board the result of the referendum which shall be binding upon all Members of the Union.
- (g) The result of any referendum will be determined upon the returned vote only whereby sixty five percent (65%) either for or against will be deemed to be a majority result. Should 65% either for or against not be reached the question put to vote will lapse.

## **11 – FINANCE AND PROPERTY**

### **11.1 Subscriptions**

- (a) Subscriptions for Ordinary Members shall be:
  - (1) for members of the Police Force an amount equivalent to 1.35% of the base salary applicable to the rank of a third year Constable rounded up to the next nearest 10 cents;
  - (2) for Police Auxiliary Officers an amount equal to 1.35% of the base salary of a band 1AP1.3 Police Auxiliary Officer rounded up to the nearest 10 cents;
    - (i) For Police Auxiliary Officer (Cadets), the fee shall be \$10 per fortnight in lieu of that prescribed at Rule 11.1(a)(2).
  - (3) for Aboriginal Police Liaison Officers an amount equivalent to 1.35% of the base salary applicable to the rank of a First Class Aboriginal Police Liaison Officer rounded up to the next nearest 10 cents; and
  - (4) for all other Ordinary Members an amount determined by the Board.
- (b) An Ordinary Member who converts to part time employment shall pay an amount determined by the Board.
- (c) For an Ordinary Member (who must inform the Union in writing of their intention to do so) proceeding on maternity leave or absence from duty without pay, normal subscriptions shall not be required to be paid during such leave but the Member shall contribute an amount determined by the Board and will be still entitled to the full privileges of membership.
- (d) For Life Members and Retired Members, subscriptions shall not be required to be paid, whether or not the Life Member or Retired Member is entitled to membership under another classification.
- (e) Subscriptions shall be payable fortnightly or at such other greater intervals as may be determined by the Board from time to time.

## 11.2 Assets

- (a) All monies and other valuables subscribed by and obtained on behalf of the Members of the Union shall be the property of the Union as a whole and not the individual Members provided that for legal purposes connected with the Union, all monies, valuables, assets and property of the Union shall be deemed to be that of the President held in trust for the Members of the Union as a whole.
- (b) The Board shall have the control of all property, monies, valuables and assets of the Union.

## 11.3 Misappropriation of Funds

- (a) The Board may institute legal proceedings against any person or persons misappropriating, any part of the funds, property or assets of the Union. The Board shall seek to recover the monies so misappropriated.
- (b) Should the Board misappropriate the monies, property or assets of the Union, they shall severally and jointly be held liable to make good the full amount so misappropriated.

## 11.4 Auditor

- (a) The Board shall appoint a person registered as an auditor under *Corporations Act 2001 (Cwth)* to act as the Auditor for the Union.
- (b) The Auditor shall conduct the Annual Audit of the accounts of the Union and prepare:
  - (1) a balance sheet of the assets and liabilities of the Union;
  - (2) a statement of the receipts and expenditure of the Union; and
  - (3) a cash flow statement.
- (c) The Auditor shall:
  - (1) at all reasonable times have full and free access to and examine all books, papers, deeds, records, documents and accounts relating to the receipt or expenditure of moneys, or the acquisition, use or disposal of assets or the incurring of liabilities by the Union;
  - (2) be entitled to require any Director or employee of the Union to provide any information or explanation sought;
  - (3) be authorised to obtain from any bank or financial institution in which the funds of the Union are invested or deposited, a written statement from the manager or managers thereof as to the balance of the account or accounts;
  - (4) be satisfied as to the number or numbers or other identifying details of any banking accounts used by the Union;
  - (5) report to the President any inaccuracy, irregularity or breach of these Rules relating to the finances of the Union;
  - (6) furnish a written statement that all documents certified to are in accordance with law and these Rules or if unable to certify to the correctness of the statements or

any of them placed before the Auditor, report to the President in what respect they are incorrect; and

- (7) in addition to the Annual Audit, make such other audits as may from time to time be directed by the Board.
- (d) For the purposes of conducting the Annual Audit the financial year shall commence on the 1st of July every year.
  - (1) Financial Year – Transitional Rule
 

To facilitate a changed Financial Year commencement date to 1 July each year under rule 11.4(d) the financial year for the period 1 April 2013 to 31 March 2014 will be extended to cover the period 1 April 2013 to 30 June 2014. This transitional provision will cease to have effect beyond 1 July 2014 following the commencement of the new Financial Year.
- (e) Should the Auditor, for any reason, cease to be available, another auditor shall be selected by the Board at its next succeeding meeting and the auditor so selected shall hold the appointment for the remainder of the term of the previous Auditor.

#### **11.5 Death Benefits**

- (a) A death benefit shall be paid on the death of a Member or if the Member has not predeceased them:
  - (1) on the death of a Member's spouse ("spouse" includes a de facto spouse); or
  - (2) on the death of the Member's child provided that the child was under the age of 18 years ("child" means a Member's natural child or legally adopted child or step child).
- (b) The death benefit is payable only once.
- (c) A Member must nominate in writing the person or persons to whom they desire to receive the death benefit payment. The nomination may be varied by the Member at any time. The nomination must be witnessed by a person who is not a beneficiary
- (d) If a Member neglects to vary a nomination when the Member's personal circumstances change, or fails to make a nomination, then the Board having regard to the purpose of the Benefit to assist with immediate funeral and associated costs arising from the death, may pay or distribute the benefit to the person or persons the Board considers most appropriate.
- (e) The Board's decision shall be final and binding and no person shall, by reason of any decision or action of the Board, given or taken or purporting to be given or taken under this Rule, have any claim or right of action against the Union or the Board or any member thereof or against any person receiving any amount pursuant to any such decision.
- (f) The amount of the death benefit to be paid will be determined by the Board and such amount will be published by way of a Policy Document. In determining the amount of the benefit to be paid, the Board will have regard for the amount of funds derived from the death benefit levy and the effect of the death benefit payment on the general funds of the Union.

### **11.6 Financial and Legal Assistance**

- (a) The Board may grant financial and/or legal assistance to any Member who suffers financial hardship or requires legal assistance as a consequence of an action or event brought about by the Member performing his or her duties in the course of their work.
- (b) The Board may form a committee to establish the merit of each request for financial and/or legal assistance and make recommendations to the Board whether or not to grant assistance. The Board will determine the membership of any committee established and may nominate persons who are not a Director to be a member of the committee.
- (c) Members shall not have a right to be granted financial and/or legal assistance and the granting of assistance in accordance with this Rule shall be at the sole discretion of the Board.

### **11.7 Levies**

- (a) If in the opinion of the Board it is at any time necessary or expedient to augment the funds of the Union or to provide funds to meet extraordinary expenditure lawfully incurred, or for any special purpose consistent with the objects of the Union, the Board may impose a levy or levies upon Members.
- (b) Upon deciding to impose a levy or levies upon the Members, the Board shall arrange for a notice to be published in the Journal stating the amount of the levy, the purpose for which the levy is to be applied and the date upon which the payment is due.
- (c) The publication of the notice shall be deemed to be sufficient notice to all members of the imposition of any levy, and the Board shall thereupon proceed to collect any such levy without further notice.

## **12 – ELECTIONS**

### **12.1 Application**

- (a) The provisions of this Rule shall apply to all elections for the position of Board Member.
- (b) All elections shall be by secret ballot.

### **12.2 Appointment of Returning Officer**

- (a) The Board shall appoint a Returning Officer who is not an Officer or employee of the Union to conduct elections.
- (b) A Returning Officer may appoint such Assistant Returning Officers as may be necessary for the proper conduct of the election and in the absence of the Returning Officer, an Assistant Returning Officer shall have the same powers, duties and responsibilities of the Returning Officer.
- (c) The Returning Officer may take such action and give such directions as are considered necessary in order to:
  - (1) ensure the secrecy of the ballot,
  - (2) ensure that no irregularities occur in or in connection with the election;

- (3) remedy any inconsistency or inadequacy that arises in the application of these Rules to the conduct of an election.

### **12.3 Election Timetable**

The Returning Officer shall determine the times and dates of:

- (a) The close of the electoral roll.
- (b) The opening and closing of nominations.
- (c) The opening and closing of the ballot.

### **12.4 Electoral Roll**

- (a) The Secretary shall maintain an electoral roll of persons eligible to nominate as candidates, to nominate candidates and to vote in elections.
- (b) The roll for elections to the Board shall contain the name of all Members of the Union.
- (c) The roll for elections as a Branch Delegate or Branch Office Bearer of a Branch shall contain the name of all Members eligible to be a member of the Branch.
- (d) Immediately following the close of the roll the Secretary shall certify the correctness of the roll and forward the certified copy of the roll to the Returning Officer.
- (e) The Returning Officer shall make the electoral roll, applicable to an election for an office, available for inspection by members of the Union, or by any person authorised by the Returning Officer, during the ordinary hours of business.

### **12.5 Notice Inviting Nominations**

- (a) The Returning Officer shall call for nominations by a notice published in a newspaper circulating widely within the State and in the Journal.
- (b) The notice shall state the title of the office, the form in which nominations are to be made, the place of lodging nominations and the times and dates of the commencement and close of the period for lodging nominations, which shall be a period of not less than 14 days. The notice shall invite nominations from Members eligible for election for the office or offices listed in the notice.

### **12.6 Signing of Nomination**

- (a) A Member is not eligible for election for an office unless the nomination is signed by that Member signifying their willingness to accept the office if elected and is also signed by four Members as nominators.
- (b) Where the Returning Officer finds that a nomination of a person as a candidate for an election for an office is defective, the Returning Officer shall, before rejecting the nomination, notify that person of the defect by facsimile or electronic mail, and where it is practicable to do so, give him or her the opportunity of remedying the defect no later than seven days from being given notice of the defect.
- (c) A Member nominated as a candidate may, by notice signed by him or her, witnessed by Member and addressed to and lodged with the Returning Officer before the time fixed for

the expiry of the period for lodging nominations, withdraw his or her consent to the nomination and that Member shall thereupon be deemed not to have been nominated.

### **12.7 List of Candidates**

- (a) As soon as practicable following the close of nominations the Returning Officer shall provide the Secretary with a list of nominations.
- (b) The Secretary shall on receipt of the list of nominations from the Returning Officer publish in the next issue of the Journal the name, rank, station and a photograph of each candidate. The Secretary may also publish a resume' of the work experience and Union service of each candidate as well as a brief statement of the objectives of each candidate in total not exceeding 300 words prepared by the candidate.

### **12.8 Declaration of Election where One Candidate or less than Required Number Nominated**

- (a) Where, on the expiry of the period for lodging the nomination of a candidate or candidates for election to office, only the required number of candidates to fill the vacant positions are nominated for election for the office or offices, the Returning Officer shall declare in accordance with these Rules that the candidate or candidates as the case may be has been elected to office unopposed.
- (b) Where insufficient nominations for the number of positions to be filled are received, the Returning Officer shall conduct a supplementary election in manner prescribed by this Rule.

### **12.9 System of Voting**

- (a) Voting by proxy shall not be permitted.
- (b) Voting shall be by means of a preferential ballot. When only one candidate is to be elected and there are not more than two candidates, the elector shall mark their vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom they vote.
- (c) When only one candidate is to be elected and there are more than two candidates the elector shall mark their vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom they vote as their first preference, and they shall give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on or (as the case requires) opposite their names so as to indicate by such numerical sequence the order of their preference.
- (d) When two or more candidates are to be elected for an office, the elector shall mark their vote on the ballot paper by placing the numeral 1 opposite the name of the candidate for whom they vote as their first preference and the numeral 2 opposite the name of the candidate for whom they vote as their second preference and they shall give contingent votes for all the remaining candidates by placing the numerals 3, 4 and so on (as the case requires) opposite their names so as to indicate by such numerical sequence the order of their preference.

### **12.10 Issue of Ballot Papers**

- (a) As soon as practicable after the date for the commencement of the ballot the Returning Officer shall issue by pre-paid post to each person whose name is on the roll for the election an envelope containing:

- (1) A ballot paper initialled by the Returning Officer or bearing a facsimile of those initials.
  - (2) An envelope marked "ballot paper".
  - (3) A stamped envelope addressed to the Returning Officer with a counterfoil on the back or with a separate counterfoil.
- (b) The counterfoil shall be numbered with a number coinciding with the voter's consecutive number on the electoral roll, and shall make provision for the voter to endorse the counterfoil.

#### **12.11 Form of Ballot Paper**

- (a) The ballot paper for an election for an office shall be in a form that is determined by the Returning Officer.
- (b) The full name of each candidate for election for an office shall appear on the ballot paper for that election in the order drawn by Ballot at the close of nominations.
- (c) The Returning Officer shall include on the ballot paper information and instructions to the voter that is substantially in accordance with the following form:
  - (1) The title of the offices to which the election relates.
  - (2) The time and date of the close of the ballot.
  - (3) How to mark the ballot paper in order to record a formal vote.
  - (4) Not to put on the ballot paper any mark or writing by which the voter can be identified.
  - (5) To place the ballot paper, when completed, in the envelope marked "ballot paper" and then to seal that envelope;
  - (6) To complete the details on the counterfoil.
  - (7) To place the ballot paper envelope (and the counterfoil if a separate one is used) in the envelope addressed to the Returning Officer, and then to seal the envelope addressed to the Returning Officer and post it to reach the Returning Officer before the time of the close of the ballot.
- (d) The Returning Officer shall obtain from the printer of the ballot papers a certificate stating the number of ballot papers printed in respect of the election.

#### **12.12 Issue of Duplicate Ballot Paper or Return Envelope**

- (a) Where on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper or return envelope issued to a person whose name is on the electoral roll, has not been received or has been lost, destroyed or spoilt, the Returning Officer shall issue to that person a duplicate ballot paper, or return envelope, as the case may be.
- (b) An application by a person for a duplicate ballot paper, or return envelope, for an election, shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the election and shall, if practicable, be

accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.

### **12.13 Ballot Boxes**

Immediately after the close of the ballot, and in the presence of the scrutineers, or where a scrutineer has been informed in accordance with Rule 12.16 - Scrutineers but is not present at the appointed time in their absence, the Returning Officer shall:

- (a) collect all envelopes from the address nominated for the purpose of receiving ballot paper;
- (b) take all the envelopes so collected to the place of count and proceed to make the count; and
- (c) keep all those envelopes in safe custody until the count is complete.

### **12.14 Preservation of Ballot Papers**

The Returning Officer, in consultation with the Board, shall make provision for the preservation, in the custody of the Union of:

- (a) all nomination papers;
- (b) all ballot papers admitted as formal;
- (c) all ballot papers rejected as informal;
- (d) all counterfoils relating to the ballot papers, whether formal or informal;
- (e) all envelopes received after the close of ballot;
- (f) the marked electoral roll against which the counterfoils were checked; and
- (g) unused ballot papers, counterfoils and other documents prepared in connection with the election,

which shall be respectively placed in separate containers, each endorsed with the name of the Union and the office to which the election related and shall be sealed, signed and dated by the Returning Officer and retained for a period of not less than one year after the date of the election.

### **12.15 Duties of Returning Officer**

- (a) The Returning Officer, before proceeding to count the number of votes to ascertain which candidate is successful in the election, shall:
  - (1) check each counterfoil against the Member's name on the electoral roll and, if the voting papers are in order, mark the roll;
  - (2) remove the ballot paper envelope from the envelope addressed to the Returning Officer and place the ballot paper envelope, unopened, into a separate container until all counterfoils are checked; and
  - (3) when all the counterfoils are checked and cleared, open the ballot paper envelopes; and



- (4) shall then proceed with the count.
- (b) Where any voting papers are rejected, the Returning Officer shall replace the counterfoil and the envelope marked "ballot paper" in the envelope in which they were received, endorse the latter envelope "rejected" with the reasons for rejection and set aside for safe keeping.
- (c) The Returning Officer shall reject as informal a ballot paper that:
- (1) does not bear the initials of the Returning Officer or the facsimile of those initials; or
  - (2) has upon it a mark or writing by which the voter can be identified; or
  - (3) is not marked substantially in accordance with the instructions; or
  - (4) does not indicate the member's vote or if, when there are more than two candidates, it is not marked to indicate the voter's preferences as regards all candidates.
- (d) Where, during the scrutiny, the Returning Officer is informed by a Scrutineer appointed under Rule 12.16 - Scrutineers that the Scrutineer objects to a ballot paper being admitted as formal, or rejected as informal, as the case may be, the Returning Officer shall decide the matter and endorse their decision on the ballot paper and such decision shall be final.
- (e) The Returning Officer may, from time to time, adjourn the scrutiny and count to a day and hour to be fixed by the Returning Officer and notified to the Scrutineers.
- (f) The method of conducting the count shall be the same as that prescribed under the *Electoral Act, 1907 (WA)* provided that:
- (1) when two or more candidates for an office are to be elected, the count of the votes will proceed until one candidate has received an absolute majority, when that candidate shall be declared elected. The first elected candidate shall then be eliminated from the count, and to proceed with the election of the second candidate all the ballot papers shall be brought into operation and again sorted into first preference votes. The first preference votes of the eliminated successful candidate shall be distributed according to the second preference markings shown thereon, to the remainder of the candidates, and when added to their respective first preference votes, shall constitute the first count for the second candidate. The procedure from then on shall be the same as in the counting of votes for the election of one candidate.
  - (2) A ballot paper shall not be informal for any reason other than the reasons stated in sub rule (o) (iii) of this Schedule but shall be given effect to the voter's intention so far as their intention is clear and, in particular, when only one candidate is to be elected and there are only two candidates a ballot paper shall not be informal by reason only for the voter having indicated their vote by a cross instead of the numeral 1.

### **12.16 Scrutineers**

- (a) Each candidate nominated for election may, by written notice given to the Returning Officer, not less than seven days prior to the close of the ballot, appoint a member of the Union to be a scrutineer in respect of that election, being a member other than a

candidate, and may by notice in like manner appoint another such member to carry out the functions of scrutineer where the first mentioned does not carry out those functions.

- (b) A Scrutineer appointed under these Rules may:
- (1) be present while the Returning Officer carries out the count; and
  - (2) direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of the votes.
- (c) Where a Scrutineer:
- (1) interrupts the scrutiny otherwise than in accordance with this Rule; or
  - (2) fails to carry out a lawful request by the Returning Officer,
- the Returning Officer may direct the Scrutineer to leave the place where the scrutiny is being conducted.

#### **12.17 Declaration of Results**

- (a) The Returning Officer, on completion of a count, shall forthwith declare the result of an election in the presence of any scrutineers and candidates who may be present at the time.
- (b) The Returning Officer shall also declare the result of the election by giving notice of the result in writing to the President of the Union at its Registered Office.
- (c) The Returning Officer shall at the time of declaring the result of an election, declare in respect of the election:
  - (1) the number of ballot papers, other than duplicate ballot papers, issued;
  - (2) the number of duplicate ballot papers issued;
  - (3) the number of ballot papers admitted as formal;
  - (4) the number of ballot papers rejected as informal;
  - (5) the number of unused ballot papers;
  - (6) the number of ballot papers certified by the printer;
  - (7) the number of votes admitted as recorded in favour of each candidate for an office.

### **13 – DISCIPLINARY MATTERS**

- (a) The Board may expel from the Union, suspend for a specified period or may remove from office any Member who in the opinion of the Board has been shown to the Board's satisfaction to have been responsible for:

- (1) any material or persistent breach of these Rules;
  - (2) misappropriation of the funds of the Union;
  - (3) 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;
  - (4) divulging the correspondence or business of the Union to persons not entitled to such information; and
  - (5) aiding, abetting, counselling or procuring the commission of any of the acts mentioned in this Rule.
- (b) Should a Member wish to make a complaint about another Member for alleged conduct in breach of these Rules, then the complaint must be lodged in writing at the Registered Office.
- (c) The Board will consider the complaint at the next meeting of the Board and if in their opinion there is merit in the complaint, then a special meeting of the Board is to be convened. At least 14 days notice of the meeting is to be given to the Board, 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.
- (d) The Respondent is to be given full details of the complaint made against him or her.
- (e) At the special meeting of the Board to consider the complaint, the Board will take all reasonable steps to inform themselves in regard to all matters relevant to the complaint being made. The Board 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.
- (f) The Complainant and the Respondent may make submissions to the Board either verbally or in writing and may choose to have a Member represent them. The Complainant, the Respondent and the Board may request the attendance of witnesses. The Complainant, the Respondent and the Board have the right to ask questions of any witnesses relevant to the complaint. Questions of any witnesses from the Board must be directed through the Chairperson.
- (g) At the conclusion of hearing all of the submissions of the Complainant and the Respondent, the Board 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 Board must be by a two-thirds (2/3) majority.
- (h) The Chairperson of the Board will inform the Complainant and the Respondent of the decision of the Board 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.
- (i) Any decision to expel, suspend or remove a Member from office may be subject to appeal by that person at the next Annual Conference or Special General Meeting of the Union.

#### **14 – ALTERATION OF RULES**

- (a) Should the Board or any Branch desire to make an Alteration to these Rules no Alteration shall be made unless the Alteration has been approved by a vote of the majority of the Members present at the Annual Conference.
- (b) No Alteration shall be effective unless the Members are given notice:
  - (1) of the proposed Alteration;
  - (2) of the reasons for the Alteration; and
  - (3) that if they object to the Alteration they may do so by forwarding a written objection to the Registrar no later than 14 days after the date of the notice.

and the Registrar has given the Union a certificate that the Alteration has been registered.

- (c) The notice to Members shall be posted to all Branch Secretaries and reasonable steps shall be taken to inform members of the content of the notice.

#### **15 – DISBANDMENT**

The Union shall not be disbanded whilst two Branches are of the opinion that the Union should remain in existence. No Branch of the Union shall dissolve whilst it has ten (10) financial members who are prepared to carry on with the Branch.

#### **16 – SEAL**

- (a) A seal in the form of a circle, bearing the words “Western Australian Police Union of Workers.” with the words “Common Seal” in the centre, shall be affixed to all documents issued by the Union, in compliance with the provisions of the Act.
- (b) The President shall have the custody and use of the seal and shall ensure the safe custody of such seal.
- (c) A seal book recording all documents carrying the Union seal shall be kept at the Registered Office.

## **Schedule A – Memorandum of Agreement**

**THIS DEED** is made the 20th day of March 2007

BETWEEN:

**THE WESTERN AUSTRALIAN POLICE UNION OF WORKERS** (ABN 11005 082 386) of 639 Murray Street, West Perth, in the State of Western Australia (“the Union”).

AND

**THE POLICE FEDERATION OF AUSTRALIA** (ABN 31 384 184 778) of Level 1, 21 Murray Crescent, GRIFFITHS in the Australian Capital Territory (“the Federation”)

RECITALS:

- A. The Union is an organization registered under the Industrial Relations Act 1979 (Western Australia).
- B. The Federation is an organization of employees registered under the Workplace Relations Act 1996 and includes a Branch known as the Police Federation of Australia (Western Australia Police Branch) (“the Branch”).
- C. The Branch is the Union’s Counterpart Federal Body for the purposes of Section 71 of the Industrial Relations Act 1979 (Western Australia).
- D. The Union and the Federation are desirous of entering into an agreement relating to the management and control of the funds and property of the Union.

**IT IS AGREED:**

### **1. INTERPRETATION AND DEFINITIONS**

- 1.1 In this Agreement, unless inconsistent with the context or subject matter the following terms shall have the following meanings:

“Agreement” means the Agreement hereby constituted and includes the recitals and all documents annexed hereto or incorporated by reference herein, and shall be referred to as the Management and Control Agreement;

“Commencement Date” means February 1 2006

“Funds” includes membership contributions and any income derived by the Union;

“Party” means a party to this Agreement;

“Property” means property, both real and personal, owned by, or in the possession of, the Union.

### **2. MANAGEMENT AND CONTROL OF THE FUNDS AND PROPERTY OF THE WESTERN AUSTRALIAN POLICE UNION OF WORKERS**

- 2.1 The funds and property of the Western Australian Police Union of Workers shall be and shall remain the property and funds of the Western Australian Police Union of Workers

- 2.2 The management and control of the funds and property of the Western Australian Police Union of Workers is the sole responsibility of Western Australian Police Union of Workers
- 2.3 The Federation has no legal or equitable rights to manage and control the funds and property of the Western Australian Police Union of Workers.

**3. MISCELLANEOUS**

**3.1 Costs**

The costs of and incidental to the instructions for and the preparation, execution and stamping of this Agreement shall be borne and paid by the Union.

**3.2 Amendment**


This Agreement may be amended or varied only by agreement in writing signed by the Parties hereto.

**3.3 Applicable Law**

For all purposes this Agreement shall be governed by and construed in accordance with the law of Western Australia

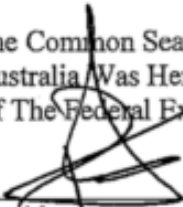
**EXECUTED AS A DEED**


The Common Seal Of The Western Australian Police Union Of Workers Was Hereunto Affixed By Authority Of The Board Of Directors In The Presence Of:

  
\_\_\_\_\_  
General President

  
\_\_\_\_\_  
General Secretary

The Common Seal Of The Police Federation Of Australia Was Hereunto Affixed By Authority Of The Federal Executive In The Presence Of:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Chief Executive Officer

