

WACSSO CONSTITUTION AND RULES

ADOPTED AT THE 2022 WACSSO CONFERENCE

PARTNERING WITH P&CS
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1.0 NAME:

The name of the association is THE WESTERN AUSTRALIAN COUNCIL OF STATE SCHOOL ORGANISATIONS (referred to in these Rules as WACSSO).

2.0 INTERPRETATION

In these Rules, unless the context otherwise requires:

Act means the Associations Incorporations Act 2015 (WA).

Affiliate Member means a School Organisation that is a member of WACSSO and which has met its financial obligations in accordance with the Rules.

Annual General Meeting means an annual general meeting of WACSSO held in accordance with the Act.

Associate Member means a member (other than an Affiliate Member) of WACSSO, as follows:

(a) a State Councillor (while they hold office on State Council) with rights under Rule 24.1.2;

(b) an Immediate Past President while they hold such title, with rights under Rule 24.1.2;

(c) a Life Member (appointed in accordance with Rule 18) with rights under Rule 24.1.2; and

(d) any member determined by State Council under Rule 4.3 with rights determined under that Rule.

By-election means an election to fill a vacancy for the remainder of the term of a State Councillor.

By-law means a by-law of WACSSO under Rule 26.

Conference means the conference of Members which is usually held in conjunction with (or at about the same time as) the Annual General Meeting.

Department means the Western Australian state government department responsible for the portfolio of school education.

Electorate means the School Organisations contained within the electorate boundaries for the state of Western Australia as laid down by State Council.

Executive Committee means the committee formed in accordance with Rule 11.

Extraordinary General Meeting means any General Meeting of WACSSO other than an Annual General Meeting.

General Meeting means a meeting of WACSSO that all Members are entitled to receive notice of and attend (being an Annual General Meeting or an Extraordinary General Meeting).

Member means an Affiliate Member or an Associate Member.

Rules means these Rules of WACSSO as in force for the time being, and Rule means any one or more of them.

Secretary means the State Councillor elected pursuant to Rule 16 from time to time as secretary of WACSSO for the purposes of these Rules and the Act.

School Organisation means a Parents and Citizens' Association and/or a School Council directly connected with and working on behalf of any government school (or group of government schools) and affiliated with WACSSO under such terms and conditions as may be determined from time to time by WACSSO in General Meeting or by State Council.

Special Resolution means a resolution passed by Members at a General Meeting in accordance with section 51 of the Act.

State Council means the committee of currently elected State Councillors (and, for the avoidance of doubt, includes the President elected in accordance with Rule 16.1.1).

State Councillor means a person who is elected to State Council in accordance with Rule 13 (and, for the avoidance of doubt, includes the President).

WACSSO means THE WESTERN AUSTRALIAN COUNCIL OF STATE SCHOOL ORGANISATIONS.

3.0 OBJECTS

The objects of WACSSO are to:

- 3.1 endeavour, by all possible means, to ensure that children receive the best possible education in government schools and to this end to initiate and support moves towards the improvement or reassessment of existing education;
- 3.2 be the centralised voice of persons having an interest in and concern for the welfare and advancement of children attending government schools, with responsibility for taking action and making representations on behalf of such persons and for disseminating relevant information to them;
- 3.3 encourage and foster the formation of School Organisations at each government school;
- 3.4 assist School Organisations in the attainment of their objects and, in conjunction with the state government, to promote by active cooperation with the Department,

teachers, parents, citizens, children and the community the welfare and advancement in life of children;

- 3.5 initiate or assist in cooperation between Affiliate Members;
- 3.6 become a member of and/or cooperate with any other group or body, which has similar aims and objects to those of WACSSO; and
- 3.7 be non-party political and non-sectarian.

4.0 MEMBERSHIP

- 4.1 WACSSO is an association of Affiliate Members and Associate Members.
- 4.2 Membership as an Affiliate Member of WACSSO is available to any School Organisation formed to work in the interests of children attending a government school (or schools) in Western Australia and under such terms and conditions as may be determined from time to time by WACSSO in General Meeting or by State Council (including with regard to payment to WACSSO of an annual membership fee prescribed by State Council).
- 4.3 With regard to Associate Members, in addition to those categories of Associate Membership that arise by virtue of position, State Council may:
 - 4.3.1 consider applications for membership as an Associate Member of WACSSO from other organisations having similar aims and objects to WACSSO, or from any other persons or bodies; or
 - 4.3.2 offer membership as an Associate Member of WACSSO to any persons or bodies,

under such terms and conditions as may be determined from time to time by WACSSO in General Meeting or by State Council. State Council may also determine whether any annual membership fee is payable by (or by the various classes of) Associate Members.
- 4.4 All Members are entitled to receive notice of, and attend, any General Meeting of WACSSO.
- 4.5 The Secretary is responsible for:
 - 4.5.1 keeping a register of Members which records the name, contact address (which can be residential, postal or email), category of membership and date of joining of each Member; and
 - 4.5.2 issuing a certificate of membership to Members.

Any change to the register will be recorded within 28 days of the date of the change. The register will be kept at a place determined by State Council.
- 4.6 Upon becoming a Member of WACSSO, each Member will be provided with a

copy of these Rules (in hard or electronic format, or in such other manner as is permitted by the Act).

- 4.7 The rights of a Member are non-transferable and end when membership ceases.
- 4.8 A Member may resign from membership with WACSSO by giving written notice of their resignation to WACSSO. The resignation takes effect upon receipt of the notice (or if a later time is specified, at that time). A person or body who has resigned from membership remains liable for any fees that are owed to WACSSO at the time of resignation.
- 4.9 A person or body ceases to be a Member when any of the following takes place:
 - 4.9.1 for a Member who is an individual, the individual dies;
 - 4.9.2 for a Member that is an incorporated body, the body is wound up;
 - 4.9.3 the Member resigns under Rule 4.8;
 - 4.9.4 the Member ceases to be a Member under Rule 5.3; or
 - 4.9.5 for an Associate Member, where that Member ceases to satisfy the necessary requirements for membership (including as a result of Rule 15.5).

5.0 MEMBERSHIP FEES

- 5.1 State Council will determine the entrance fees (if any) and annual membership fees (if any) to be paid by each class of Member. Accounts for annual membership fees will be sent by WACSSO to fee paying Members before the end of June each year. Membership fees may differ (or be nil) for different classes of membership.
- 5.2 Any Member who is required to pay a membership fee and who has not done so by 1 August will be sent a reminder of its obligation to do so.
- 5.3 Any Member who is required to pay a membership fee and who has not done so by 30 September will be declared unfinancial and its membership with WACSSO will immediately cease and the Member will be advised in writing of such cessation.
- 5.4 If a person or body who has ceased being a Member under Rule 5.3 above offers to pay the annual membership fee after the period referred to in that Rule has expired, State Council may (at its discretion) accept that payment and if the payment is accepted, that person or body's membership is reinstated from the date the payment is accepted.

6.0 FUNDS/PROPERTY/PROFITS

- 6.1 The funds of WACSSO are derived from membership fees, subscriptions, grants, investments, donations, fund raising activities and such other sources as are approved by State Council.

- 6.2 The property and income of WACSSO must be applied solely towards the promotion of the objects and purposes of WACSSO and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any Members except in good faith in the promotion of those objects or purposes.
- 6.3 A payment may be made to a Member out of the funds of WACSSO only if it is authorised under Rule 6.4.
- 6.4 Subject to compliance with any relevant internal process determined by State Council, a payment to a Member out of the funds of WACSSO is authorised if it is:
- 6.4.1 the payment in good faith to the Member as reasonable remuneration for any services provided to WACSSO, or for goods supplied to WACSSO, in the ordinary course of business;
 - 6.4.2 the payment of interest, on money borrowed by WACSSO from the Member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia;
 - 6.4.3 the payment of reasonable rent to the Member for premises leased by the Member to WACSSO; or
 - 6.4.4 the reimbursement of reasonable expenses properly incurred by the Member on behalf of WACSSO.

7.0 MANAGEMENT OF FUNDS

- 7.1 WACSSO must open (or hold) one or more accounts in the name of WACSSO with a financial institution from which all expenditure of WACSSO is made and into which all moneys received by WACSSO are to be deposited.
- 7.2 WACSSO must as soon as practicable after receiving any money issue an appropriate receipt.
- 7.3 All payments by WACSSO must be authorised by any two of the following persons: the President; the Senior Vice-President; either of the two Vice-Presidents; or either of two members of the permanent staff of WACSSO to be nominated from time to time for this purpose at a meeting of State Council.
- 7.4 If there is a direct relationship between two authorised signatories (as referred to in Rule 7.3), they are not permitted to co-sign (or co-authorise) any payments on behalf of WACSSO.

8.0 FINANCIAL YEAR

- 8.1 The financial year of WACSSO is a period of 12 months commencing on 1 July and ending on 30 June.
- 8.2 For each financial year, State Council must ensure that the requirements imposed on WACSSO under Part 5 of the Act relating to the financial statements or financial report of WACSSO are met.

9.0 STATE COUNCIL

- 9.1 The State Councillors are the persons who, as State Council of WACSSO, have the power to manage the affairs of WACSSO.
- 9.2 Subject to the Act, these Rules, the By-laws (if any) and any resolution passed at a General Meeting, State Council has the power to do all things necessary or convenient to be done for the proper management of the affairs of WACSSO.
- 9.3 State Council must take all reasonable steps to ensure that WACSSO complies with the Act, these Rules, and the By-laws (if any).
- 9.4 State Council consists of one State Councillor for each WACSSO Electorate plus the President (who is initially elected as a State Councillor and then elected as President by a vote of State Council in accordance with Rule 16.1). State Council may, from time to time, alter the number (or roles) of persons comprising State Council. A State Councillor becomes an Associate Member of WACSSO during their term of office.
- 9.5 A State Councillor is entitled to be paid out of the funds of WACSSO in the circumstances contemplated by Rule 10.11, but not otherwise.
- 9.6 The acts of State Council (or of any committee or sub-committee of State Council) are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a State Councillor (or member of a committee or sub-committee).

10.0 SPECIFIC POWERS OF STATE COUNCIL

Without limiting Rule 9, but subject at all times to the Act and these Rules, State Council has the power and authority to:

- 10.1 determine policy relating to the affairs and finances of WACSSO;
- 10.2 determine (in conjunction with the Department) a standard form of constitution for adoption and use by School Organisations who are to become Affiliate Members;
- 10.3 advance matters for the benefit of Members including but not limited to the making of representations to government, participating in inquiries and commissions, the membership of committees of relevant groups (including government or semi-government bodies), and the publicity of the aims and policies of WACSSO;
- 10.4 adjudicate on matters brought before it which in any way affect its Members;
- 10.5 assist or advise any Members in their dealings with the Department or government;
- 10.6 conduct such by-elections as are needed to fill any vacancies on State Council;

- 10.7 constitute (and delegate authority to) committees of WACSSO for such purposes as are considered necessary or convenient to advance the affairs of WACSSO (with committees so constituted reporting to State Council at each State Council meeting, or otherwise as required by State Council);
- 10.8 appoint a State Councillor or delegate to represent WACSSO on, or at, any committee, body, organisation, meeting or meetings which WACSSO may be interested in, required to be represented at, affiliated to or connected with for such period or periods as the State Council determines from time to time;
- 10.9 acquire or lease, furnish, provision and maintain such premises as are deemed necessary or requisite for the promotion of the aims and objects of WACSSO and its Members;
- 10.10 confer certificates of merit for long and meritorious service on individual members of School Organisations provided that:
 - 10.10.1 nomination applications from School Organisations are in writing; and
 - 10.10.2 the person nominated has served one or more School Organisations in a meritorious manner for a period of not less than ten (10) years;
- 10.11 pay or authorise the payment of the reasonable out-of-pocket expenses for travel and accommodation of any State Councillor or staff member of WACSSO when attending Conference, any WACSSO General Meeting, any State Council meeting, any WACSSO committee meeting, or otherwise in connection with any other WACSSO designated official business;
- 10.12 establish the positions and general functions of such permanent staff of WACSSO as it deems necessary or expedient for the proper management of WACSSO;
- 10.13 change the boundaries of WACSSO Electorates for the election of State Councillors (though any variation to such boundaries is only to be made if first approved by at least a two-thirds majority of those State Councillors present and voting at a meeting of State Council considering the matter); and
- 10.14 approve or reject an application from a School Organisation to become part of a WACSSO Electorate (for the purposes of the election of State Councillors) outside of, or different to, its present WACSSO Electorate, provided that:
 - 10.14.1 a School Organisation cannot belong to more than one WACSSO Electorate at a time; and
 - 10.14.2 any decision to change the WACSSO Electorate of a School Organisation must first be approved by at least two-thirds of those State Councillors present and voting at a meeting of State Council considering the matter.

11.0 DELEGATION TO EXECUTIVE COMMITTEE

- 11.1 State Council may delegate to a committee (to be known as the Executive Committee) any of the powers to be exercised by State Council when State Council is not in session or otherwise able to meet. Any act or thing done by the Executive Committee has the same force and effect as if it was done by State Council. State Council may at any time vary or withdraw any of the powers so delegated to the Executive Committee.
- 11.2 The Executive Committee comprises the President, the Senior Vice-President, the two (2) Vice-Presidents and three (3) elected State Councillors (or shall otherwise be constituted as determined by State Council from time to time).
- 11.3 The Executive Committee may meet and adjourn as it thinks proper.
- 11.4 Questions arising at a meeting of the Executive Committee will be determined by a majority of votes of those Executive Committee members present and voting with each member of the Executive Committee to have one vote. In the case of an equality of votes, the chair of the Executive Committee meeting will not have a casting vote.
- 11.5 Membership of the Executive Committee is to be determined annually by State Council at the first State Council meeting following the WACSSO Annual General Meeting.

12.0 DELEGATION TO OTHER COMMITTEES AND SUBSIDIARY OFFICES

- 12.1 Without limiting Rules 10.7 or 11, to assist with the conduct of WACSSO's business, State Council may also, in writing, do one or both of the following:
 - 12.1.1 appoint one or more further committees; or
 - 12.1.2 create one or more subsidiary offices and appoint people to those offices.
- 12.2 A committee may consist of the number of people (whether or not Members or State Councillors) that State Council considers appropriate.
- 12.3 A person may be appointed to a subsidiary office whether or not the person is a Member or a State Councillor.
- 12.4 Subject to any directions given by State Council:
 - 12.4.1 any committee may meet and conduct business as it considers appropriate; and
 - 12.4.2 the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.
- 12.5 State Council may, in writing, delegate to any committee or any holder of a subsidiary office the exercise of any power or the performance of any duty of State Council other than:

- 12.5.1 the power to delegate; or
- 12.5.2 a duty imposed on State Council by the Act or by another written law.
- 12.6 A power or duty, the exercise or performance of which has been delegated to a committee or the holder of a subsidiary office under these Rules, may be exercised or performed by the committee or holder in accordance with the terms of the delegation.
- 12.7 The delegation may be made subject to any conditions, qualifications, limitations or exceptions as State Council specifies in the document by which the delegation is made.
- 12.8 The delegation does not prevent State Council from exercising or performing at any time the power or duty delegated.
- 12.9 Any act or thing done by a committee or by the holder of a subsidiary office, under delegation, has the same force and effect as if it had been done by State Council.
- 12.10 State Council may, in writing, amend or revoke the delegation.

13.0 ELECTION AND TERM OF OFFICE OF STATE COUNCILLORS

- 13.1 State Councillors are, subject to Rule 16.3, elected to State Council (on the basis of one State Councillor per WACSSO Electorate) in either a term election or a by-election (as appropriate). Affiliate Members located within each WACSSO Electorate are entitled to vote for candidates standing to represent that WACSSO Electorate (but may not vote in elections for other WACSSO Electorates).
- 13.2 Term elections and by-elections (including the calling of nominations for such elections) are to be conducted by the Secretary (or otherwise as determined by State Council from time to time). Unless otherwise determined by State Council, term elections will be held each year for one third or the number closest thereto of WACSSO Electorates (with the intention that all WACSSO Electorates will hold a term election over a rolling three year period).
- 13.3 State Councillors are to be elected by term election for a term of three (3) years. Every year, State Councillors representing one third of WACSSO Electorates (being those WACSSO Electorates that will be the subject of term elections under Rule 13.2) will retire (subject to the application of Rule 13.7 below).
- 13.4 Any current financial member of a School Organisation that is an Affiliate Member of WACSSO may be nominated by that Affiliate Member to stand for election as a State Councillor (including any former State Councillor who has retired by rotation in accordance with Rule 13.3). The candidate will stand to become a State Councillor for the WACSSO Electorate within which that School Organisation is located.

13.5 Term elections for the position of State Councillor will:

13.5.1 be held annually;

13.5.2 have a nomination period of not less than seven (7) weeks; and

13.5.3 have a closing date for nominations of the first Friday in April.

Results of a term election will be declared on or before 31 May in the relevant year.

13.6 By-elections for a position of State Councillor will:

13.6.1 be called where there is a vacancy within a WACSSO Electorate and will be held either:

concurrently with, and under the same conditions as, term elections; or

when called by the Secretary, no later than four (4) weeks after a request from an Affiliate Member has been received by the Secretary between 1 July and 31 October; and

13.6.2 have a nomination period of not less than seven (7) weeks.

Results of a by-election must be declared on or before the date which is seven (7) weeks after the close of the nomination period.

13.7 A State Councillor elected by By-election will ordinarily hold office for the balance of the three year term (that would have applied had there not been a vacancy in the WACSSO Electorate). However, a State Councillor who is elected by By-election within 6 months of the end of the prescribed three year term of office will automatically hold the position for the subsequent three year term.

13.8 All nominations for election must be in writing and in the form officially nominated by WACSSO for this purpose from time to time (and will also constitute an application to become an Associate Member). The following information is required in (or to accompany) the nomination form for the nomination to be considered valid:

13.8.1 the nominee's full name;

13.8.2 the name of the nominee's School Organisation;

13.8.3 the WACSSO Electorate for which the nominee is standing;

13.8.4 the signature of two (2) office bearers from the nominating School Organisation, excluding the nominee;

13.8.5 a short statement of the nominee's qualifications, achievements and aims;

- 13.8.6 a current Department of Education clearance no older than six (6) months, or evidence of submitting a clearance application; and documentation complying with any other Department of Education requirements.
- 13.8.7 confirmation that the nominee has reviewed, and will comply with the provisions of, the WACSSO Rules.
- 13.9 Nominations must be lodged with the Secretary by 12 noon on the first Friday in April for term elections and by 12 noon on the date appointed by WACSSO for by-elections.
- 13.10 Failure to comply with all nomination requirements in Rules 13.8 and 13.9 will result in the Secretary disallowing the nomination.
- 13.11 In the event of there being only one (1) valid nomination received for a WACSSO Electorate the nominee shall be deemed to be elected.
- 13.12 Where more than one nomination is received for a WACSSO Electorate, a ballot will be conducted. The Secretary will forward a ballot and particulars of every nominee as set out in the nomination form to each voting Member in the Electorate. Each voting Member within the Electorate is entitled to one vote. The ballot process will be completed within seven (7) weeks of the appointed date for the close of nominations.
- 13.13 The ballot process will be determined and conducted by the Secretary and votes will be counted by an independent returning officer. The returning officer must not be a member of any School Organisation or a Member of WACSSO.
- 13.14 The State Council may pay such fees to the returning officer as it determines from time to time.
- 13.15 If there are irregularities in the voting ballot returned by a Member, the returning officer will nevertheless declare the vote valid provided that a response has been received by the stipulated time and the returning officer is satisfied that the voter's identity and intention is clear.
- 13.16 The ballot is to be decided by simple majority of votes cast.
- 13.17 In the case of candidates receiving an equal number of votes in any election, the returning officer shall determine the candidate elected by lot.
- 13.18 Any candidate dissatisfied with the conduct of the ballot may appeal to the WACSSO President in writing.

14.0 STATE COUNCILLORS' RESPONSIBILITIES

Without limiting any obligations owed under the Act, these Rules or at law, State Councillors must:

- 14.1 comply with all duties and requirements imposed upon them by the Act and the general law as officers of WACSSO including (without limitation) the duties to:
 - 14.1.1 act in good faith in the best interests of WACSSO and for a proper purpose;
 - 14.1.2 exercise the requisite level of care and diligence;
 - 14.1.3 avoid improperly using their position as an officer to gain an advantage for themselves or someone else, or to cause detriment to WACSSO;
 - 14.1.4 avoid improperly using information obtained as an officer to gain an advantage for themselves or someone else, or to cause detriment to WACSSO; and
 - 14.1.5 promptly declare any material personal interest in a matter to be considered by State Council (and to not be present while such matter is considered) and disclose such interest at the next General Meeting;
- 14.2 adhere to the WACSSO State Councillor Code of Conduct;
- 14.3 retain membership of a School Organisation that is an Affiliate Member in the WACSSO Electorate represented by them during their term of office;
- 14.4 work to further the objects of WACSSO;
- 14.5 use their best endeavours to attend Conference, any General Meeting and meetings of State Council;
- 14.6 prevent WACSSO trading when insolvent;
- 14.7 return all WACSSO documents, records and information in their possession after their appointment as a State Councillor ceases; and
- 14.8 inform the President in writing (within five business days of being endorsed) that they are seeking to stand for election to state or federal parliament.

15.0 CESSATION OF OFFICE

- 15.1 A State Councillor may resign from State Council by written notice given to the President. The resignation takes effect when the President receives the notice, or if a later time is specified in it, at the later time.
- 15.2 A person ceases to be a State Councillor if the person:
 - 15.2.1 ceases to be a member of a School Organisation that is an Affiliate Member;
 - 15.2.2 resigns from State Council or is removed from State Council under this Rule 15;
 - 15.2.3 becomes ineligible to accept appointment or act as a State Councillor under section 39 of the Act;

- 15.2.4 is elected to state or federal parliament;
 - 15.2.5 becomes a member of the staff of WACSSO during their term as a State Councillor;
 - 15.2.6 fails to attend three consecutive meetings of State Council (not including meetings of any committee or working group), of which the person has been given notice; or
 - 15.2.7 dies, or becomes permanently unable to act as a State Councillor because of a mental or physical disability.
- 15.3 If any State Councillor intends to stand for election to state or federal parliament and:
- 15.3.1 is accepted as an officially endorsed candidate of a registered political party; or
 - 15.3.2 officially announces their intention to stand for parliamentary election as an independent,
- then as from the date of official endorsement or the date of the official announcement (whichever occurs first), they shall temporarily vacate their position as a State Councillor (and, if relevant, office holder) of WACSSO. If that person is the President or Senior-Vice President, then the Senior Vice-President or a Vice President (as the case may be, determined where necessary by agreement or failing that by resolution of the State Council) shall temporarily act as President or Senior Vice-President until the conclusion of the parliamentary elections.
- 15.4 Where a State Councillor is (without having given prior notice) absent from Conference, a General Meeting or a meeting of State Council, the State Councillor must within five (5) working days of the relevant event provide a written apology for non-attendance to the President or the Secretary. Failure to provide such a written apology for non-attendance shall result in the Electorate immediately becoming vacant.
- 15.5 Where State Council is of the opinion that the President, a State Councillor, the Immediate Past President, a Life Member or any person who is an Associate Member has:
- 15.5.1 persistently refused or neglected to comply with a provision of these Rules;
 - 15.5.2 persistently and wilfully acted in a manner prejudicial to the interests of WACSSO; or
 - 15.5.3 been (or is being) formally investigated in respect of, charged with, or convicted of, any offence or alleged offence deemed by State Council to be prejudicial to the interests or reputation of WACSSO,

then State Council may, by resolution passed by no fewer than three quarters of those members of State Council then in office and able to vote (excluding for these purposes any person who is the subject matter of the resolution):

- 15.5.4 move a motion of censure against that person;
- 15.5.5 suspend that person from such rights and privileges of their position in WACSSO, and for such period, as is determined by State Council; or
- 15.5.6 expel the person from their position.

15.6 Any person who is the subject of a resolution passed by the requisite majority pursuant to Rule 15.5 is ineligible to nominate for, or hold any position on, State Council for a minimum period of six (6) years.

16.0 ELECTION OF OFFICE BEARERS

16.1 At its first meeting after the Annual General Meeting the State Council must:

- 16.1.1 in each odd numbered year, elect from within its membership a President and a Senior Vice-President, each for a term of two (2) years; and
- 16.1.2 each year, elect from within its membership two Vice-Presidents and a Secretary, each for a term of one (1) year (the Secretary must be elected from those persons who will sit on the Executive Committee and can be a person who holds another office within WACSSO).

16.2 All nominations for these offices must be in writing on official nomination forms which shall be lodged with the Secretary not less than fourteen (14) days prior to the first State Council meeting after the relevant WACSSO Annual General Meeting each year (or where a vacancy arises during the relevant term, at such time as State Council determines).

16.3 Upon election to the office of President that State Councillor's Electorate will be declared vacant.

16.4 At the expiration of their term of office, the retiring President is eligible for re-election as President.

16.5 The retiring President, unless re-elected, shall be acknowledged with the title of Immediate Past President for a period of 12 months following their retirement, provided that they have served a minimum of 12 months in the role of President. The Immediate Past President:

16.5.1 is an Associate Member of WACSSO; and

16.5.2 is entitled to attend, but not vote at, meetings of State Council, for the term of their appointment as Immediate Past President.

- 16.6 Following the expiration of their term of office, the retiring President is eligible to stand for re-election as a State Councillor (representing the relevant WACSSO Electorate) at the next term election or by-election for that Electorate that occurs at least 12 months after the expiration of their term of office as President.
- 16.7 In the event of the position of an office bearer (as referred to in Rule 16.1) becoming vacant due to resignation or any other reason State Council must, at the next meeting of State Council, elect from within its membership a State Councillor to fill the vacant position for the remainder of the unexpired term of the retiring office bearer.

17.0 THE ROLE OF PRESIDENT AND VICE-PRESIDENT

- 17.1 The President is an ex-officio member of all committees of WACSSO.
- 17.2 The President is entitled to chair meetings of State Council, Executive Committee and any General Meetings and preside at Conference. The President may from time to time transfer such entitlement to the Senior Vice President or another Vice-President.
- 17.3 If the President is absent at the time that any meeting has been called, the Senior Vice-President shall chair the meeting. If the Senior Vice President is also absent, one of the other Vice Presidents (determined by agreement or failing that by election of the meeting) shall chair proceedings at the relevant meeting.
- 17.4 If all of the President, the Senior Vice-President and both Vice-Presidents are absent, the Immediate Past President may chair proceedings for that particular occasion.
- 17.5 If all of the President, the Senior Vice-President, both Vice-Presidents and Immediate Past President are absent, then the meeting shall not proceed.
- 17.6 If the President ceases to hold office on State Council for any reason then the Senior Vice-President shall act as President until the next meeting of State Council (at which meeting the State Council may elect a President for the balance of the period that would otherwise apply under Rule 16.1).
- 17.7 If both the President and Senior Vice-President are absent from the state, or temporarily unable to fulfil the role of President, then State Council will elect one of the Vice-Presidents to act as President on a temporary basis.
- 17.8 If a Senior Vice-President or Vice-President acts as President then that person is not required to vacate their position as State Councillor (in respect of their WACSSO Electorate).

- 17.9 Election as an office holder of a registered political party shall, as from the date of such election, disqualify a State Councillor from standing for or holding office as President, Senior Vice-President or Vice President.
- 17.10 Absence from the state for a period of more than four months shall disqualify a person from holding office as President, Senior Vice-President or Vice-President.
- 17.11 If any person is disqualified under Rules 17.9 or 17.10, State Council may elect a replacement for the balance of the period that would otherwise apply under Rule 16.1.

18.0 LIFE MEMBERSHIP

- 18.1 From time to time State Council may bestow life membership upon a person who has displayed no less than 9 years of meritorious and long-standing commitment to the objects of WACSSO.
- 18.2 To be considered for life membership, a candidate must be nominated by (2) State Councillors in writing to the President. The nominee will be appointed as a Life Member if the proposal is approved by resolution of State Council (with no less than one half of State Councillors then in office voting in favour). A nominee must consent in writing to becoming a Life Member (and, therefore, an Associate Member of WACSSO) prior to being entered into the register of Members.
- 18.3 A Life Member is entitled to attend Conference and any General Meeting.
- 18.4 A Life Member is not required to pay the Conference registration fee and will not (unless State Council otherwise determines, from time to time) be required to pay any annual membership fee.
- 18.5 Life members may, with the permission of the President, represent WACSSO at designated events.

19.0 MEETINGS OF STATE COUNCIL

- 19.1 State Council shall meet on the dates and at the times and places determined by State Council or the President. State Council must meet at least once per school term.
- 19.2 Special meetings of State Council may be convened by the President or by any 3 State Councillors.
- 19.3 Written notice of each State Council meeting must be given to each State Councillor at least ten (10) days prior to the date of the proposed meeting (or 48 hours in the case of a special meeting). The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- 19.4 The procedure to be followed at a meeting of State Council must be determined from time to time by State Council. The order of business at a State Council

meeting may be determined by the State Councillors at the meeting.

- 19.5 The presence of a State Councillor at a meeting of State Council need not be by attendance in person but may be by that person and each other State Councillor at the meeting being simultaneously in contact by means of instantaneous communication. A person who participates in a meeting in this manner is taken to be present at the meeting and, if the State Councillor votes at the meeting, that person is taken to have voted in person.
- 19.6 A majority (being greater than 50%) of the State Councillors then in office constitutes a quorum for the conduct of business of State Council. No formal business is to be conducted at a meeting of State Council unless a quorum is present (though working group and committee sessions may continue if a quorum of participants for these groups is available).
- 19.7 Each State Councillor present at a meeting of State Council has one vote on any question arising at the meeting. Subject to any requirement of these Rules, a motion is carried if a majority of the State Councillors present at the meeting vote in favour of the motion. If the votes are divided equally on a question, the President does not have a casting vote. A vote may take place by the State Councillors present indicating their agreement or disagreement or by a show of hands, unless any State Councillor requests that a secret ballot be held to determine a particular question. If a secret ballot is requested, the President must decide how the ballot is to be conducted.
- 19.8 The State Council must ensure that minutes are taken and kept of each meeting of State Council. The minutes must record the following:
 - 19.8.1 the names of the State Councillors present at the meeting;
 - 19.8.2 the name of any other person attending the meeting under Rule 19.10;
 - 19.8.3 the business considered at the meeting; and
 - 19.8.4 any motion on which a vote is taken at the meeting and the result of the vote.

The minutes of a State Council meeting must be entered in WACSSO's minute book as soon as is practicable and in any event within 30 days after the minutes have been approved by State Council.

- 19.9 The President must ensure that the minutes of a meeting of State Council are reviewed and signed as correct. When the minutes of a meeting have been signed as correct they are, until the contrary is proved, evidence that:
 - 19.9.1 the meeting to which the minutes relate was duly convened and held;

19.9.2 the matters recorded as having taken place at the meeting took place as recorded; and

19.9.3 any appointment purportedly made at the meeting was validly made.

19.10 Meetings of State Council and of the Executive Committee are conducted in private but the State Council or Executive Committee may determine that part of the meeting be open to the media, to Members or other observers. The State Council may permit a person other than a State Councillor to address it.

20.0 ANNUAL GENERAL MEETINGS

20.1 An Annual General Meeting is to be held within 6 months of the close of the financial year at such time and place as is determined by State Council.

20.2 The business of the Annual General Meeting is to:

20.2.1 confirm the minutes of the previous Annual General Meeting and of any Extraordinary General Meeting held since that date (if the minutes have not previously been approved);

20.2.2 consider any business arising from those minutes;

20.2.3 receive the report of the President;

20.2.4 receive and consider the audited financial statements (or such other materials as are required under Part 5 of the Act);

20.2.5 if applicable, appoint or remove an auditor in accordance with the Act; and

20.2.6 consider any other business of which notice has been given in accordance with these Rules.

20.3 Subject to Rule 20.4, agenda items intended for consideration at the Annual General Meeting submitted by State Council or Members must be received by the Secretary not later than nine (9) weeks before the date of the Annual General Meeting.

20.4 An item of an urgent nature relating to a matter or event that has arisen or occurred during the period of nine (9) weeks prior to Annual General Meeting may be submitted to the Secretary. Late agenda items may be placed on the Annual General Meeting Agenda if approved by State Council.

20.5 All agenda items (including urgent agenda items submitted under Rule 20.4) must be:

20.5.1 submitted in writing, signed and dated by the president and/or secretary of the proposing School Organisation that is an Affiliate Member; and

20.5.2 state or national in character, accompanied by adequate preamble and/or supporting material.

21.0 EXTRAORDINARY GENERAL MEETINGS

- 21.1 An Extraordinary General Meeting may be convened by State Council.
- 21.2 The Secretary must convene an Extraordinary General Meeting within 28 days after receipt by WACSSO of a written request to do so from at least 20 per cent of the total number of Members. The meeting must be held within three (3) months after the date that the written request was received. The Members requiring an Extraordinary General Meeting to be convened must make the request by written notice to WACSSO, state in the notice the business to be conducted at the meeting, and each sign the notice.
- 21.3 The Secretary must give notice of an Extraordinary General Meeting to each Member at least two (2) weeks prior to the date of the proposed Extraordinary General Meeting.

22.0 NOTICE OF AND REPRESENTATION AT GENERAL MEETINGS

- 22.1 Notice of an Annual General Meeting shall be given by WACSSO (or the Secretary on behalf of WACSSO) to each Member at least three (3) months prior to the date of the proposed Annual General Meeting.
- 22.2 Notice of a General Meeting must specify the date, time and place of the meeting, indicate the general nature of each item of business to be considered at the meeting and if a Special Resolution is proposed set out the wording of the Special Resolution (and comply with any other requirement of the Act).
- 22.3 Each Affiliate Member is entitled to be represented at a General Meeting by two (2) delegates.
- 22.4 In addition to delegates, each School Organisation that is an Affiliate Member may register such number of observers to attend a General Meeting as is approved by State Council from time to time. Those observers:
 - 22.4.1 will not have voting rights; and
 - 22.4.2 will not be entitled to speak at the General Meeting unless permitted by the Chair.
- 22.5 A delegate of an Affiliate Member must not represent more than one (1) Affiliate Member at a General Meeting.
- 22.6 Any State Councillor present at a General Meeting must act in that capacity only and may not also represent (or act as a delegate of) an Affiliate Member.
- 22.7 Each delegate attending a General Meeting must be nominated by an Affiliate Member.

23.0 GENERAL MEETING QUORUM

- 23.1 A quorum for a General Meeting is constituted by the presence of both:
- 23.1.1 at least 15% of all Affiliate Members; and
 - 23.1.2 a majority (being greater than 50%) of State Councillors then in office.
- 23.2 No formal business is to be conducted at a General Meeting unless a quorum is present.

24.0 VOTING

- 24.1 On any question arising at a General Meeting:
- 24.1.1 each Affiliate Member represented by duly accredited delegate(s) at the General Meeting is entitled to two (2) votes (and if it has appointed 2 delegates then each delegate is entitled to one of those votes); and
 - 24.1.2 each Associate Member present at the General Meeting has the number of votes (if any) attached to its level of membership, including:
 - each State Councillor is entitled to one (1) vote;
 - an Immediate Past President is entitled to one (1) vote; and
 - a Life Member is entitled to one (1) vote.
- 24.2 For a Member to be eligible to vote, they must be registered as a Member, and must have paid any fee or other money payable to WACSSO by the Member, by the time of the Meeting.
- 24.3 The presence of a Member at a General Meeting need not be by attendance in person but may be by that Member and each other Member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication. A member who participates in a General Meeting in accordance with this Rule is taken to be present at the meeting and, if the Member votes at the meeting, the Member is taken to have voted in person.
- 24.4 Proxy voting is not permitted at any meeting of WACSSO.
- 24.5 Except in the case of a Special Resolution (or as otherwise required by these Rules), a motion is carried if a majority of votes cast are in favour of the motion. A vote that is tied equally is lost.
- 24.6 Voting at a General Meeting is to be by show of hands, or by secret ballot where requested by any State Councillor. Unless a secret ballot is requested, the chair of the General Meeting may, on the basis of the show of hands, declare that a resolution has been carried or lost.

24.7 If a secret ballot is to be held at a General Meeting, the secret ballot must be taken at the meeting in the manner determined by the chair of the meeting. The chair of the meeting will declare the determination of the resolution on the basis of the secret ballot.

25.0 ADJOURNMENT OF GENERAL MEETINGS

25.1 The chair of a General Meeting at which a quorum is present may, with the consent of a majority of the Members present who are entitled to vote on any question put to the meeting, adjourn the meeting to another time at the same place or at another place.

25.2 Without limiting Rule 25.1, a meeting may be adjourned:

25.2.1 if there is insufficient time to deal with the business at hand; or

25.2.2 to give Members more time to consider an item of business.

25.3 No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

25.4 Notice of the adjournment of a meeting under this Rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with Rule 21 or 22 (as appropriate).

26.0 BY-LAWS

26.1 State Council may, by resolution, make, amend or revoke By-laws.

26.2 By-laws may:

26.2.1 provide for the rights and obligations that apply to any classes of Associate Membership;

26.2.2 impose requirements relating to the financial reporting and financial accountability of WACSSO and WACSSO's accounts; and

26.2.3 provide for any other matter that State Council considers necessary or convenient to be dealt with in the By-laws (including procedural matters to be observed or followed at meetings held in accordance with these Rules).

26.3 A By-law is of no effect to the extent that it is inconsistent with the Act, any regulations created under the Act or these Rules.

26.4 At the request of a Member, WACSSO will make a copy of the By-laws available for inspection by the Member.

26.5 As at the date of adoption of these Rules it is acknowledged that WACSSO has By-laws in place setting out "Rules of Debate and Standing Orders" for use at both:

26.5.1 General Meetings; and

26.5.2 other meetings (including meetings of State Council and of the Executive Committee) of WACSSO,

which must be observed at all meetings held under these Rules unless the Rules otherwise provide.

27.0 THE SECRETARY

27.1 In the conduct of the business of WACSSO, the Secretary shall:

27.1.1 deal with WACSSO's correspondence;

27.1.2 consult with the President regarding the business to be conducted at each meeting and prepare the notices required for meetings (and for the business to be conducted at meetings);

27.1.3 maintain on behalf of WACSSO a record of State Councillors and other persons authorised to act on behalf of WACSSO and their contact details, as required by the Act;

27.1.4 maintain on behalf of WACSSO an up to date copy of these Rules as required by the Act;

27.1.5 ensure the safe custody of the books of WACSSO (including books of account and financial records);

27.1.6 maintain full and accurate minutes of State Council meetings and General Meetings; and

27.1.7 carry out any other duty given to the Secretary under these Rules (including Rule 4.5) or by State Council.

27.2 The Secretary shall also have oversight of the financial operation of WACSSO and shall:

27.2.1 ensure the collection, banking and investment of all money received by WACSSO and the issue of receipts for amounts received in WACSSO's name, and that any payments by WACSSO are properly authorised and are made on time;

27.2.2 ensure WACSSO complies with the relevant requirements of Part 5 of the Act; and

27.2.3 oversee the preparation of the annual financial statements of WACSSO, the production of financial reports for State Council, and provide any assistance required by the auditor.

27.3 The Secretary may procure the assistance of WACSSO staff or external advisers in performance of the above functions.

28.0 RESOLVING DISPUTES

- 28.1 This Rule applies to disputes under or relating to these Rules:
- 28.1.1 between Members of WACSSO; or
 - 28.1.2 between Members and WACSSO.
- 28.2 The parties to a dispute covered by this Rule must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.
- 28.3 If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 28.2, any party to the dispute may start the grievance procedure set out in this Rule 28 by giving written notice to the Secretary of:
- 28.3.1 the parties to the dispute; and
 - 28.3.2 the matters that are the subject of the dispute.
- 28.4 Within 28 days after the Secretary is given the notice, a State Council or Executive Committee meeting must be convened to consider and determine the dispute. The Secretary must give each party to the dispute written notice of the State Council or Executive Committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- 28.5 The notice given to each party to the dispute must state:
- 28.5.1 when and where the State Council or Executive Committee meeting is to be held; and
 - 28.5.2 that the party, or the party's representative, may attend the meeting (or relevant part of the meeting) and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to State Council or the Executive Committee about the dispute.
- 28.6 If:
- 28.6.1 the dispute is between one or more Members of WACSSO; and
 - 28.6.2 any party to the dispute gives written notice to the Secretary stating that the party does not agree to the dispute being determined by State Council or the Executive Committee and requests instead the appointment of a mediator under Rule 28.11, then neither State Council nor the Executive Committee will determine the dispute.
- 28.7 At the State Council or Executive Committee meeting at which a dispute is to be considered and determined, State Council or the Executive Committee must:

- 28.71 give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the Executive Committee about the dispute;
 - 28.72 give due consideration to any submissions so made; and
 - 28.73 determine the dispute.
- 28.8 State Council or the Executive Committee must give each party to the dispute written notice of the determination, and the reasons for the determination, within 7 days after the State Council or Executive Committee meeting at which the determination is made.
- 28.9 A party to the dispute may, within 14 days after receiving notice of the determination under Rule 28.7.3, give written notice to the Secretary requesting the appointment of a mediator under Rule 28.11.
- 28.10 If notice is given under Rule 28.9, each party to the dispute is a party to the mediation.
- 28.11 If notice requiring a mediator is given under Rule 28.6.2 or Rule 28.9 then the mediator is to be chosen by agreement. If no agreement can be reached, then State Council (or the Executive Committee) can determine and appoint a mediator. The mediator must be someone with appropriate experience but must not have any personal interest in the matter that is the subject of the mediation. Where a mediator is appointed, it shall follow the procedures in Rules 28.12 to 28.17.
- 28.12 The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- 28.13 Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- 28.14 In conducting the mediation, the mediator must give each party to the mediation every opportunity to be heard, allow each party to the mediation to give due consideration to any written statement given by another party, and ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- 28.15 The mediator cannot determine the matter that is the subject of the mediation.
- 28.16 The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- 28.17 The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

29.0 EXECUTING DOCUMENTS AND COMMON SEAL

- 29.1 The common seal of WACSSO is to be kept in the custody of the Secretary and may only be affixed to any deed, agreement, instrument or other document by the authority of the State Council and not otherwise.
- 29.2 Any two (2) of: the President; the Senior Vice President; the two (2) Vice-Presidents; and the Secretary, must sign the document to attest that the document was sealed in their presence and the Secretary must keep a written record of all documents to which the common seal has been affixed.
- 29.3 WACSSO may also execute a document without using a common seal if the document is signed by:
- 29.3.1 two (2) members of State Council; or
 - 29.3.2 one (1) member of State Council and a person authorised by State Council.

30.0 CUSTODY OF BOOKS, DOCUMENTS AND SECURITIES

- 30.1 The Secretary shall have custody or control of all WACSSO books, documents and securities.
- 30.2 Rule 30.1 shall have effect except as otherwise decided by State Council.
- 30.3 The books of WACSSO must be retained for at least seven (7) years. Without limiting this requirement, it is acknowledged that all minutes (including minutes of General Meetings and of meetings of State Council) will be retained in perpetuity.

31.0 INSPECTION OF RECORDS AND DOCUMENTS

- 31.1 Rules 31.2 and 31.3 apply to a Member who wants to inspect:
- 31.1.1 the register of Members under section 54(1) of the Act;
 - 31.1.2 the record of the names and addresses of State Councillors, and other persons authorised to act on behalf of WACSSO, under section 58(3) of the Act; or
 - 31.1.3 any other record or document of WACSSO.
- 31.2 The Member must contact the Secretary to make the necessary arrangements for the inspection.
- 31.3 The inspection must be free of charge.
- 31.4 If the Member wants to inspect a document that records the minutes of a State Council or Executive Committee meeting, the right to inspect that document is subject to any decision the State Council or Executive Committee has made about minutes of meetings generally, or the minutes of a specific meeting, being available for inspection by Members.

- 31.5 The Member may make a copy of or take an extract from a record or document referred to in Rule 31.1.3 but does not have a right to remove the record or document for that purpose.
- 31.6 The Member must not use or disclose information in a record or document referred to in Rule 31.1.3 except for a purpose:
- 31.6.1 that is directly connected with the affairs of WACSSO; or
- 31.6.2 that is related to complying with a requirement of the Act.

32.0 DELIVERY OF NOTICES

A notice or other document that is to be given to a Member under these Rules is taken not to have been given to the member unless it is in writing and:

- 32.1 delivered by hand to the address of the Member as recorded in the register of Members;
- 32.2 sent by prepaid post to the postal address of the Member as recorded in the register of Members; or
- 32.3 sent by facsimile or electronic transmission (including email) to an appropriate number or electronic address of the Member as recorded in the register of Members.

33.0 ALTERATION OF RULES

- 33.1 If WACSSO wishes to alter or rescind any of these Rules, or make additional Rules, it may only do so by Special Resolution and by otherwise complying with the provisions of the Act.
- 33.2 If any Member wishes to propose a motion seeking to vary these Rules, it must submit that motion, in writing, to State Council no later than nine (9) weeks before the date of the Annual General Meeting (or relevant Extraordinary General Meeting). Once submitted, such a motion must not be amended (other than to remove typographical/ grammatical errors). State Council shall consider in good faith whether to put any such motion received before a General Meeting (though need not do so where it considers such motion is vexatious, illegal, contrary to these Rules or likely to be prejudicial to the interests or reputation of WACSSO).

34.0 DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP

On the cancellation of the incorporation or winding up of WACSSO, its surplus property must be distributed as determined by Special Resolution in accordance with the provisions of the Act.

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