

[233V-WA: Incorporates alterations of 7 June 2019 [R2018/299]]
Replaces rulebook dated 13 December 2016 2015 [R2016/278]

**The National Electrical Contractors Association,
Western Australia Chapter**

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 8 both inclusive contain a true and correct copy of the registered rules of The National Electrical Contractors Association, Western Australia Chapter

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

Rules of The National Electrical Contractors Association, Western Australia Chapter

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RULES OF THE WESTERN AUSTRALIA CHAPTER OF THE
NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

1 - NAME

The name of the Chapter is "The National Electrical Contractors Association, Western Australia Chapter".

2 - DEFINITION

In these rules:

- (a) "The Chapter" means "The National Electrical Contractors Association, Western Australia Chapter".
- (b) "The Chapter Council" or "the Council" means the committee of management elected by the members of the Chapter as the Council of the Chapter.
- (c) "Executive" means the Executive Committee of the Chapter.
- (d) "Group" means a group of members established by the Executive within a defined centre or as constituting a specified section of the electrical contracting industry.
- (e) "National Rules" means the rules of the Organisation.
- (f) "The Organisation" means "The National Electrical Contractors Association.

3 - APPLICATION

These rules apply to and are binding on all members of the Chapter being those members of the Organisation who primarily carry on business within the State of Western Australia. In addition all officers and members of the Chapter are by reason of rule 20(c) of the National Rules subject to those rules.

4 - REGISTERED OFFICE

The registered office of the Chapter shall be at such place as the Council or the Executive of the Chapter shall from time to time determine.

5 - MANAGEMENT

- (a) The management of the Chapter shall be vested in:
 - (i) The Chapter Council, and
 - (ii) The Executive

6 - POWERS OF THE COUNCIL

- (b) The Council shall consist of 9 members, the Chapter Secretary and Assistant Chapter Secretary, provided that no more than 6 Councillors holding office at the same time shall represent members who pay the maximum subscription determined by the Executive in accordance with rule 18. With the exception of the Chapter Secretary and Assistant Chapter Secretary, all Members of the Council shall be elected by and from members of the Chapter in accordance with rule 23 of the National Rules. A nomination for the office of Councillor shall specify the amount of subscription paid by the candidate or the member represented by the candidate for the current year.
- (c) The Executive shall consist of the office bearers, the Chapter Secretary and Assistant Chapter Secretary. With the exception of the Secretary and Assistant Secretary all members of the Executive shall be elected by and from members of the Council in accordance with rule 25 of the National Rules. The Chapter Secretary and Assistant Chapter Secretary shall be elected in accordance with rule 26 of the National Rules.
- (i) All references to Chapter Secretary in rules 26, 27, 28 and 34 of the National Rules shall apply mutatis mutandis to the Assistant Chapter Secretary.
- (ii) As a consequence of the creation of the office of Assistant Chapter Secretary and as a transitional rule only, the inaugural office of Assistant Chapter Secretary may be filled as a casual vacancy as soon as reasonably practicable in 2019 by resolution of the Chapter Committee in accordance with rule 26(c) of the National Rules.
- (d) Save for the Secretary and Assistant Secretary, all members of the Council shall hold office for a term of three years commencing from the declaration of their election and terminating on the date of the declaration of the result of the Council election held three years thereafter. Each year three members of the Council shall retire and those offices shall be subject to election such that in any year only one-third of the Councillors shall be subject to election. All members of the Executive shall hold office for a term of one year commencing from the declaration of their election and terminating at the date of the meeting at which the next Executive is elected. Retiring members shall be eligible for re-election, except that the President may hold office only for three (3) years.

6 - POWERS OF THE COUNCIL

Subject to rule 22 of the National Rules the Chapter Council shall have the following powers in addition to those prescribed by that rule:

- (a) To further and direct the policy of the Organisation and the Chapter in all matters affecting the interest of members of the Chapter.
- (b) To make such by-laws, orders, directions and statements not inconsistent with these rules and the National Rules as shall appear to it to be conducive to the good management and effective working of the Chapter.
- (c) To exercise powers specifically conferred on the Council by the National Council or National Executive or by the National Rules or these rules.
- (d) To deal with matters referred to it by the National Council or National Executive or by any general meeting of members of the Chapter.
- (e) To delegate any of its powers to the Executive.
- (f) To hear and determine any charge made against a member of the Chapter for breach of any of the National Rules or these rules or of any by-law or order made pursuant to the National Rules or these rules.
- (g) To alter or repeal any of these rules in accordance with rule 15 hereof.
- (h) To adopt whatever lawful procedure may be considered advisable for the purpose of protecting and furthering the interests of members.

7 - POWERS OF THE EXECUTIVE

Subject to the National Rules and these rules and to the powers conferred on the Council by these rules and the National Rules and to any resolution of the National Council or the National Executive or of a general meeting of members of the Chapter the Executive shall have the general conduct and control of the business of the Chapter and without limiting the generality of the foregoing the powers of the Executive shall include the following:

- (a) To carry out such specific duties as are delegated to it by a general meeting of members of the Chapter or the Council.
- (b) To authorise such expenditure of moneys as may be necessary for the conduct of the affairs of the Chapter.
- (c) To establish Groups in accordance with rule 14 hereof.
- (d) To establish standing committees and to co-ordinate the activities of such committees.
- (e) To examine and report to the Council on policy decisions affecting members of the Chapter.
- (f) To adopt such measures as it from time to time deems expedient for the purpose of giving effect to the objects of the Organisation or any of them.
- (g) To examine and report to the Council or an annual general meeting of the Chapter on any proposed alteration to these rules.
- (h) To be responsible for the collection of subscriptions, entrance fees and levies.
- (i) To establish general, reserve and trust funds as may be deemed by the Executive to be necessary in the interests of the Organisation and the Chapter.
- (j) To deal with industrial disputes on behalf of the Chapter in accordance with rule 16 hereof and to delegate to any officer of the Chapter and other powers vested in the Executive by rule 16 in respect of industrial disputes.
- (k) From time to time to appoint a Chapter Returning Officer not being the holder of any other office in, and not being an employee of, the Organisation or of a Chapter of the Organisation to conduct all elections for the holders of Chapter offices to be held in accordance with these rules or to terminate any such appointment.

8 - CHAPTER OFFICE BEARERS

- (a) The Chapter office bearers shall consist of a President, Vice-President and Treasurer.
- (b) The powers and duties of office bearers in addition to the powers and duties expressly conferred by these rules and the National Rules shall be as follows:
 - (i) The President shall be the chief officer of the Chapter and ex-officio a member of all committees and sub-committees of the Chapter and shall preside at all meetings of the Council and Executive and all general meetings at which he is present.

He shall have the same rights as speaking on any question under discussion as any other member and have a deliberate vote and a casting vote. The President shall, on pressing emergency, have power in the interim between meetings to suspend any employee for flagrant misconduct or neglect of duty.

- (ii) The Vice-President shall assist the President in the execution of his duties and shall deputise for him in his absence.
- (ii) The treasurer shall handle all monies and shall cause proper financial records to be kept of all financial transactions thereof in accordance with the Fair Work (Registered Organisations) Act 2009 as amended or replaced. He shall supply from time to time all information required by the auditors of the Organisation and of the Chapter and shall after the close of the financial year of the Chapter prepare a General Purpose Financial Report for the financial year and forward same to the Chapter auditors for presentation to the annual meeting of the Chapter.
- (iii) In absence of both President and Vice President from any meeting of the Chapter one of the members of the committee shall be chairman, with the full powers of the President for and in respect of that meeting.
- (A) The office of any Chapter officer (other than the Chapter Secretary and Assistant Chapter Secretary) shall be vacated:
 - (i) if the officer ceases to be a member or a representative of a member of the Organisation;
 - (ii) if he retires from office; or
 - (iii) if by resolution of the Council or of a special general meeting of members of a Chapter he is found guilty of misappropriation of the funds of the Organisation, or a substantial breach of the rules of the Organisation, or gross misbehaviour or gross neglect of duty.

The office of a Chapter officer who has been elected a member of the Council in accordance with Rule 5(c) is vacated his office as member of the Council and any other office held by him shall thereupon become vacant.

If an office is vacated in accordance with paragraph (iii) of subrule (A) of this rule, every other office held by the officer concerned within the Organisation or a Chapter shall thereupon become vacant.

- (B) The Chapter Secretary and Assistant Chapter Secretary may be suspended from office by resolution of the Executive and subject to his being notified of the charges made against him and being given an opportunity to be heard by the Council, he may be summarily removed from office by resolution of the Council if in the opinion of a majority of the Council he is guilty of misappropriation of the funds of the Organisation or a substantial breach of the rules of the Organisation or of gross misbehaviour or gross neglect of duty.

9 - ANNUAL GENERAL MEETING

- (a) An annual general meeting of the Chapter shall be held once in every year at a time and place decided by the Executive and on a day not later than the last day of November in each year. The annual general meeting while in session shall govern, manage and conduct the affairs of the Chapter and unless otherwise specified shall have the power subject to these rules and the National Rules to:
- (i) make, repeal, amend and/or add to these rules provided that a notice specifying the rule which it is proposed to make, repeal, amend or add to and any proposed alteration thereto has been included in the notice of the annual general meeting and provided that details of the proposed amendments shall have been handed in writing to the Chapter Secretary at least 21 clear days before the meeting and referred to the Executive whose report shall be prepared and presented to the meeting at which the rules are to be considered;
 - (ii) determine any matter referred to it by the Chapter Council or Executive Committee of the Organisation;
 - (iii) review the acts or decisions of the Chapter Council;
 - (iv) do all acts or things which by virtue of these rules or the National Rules it or the Council is empowered to do;
 - (v) do all other acts or things which are not by the *Fair Work (Registered Organisations) Act 2009* or these rules or the National Rules specifically directed to be done by any other person or body and which in the opinion of the annual general meeting are in the interests of the Chapter or its members.
- (b) Notice of the annual general meeting shall be given by the Chapter Secretary by posting to or leaving for each member of the Chapter at his postal address for service of notices as shown in the register of members a written notice of the time, date and place of meeting at least 14 days prior to the holding thereof, or by sending the notice by email to the member's email address for service of notices as shown in the register of members. If the notice is sent by pre-paid ordinary mail, the notice is taken to be received on the second Business Day after the date of posting (or on the seventh Business Day after the date of posting if posted to an address outside Australia). If the notice is sent by email, the notice is taken to be received as provided under sections 14 and 14A of the *Electronic Transactions Act 1999* (Cth) as amended or replaced. For the purpose of this clause, Business Day means a day that is not a Saturday, a Sunday or a public holiday in the place concerned.
- (c) The Secretary shall include in the notice of the annual general meeting such notices of intention to amend, repeal, or add to these rules as shall have been received by him in sufficient time to permit inclusion in the said notice.
- (d) All acts and decisions of the Chapter annual general meeting unless contrary to these rules shall be binding on all members of the Chapter including members of the Council.
- (e) The annual general meeting shall be under the control of the chairman.

10 - SPECIAL GENERAL MEETINGS

Special general meetings of members of the Chapter may be convened in accordance with the provisions of rule 31 of the National Rules and notice of the special general meetings of members of the Chapter be given in accordance with Rule 9(b) of these rules.

11 - MEETINGS OF COUNCIL AND EXECUTIVE

- (a) The Council shall meet at least twice each year or upon the request of the Chapter President or any five members of the Council.
- (b) The Executive shall meet at least once a month or at such time as it determines and when convened by order of the Chapter Council or at the request of the Chapter President or three members of the Executive.
- (c) Any request for a meeting of the Chapter Council or Executive shall be delivered to the Chapter Secretary who shall issue notices convening the meeting to all members of the Council or Executive as the case may be.

12 - QUORUMS

- (a) At all general meetings of the Chapter 15 members present in person or by their representatives shall form a quorum.
- (b) At a meeting of the Chapter Council 4 members thereof present in person shall form a quorum.
- (c) At a meeting of the Executive four members thereof present in person shall form a quorum.

13 - VOTING AT MEETINGS

Voting at any general meeting of members of the Chapter shall be prescribed by rules 35(a) and 35(d) of the National Rules. At all meetings of the Council, the Executive or any standing committee voting shall be on the basis of one person one vote with the exception that where the voting on any matter is evenly provided the Chairman shall have a second or casting vote.

14 - GROUPS

- (a) The Executive may establish a Group comprising members of the Chapter carrying on business in any locality or in any section of the Electrical Contracting Industry and may define and specify the area or the section of the industry to be served by the Group.
- (b) Each group shall be subject to these rules and the National Rules and to any Group rules adopted by the members of the Group provided that such Group rules have been approved by the Chapter Executive.
- (c) Each Group shall be responsible to the Executive and, subject to the control and direction of the Council and Executive shall deal with such matters as are referred to it by the Executive from time to time. Each Group shall have the overall responsibility of protecting the interests of its members and furthering the objects of the Organisation.

- (d) An annual meeting of members of each Group shall be held not later than 15 October in each year. At such meeting the members present shall elect a committee consisting of a President, Vice-President, Treasurer, Secretary and not more than five other members. All members of the Group committee shall be members or representatives of members of the Group, save that, if thought necessary by the members of the Group, a member of the Executive who is not a member of the Group may be elected as Group Secretary. All members of a Group committee shall hold office for a period of one year and shall be eligible for re-election. Any member of a Group committee may be removed from office by vote of the Group committee which shall have the power of filling any casual vacancy in the committee.
- (e) Subject to the control and direction of the Council and the Executive the Group committee shall manage the affairs and conduct the business of the Group and shall convene general meetings of the Group and meetings of the committee in accordance with directions of the Group President or the Executive.

15 - ALTERATION OF RULES

In addition to the method prescribed by rule 9(a)(i) these rules may be added to, amended or repealed by the Council, but only when there is a majority of not less than two thirds of all the members of the Council voting in favour of such amendment or repeal and not otherwise provided that notice of motion to add to, amend or repeal these rules shall have been given by the Chapter Secretary in writing at least 21 clear days before the date of the meeting and referred to the Executive whose report shall have been prepared and presented to the meeting at which the rules are to be considered and included with the notice of the meeting. An alteration to these rules shall not be effective until it has been approved by the National Council or National Executive and has been certified in accordance with the *Fair Work (Registered Organisations) 2009*.

16 - INDUSTRIAL DISPUTES

- (a) Subject to rule 39 of the National Rules the Executive may refer any industrial dispute within the Chapter area to the Western Australian Industrial Relations Commission and/or the Australian Industrial Relations Commission or to an industrial tribunal. The Chapter Executive is authorised to act on behalf of the members concerned in such dispute without any authority in general meeting being obtained.
- (b) The Executive shall have full power on behalf of the Chapter to negotiate and claim on matters affecting the industrial interests of the members of the Chapter and all claims, demands, negotiations and settlements made by the Executive whether within the jurisdiction of the Western Australian Industrial Relations Commission and/or Fair Work Commission or any industrial tribunal or otherwise shall be binding on the members of the Chapter.
- (c) The Chapter Secretary shall be the proper officer to appear for the Chapter before any state or federal industrial tribunal. The Chapter Executive may authorise any other person or persons to appear on behalf of the Chapter in addition to the Chapter Secretary or in substitution therefore.

17 - FINANCIAL

- (a) Unless a counterpart arrangement is in place, as described in National rule 20A, the Chapter shall have a Chapter fund which shall be managed and controlled by the Chapter Executive which shall consist of the items of property and money amounts set out in Rule 40(e) of the National Rules. The funds of the Chapter other than Group Funds shall be banked with the bank of the Chapter which shall be the Commonwealth Bank of Australia or such other bank as the Executive shall from time to time decide. Cheques shall be signed by at least two of the President, Vice-President, Treasurer and Chapter Secretary but either the Treasurer or Chapter Secretary must be one of the two signatories. All cheques shall be made out in full before signatures are affixed.
- (b) Loans grants or donations exceeding \$1000 shall not be made by the Chapter unless the Executive -
 - (i) is satisfied that the making of the loan, grant or donation would be in accordance with the rules of the Chapter;
 - (ii) is satisfied in the case of a loan, that in the circumstances the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
 - (iii) has approved the making of the loan, grant or donation.

18 - ENTRANCE FEES, SUBSCRIPTIONS AND LEVIES

The Executive shall determine the entrance fees and annual subscriptions and any levies to be paid by members of the Chapter in accordance with rule 43 of the National Rules. Unless a counterpart arrangement is in place, as described in National rule 20A, all such fees shall be paid to the Chapter Secretary who shall be responsible for payment of all contributions to the National Secretary out of the amounts received as contributions to the national fund in accordance with rule 40(d)(ii) and 43(b) of the National Rules.

19 - POWER TO INSPECT BOOKS

The books of the Chapter and the register of members may be inspected by every member or person having an interest in the funds of the Chapter at any reasonable time upon giving reasonable notice to the Secretary.

20 - INTERPRETATION OF RULES

In case a question at any time arises which is not provided for in these rules or any doubt exists as to the interpretation of the rules or any of them, the same shall be determined by the Chapter at a general or special meeting, whose decision shall be final.

21 - TRANSITIONAL PROVISIONS

The members of the Chapter will elect in 2013 the nine Councillors. For the purposes of achieving implementation of rule 5(d), the Members shall elect three persons to a three year term, three persons to a two year term and three persons to a one year term. A person is not eligible to be nominated for more than one position. Thereafter, three members shall retire alternately in rotation so that each member shall serve for a period of three years.

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