[090V-WAPS: CPSU SPSF WAPOU Branch rules made 30/05/2024 (R2024/39)]

(replacing WAPOU Branch rules in Schedule B of Chapter C dated 6/12/2023 [R2023/80])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 14 both inclusive contain a true and correct copy of the registered rules of the CPSU, the Community and Public Sector Union - SPSF Group, Western Australian Prison Officers’ Union (WAPOU) Branch.

DELEGATE OF THE GENERAL MANAGER

FAIR WORK COMMISSION

Rules of the

CPSU – SPSF Group – Western Australian Prison Officers’ Union (WAPOU) Branch

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RULES OF THE CPSU, SPSF GROUP WESTERN AUSTRALIAN PRISON OFFICERS’ UNION BRANCH

## 1 - FEDERAL RULES

These rules are in addition to the federal rules of CPSU, the Community and Public Sector Union and shall apply to the SPSF Group Western Australian Prison Officers’ Union Branch so far as they are not in conflict with the federal rules.

## 2 - NAME

The name of the Branch shall be the CPSU, the Community and Public Sector Union, SPSF Group, Western Australian Prison Officers’ Union Branch, in these rules called the WAPOU Branch.

## 3 - REGISTERED OFFICE

The office of the WAPOU Branch shall be at 63 Railway Parade, Mt Lawley, or such other address as the Branch Council resolves.

## 4 - BRANCH MEMBERS

4.1 The members of the WAPOU Branch shall be those persons employed in a prison or prison service in the State of Western Australia, who is not a member of, or eligible to be a member of the CPSU/CSA Western Australian Branch and who has been admitted to membership of the CPSU, SPSF Group and who is eligible for membership under Rule 2 – Constitution and Eligibility for Membership of the CPSU rules.

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

4.3 A member may end membership by giving written notice of the intention to resign from the later date specified in the notice, but the member will be responsible for any subscriptions, levies and fines owing up to and including the date of ceasing to be a member of the WAPOU Branch.

## 5 - POWERS, CONTROL AND MANAGEMENT OF BRANCH

5.1 The WAPOU Branch shall have all powers vested in it in accordance with Chapter C of the federal rules and shall at all times conform to the federal rules. (Chapter C of the federal rules provide that the WAPOU Branch shall have full autonomy in matters affecting members of the WAPOU Branch only and matters concerning the participation of the WAPOU Branch in any State industrial conciliation and arbitration system).

5.2 Democratic control of the WAPOU Branch resides with the members who can by virtue of provisions elsewhere in the rules:

(a) participate in Annual General Meetings and Special General Meetings of the WAPOU Branch;

(b) contest elections;

(c) vote in ballots, and at membership meetings;

(d) lay charges of misconduct against officials and other members; and

(e) requisition Special General Meetings or Referenda.

## 6 - BRANCH COUNCIL

6.1 The affairs of the WAPOU Branch shall be managed by the Branch Council, which shall have power to control and manage the business and affairs of the WAPOU Branch in the State of Western Australia, subject always to the federal rules and in so far as they affect its members, and to any lawful direction of the National Officers Committee, Federal Council or Federal Executive and without limiting the generality of this power shall have power to:

(a) make amend and rescind rules and bylaws for the regulation and government of the WAPOU Branch;

(b) enrol in the Union any person eligible to be a member under Rule 4 – Branch Members;

(c) fix and from time to time vary the entrance fees and subscriptions payable by candidates for membership and members of the SPSF Group attached to the WAPOU Branch;

(d) impose levies on members attached to the WAPOU Branch;

(e) waive in whole or part any fees, subscriptions and levies;

(f) disburse or authorise the disbursement of monies from the WAPOU Branch fund for any purpose within the objects of the CPSU;

(g) for the purposes of managing the Branch Fund:

(i) to buy, sell, rent, lease, sublet or otherwise deal with any property real or personal;

(ii) to enter into any contract;

(iii) to borrow money and mortgage or charge any of the real or personal property of the WAPOU Branch;

(iv) to establish any company or trust to hold, or assign on trust, any real or personal property of the Branch Fund;

(h) appoint or remove a Branch Returning Officer qualified to act in accordance with the *Fair Work (Registered Organisations) Act 2009 (*Cth) to conduct any election for which a Returning Officer is required to in connection with any Branch office in the SPSF Group;

(i) appoint or remove a Branch Auditor qualified to act in accordance with the Act for any purpose for which an auditor is required in connection with the Branch accounts of the SPSF Group;

(j) fix and from time to time vary the salaries and allowances or honorariums payable to Branch Officers and to confer authority on the Branch Secretary to employ, retain and terminate the employment of such staff on such terms as shall be specified in a resolution of Branch Council;

(k) subject to the rights of Officers under Chapter C of the federal rules, dismiss from office any person elected to an office within the WAPOU Branch who has been found guilty in accordance with the rules of the CPSU of misappropriation of the funds of the CPSU, a substantial breach of the rules of the CPSU, gross misbehaviour or gross neglect of duty, or who has ceased according to the rules of the CPSU to be eligible to hold the office provided that any such person shall have a right of appeal to the Federal Council;

(l) to publish and distribute Branch Publications;

(m) do all things necessary or convenient to the exercise of the foregoing powers.

6.2 The Branch Council shall consist of:

(a) the Branch Executive Officers; and

(b) the Delegates to Branch Council elected by each Sub-Branch on the basis of one delegate for each hundred financial members or part thereof.

6.3 Branch Council shall meet at least every two months or at such other times as Branch Council or Branch Executive shall deem necessary and shall be convened by notice signed by the Branch Secretary.

6.4 At every meeting of Branch Council the quorum shall be twelve (12).

## 7 - BRANCH EXECUTIVE

7.1 Between meetings of Branch Council the management of the WAPOU Branch shall be vested in the Branch Executive which shall be the committee of management of the Branch and pending the first meeting of Branch Council shall have all such powers except the power to make, amend or rescind rules or any power expressly reserved to itself by decision of Branch Council.

7.2 The Branch Executive shall meet at least every two months between meetings of Branch Council and whenever required by the Branch President after consultation with the Branch Secretary.

7.3 The Branch Executive shall consist of:

(a) the Branch President;

(b) the Branch Vice-President;

(c) the Branch Secretary;

(d) the Branch Assistant Secretary

(e) the Branch Treasurer; and

(f) three (3) Executive Members.

7.4 An Executive Officer may attend and speak at any meeting in the WAPOU Branch held under these rules.

7.5 Members of the Branch Executive shall be elected for a period of four (4) years, by the whole of the financial membership of the WAPOU Branch.

## 8 – DELEGATES TO BRANCH COUNCIL

8.1 For the purpose of determining the number of delegates to be elected in accordance with sub-rule 6.2 (b) hereof, the number shall be determined in accordance with the number of financial members in each Sub-Branch at the end of the quarter of the year preceding the calling for nominations for election to the Branch Council.

8.2 Delegates elected by each Sub-Branch shall be elected every four years .

8.3 For the purpose of this rule the Northern Region Sub-Branches shall be Roebourne Regional Prison, Broome Regional Prison, Greenough Regional Prison, Eastern Goldfields Regional Prison, Hakea Prison, Bandyup Women’s Prison and West Kimberley Regional Prison.

8.4 For the purposes of this rule, Sub-Branches other than Northern Region Sub-Branches are those that are not listed in Rule 8.3.

8.5 A Delegate to Branch Council transferred to another Sub-Branch other than on a temporary basis for less than six (6) months shall cease to be eligible to hold office in such circumstances.

8.6 With the exception of Delegates to Branch Council who reside fifty kilometres or more away from the Perth Metropolitan Area, a Delegate to Branch Council or Branch Executive who, without good and sufficient reasons acceptable to Branch Council, absents themselves from three (3) consecutive meetings, may with the consent of a General Meeting be removed from office and the vacancy filled as provided for under these rules.

## 9 – CASUAL VACANCIES

9.1 Should any member of Branch Council cease to be a member of Branch Council for any reason other than because the period for which such member of Branch Council was elected has expired, the powers and duties of the Branch Council shall not be invalidated because of such vacancy.

9.2 Casual vacancies shall be filled in accordance with the elections provisions of these rules, provided that any person elected shall hold office for the balance of the unexpired term of office.

9.3 A Sub-Branch may nominate a proxy Delegate to Branch Council to fill a temporary vacancy for the period up until an election is held to fill the vacancy.

## 10 - BRANCH FUND

10.1 The Branch Fund shall consist of:

(a) any real or personal property of which the WAPOU Branch of the SPSF Group by the rules or by any established practice not inconsistent with the rules, has, or in the absence of any limited term lease, bailment or arrangement, would have the right of custody, control or management;

(b) the amounts of entrance fees, subscriptions, fines, levies and other fees received by the WAPOU Branch, less so much of the amount as is payable by the WAPOU Branch to the CPSU;

(c) any interest, rents or dividends derived from the investment of the Fund;

(d) any superannuation or long service leave fund operated or controlled by the WAPOU Branch for the benefit of its officers or employees;

(e) any fund operated or controlled by the WAPOU Branch for the benefit of its members;

(f) any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(g) the proceeds of any disposal of parts of the Fund.

10.2 Cheques and other instruments drawn against funds deposited to the credit of the Branch Fund with banks or other financial institutions shall be signed by the Branch Secretary or a person delegated for the purpose by the Branch Secretary, and one other person who is either:

(a) the Branch Treasurer;

(b) another member of the Branch Executive; or

(c) a person appointed by Branch Council for the purpose of signing cheques and other such instruments.

## 11 - ANNUAL REPORT

11.1 A report by the Branch President and Branch Secretary of the activities of the WAPOU Branch during the preceding financial year, together with the financial statements for the Branch Fund, and following approval by Branch Council, shall be presented at the Annual General Meeting and made available to members on the Union’s web site. A summary of the report, approved by the Branch Secretary, shall be published in an official publication to all members. A full copy of the report shall be provided to any member who so requests.

## 12 - ANNUAL GENERAL MEETING

12.1 The Annual General Meeting of members of the WAPOU Branch shall be held in the first quarter of each financial year.

12.2 At least seven days notice of the date, time and place for the holding of any Annual General Meeting of members of the WAPOU Branch shall be published in an official Branch publication directed to all members and in a Perth daily paper.

12.3 The text or details of any motions of which notice has been given shall appear in the notice published in an official Branch publication.

12.4 No business shall be transacted at the Annual General Meeting other than that stated in the notice convening the meeting.

12.5 The Branch Council shall determine what additional items to include on the agenda in sufficient time to allow the agenda to be published at least 7 days prior to the Annual General Meeting.

12.6 A quorum for an Annual General Meeting shall consist of twenty (20) members.

12.7 If, within a quarter of an hour from the time appointed for the meeting a quorum of members be not present, it shall stand adjourned until another meeting can be arranged; and at such adjourned meeting the members there present will dispose of all business on the notice paper.

12.8 The President may, with the consent of the members present, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

12.9 Any resolution formally carried at a general meeting of the WAPOU Branch shall be an instruction to the Branch Council and Executive Officers of the Branch; provided that the Branch Council, after mature consideration, may defer action on any such resolution, pending the calling of a Special General Meeting, within one month, to further discuss the subject. If the resolution be re-affirmed by the Special General Meeting, the Branch Council shall then carry out the direction of such meeting.

## 13 - SPECIAL GENERAL MEETINGS

13.1 Special General Meetings shall be convened:

(a) whenever it is considered necessary by the Branch Council; or

(b) on the receipt by the Branch Council of a requisition in writing stating the objects and signed by not less than one hundred (100) members of the Branch; or

(c) by the Branch Secretary in the event only of there being no quorum of at least 12 delegates or 30%, whichever is lesser, of the Branch Council competent to vote at a Branch Council meeting held for the purpose of considering the circumstances as set forth by paragraphs (a) and (b) above,

upon receipt of such requisition a Special General Meeting shall forthwith be convened by the Branch Secretary to be held within 28 days from the receipt of such requisition, but if same be not convened within 14 days from the date of receipt the requisitioners may themselves convene a meeting.

13.2 No business shall be transacted at a Special General Meeting other than that stated in the notice convening the meeting, and no motion considered, or other business transacted, at any meeting which is not included within the objects and purposes for which the meeting is convened and no amendments shall be allowed upon any motion contained in the notice convening any meeting not directly pertinent thereto.

13.3 Whenever a Special General Meeting shall lapse for the want of a quorum or by the resolution of the members present be adjourned to a future day, notice thereof shall be given by circular or advertisement as determined by the chairperson of the meeting.

13.4 If, within a quarter of an hour from the time appointed for the meeting a quorum of members be not present, the meeting if convened upon the requisition of members, shall be dissolved; in any other case, it shall stand adjourned to another date and if at such adjourned meeting a quorum of members be not present, it shall be adjourned sine die.

13.5 The provisions of Rule 12, paragraphs 12.2, 12.3, 12.6 and 12.8 shall also apply to Special General Meetings.

13.6 Any resolution carried at a Special General Meeting may, if the Branch Council so decide be referred for determination by a referendum of all the financial members of the WAPOU Branch.

13.7 The result of the ballot or, where no ballot is to be conducted, any resolution carried at a Special General Meeting, shall be binding on the Branch Council.

## 14 - REFERENDUM

14.1 A referendum to obtain the view of all financial members of the WAPOU Branch on any question governing the affairs of the WAPOU Branch may be initiated by a:

(a) resolution of the Branch Council; or

(b) resolution of an Annual General Meeting or Special General Meeting to refer a motion before it to a referendum; or

(c) requisition signed in writing by twenty (20) percent of the financial members of the WAPOU Branch.

14.2 A requisition calling for a referendum shall be in the form of an affirmative question and shall be accompanied by an objective statement of the facts and arguments in support of the question and shall be submitted to the next meeting of the Branch Council who shall:

(a) agree to the question, in which case the decision shall be implemented immediately; or

(b) not agree to the question, in which case it shall thereupon be referred to a referendum of financial members accompanied by the statement provided by the requisitioners in support, provided that the Branch Council may determine that several referenda shall be conducted by a single ballot of financial members.

14.3 The arrangements for the taking of a referendum shall be made by the Branch Executive who shall:

(a) appoint for the conduct of the referendum a Returning Officer and such Assistant Returning Officers and Scrutineers as it deems necessary; and

(b) prepare material to accompany the question, which in the case of a referendum not agreed to by the Branch Council shall include an objective statement of the arguments against the question.

14.4 The Returning Officer shall:

(a) issue a ballot paper, and accompanying material, to each financial member of the WAPOU Branch;

(b) supervise the counting of the returns; and

(c) declare the final result of the ballot as a whole in writing to the Branch Secretary.

14.5 Any question put pursuant to any provision of this Rule shall be determined by a simple majority.

14.6 When a question is carried in the affirmative by a referendum it shall be put into effect forthwith.

14.7 No question substantially the same in substance or effect, shall be resubmitted to referendum within a period of two years from the declaration of a ballot, provided that this provision shall not preclude the Branch Council from submitting any question to referendum at any time.

## 15 - DUTIES OF MEMBERS

15.1 Every person applying for membership in so doing agrees to be bound to comply with the rules for so long as they are a member and undertakes to work for the interests of the Union and its members collectively and within the democratic structures provided.

15.2 Decisions of meetings of members, Branch Council and other bodies, called and conducted in accordance with these rules are binding on members. This does not prejudice the right of members to seek to vary such decisions within the framework of the Union and its rules.

## 16 - DUTIES OF BRANCH EXECUTIVE OFFICERS

16.1 The Branch President shall:

(a) preside at all meetings of Branch Council, Branch Executive and any meetings in the WAPOU Branch that they attend, and sign the minutes thereof;

(b) enforce the rules, Union and WAPOU Branch policies and standing orders, and have control of meetings at which he or she presides, and shall use all necessary power to secure and enforce order and expedition in the conduct of the business and good order of the members thereat;

(c) in consultation with the Branch Secretary determine the date, time and place of meetings of Branch Council and Branch Executive whenever such date, time and place has not been determined by Branch Council or Branch Executive;

(d) exercise a deliberative vote if he or she so desires at meetings of Branch Council and Branch Executive;

(e) ensure, as far as possible, that the rules of the WAPOU Branch are performed and observed by officers and members of the WAPOU Branch;

(f) request and receive an explanation from any officer or member of the WAPOU Branch in any case where the Branch President believes that the rules of the WAPOU Branch have not been performed or observed and report thereon to Branch Executive and Branch Council;

(g) generally act to safeguard the reputation, unity, autonomy and property of the WAPOU Branch;

(h) be an ex-officio member of all committees of the WAPOU Branch;

(i) act in conjunction with the Branch Secretary and at least two other members of the Branch Executive in all matters of urgency.

16.2 The Branch Vice-President shall:

(a) assist the Branch President in the performance of the duties of the Branch President;

(b) in the absence of the Branch President, or whenever the Branch President requests, or Branch Council or Branch Executive instructs, perform the duties of the Branch President or such of those duties as may be specified in each request or instruction;

(c) in the absence of the Branch Treasurer, or whenever Branch Council or Branch Executive instructs, perform the duties of the Branch Treasurer or such of those duties as may be specified in each request or instruction; and

(d) attend all meetings of the Branch Council and Branch Executive.

16.3 The Branch Treasurer shall:

(a) furnish to the Branch Council at each ordinary meeting a statement showing the financial position of the WAPOU Branch;

(b) present to the Branch Council such reports as may have been supplied by the Auditors;

(c) in the absence of the Branch President and the Branch Vice- President, or whenever the Branch President requests, or Branch Council or Branch Executive instructs, shall perform the duties of the Branch President or such of those duties as may be specified in each request or instruction; and

(d) attend all meetings of the Branch Council and Branch Executive.

16.4 The Branch Secretary shall:

(a) be the executive officer of the WAPOU Branch and, subject to Rule 6, be responsible for the administration of the WAPOU Branch, the management of the Branch Office and the direction of the employees of the WAPOU Branch;

(b) attend all General Meetings and meetings of the Branch Council or Branch Executive;

(c) attend to and keep a copy of all correspondence;

(d) keep minutes of all meetings and record business transacted by the WAPOU Branch, circulate such minutes in draft where required and present a true copy of minutes at a subsequent meeting of the same body;

(e) convene all General Meetings and summon members of the Branch Council and Branch Executive to all meetings;

(f) keep a register of all members of the WAPOU Branch and the Sub-Branch to which members are assigned;

(g) conform to all the requirements of legislation required to be observed by the WAPOU Branch and where necessary and appropriate submit industrial disputes to conciliation and arbitration in accordance with the practices and procedures set out in the legislation;

(h) keep proper books of account of the WAPOU Branch and see to the preparation of an annual balance sheet and statement of receipts and payments and income and expenditure disclosing the true financial position of the WAPOU Branch and submit same together with all books and vouchers or records required for audit to the WAPOU Branch and in particular:

(i) be accountable for all monies received by the WAPOU Branch;

(ii) ensure prompt payment of WAPOU Branch monies into the appropriate bank account of the WAPOU Branch;

(iii) be accountable for all monies expended from Branch funds;

(iv) ensure cheques drawn upon the Branch fund in payment of accounts are correct to be paid and that all cheques are countersigned;

(v) not make any disbursement directly out of monies received before being banked;

(vi) produce any books and records for inspection at all reasonable times when demanded by the Branch Council;

(vii) produce any financial records for inspection when demanded by the Auditor or Branch Treasurer;

(i) discharge all such other duties and services as may be assigned by the Branch Council or Branch Executive;

(j) not pay, lend or otherwise appropriate any of the funds of the Branch for any cause or purpose whatsoever unless so authorised by the Branch Council;

(k) not make any disbursement directly out of monies received before being paid into the bank.

(l) be an ex-officio member of all committees of the WAPOU Branch; and

(m) act in conjunction with the Branch President and at least two other members of the Branch Executive in all matters of urgency.

16.5 The Branch Assistant Secretary shall:

(a) assist the Branch Secretary with the discharge of their duties; and

(b) act on behalf of the Branch Secretary when he or she is absent.

16.6 The Branch Executive Members shall attend all meetings of the Branch Council and Branch Executive.

16.7 With the exception of the Branch Secretary, where a Branch Officer is unable to perform a duty of office, the Branch Executive may authorise one of the Executive Members or member of Branch Council to perform that duty.

## 17 – (removed)

## 18 - DUTIES OF DELEGATES TO BRANCH COUNCIL

Delegates to Branch Council shall:

18.1 distribute Branch Council agendas, minutes and other reports to members;

18.2 promote knowledge and an understanding of CPSU policies and activities;

18.3 advise the Branch Council and Branch staff of the views of the members in the electorate and any important issues or changes in their Sub-Branch;

18.4 make representations to management and take action in accordance with these rules

and Branch policy to resolve matters affecting members in their Sub-Branch;

18.5 refer unresolved industrial matters, or matters affecting members outside the delegates’ own Sub-Branch, to Branch industrial staff and/or to the Branch Council;

18.6 advise members of their industrial entitlements;

18.7 protect the working conditions and award rights of members in their Sub-Branch;

18.8 strengthen Union organisation in the electorate by recruiting potential members, and informing members about actions taken on their behalf;

18.9 administer the business of their Sub-Branch and preside at all Sub-Branch meetings; and

18.10 attend all meetings of the Branch Council.

## 19 – PRISON BRANCHES

19.1 There should be a Sub-Branch of the WAPOU Branch at all institutions and all members shall be assigned to a Sub-Branch. To form a Sub-Branch of the WAPOU Branch an application by financial members at an institution shall be forwarded to the Branch Council who shall have power to approve or reject such application.

19.2 Each Sub-Branch shall be administered by the Branch Delegate to Branch Council who shall preside at all meetings of the Sub-Branch, authorise the taking of fullest minutes of proceedings and attend to all correspondence.

19.3 Each Sub-Branch shall keep all documents and books relating to the Sub-Branch and shall further discharge other such duties as may be allotted from time to time by the Sub-Branch and pay the strictest attention to the interests of the Sub-Branch.

19.4 Each Sub-Branch shall pass resolutions for its own government, provided always that such resolutions do not conflict with the Rules, policies or decisions of any General Meeting, Branch Council or Branch Executive Meeting.

19.5 Each Sub-Branch shall keep a Standing Order Book to regulate the activities of the Sub-Branch, all orders contained in the Standing Order Book must have the prior approval of the Branch Council, who shall determine whether said orders are constitutional and in the best interests of the Union as a whole.

19.6 Sub-Branches shall have meetings when considered necessary or in accordance with established Sub-Branch policy in respect to such matters and the minutes of all such meetings to be forwarded to the Secretary within fourteen (14) days.

19.7 Sub-Branches shall have the authority, if considered necessary to elect a number of committee persons to assist the Branch Elected Delegate/s to conduct the affairs of the Sub-Branch. Elections for local Committee, where applicable, shall be held yearly at the Sub-Branch Annual Branch Meeting. All Sub-Branch elections must be by secret ballot.

19.8 Where in the opinion of the Branch Council a Sub-Branch fails to operate in the best interests of the WAPOU Branch or the Union as a whole, the Branch Council shall have the power to intervene in the affairs of the Sub-Branch and declare all positions vacant and conduct new elections to re-establish the Sub-Branch.

19.9 Each Sub-Branch shall designate one meeting a year as the Annual Sub-Branch Meeting. At that meeting the Sub-Branch shall elect the local committee (if any) and determine the number of members that will form a quorum for Sub-Branch meetings for the forthcoming twelve months, having regard to the membership at the Sub-Branch and the average attendance at Sub-Branch meetings.

## 20 - MISCONDUCT

20.1 A member of the WAPOU Branch may be charged for:

(a) misappropriation of the funds of the Union;

(b) a substantial breach of the rules or duties of members;

(c) fraudulent, dishonest, disgraceful or other conduct deemed to injure the Union or to bring it into discredit;

(d) failing to declare a pecuniary or other conflict of interest; or

(e) gross neglect of duty.

20.2 Charges may be laid by:

(a) a member of the WAPOU Branch;

(b) the Branch Council or Branch Executive; or

(c) a Branch Officer.

20.3 Charges shall be delivered to the Branch Secretary in writing and signed by the person laying the charge, detailing:

(a) clearly and specifically the alleged misconduct;

(b) the persons involved;

(c) any witnesses;

(d) the date or dates of the occurrence of the offence; and

(e) particulars of alleged facts on which the charge is based.

20.4 As soon as a charge is laid under this rule, no discussion of the matter shall take place at any Branch meeting held under these rules until such time as the charge is finally dealt with.

20.5 The Branch Secretary shall:

(a) within 7 days forward a copy to the member charged along with a written request for the member to reply in writing within 7 days of receipt, admitting or denying the charge or to make any comment thereon;

(b) following receipt of the reply, or the expiry of the time to reply, place the charge and any response before the Branch Executive; and

(c) offer the member the option to appear before Branch Executive to respond to the charge.

20.6 The Branch Executive shall determine that the:

(a) charge does not warrant further action; or

(b) member be summoned to appear before the Branch Council to answer the charge.

20.7 Branch Council, if the member does not appear, or if dissatisfied with the member’s explanation, may, subject to the rights of officers under Chapter C of the Federal rules:

(a) expel the member, subject to revision at the next ensuing General Meeting of the WAPOU Branch;

(b) suspend the member for a certain time;

(c) inflict such fine not exceeding $100.00 as may seem to meet the merits of the case; and/or

(d) censure the member.

20.8 No member who has been expelled shall be re-admitted without the prior consent of Branch Council, and such consent shall be subject to confirmation at the next General Meeting of the WAPOU Branch.

## 21 - CENSURE MOTIONS

21.1 A motion of 'no confidence', reprimand, or other form of censure of a Branch Officer or Delegate to Branch Council may be moved at a meeting of Branch Council provided that:

(a) notice of such motion was given at a previous meeting;

(b) notice of intention, including the substantial details of the allegation, are given in writing to the officer at least 21 days prior to the meeting; and

(c) the officer is given adequate time and opportunity to reply to the allegation at the meeting.

21.2 A motion of 'no confidence', reprimand, or other form of censure of a Delegate to Branch Council may be moved at a meeting of the members of the Sub-Branch which the Branch Councillor represents provided that:

(a) notice of such meeting, including the motion, is given to all members or delegates eligible to vote at least 21 days prior to the meeting;

(b) notice of intention, including the substantial details of the allegation, are given in writing to the officer at least 21 days prior to the meeting; and

(c) the officer is given adequate time and opportunity to reply to the allegation at the meeting.

21.3 A motion of 'no confidence' shall be carried if two-thirds of those present and entitled to vote, vote in favour.

## 22 - EXECUTION OF AGREEMENTS AND DOCUMENTS

22.1 Agreements and documents may be executed on behalf of the WAPOU Branch by the Branch Secretary whose signature shall be attested to by one other member of the Branch Executive and any such document so executed shall be and be deemed to be executed on behalf of the WAPOU Branch and with its authority.

22.2 Documents required to be executed in accordance with provisions of federal or state industrial legislation shall be executed by the Branch Secretary or by any person delegated for the purpose by the Branch Secretary unless otherwise specified by the relevant Act.

## 23 - ELECTIONS

23.1 Every election required by these rules shall be conducted in accordance with Chapter C of the Federal Rules and by the proportional preferential voting system as defined in the schedule to Chapter C of the Federal Rules.

23.2 WAPOU Branch policy may provide for candidates' information of a prescribed form to accompany ballot papers issued in the conduct of a WAPOU Branch election.

23.3 The Branch Secretary and Branch Assistant Secretary shall be elected by secret postal ballot of the whole of the financial membership of the WAPOU Branch for a term of four (4) years. Nominations for the position of Branch Secretary and Branch Assistant Secretary shall not be limited to financial members of the WAPOU Branch, but where a person from outside the Branch is elected to either position, they will subsequently be deemed to possess all the rights and privileges of a member of the Branch. Employees of the Associated Body are eligible to be nominated for and hold these positions.

23.4 The Branch President, Branch Vice-President and Branch Treasurer and three (3) Executive Members shall be elected by secret postal ballot of the whole of the financial membership of the WAPOU Branch for a term of four (4) years.

23.5 A person holding the office of Branch President, Branch Vice-President, Branch Treasurer, or Executive Member shall not be an employee of the WAPOU Branch.

23.6 Delegates to Branch Council shall be elected for a four (4) year term by secret postal ballot by the financial members assigned to their Sub-Branch.

## 24 - STANDING ORDERS

Branch Council shall adopt Standing Orders governing the conduct of all meetings in the WAPOU Branch.

## 25 - TRANSITIONAL RULE TO ALIGN THE ELECTION OF BRANCH COUNCILLORS

25.1 Purpose  
  
Historically the WAPOU Branch Councillor elections have been split such that delegates from the Northern Region Sub-Branches were conducted separately in alternate even-numbered years from delegates in other Sub-Branches.

In order to streamline governance structures to simplify and clarify the WAPOU Branch’s compliance obligations, particularly those related to the administration of the WAPOU Branch’s elections and the lodgement of notifications of change to the organisation’s records, it is considered more appropriate to align the election of all Branch Councillors. This transition rule aligns the WAPOU Branch election cycle.

25.2 Election Cycle

1. The term of appointment for delegates to Branch Council in the Northern Region Sub-Branches scheduled for election in 2024 will be for a two-year term rather than the four-year term specified in 8.2;
2. Following this election all Branch Councillor, Branch Officer and Federal Officer roles will be scheduled for election in 2026 for a four-year term.

## 26 - REGISTER OF MEMBERS

The WAPOU Branch shall keep a register of its members, showing their name and postal address, and shall keep all other records as are required by the *Fair Work (Registered Organisations) Act 2009* and the *Fair Work (Registered Organisations) Regulations 2009.*

\*\*\*END OF RULES\*\*\*