

NOTICE

CICS 24 of 2022

NOTICE is given of application CICS 24 of 2022 by The Australian Rail, Tram and Bus Industry Union of Employees, West Australian Branch to the Commission in Court Session (**CICS**) of the Western Australian Industrial Relations Commission (**WAIRC**) for an alteration to Rule 1. Name of Union, insertion of proposed new sub rules 1.1 and 1.2, Rule 3. Eligibility for Membership, insertion of proposed new sub rules 3.4, 3.5, and 3.6, Rule 5. Definitions, Rule 6. The Executive, sub rule 6.7, and insertion of proposed new sub rules 6.8, 6.9, 6.10, 6.11, 6.12, and 6.13, insertion of proposed new Rule 6A. The Executive, insertion of proposed new Rule 7C. Workplace Delegates, Rule 8. Union Offices, sub rule 8.3, and insertion of proposed new sub rules 8.4, 8.5, and 8.6, Rule 9. Admission to Membership, insertion of proposed new sub rule 9.8, Rule 10. Subscriptions, Fees, Levies, sub rule 10.3, and insertion of proposed new sub rule 10.7, Rule 11. Membership Status, insertion of proposed new sub rule 11.5, Rule 12. Financial Status of Members, Rule 14. Duties of Members, sub rules 14.2, 14.5, and 14.11, Rule 15. Duties of the President, sub rule 15.3, and insertion of proposed new sub rules 15.4, 15.5, 15.6, and 15.7, Rule 16. Duties of the Vice President, insertion of proposed new sub rule 16.3, Rule 17. Duties of the Secretary, insertion of proposed new sub rule 17.4, Rule 19. Disciplinary Action Against Members, insertion of proposed new sub rules 19.6 and 19.7, Rule 23. Union Funds, insertion of proposed new sub rule 23.7, Rule 24. Levies and Fees, insertion of proposed new sub rule 24.3, Rule 25. Disbursement of Union Funds, Rule 26. Loans, Grants or Donations, insertion of proposed new sub rule 26.3, Rule 27. Auditors, insertion of proposed new sub rule 27.3, Rule 32. Eligibility for Office, insertion of proposed new sub rule 32.4, Rule 33. General Obligations of Office Bearers and Action in Relation to Misconduct, sub rules 33.1 and 33.13, and insertion of proposed new sub rule 33.14, Rule 38. Casual Vacancies, sub rules 38.2, 38.3, 38.4, and 38.5, and insertion of proposed new sub rule 38.6, Rule 39. Acting Appointments, insertion of proposed new sub rules 39.1 and 39.2, Rule 41. Seal and Execution of Documents, insertion of proposed new sub rule 41.3, Rule 42. Arbitration Proceedings, insertion of proposed new sub rules 42.1 and 42.2, Rule 44. General Meetings of Members, insertion of proposed new sub rule 44.7, Rule 45. Amendment to the Rules, insertion of proposed new sub rule 45.6, Rule 46. Interpretation of the Rules, insertion of proposed new sub rule 46.4, Heading Part VIII – OFFICE BEARERS TO BE PERSONS HOLDING OFFICE IN PTA BRANCH, Rule 48. PTA Branch of RTBU, insertion of proposed new sub rules 48.3, 48.4, and 48.5 of its registered rules (**the Rules**).

The proposed alterations are detailed below. Proposed alterations are shown as ~~strikethrough~~ for deletions and underlining for additions.

Existing Rule 1

1 – NAME OF UNION

The Union shall be called “The Australian Rail, Tram and Bus Industry Union of Employees, West Australian Branch”.

Proposed Rule 1

1 – NAME OF UNION

1.1 The Union shall be called “The Australian Rail, Tram and Bus Industry Union of Employees, West Australian Branch”.

1.2 Provided that on and from 1 January 2023, the Union shall be called the “Australian Rail, Tram and Bus Industry Union of Employees, Western Australia Branch”.

Existing Rule 3

3 – ELIGIBILITY FOR MEMBERSHIP

- 3.1. Any person employed in the Public Transport Authority of Western Australia who is an employee within the meaning of the IRA may be admitted as a member.
- 3.2. No person shall be a member of the Union except in the capacity of an Honorary Member, who is not an employee within the meaning of the IRA.
- 3.3. Notwithstanding the above provision, a person who is admitted to membership of the Union pursuant to these provisions and who subsequently is elected as an Office Bearer of the Union or becomes an employee of the Union, shall be entitled to remain as a member while holding such office or engaged in such employment.

Proposed Rule 3

3 – ELIGIBILITY FOR MEMBERSHIP

- 3.1. Any person employed in the Public Transport Authority of Western Australia who is an employee within the meaning of the IRA may be admitted as a member.
- 3.2. No person shall be a member of the Union except in the capacity of an Honorary Member, who is not an employee within the meaning of the IRA.
- 3.3. Notwithstanding the above provision, a person who is admitted to membership of the Union pursuant to these provisions and who subsequently is elected as an Office Bearer of the Union or becomes an employee of the Union, shall be entitled to remain as a member while holding such office or engaged in such employment.
- 3.4. Provided that on and from 1 January 2023, the following shall also be eligible to become members of the Union:-

- (i) permanent or casual employees, including persons training for employment, in the tramway services of Australia and motor omnibus services and trolley bus services and light rail services run in conjunction therewith or controlled thereby, and also employees of the Metropolitan (Perth) Passenger Transport Trust and any Commonwealth, State or Local Government, in tramway or motor omnibus or trolley bus or light rail services together with such other persons whether employed in the industry or not who at any time when training for employment or working in the tramway, trolley bus, motor omnibus or light rail services have been admitted as members and who continue that membership.

provided nothing in this paragraph (i) shall permit the Union to enrol as members persons employed in Perth as clerks, ticket examiners, depot starters, assistant depot starters or inspectors; and

- (ii) an unlimited number of employees employed in or in connection with the Railway and Tramway industry or industries governed and controlled directly by the Governments of the Commonwealth of Australia and the State of Western Australia, or indirectly by such Governments, or any of them through Commissioners, Boards, Managers, Directors, or other means, and also all railway systems in the Commonwealth of Australia owned and controlled by private persons or companies, and the Secretary and/or any employee of the Railway Institute established by or under the direction or with the approval of the Commissioners, Boards, Managers, Directors or other controlling authorities of any of the railway systems in the

Commonwealth of Australia; and

(iii) (a) an unlimited number of railway employees (adult or junior, male or female) who become and remain members of the Union and persons who while being members of the Union retire from the railway industry upon the ground of ill health or having reached retiring age and whose membership has not been terminated pursuant to these Rules;

(b) for the purposes of sub-paragraph (ii)(a) above, "Employee" or "Railway Employee" means any officer or employee employed by any Railway Department and also any officer or employee employed in any railway system in the Commonwealth owned or controlled by private persons or corporations other than officers in a supervisory position employed at an annual rate of salary and shall include the Secretary or any employee of any Railway Institute established by or under the direction or with the approval of the Railway Commissioner or other controlling authority of any railway system in the Commonwealth and "Railway industry" has a corresponding meaning; and

(iv) an unlimited number of persons employed in the Railway Train Running Industry including Locomotive Drivers, Electric Train Drivers, Firemen, Electric Helpers, Chargemen and Cleaners, Packers and Trimmers, Wash-out Men, Wash-out Men's Assistants, Motor Drivers and any other worker engaged in and about the working or management of or incidental to any Steam Locomotive or Motor driven by electricity or other power used on any Railway;

provided that, except as provided in rules 3.6 and 11.3, a person shall only be eligible to remain as a member while he/she continues to meet one or other of the eligibility criteria specified in the foregoing paragraphs.

3.5 Each of the paragraphs numbered (i) to (iv) in rule 3.4 shall be interpreted separately. Accordingly, each paragraph shall neither limit nor be limited by the provisions of any other paragraph.

3.6 Notwithstanding the proviso to rule 3.4, a person who is admitted to membership pursuant to the provisions of rule 9 and who subsequently is elected as a paid Office Bearer of the Union or becomes an employee of the Union, shall be entitled to remain as a member while holding such Office or engaged in such employment.

Existing Rule 5

5 – DEFINITIONS

5.1 In these Rules the following words and phrases shall have the following meanings:

“Annual General Meeting” is a meeting of members convened pursuant to rule 44.1 of the Rules.

“Associate Member” has the meaning given in rule 11.4 of the Rules.

“The Australian Rail, Tram and Bus Industry Union” [“RTBU”] is an organisation registered under the FW(RO)A.

“award” has the same meaning as in the IRA;

“Branch” means a body of the Union established under rule 7.1 of the Rules.

“Branch Committee” means the persons who hold a position in a Branch as specified in rule 7.3 of the Rules;

“Electoral Commissioner” has the same meaning as in the Electoral Act 1907 (WA);

“enterprise order” has the same meaning as in the IRA;

“Executive” means the body of the Union established under rule 6.1 of the Rules.

“FW(RO)A” means the *Fair Work (Registered Organisations) Act 2009 (Cwth)*.

“FWA” means the *Fair Work Act 2009 (Cwth)*.

“Honorary Member” means a person who has been awarded membership of the Union in accordance with rule 13.3 of the Rules.

“IRA” means the *Industrial Relations Act 1979 (WA)*.

“member” means a persons who has been admitted to membership of the Union.

“Office” means the positions in the Union specified in rule 8.1 of the Rules.

“Office Bearer” means a person holding an Office within the Union.

“Organisation” means an association of employees registered under Part II Division 4 of the IRA or an association of employees registered under the FW(RO)A.

“Public Transport Authority of Western Australia” means the statutory body corporate with perpetual succession created by section 5 of the *Public Transport Authority Act 2003 (WA)*.

“PTA Branch” means the Australian Rail, Tram and Bus Industry Union, West Australian PTA Branch as constituted by Part XVI of the rules of the RTBU.

“Register of Members” means the list of members created under rule 20.1 of the Rules.

“Register of Office Bearers” means the list of Office Bearers created under rule 20.2 of the Rules.

“Registrar” has the same meaning as in the IRA.

“registered office” means the principal place of business of the Union as specified in rule 2 of the Rules.

“Rules” means the rules of the Union as registered from time to time with the WAIRC.

“Special General Meeting” is a meeting of members convened pursuant to rule 44.2 of the Rules.

“Union” means the organisation registered under Part II Division 4 of the IRA

and having the WAIRC registered number 265.

“Union Fund” means the pool of assets specified in rule 23.2 of the Rules.

“WAIRC” means the body continued and constituted under Part II Division 1 of the IRA under the name *The Western Australian Industrial Relations Commission*.

- 5.2 Throughout the text of these Rules where certain words or phrases appear and next to such words or phrases there is written in brackets and surrounded by quotation marks an abbreviation or acronym of the immediately preceding words or phrases then whenever that abbreviation or acronym appears elsewhere in the text of these Rules it is to be read as the words or phrases for which the abbreviation or acronym stands.

Proposed Rule 5

5 – DEFINITIONS

- 5.1 In these Rules the following words and phrases shall have the following meanings:

"Annual General Meeting" is a meeting of members convened pursuant to rule 44.1 of the Rules.

"Associate Member" has the meaning given in rule 11.4 of the Rules.

"The Australian Rail, Tram and Bus Industry Union" ["RTBU"] is an organisation registered under the FW(RO)A.

"award" has the same meaning as in the IRA;

~~"Branch" means a body of the Union established under rule 7.1 of the Rules.~~

~~"Branch Committee" means the persons who hold a position in a Branch as specified in rule 7.3 of the Rules;~~

"Council" means the body of the Union established under rule 6.8 of the Rules.

"Electoral Commissioner" has the same meaning as in the Electoral Act 1907 (WA);

"enterprise order" has the same meaning as in the IRA;

"Executive" means the body of the Union established under rule 6.1 of the Rules provided that on and from 1 January 2023 "Executive" means the body of the Union established under rule 6A of the Rules.

"Freight Section" shall consist of all members of the Union who work entirely or predominately in or in connection with freight transport.

"FW(RO)A" means the *Fair Work (Registered Organisations) Act 2009 (Cwth)*.

"FWA" means the *Fair Work Act 2009 (Cwth)*.

~~"FWA" means the *Fair Work Act 2009 (Cwth)*.~~

"Honorary Member" means a person who has been awarded membership of the Union in accordance with rule ~~13.3~~ 11.3 of the Rules.

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

"member" means a persons who has been admitted to membership of the Union.

"Office" means the positions in the Union specified in rules 8.1 and 8.4 of the Rules.

"Office Bearer" means a person holding an Office within the Union.

"Organisation" means an association of employees registered under Part II Division 4 of the IRA or an association of employees registered under the FW(RO)A.

"Passenger Section" shall consist of all members of the Union who work entirely or predominately in or in connection with passenger transport.

"Public Transport Authority of Western Australia" means the statutory body corporate with perpetual succession created by section 5 of the *Public Transport Authority Act 2003 (WA)*.

"PTA Branch" means the Australian Rail, Tram and Bus Industry Union, West Australian PTA Branch as constituted by Part XVI of the rules of the RTBU.

"Register of Members" means the list of members created under rule 20.1 of the Rules.

"Register of Office Bearers" means the list of Office Bearers created under rule 20.2 of the Rules.

"Registrar" has the same meaning as in the IRA.

"registered office" means the principal place of business of the Union as specified in rule 2 of the Rules.

"Rules" means the rules of the Union as registered from time to time with the WAIRC.

"Special General Meeting" is a meeting of members convened pursuant to rule 44.2 of the Rules.

"Union" means the organisation registered under Part II Division 4 of the IRA and having the- name The Australian Rail, Tram and Bus Industry Union of Employees, West Australian Branch WAIRC registered number 265.

"Union Fund" means the pool of assets specified in rule 23.2 of the Rules.

"WAIRC" means the body continued and constituted under Part II Division 1 of the IRA under the name *The Western Australian Industrial Relations Commission*.

"WA Branch" means the Australian Rail, Tram and Bus Industry Union, Western Australia Branch.

- 5.2 Throughout the text of these Rules where certain words or phrases appear and next to such words or phrases there is written in brackets and surrounded by quotation marks an abbreviation or acronym of the immediately preceding words or phrases then whenever that abbreviation or acronym appears

elsewhere in the text of these Rules it is to be read as the words or phrases for which the abbreviation or acronym stands.

Existing Rule 6

6 – THE EXECUTIVE

- 6.1 The Union shall be governed by the Executive which shall have the responsibility for the affairs of the Union including but not limited to the industrial affairs of the members of the Union.
- 6.2 The Executive shall consist of:
 - 6.2.1 The President;
 - 6.2.2 The Vice-President;
 - 6.2.3 The Secretary; and
 - 6.2.4 Sub rule deleted (Application 56/2013, 13 December 2013)
 - 6.2.5 One representative from each Branch.
- 6.3 The Executive will meet at least four times in each calendar year as determined by it or as the President, and the Secretary jointly may determine and otherwise on an as needs basis.
- 6.4 The Secretary shall forward a notice of meeting of the Executive to each Executive member together with an agenda no less than 7 days prior to the date of the meeting provided that all of members of the Executive may agree to waive this notice of meeting requirement.
- 6.5 A quorum for a meeting of the Executive shall be a majority of the members of the Executive entitled to attend the meeting.
- 6.6 The Executive shall have the care, control, management and superintendence of the activities of the Union. All decisions within the powers of the Executive shall have full force and effect.
- 6.7 Between meetings of the Executive, a meeting of the Executive may be had by a meeting convened by teleconference, video conference, internet audio and/or visual communication or similar means (“Supplementary Executive Meeting”).
 - 6.7.1 A decision to hold a Supplementary Executive Meeting is to be made by the President and the Secretary jointly.
 - 6.7.2 Where a decision has been made to hold an Supplementary Executive Meeting, the Secretary shall dispatch an agenda paper clearly setting out the matters for decision, together with any supporting material, to each member of the Executive.

Proposed Rule 6

6 – THE EXECUTIVE

- 6.1 The Union shall be governed by the Executive which shall have the responsibility for the affairs of the Union including but not limited to the industrial affairs of the members of the Union.
- 6.2 The Executive shall consist of:
 - 6.2.1 The President;

- 6.2.2 The Vice-President;
- 6.2.3 The Secretary; and
- 6.2.4 Sub rule deleted (Application 56/2013, 13 December 2013)
- 6.2.5 One representative from each Branch.
- 6.3 The Executive will meet at least four times in each calendar year as determined by it or as the President, and the Secretary jointly may determine and otherwise on an as needs basis.
- 6.4 The Secretary shall forward a notice of meeting of the Executive to each Executive member together with an agenda no less than 7 days prior to the date of the meeting provided that all of members of the Executive may agree to waive this notice of meeting requirement.
- 6.5 A quorum for a meeting of the Executive shall be a majority of the members of the Executive entitled to attend the meeting.
- 6.6 The Executive shall have the care, control, management and superintendence of the activities of the Union. All decisions within the powers of the Executive shall have full force and effect.
- 6.7 Between meetings of the Executive, a meeting of the Executive may be had by a meeting convened by teleconference, video conference, internet audio and/or visual communication or similar means ("Supplementary Executive Meeting").
- 6.7.1 A decision to hold a Supplementary Executive Meeting is to be made by the President and the Secretary jointly.
- 6.7.2 Where a decision has been made to hold a Supplementary Executive Meeting, the Secretary shall dispatch an agenda paper clearly setting out the matters for decision, together with any supporting material, to each member of the Executive.
- 6.8 Provided that on and from 1 January 2023, the Union shall be governed by the Council which shall have responsibility for the affairs of the Union including to but not limited to the industrial affairs of the members of the Union. The Council shall be the highest deliberative body in the Union.
- 6.9 The Council shall consist of the President, Vice-President (Freight) who shall be elected by the financial members of the Freight Section, Vice-President (Passenger) who shall be elected by the financial members of the Passenger Section, Secretary, the Sub-Branch Secretaries and one (1) Affirmative Action Councillor who shall be elected by the financial women members of the Union.
- 6.10 Each of the members of Council shall be entitled to exercise one vote at Council.
- 6.11 A resolution of Council shall be carried where a numerical majority of Councillors present and voting, vote in favour.
- 6.12 The Council shall meet in ordinary session every two years at such time and place as the Council or, in the absence of a decision by the Council, the President, the Vice Presidents and the Secretary jointly, shall determine.

6.13 In addition to the ordinary meetings of Council, a meeting of the Council shall be convened by the Secretary upon:

- a. The resolution of at least 75% of the Sub-Branches in both Sections; or
- b. The resolution of all Sub-Branches in either of the Sections.

Proposed New Rule 6A

6A – THE EXECUTIVE

6A.1 On and from 1 January 2023, there shall be an Executive.

6A.2 The Executive shall comprise the President, the Vice-Presidents, the Secretary and the Affirmative Action Councillor.

6A.3 The Executive shall be the Committee of Management of the Union. Subject to these Rules, to the policies and decisions of the Council and to the review of its decisions by the Council, it shall have the care, control, management and superintendence of the activities of the Union and between meetings of the Council, it may exercise all or any of the powers and functions of the Council other than the power to make, alter or rescind these Rules but it shall not act contrary to any policy or decision of the Council and shall not rescind, alter, vary or revoke any policy or decision of the Council. All decisions within the powers of the Executive shall have full force and effect unless and until disallowed by the Council.

6A.4 The Executive shall meet in ordinary session twice per year as determined by the Secretary and President jointly or as determined by Council.

6A.5 A quorum for a meeting of the Executive shall be a majority of the members of the Executive entitled to attend .

6A.6 Each member of the Executive shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.

6A.7 A Special Meeting of the Executive may be convened by the Secretary and the President jointly or by direction of the Council.

Proposed New Rule 7C

7C – WORKPLACE DELEGATES

7C.1 Each location in a Sub-Branch may appoint Workplace Delegates. The appointment of Workplace Delegates shall be by the majority of members at that location and the term of appointment will be for two (2) years or until the majority of members decide to reappoint their Workplace Delegate

7C.2 The role of the Workplace Delegate is to consult with local management on issues of a local nature, ensure awards and industrial and enterprise agreements are adhered to, ensure compliance of OHS legislation, assist in establishing logs of claims for any new industrial or enterprise agreement, deal with local member grievances, encourage membership of the Union, assist Sub-Branch Committees in resolving disputes and refer matters to a higher structure within the Union should assistance be required or the matter is considered greater than a local issue.

Existing Rule 8

8 – UNION OFFICES

8.1 The Offices are:

- 8.1.1 The President;
 - 8.1.2 The Vice-President;
 - 8.1.3 The Secretary; and
 - 8.1.4 Sub rule deleted (Application 56/2013, 13 December 2013)
 - 8.1.5 All other Executive members.
- 8.2 The Office of Secretary shall be a paid position.
- 8.3 Other Offices shall be honorary positions.

Proposed Rule 8
8 – UNION OFFICES

- 8.1 The Offices are:
- 8.1.1 The President;
 - 8.1.2 The Vice-President;
 - 8.1.3 The Secretary; and
 - 8.1.4 Sub rule deleted (Application 56/2013, 13 December 2013)
 - 8.1.5 All other Executive members.
- 8.2 The Office of Secretary shall be a paid position.
- 8.3 Other Offices shall be honorary positions.
- 8.4 Provided that on and from 1 January 2023, the Union Offices shall be:-
- President
 - Vice-President (Freight)
 - Vice-President (Passenger)
 - Secretary
 - Sub-Branch Secretaries
 - Affirmative Action Councillor
- 8.5 The Office of Secretary shall be a paid position.
- 8.6 All other Union Offices shall be honorary positions.

Existing Rule 9
9 – ADMISSION TO MEMBERSHIP

- 9.1 All persons eligible for membership of the Union under rule 3 of the Rules shall be entitled to seek membership of the Union by making application to the Secretary in accordance with the form prescribed by the Secretary (“Application Form”).
- 9.2 Any person wanting to make application to become a member of the Union shall be provided with an Application Form upon request.
- 9.3 An application for membership of the Union shall be accompanied by such entrance fee, if any, as the Executive shall from time to time determine.
- 9.4 A person’s membership of the Union commences on and from the date that

person's duly completed Application Form is received by the Secretary.

- 9.5 If the Secretary considers that a person who applies for membership of the Union is either ineligible or is of general bad character, the Secretary shall refer the application for consideration by the Executive. The Executive shall decide whether to accept or reject that person's application for membership of the Union and in the event of acceptance, that person shall be deemed to be a member from the date that the person's application was received by the Secretary.
- 9.6 The Secretary shall inform persons who want to become members of the Union, in writing, of the financial obligations arising from membership and of the circumstances and the manner in which a member may resign from the Union.
- 9.7 No error, omission or want of form in connection with a person's application for membership shall in itself invalidate membership.

Proposed Rule 9

9 – ADMISSION TO MEMBERSHIP

- 9.1 All persons eligible for membership of the Union under rule 3 of the Rules shall be entitled to seek membership of the Union by making application to the Secretary in accordance with the form prescribed by the Secretary ("Application Form").
- 9.2 Any person wanting to make application to become a member of the Union shall be provided with an Application Form upon request.
- 9.3 An application for membership of the Union shall be accompanied by such entrance fee, if any, as the Executive shall from time to time determine.
- 9.4 A person's membership of the Union commences on and from the date that person's duly completed Application Form is received by the Secretary.
- 9.5 If the Secretary considers that a person who applies for membership of the Union is either ineligible or is of general bad character, the Secretary shall refer the application for consideration by the Executive. The Executive shall decide whether to accept or reject that person's application for membership of the Union and in the event of acceptance, that person shall be deemed to be a member from the date that the person's application was received by the Secretary.
- 9.6 The Secretary shall inform persons who want to become members of the Union, in writing, of the financial obligations arising from membership and of the circumstances and the manner in which a member may resign from the Union.
- 9.7 No error, omission or want of form in connection with a person's application for membership shall in itself invalidate membership.
- 9.8 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 10

10 – SUBSCRIPTIONS, FEES, LEVIES

- 10.1 A member shall pay such subscriptions, fees, and levies as are determined from time to time by the Executive. All monies due by a member shall be paid to the Secretary.

- 10.2 The method of payment of subscriptions fees, and levies shall be determined from time to time by the Executive.
- 10.3 Subject to rule 10(5) of the Rules, all subscriptions, fees or levies shall be paid either annually in advance, half yearly in advance, quarterly in advance, or fortnightly in advance at the option of the individual member. Where subscriptions, fees or levies are paid:
- 10.3.1 Annually in advance, payment shall be made no later than January 1 in each year;
- 10.3.2 Half yearly in advance, payment shall be made no later than January 1, and July 1 in each year;
- 10.3.3 Quarterly in advance, payment shall be made no later than January 1, April 1, July 1, and October 1 in each year;
- 10.3.4 Fortnightly in advance, payment shall be made no later than the 1st day of each month and the 15th day of each month.
- 10.4 Where the member has entered into a direct debit arrangement with the Union, the member shall be financial from the date of the first direct debit deduction, provided that the member owes no arrears in subscriptions, fees or levies.
- 10.5 Notwithstanding the foregoing provisions of this rule 10 of the Rules, should any member during any financial year not be in receipt of the full award rate of pay owing to ill health or to other causes which the Executive regards as warranting special consideration, then, provided that the member was fully financial at the time that the member ceased to be in receipt of the full award rate, the Executive may grant the member exemption from payment of all or any subscriptions, fees or levies imposed in accordance with the Rules for all or part of the period during which the member is not in receipt of the full award rate. During the period of the exemption, the member shall be deemed to be financial.
- 10.6 Notwithstanding the foregoing provisions of this Rule, if a member is a financial member of another Organisation, up until the end of the calendar quarter as provided for in rule 10.3.3 of the Rules during which the member joins the Union, that member shall not be required to pay subscriptions, fees or levies for that quarter.

Proposed Rule 10

10 – SUBSCRIPTIONS, FEES, LEVIES

- 10.1 A member shall pay such subscriptions, fees, and levies as are determined from time to time by the Executive. All monies due by a member shall be paid to the Secretary.
- 10.2 The method of payment of subscriptions fees, and levies shall be determined from time to time by the Executive.
- 10.3 Subject to rule ~~10.5~~(5) of the Rules, all subscriptions, fees or levies shall be paid either annually in advance, half yearly in advance, quarterly in advance, or fortnightly in advance at the option of the individual member. Where subscriptions, fees or levies are paid:
- 10.3.1 Annually in advance, payment shall be made no later than January 1 in each year;

- 10.3.2 Half yearly in advance, payment shall be made no later than January 1, and July 1 in each year;
- 10.3.3 Quarterly in advance, payment shall be made no later than January 1, April 1, July 1, and October 1 in each year;
- 10.3.4 Fortnightly in advance, payment shall be made no later than the 1st day of each month and the 15th day of each month.
- 10.4 Where the member has entered into a direct debit arrangement with the Union, the member shall be financial from the date of the first direct debit deduction, provided that the member owes no arrears in subscriptions, fees or levies.
- 10.5 Notwithstanding the foregoing provisions of this rule 10 of the Rules, should any member during any financial year not be in receipt of the full award rate of pay owing to ill health or to other causes which the Executive regards as warranting special consideration, then, provided that the member was fully financial at the time that the member ceased to be in receipt of the full award rate, the Executive may grant the member exemption from payment of all or any subscriptions, fees or levies imposed in accordance with the Rules for all or part of the period during which the member is not in receipt of the full award rate. During the period of the exemption, the member shall be deemed to be financial.
- 10.6 Notwithstanding the foregoing provisions of this Rule, if a member is a financial member of another Organisation, up until the end of the calendar quarter as provided for in rule 10.3.3 of the Rules during which the member joins the Union, that member shall not be required to pay subscriptions, fees or levies for that quarter.
- 10.7 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 11

11 – MEMBERSHIP STATUS

- 11.1 Except as provided in rule 11.3 and rule 11.4 of the Rules, only members who continue to meet the eligibility criteria specified in rule 3 of the Rules or who, after being admitted as members of the Union, are elected as Office Bearers or become employees of the Union, shall be entitled to remain as members.
- 11.2 A person no longer entitled to remain as a member shall cease to be a member and shall be removed from the Register of Members.
- 11.3 The Executive may make any person an Honorary Member for either a specified period of time or for that person's lifetime upon resolution by the Executive that the person has given meritorious service to the Union and its members.
- 11.3.1 In the event that the Honorary Member was a member previously that person's honorary membership shall commence on and from that member's retirement, resignation or cessation of eligibility to remain a member.
- 11.3.2 An Honorary Member shall be exempt from payment of subscriptions, fees, and levies but the Honorary Member shall not be entitled to vote in any election or ballot or at any meeting of the Union, nor to nominate for or hold any Office within the Union.

11.3.3 Honorary Membership shall not be regarded as financial membership for the purposes of the Rules.

11.4 The Executive may make any employee an Associate Member who does not meet the eligibility criteria specified in rule 3 of the Rules. An Associate Member shall commence his/her membership on and from the date of the Executive's decision. An Associate Member shall not be entitled to vote in any election or ballot or at any meeting of the Union or hold any Office. An Associate member shall not be regarded as a financial member for the purposes the Rules. For all other purposes an Associate Member will be deemed to be a member of the Union.

Proposed Rule 11

11 – MEMBERSHIP STATUS

11.1 Except as provided in rule 11.3 and rule 11.4 of the Rules, only members who continue to meet the eligibility criteria specified in rule 3 of the Rules or who, after being admitted as members of the Union, are elected as Office Bearers or become employees of the Union, shall be entitled to remain as members.

11.2 A person no longer entitled to remain as a member shall cease to be a member and shall be removed from the Register of Members.

11.3 The Executive may make any person an Honorary Member for either a specified period of time or for that person's lifetime upon resolution by the Executive that the person has given meritorious service to the Union and its members.

11.3.1 In the event that the Honorary Member was a member previously that person's honorary membership shall commence on and from that member's retirement, resignation or cessation of eligibility to remain a member.

11.3.2 An Honorary Member shall be exempt from payment of subscriptions, fees, and levies but the Honorary Member shall not be entitled to vote in any election or ballot or at any meeting of the Union, nor to nominate for or hold any Office within the Union.

11.3.3 Honorary Membership shall not be regarded as financial membership for the purposes of the Rules.

11.4 The Executive may make any employee an Associate Member who does not meet the eligibility criteria specified in rule 3 of the Rules. An Associate Member shall commence his/her membership on and from the date of the Executive's decision. An Associate Member shall not be entitled to vote in any election or ballot or at any meeting of the Union or hold any Office. An Associate member shall not be regarded as a financial member for the purposes the Rules. For all other purposes an Associate Member will be deemed to be a member of the Union.

11.5 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 12

12 – FINANCIAL STATUS OF MEMBERS

12.1 A member's membership of the Union lapses if the member is more than 3 months in arrears in the member's subscriptions or in the payment of any fees, or levies imposed in accordance with the Rules. Conversely, a member is

financial if the member is not more than three months in arrears in the member's subscriptions or in the payment of any fees, or levies imposed in accordance with the Rules.

- 12.2 Notwithstanding the provisions of rule 12.1 of the Rules, any former member shall not become financial until that person pays all arrears owing.
- 12.3 When a member who is not financial makes a part payment or payments in relation to subscriptions, fees, or levies outstanding, such payment or payments shall be applied to the amounts owing in the same order in which such arrears were incurred with the amount outstanding longest being discharged first.
- 12.4 Notwithstanding any other requirement in these Rules, where a member is also a member of the RTBU and is a financial member of that Organisation, the member shall be taken to be, and treated as, a financial member of the Union.
- 12.5 If a member's membership of the Union has lapsed as a result of rule 12.1 of the Rules as at the date when nominations are called for the election of an Office Bearer that person shall not be eligible to vote in such an election.

Proposed Rule 12

12 – FINANCIAL STATUS OF MEMBERS

- 12.1 ~~A member's membership of the Union lapses~~ is unfinancial if the member is more than ~~3 months~~ 13 weeks in arrears in the member's subscriptions or in the payment of any fees, fines or levies imposed in accordance with the Rules. Conversely, a member is financial if the member is not more than ~~three months~~ 13 weeks in arrears in the member's subscriptions or in the payment of any fees, fines or levies imposed in accordance with the Rules.
- 12.2 Notwithstanding the provisions of rule 12.1 of the Rules, ~~any former a~~ member who is unfinancial shall not become financial until that person pays all arrears dueowing.
- 12.3 ~~Where~~ When a member who is ~~not~~ unfinancial makes a part payment or payments in relation to subscriptions, fees, fines and /-or levies outstanding, such payment or payments shall be applied to the amounts owing in the same order in which such arrears were incurred with the amount outstanding longest being discharged first.
- 12.4 Notwithstanding any other requirement in these Rules, where a member is also a member of the RTBU and is a financial member of that Organisation, the member shall be taken to be, and treated as, a financial member of the Union. Provided that on and from 1 January 2023, where a member is also a member of the RTBU and is a financial member of that Organisation belonging to the WA Branch, the member shall be taken to be, and treated as, a financial member of the Union.
- 12.5 A member, while unfinancial, shall not be eligible for any of the rights and privileges of membership including the right to vote in any election or ballot of members or, to attend or vote at any meeting within the Union or to nominate for or hold any Office within the Union. ~~If a member's membership of the Union has lapsed as a result of rule 12.1 of the Rules as at the date when nominations are called for the election of an Office Bearer that person shall not be eligible to vote in such an election.~~

Existing Rule 14

14 – DUTIES OF MEMBERS

A member of the Union shall not:

- 14.1 Contravene or fail to observe any of the Rules;
- 14.2 Contravene or fail to observe any lawful resolution of the Executive or a Branch;
- 14.3 Give false or misleading information to the Union or an Office Bearer on any matter relating to the objects or affairs of the Union;
- 14.4 Divulge any of the confidential business of the Union to someone not entitled to know such information.
- 14.5 Obstruct the Union, the Executive or its Office Bearers in the performance of their functions under the Rules;
- 14.6 Defraud or attempt to defraud the Union;
- 14.7 Misappropriate any property of the Union;
- 14.8 Make a false charge against a fellow member;
- 14.9 Obstruct, insult or behave in an offensive manner towards any Office Bearer or employee of the Union who is acting in the course of their duties;
- 14.10 Violate or attempt to violate the terms of any applicable award or enterprise order or enter into or attempt to enter into any agreement with any employer contrary to the provisions of an applicable award or enterprise order;
- 14.11 Fail, without reasonable excuse, to attend any meeting of the Executive or of a Branch when summoned by such a body.

Proposed Rule 14

14 – DUTIES OF MEMBERS

A member of the Union shall not:

- 14.1 Contravene or fail to observe any of the Rules;
- 14.2 Contravene or fail to observe any lawful resolution of the Council, the Executive or a Sub-Branch;
- 14.3 Give false or misleading information to the Union or an Office Bearer on any matter relating to the objects or affairs of the Union;
- 14.4 Divulge any of the confidential business of the Union to someone not entitled to know such information.
- 14.5 Obstruct the Union, the Council, Executive or its Office Bearers in the performance of their functions under the Rules;
- 14.6 Defraud or attempt to defraud the Union;
- 14.7 Misappropriate any property of the Union;
- ~~14.8—~~Make a false charge against a fellow member;
- 14.8
- 14.9 Obstruct, insult or behave in an offensive manner towards any Office Bearer or

employee of the Union who is acting in the course of their duties;

- 14.10 Violate or attempt to violate the terms of any applicable award or enterprise order or enter into or attempt to enter into any agreement with any employer contrary to the provisions of an applicable award or enterprise order;
- 14.11 Fail, without reasonable excuse, to attend any meeting of the Council, Executive or of a Sub-Branch when summoned by such a body.

Existing Rule 15

15 – DUTIES OF THE PRESIDENT

- 15.1 In addition to any duties specified elsewhere in the Rules, the President shall:
- 15.1.1 Preside at all meetings of the Executive and all general meetings of members;
 - 15.1.2 Preserve order and decorum at such meetings and shall confirm the minutes thereof; and
 - 15.1.3 Ensure that the Rules and the policies of the Union are adhered to.
- 15.2 The President may, when called upon to do so, interpret these Rules but such interpretation shall be subject to review by the Executive.
- 15.3 At all meetings of the Union, at which he/she presides, the President shall have a deliberative vote only.

Proposed Rule 15

15 – DUTIES OF THE PRESIDENT

- 15.1 In addition to any duties specified elsewhere in the Rules, the President shall:
- 15.1.1 Preside at all meetings of the Executive and all general meetings of members;
 - 15.1.2 Preserve order and decorum at such meetings and shall confirm the minutes thereof; and
 - 15.1.3 Ensure that the Rules and the policies of the Union are adhered to.
- 15.2 The President may, when called upon to do so, interpret these Rules but such interpretation shall be subject to review by the Executive.
- 15.3 At all meetings of the Union, at which he/she presides, the President shall have a deliberative vote only.
- 15.4 Provided that on and from 1 January 2023, in addition to any duties specified elsewhere in these Rules, the President shall preside at all meetings of the Council and the Executive. He/she shall preserve order and decorum at such meetings and shall confirm the minutes thereof. He/she shall ensure that the Rules of the Union are adhered to.
- 15.5 The President is empowered to give an interpretation to these Rules or to determine any dispute involving the application or requirements of such Rules and his/her decision in such manner shall be final and conclusive unless over-ruled by the Council. All rulings made by the President shall be circulated in writing to members of the Council as soon as practicable following the ruling. Further, the Secretary shall maintain a record of all rulings by the President.

15.6 At all meetings of the Union, at which he/she presides, the President shall have a deliberative but not a casting vote.

15.7 The President shall be an ex officio member of all Union Governing Bodies and Committees.

Existing Rule 16

16 – DUTIES OF THE VICE PRESIDENT

16.1 In addition to any duties specified elsewhere in the Rules, the Vice President shall assist the President in the conduct of the President's formal duties.

16.2 In the absence of the President, the Vice President shall deputise for the President.

Proposed Rule 16

16 – DUTIES OF THE VICE PRESIDENT

16.1 In addition to any duties specified elsewhere in the Rules, the Vice President shall assist the President in the conduct of the President's formal duties.

16.2 In the absence of the President, the Vice President shall deputise for the President.

16.3 Provided that on and from 1 January 2023, in addition to any duties specified elsewhere in the Rules, the Vice-Presidents shall assist the President in the conduct of his/her formal duties and in the absence of the President, a Vice-President shall deputise for his/her as determined by the Council.

Existing Rule 17

17 – DUTIES OF THE SECRETARY

17.1 The Secretary shall be the principal officer of the Union.

17.2 Between meetings of the Executive, the Secretary shall, subject to the Rules and the policies and decisions of the Executive, have primary responsibility for the conduct and management of the affairs of the Union and do all things necessary to be done by or on behalf of the Union.

17.3 Without limiting the generality of the foregoing the Secretary shall:

17.3.1 Discharge all duties assigned to the Secretary by the Rules, and the Executive;

17.3.2 Summon and attend all meetings of the Executive;

17.3.3 Where the Secretary considers it necessary, consult with the President on any urgent matters which require a decision between meetings of the Executive;

17.3.4 Arrange for all Union correspondence to receive attention;

17.3.5 Issue press statements and provide media comment in relation to the Union and its affairs;

17.3.6 Be responsible for the safe custody of the Union seal, documents, securities and accumulated funds

17.3.7 Prepare, keep and/or file or cause to be prepared, kept and/or filed, all union documents and records required under the provisions of the IRA or any other relevant legislation;

- 17.3.8 Receive all monies belonging to the Union and deposit the same in the Union's bank account as soon as practicable;
- 17.3.9 Disburse all Union funds in accordance with the Rules;
- 17.3.10 Ensure that union financial records are maintained and that annual accounts are prepared and audited;
- 17.3.11 Monitor the accounts and other affairs of any Branch and for this purpose to have custody of and access to Branch documents and financial records;
- 17.3.12 Prepare or cause to be prepared, all necessary documents for the Executive including the minutes of Executive meetings;
- 17.3.13 Prepare or cause to be prepared, regular financial statements for the Executive;
- 17.3.14 Co-ordinate the activities of a Branch;
- 17.3.15 Control and supervise the Union office and its staff including the engagement and termination of such staff;
- 17.3.16 Maintain the Register of Members;
- 17.3.17 Maintain Register of Office Bearers;
- 17.3.18 Be responsible to the Executive for the proper performance of the Secretary's duties.

Proposed Rule 17

17 – DUTIES OF THE SECRETARY

- 17.1 The Secretary shall be the principal officer of the Union.
- 17.2 Between meetings of the Executive, the Secretary shall, subject to the Rules and the policies and decisions of the Executive, have primary responsibility for the conduct and management of the affairs of the Union and do all things necessary to be done by or on behalf of the Union.
- 17.3 Without limiting the generality of the foregoing the Secretary shall:
 - 17.3.1 Discharge all duties assigned to the Secretary by the Rules, and the Executive;
 - 17.3.2 Summon and attend all meetings of the Executive;
 - 17.3.3 Where the Secretary considers it necessary, consult with the President on any urgent matters which require a decision between meetings of the Executive;
 - 17.3.4 Arrange for all Union correspondence to receive attention;
 - 17.3.5 Issue press statements and provide media comment in relation to the Union and its affairs;
 - 17.3.6 Be responsible for the safe custody of the Union seal, documents, securities and accumulated funds

- 17.3.7 Prepare, keep and/or file or cause to be prepared, kept and/or filed, all union documents and records required under the provisions of the IRA or any other relevant legislation;
- 17.3.8 Receive all monies belonging to the Union and deposit the same in the Union's bank account as soon as practicable;
- 17.3.9 Disburse all Union funds in accordance with the Rules;
- 17.3.10 Ensure that union financial records are maintained and that annual accounts are prepared and audited;
- 17.3.11 Monitor the accounts and other affairs of any Branch and for this purpose to have custody of and access to Branch documents and financial records;
- 17.3.12 Prepare or cause to be prepared, all necessary documents for the Executive including the minutes of Executive meetings;
- 17.3.13 Prepare or cause to be prepared, regular financial statements for the Executive;
- 17.3.14 Co-ordinate the activities of a Branch;
- 17.3.15 Control and supervise the Union office and its staff including the engagement and termination of such staff;
- 17.3.16 Maintain the Register of Members;
- 17.3.17 Maintain Register of Office Bearers;
- 17.3.18 Be responsible to the Executive for the proper performance of the Secretary's duties.

17.4 Provided that on and from 1 January 2023, the Secretary shall be the Principal Officer and Treasurer of the Union. Between meetings of the Council and the Executive, he/she shall, subject to these Rules and to the policies and decisions of the Council and the Executive, have primary responsibility for the conduct and management of the affairs of the Union and do all things necessary to be done by or on behalf of the Union. Without limiting the generality of the foregoing, he/she shall: -

- a) discharge all duties assigned to him/her by these Rules, the Council or the Executive;
- b) summon and attend all meetings of the Council and the Executive;
- c) consult with the President and on any urgent matters which require a decision between meetings of the Executive;
- d) attend to all Union correspondence;
- e) authorise and release press statements and provide media comment on behalf of the Union;
- f) be responsible for the safe custody of the Union seal (if any), and Union documents, securities and accumulated funds;
- g) prepare, keep and/or file or cause to be prepared, kept and/or filed, all Union documents and records required under the provisions of the IRA or any other relevant legislation;
- h) receive all monies belonging to the Union Fund and deposit same in a Bank on behalf of the Union as soon as practicable;

- i) disburse all Union funds in accordance with the Rules;
- j) ensure that Union financial records are maintained and that annual accounts are prepared and audited;
- k) monitor the accounts and other affairs of the Sub-Branches and for this purpose to have access, whenever requested, to relevant documents and financial records;
- l) prepare or cause to be prepared, all necessary documents for the Council and the Executive including the minutes of meetings;
- m) prepare or cause to be prepared, regular financial statements for the Council and the Executive;
- n) prepare or cause to be prepared a statement showing Union membership by category and financial status as at December 31 of each year and a statement of Union income and expenditure and a balance sheet as at December 31 each year.
- o) maintain Registers of Members of the Union and Union Office Bearers.
- p) co-ordinate the activities of Sub-Branches;
- q) control and supervise the Union Office and its staff including the appointment and termination of such staff;
- r) initiate legal, industrial or other proceedings on behalf of the Union before any Court, Commission, Board or Tribunal;
- s) be an ex-officio member of all Union Governing Bodies and Committees;
- t) be responsible to the Council and the Executive to the proper performance of his/her duties.

Existing Rule 19

19 – DISCIPLINARY ACTION AGAINST MEMBERS

- 19.1 A member may be charged by another member with a breach of his/her duties as a member. Such charge shall be in writing and signed by the member and delivered to the Secretary.
- 19.2 Upon receipt of the charge, the Secretary shall investigate the matter and, unless the Secretary decides that the matter is without substance, the Secretary shall refer the charge to the Executive for determination.
- 19.3 The Executive shall not find a member guilty of a breach of his/her duties as a member unless the member has been given notice and particulars of the charge made and has been given a reasonable opportunity to present any defence to the charge.
- 19.4 Subject to rule 19.5 of the Rules, the Executive shall have power to expel or suspend from membership or to rebuke or caution any member found guilty of a failure to fulfil his/her duties as a member.
- 19.5 Where a member is also an Office Bearer, he/she shall not be suspended or expelled from membership pursuant to this Rule, unless and until he/she has first been removed as an Office Bearer in accordance with the Rules.

Proposed Rule 19

19 – DISCIPLINARY ACTION AGAINST MEMBERS

- 19.1 A member may be charged by another member with a breach of his/her duties as a member. Such charge shall be in writing and signed by the member and delivered to the Secretary.
- 19.2 Upon receipt of the charge, the Secretary shall investigate the matter and, unless the Secretary decides that the matter is without substance, the Secretary shall refer the charge to the Executive for determination.

- 19.3 The Executive shall not find a member guilty of a breach of his/her duties as a member unless the member has been given notice and particulars of the charge made and has been given a reasonable opportunity to present any defence to the charge.
- 19.4 Subject to rule 19.5 of the Rules, the Executive shall have power to expel or suspend from membership or to rebuke or caution any member found guilty of a failure to fulfil his/her duties as a member.
- 19.5 Where a member is also an Office Bearer, he/she shall not be suspended or expelled from membership pursuant to this Rule, unless and until he/she has first been removed as an Office Bearer in accordance with the Rules.
- 19.6 Provided that on and from 1 January 2023, a member found guilty may appeal in relation to the finding of guilt and/or the severity of the penalty imposed. An appeal lies to the Council.
- 19.7 A right of appeal exercised pursuant to rule 19.6 shall be exercised by written notice to the Secretary within twenty-eight days of receipt by the member of written advice of the decision of the Executive. Where the member is the Secretary then the Notice of Appeal shall be sent to the President.

Existing Rule 23

23 – UNION FUNDS

- 23.1 There shall be a Union Fund.
- 23.2 The Union Fund shall be managed and controlled by the Executive and shall consist of:
- 23.2.1 Any real or personal property that the Union owns;
 - 23.2.2 The amount of subscriptions and fees received by the Union;
 - 23.2.3 The amount of any levies imposed by the Executive;
 - 23.2.4 Any interest, rents or dividends derived from the investment or use of the Union Fund;
 - 23.2.5 Any superannuation or long service leave or other fund operated or controlled by the Union for the benefit of its officers or employees;
 - 23.2.6 Any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Union for the benefit of its members;
 - 23.2.7 Any property acquired by expenditure of the monies of the Union Fund or derived from other assets of the Union Fund; and
 - 23.2.8 The proceeds of any disposal of part of the Union Fund.
- 23.3 The Union Fund shall be used for the administration and management of the Union and for any other purpose that the Executive may from time to time direct towards the attainment of any of the objects of the Union.
- 23.4 All liabilities arising out of the administration and management of the

Union including those liabilities arising from the control and management of real property within the Union Fund shall be the responsibility of the Union.

23.5 All real property forming part of a Union Fund shall be held and dealt with in the name of the Union but shall only be dealt with by the Union at the request of and in accordance with the instructions of the Executive.

23.6 The property, other than real property, comprising the Union Fund shall be held, deposited, invested or otherwise dealt with in the name of the Union provided that where it is necessary or advisable that any such property be held or dealt with by the Executive on behalf of the Union then it shall be so held or dealt with.

Proposed Rule 23
23 – UNION FUNDS

23.1 There shall be a Union Fund.

23.2 The Union Fund shall be managed and controlled by the Executive and shall consist of:

23.2.1 Any real or personal property that the Union owns;

23.2.2 The amount of subscriptions and fees received by the Union;

23.2.3 The amount of any levies imposed by the Executive;

23.2.4 Any interest, rents or dividends derived from the investment or use of the Union Fund;

23.2.5 Any superannuation or long service leave or other fund operated or controlled by the Union for the benefit of its officers or employees;

23.2.6 Any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Union for the benefit of its members;

23.2.7 Any property acquired by expenditure of the monies of the Union Fund or derived from other assets of the Union Fund; and

23.2.8 The proceeds of any disposal of part of the Union Fund.

23.3 The Union Fund shall be used for the administration and management of the Union and for any other purpose that the Executive may from time to time direct towards the attainment of any of the objects of the Union.

23.4 All liabilities arising out of the administration and management of the Union including those liabilities arising from the control and management of real property within the Union Fund shall be the responsibility of the Union.

23.5 All real property forming part of a Union Fund shall be held and dealt with in the name of the Union but shall only be dealt with

by the Union at the request of and in accordance with the instructions of the Executive.

23.6 The property, other than real property, comprising the Union Fund shall be held, deposited, invested or otherwise dealt with in the name of the Union provided that where it is necessary or advisable that any such property be held or dealt with by the Executive on behalf of the Union then it shall be so held or dealt with.

23.7 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 24

24 – LEVIES AND FEES

24.1 The Executive may from time to time strike a levy payable by all members of the Union.

24.2 All monies payable by members of the Union by way of entrance fees, subscriptions, levies, or other fees shall be paid to and collected by the Secretary. The Secretary shall receive and deal with such monies in accordance with the Rules.

Proposed Rule 24

24 – LEVIES AND FEES

24.1 The Executive may from time to time strike a levy payable by all members of the Union.

24.2 All monies payable by members of the Union by way of entrance fees, subscriptions, levies, or other fees shall be paid to and collected by the Secretary. The Secretary shall receive and deal with such monies in accordance with the Rules.

24.3 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 25

25 – DISBURSEMENT OF UNION FUNDS

25.1 All disbursements from the Union Fund shall be by cheque and signed by the Secretary together with the President. The Executive may authorise other members of the Executive or designated employees of the Union to sign in place of the Secretary or the President should either of the Secretary or President not be readily available.

25.2 The property of a Union Fund, other than the monies required for day to day operations, shall only be disbursed or otherwise dealt with upon a resolution of the Executive.

Proposed Rule 25

25 – DISBURSEMENT OF UNION FUNDS

25.1 All disbursements from the Union Fund shall be by cheque and signed by the Secretary together with the President or by authorised and verifiable electronic funds transfer. The Executive may authorise other members of the Executive or designated employees of the Union to sign in place of the Secretary or the President should either of the Secretary or President not be readily available.

25.2 The property of a Union Fund, other than the monies required for day to day operations, shall only be disbursed or otherwise dealt with upon a resolution of the Executive.

25.3 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 26

26 – LOANS, GRANTS OR DONATIONS

26.1 A loan, grant or donation of an amount exceeding \$1,000.00 shall not be made from the Union Fund unless the Executive has satisfied itself that the making of the loan, grant or donation would be in accordance with the Rules, and, in relation to 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 has approved the making of the loan, grant or donation.

26.2 Except as provided in rule 26.1 of the Rules, a loan, grant or donation can only be made by the Secretary.

Proposed Rule 26

26 – LOANS, GRANTS OR DONATIONS

26.1 A loan, grant or donation of an amount exceeding \$1,000.00 shall not be made from the Union Fund unless the Executive has satisfied itself that the making of the loan, grant or donation would be in accordance with the Rules, and, in relation to 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 has approved the making of the loan, grant or donation.

26.2 Except as provided in rule 26.1 of the Rules, a loan, grant or donation can only be made by the Secretary.

26.3 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 27

27 – AUDITORS

27.1 The Executive shall appoint annually, a duly qualified and competent auditor registered as an auditor under the *Corporations Act 2001 (Cwth)* who shall audit the Union accounts within 6 calendar months after the end of each financial year and provide a report, audited accounts and such further information and statements as may be required under any relevant legislation in relation to each financial year or in relation to any other period that the Executive may determine.

27.2 An auditor or firm of auditors appointed by the Executive may be removed during the term of appointment by resolution of the Executive.

Proposed Rule 27

27 – AUDITORS

27.1 The Executive shall appoint annually, a duly qualified and competent auditor registered as an auditor under the *Corporations*

Act 2001 (Cwth) who shall audit the Union accounts within 6 calendar months after the end of each financial year and provide a report, audited accounts and such further information and statements as may be required under any relevant legislation in relation to each financial year or in relation to any other period that the Executive may determine.

27.2 An auditor or firm of auditors appointed by the Executive may be removed during the term of appointment by resolution of the Executive.

27.3 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 32

32 – ELIGIBILITY FOR OFFICE

32.1 Notwithstanding any provisions elsewhere in these Rules, a person is ineligible to nominate for an Office or to continue to hold an Office if the member's membership of the Union has lapsed pursuant to rule 12.1 of the Rules.

32.2 Where an Office Bearer ceases to be eligible to continue to hold office for any reason then the Secretary shall write to the Office Bearer advising that he/she is ineligible to continue to hold the Office and the reasons therefore. That advice shall invite the Office Bearer to submit any material he/she wishes to so submit within 14 days of the date of the written advice and shall advise the Office Bearer that the details of his/her ineligibility together with any submission from him/her will be placed before the next meeting of the Executive. The Executive shall consider the material submitted and if satisfied that the Office Bearer is ineligible to continue to hold Office under the provisions of the Rules, the Executive shall remove the person from Office with effect from the date of the Executive's decision.

32.3 Where an Office Bearer's membership has lapsed pursuant to rule 12.1 of the Rules, then he/she shall be deemed to be suspended from their Office and from all the rights and privileges attached to that Office on and from the date on which he/she becomes non-financial and until he/she becomes financial again. The Secretary shall write to the Office Bearer advising that he/she will be removed from Office unless he/she becomes financial within 14 days of the date of the letter. Where an Office Bearer fails to become financial within the 14 day period, then the Executive shall remove the person from Office with effect from the date of the Executive's decision.

Proposed Rule 32

32 – ELIGIBILITY FOR OFFICE

32.1 Notwithstanding any provisions elsewhere in these Rules, a person is ineligible to nominate for an Office or to continue to hold an Office if the member's membership of the Union has lapsed pursuant to rule 12.1 of the Rules.

32.2 Where an Office Bearer ceases to be eligible to continue to hold office for any reason then the Secretary shall write to the Office Bearer advising that he/she is ineligible to continue to hold the Office and the reasons therefore. That advice shall invite the

Office Bearer to submit any material he/she wishes to so submit within 14 days of the date of the written advice and shall advise the Office Bearer that the details of his/her ineligibility together with any submission from him/her will be placed before the next meeting of the Executive. The Executive shall consider the material submitted and if satisfied that the Office Bearer is ineligible to continue to hold Office under the provisions of the Rules, the Executive shall remove the person from Office with effect from the date of the Executive's decision.

32.3 Where an Office Bearer's membership has lapsed pursuant to rule 12.1 of the Rules, then he/she shall be deemed to be suspended from their Office and from all the rights and privileges attached to that Office on and from the date on which he/she becomes non-financial and until he/she becomes financial again. The Secretary shall write to the Office Bearer advising that he/she will be removed from Office unless he/she becomes financial within 14 days of the date of the letter. Where an Office Bearer fails to become financial within the 14 day period, then the Executive shall remove the person from Office with effect from the date of the Executive's decision.

32.4 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 33

33 – GENERAL OBLIGATIONS OF OFFICE BEARERS AND ACTION IN RELATION TO MISCONDUCT

- 33.1 An Office Bearer shall carry out their role in an honest, competent and diligent manner. An Office Bearer shall abide by the Rules of the Union and the policies and decisions of the Executive. An Office Bearer shall not act in a manner contrary to the best interests of the Union or seek to injure the Union in any way.
- 33.2 An Office Bearer who has been found to have breached their obligations as an Office Bearer may be reprimanded, warned, temporarily suspended from Office, or removed from office.
- 33.3 An Office Bearer may be removed from office, only if the Office Bearer has:
- 33.3.1 Committed a misappropriation of the funds of the Union;
 - 33.3.2 Committed what the Executive finds is a substantial breach of the Rules;
 - 33.3.3 Committed what the Executive finds is a gross neglect of duty; or
 - 33.3.4 Otherwise ceased to be eligible to continue to hold Office under the Rules.
- 33.4 For the purposes of rule 33.3.2 of the Rules, a substantial breach of the Rules includes but is not limited to a persistent refusal of failure to abide by the obligations imposed by the Rules.
- 33.5 Any member, including an Office Bearer, wishing to invoke the provisions of this rule against an Office Bearer, shall detail in writing the conduct or circumstances alleged to justify disciplinary

- action and forward that written charge to the Secretary, who shall forward a copy to the person against whom the charge is made. When the Secretary forwards the written charge to the Office Bearer, that Office Bearer shall be requested to advise the Secretary whether they admit to or deny the charge and whether the Office Bearer wishes to make any comment thereon.
- 33.6 Where the Secretary is the person against whom the charge is made, then the charge shall be forwarded to the President, who shall take the actions that would otherwise be taken by the Secretary under this Rule.
- 33.7 At the next ordinary meeting of the Executive, the charge and any reply made by the Office Bearer against whom the charge is made, shall be considered and the Executive may resolve:
- 33.7.1 That the Office Bearer charged shall be called upon to show cause to the Executive why they should not be disciplined; or
- 33.7.2 That no further action be taken.
- 33.8 If the charge is to be proceeded with, the Office Bearer charged shall be called upon to attend before the Executive, at a stated time and place to show cause why they should not be disciplined. The Office Bearer charged shall be given at least 21 days notice of the time and place of the hearing. At least 14 days before the hearing, the person laying the charge shall provide the Office Bearer with particulars of the charge reasonably sufficient to enable the Office Bearer to know the nature of the allegations made against the Office Bearer and the circumstances alleged to justify disciplinary action.
- 33.9 An Office Bearer who has been charged may, by resolution of the Executive, be directed not to carry out some or all of the duties of their office pending the hearing and determination of the charge.
- 33.10 At the hearing, the person laying the charge and the Office Bearer charged:
- 33.10.1 Shall be heard in person if any of them desire;
- 33.10.2 May submit a written statement;
- 33.10.3 May call witnesses; and/or
- 33.10.4 May present evidence relevant to the charge.
- 33.11 No person shall be present at the hearing of the charge other than the person charged, the person laying the charge, the members of the Executive, and any witnesses called, provided that any witnesses called may only be present while such witness' evidence is being taken. No person other than members of the Executive shall be present after the hearing of the charge while the Executive is deliberating upon its decision in relation to the charge.
- 33.12 Where the member laying the charge or the person charged is a

member of the Executive, then that person shall take no part in the deliberations of the Executive and shall absent himself/herself during the Executive's deliberations.

- 33.13 The Executive shall determine whether or not the charge has been proven and determine the appropriate penalty.

Proposed Rule 33

33 – GENERAL OBLIGATIONS OF OFFICE BEARERS AND ACTION IN RELATION TO MISCONDUCT

- 33.1 An Office Bearer shall carry out their role in an honest, competent and diligent manner. An Office Bearer shall abide by the Rules of the Union and the policies and decisions of the Council and Executive. An Office Bearer shall not act in a manner contrary to the best interests of the Union or seek to injure the Union in any way.
- 33.2 An Office Bearer who has been found to have breached their obligations as an Office Bearer may be reprimanded, warned, temporarily suspended from Office, or removed from office.
- 33.3 An Office Bearer may be removed from office, only if the Office Bearer has:
- 33.3.1 Committed a misappropriation of the funds of the Union;
 - 33.3.2 Committed what the Executive finds is a substantial breach of the Rules;
 - 33.3.3 Committed what the Executive finds is a gross neglect of duty; or
 - 33.3.4 Otherwise ceased to be eligible to continue to hold Office under the Rules.
- 33.4 For the purposes of rule 33.3.2 of the Rules, a substantial breach of the Rules includes but is not limited to a persistent refusal of failure to abide by the obligations imposed by the Rules.
- 33.5 Any member, including an Office Bearer, wishing to invoke the provisions of this rule against an Office Bearer, shall detail in writing the conduct or circumstances alleged to justify disciplinary action and forward that written charge to the Secretary, who shall forward a copy to the person against whom the charge is made. When the Secretary forwards the written charge to the Office Bearer, that Office Bearer shall be requested to advise the Secretary whether they admit to or deny the charge and whether the Office Bearer wishes to make any comment thereon.
- 33.6 Where the Secretary is the person against whom the charge is made, then the charge shall be forwarded to the President, who shall take the actions that would otherwise be taken by the Secretary under this Rule.
- 33.7 At the next ordinary meeting of the Executive, the charge and any reply made by the Office Bearer against whom the charge is made, shall be considered and the Executive may resolve:
- 33.7.1 That the Office Bearer charged shall be called upon to show

cause to the Executive why they should not be disciplined; or

- 33.7.2 That no further action be taken.
- 33.8 If the charge is to be proceeded with, the Office Bearer charged shall be called upon to attend before the Executive, at a stated time and place to show cause why they should not be disciplined. The Office Bearer charged shall be given at least 21 days notice of the time and place of the hearing. At least 14 days before the hearing, the person laying the charge shall provide the Office Bearer with particulars of the charge reasonably sufficient to enable the Office Bearer to know the nature of the allegations made against the Office Bearer and the circumstances alleged to justify disciplinary action.
- 33.9 An Office Bearer who has been charged may, by resolution of the Executive, be directed not to carry out some or all of the duties of their office pending the hearing and determination of the charge.
- 33.10 At the hearing, the person laying the charge and the Office Bearer charged:
- 33.10.1 Shall be heard in person if any of them desire;
 - 33.10.2 May submit a written statement;
 - 33.10.3 May call witnesses; and/or
 - 33.10.4 May present evidence relevant to the charge.
- 33.11 No person shall be present at the hearing of the charge other than the person charged, the person laying the charge, the members of the Executive, and any witnesses called, provided that any witnesses called may only be present while such witness' evidence is being taken. No person other than members of the Executive shall be present after the hearing of the charge while the Executive is deliberating upon its decision in relation to the charge.
- 33.12 Where the member laying the charge or the person charged is a member of the Executive, then that person shall take no part in the deliberations of the Executive and shall absent himself/herself during the Executive's deliberations.
- 33.13 The Executive shall determine whether or not the charge has been proven and determine the appropriate penalty.
- 33.14 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 38

38 – CASUAL VACANCIES

- 38.1 A casual vacancy occurs when an Office Bearer dies, resigns or is removed from office or ceases to hold office in accordance with the Rules.
- 38.2 Where a casual vacancy occurs in relation any Office Bearer and where the unexpired portion of a 4 year term of Office is more than

24 months or where the unexpired portion of a 2 year term of Office is more than 12 months, then an election shall be held to fill the Office in accordance with the provisions of rule 34 to rule 37 of the Rules and the person duly elected shall take office on and from the date of the declaration of the ballot.

- 38.3 Where an election is to be held pursuant to the provisions of rule 38.2 of the Rules, the Executive may appoint a person to fill a vacant Office pending the declaration of the ballot.
- 38.4 Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired portion of a 4 year term of Office is less than 24 months or where the unexpired portion of a 2 year term of Office is less than 12 months, then the Executive may appoint a person to fill the casual vacancy.
- 38.5 Where a person is elected under rule 38.2 of the Rules or appointed under rule 38.4 of the Rules to fill a casual vacancy, then he/she shall hold office for the unexpired portion of the previous office holders term.

Proposed Rule 38 **38 – CASUAL VACANCIES**

- 38.1 A casual vacancy occurs when an Office Bearer dies, resigns or is removed from office or ceases to hold office in accordance with the Rules.
- 38.2 Where a casual vacancy occurs in relation any Office Bearer and where the unexpired ~~portion of a 4 year term of Office is more than 24 months or where the unexpired portion of a 2 year term of Office is more than 12 months~~ part of the term of office exceeds the greater of 12 months or three quarters of the term of office, then an election shall be held to fill the Office in accordance with the provisions of rule 34 to rule 37 of the Rules and the person duly elected shall take office on and from the date of the declaration of the ballot.
- 38.3 Where an election is to be held pursuant to the provisions of rule 38.2 of the Rules, the Executive may appoint a person to fill a vacant Office pending the declaration of the ballot.
- 38.4 Where a casual vacancy occurs in relation to any Office within the Union and where the unexpired part of the term of office does not exceed the greater of 12 months or three quarters of the term of office, ~~portion of a 4 year term of Office is less than 24 months or where the unexpired portion of a 2 year term of Office is less than 12 months,~~ then the Executive may appoint a person to fill the casual vacancy.
- 38.5 Where a person is elected under rule 38.2 of the Rules or appointed under rule 38.4 of the Rules to fill a casual vacancy, then he/she shall hold office for the unexpired portion of the previous office holders term.
- 38.6 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 39

39 – ACTING APPOINTMENTS

Where by reason of illness, absence on leave or any other reason, an Office Bearer, is unable to fulfil the duties of his/her office for a period exceeding 4 weeks, then the Executive may appoint one of its number to act in the Office for the duration of the absence with such appointee having all the rights and duties of the particular Office.

Proposed Rule 39

39 – ACTING APPOINTMENTS

39.1 Where by reason of illness, absence on leave or any other reason, an Office Bearer, is unable to fulfil the duties of his/her office for a period exceeding 4 weeks, then the Executive may appoint one of its number to act in the Office for the duration of the absence with such appointee having all the rights and duties of the particular Office.

39.2 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 41

41 – SEAL AND EXECUTION OF DOCUMENTS

41.1 The Union shall have a common seal and it shall be kept in the custody of the Secretary. The seal shall be affixed to any document required to be under seal by the President and the Secretary or by such other member or members of the Executive as may be determined by the Executive.

41.2 Union documents not required to be under seal shall be executed on behalf of the Union by the Secretary or in the Secretary's absence by the President, whose signature shall be attested to by one other member of the Executive.

Proposed Rule 41

41 – SEAL AND EXECUTION OF DOCUMENTS

41.1 The Union shall have a common seal and it shall be kept in the custody of the Secretary. The seal shall be affixed to any document required to be under seal by the President and the Secretary or by such other member or members of the Executive as may be determined by the Executive.

41.2 Union documents not required to be under seal shall be executed on behalf of the Union by the Secretary or in the Secretary's absence by the President, whose signature shall be attested to by one other member of the Executive.

41.3 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 42

42 – ARBITRATION PROCEEDINGS

The Executive shall have authority to submit industrial disputes or matters to conciliation and/or arbitration in the WAIRC. The Union may be represented in relation to such disputes or matters by such Office Bearers or employees or agents as the Executive or, in the case of disputes or matters submitted by the Secretary, as the Secretary, may determine.

Proposed Rule 42

42 – ARBITRATION PROCEEDINGS

42.1 The Executive shall have authority to submit industrial disputes or matters to conciliation and/or arbitration in the WAIRC. The Union may be represented in relation to such disputes or matters by such Office Bearers or employees or agents as the Executive or, in the case of disputes or matters submitted by the Secretary, as the Secretary, may determine.

42.2 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 44

44 – GENERAL MEETINGS OF MEMBERS

44.1 The Union may hold an Annual General Meeting in July of each year. The Executive shall present a report on the business of the preceding year at the Annual General Meeting.

44.2 A Special General Meeting of members may be called by the Executive and shall be called by the Executive upon receipt of a requisition signed by at least 10 per cent of the financial members of the Union.

44.3 The Secretary shall forward a notice of a general meeting of members to each member with an agenda no less than 14 days prior to the date of the general meeting.

44.4 No business shall be transacted at a Special General Meeting other than that stated in the notice convening the meeting.

44.5 A quorum for an Annual General Meeting shall be at least 50 financial members.

44.6 A quorum of a Special General Meeting shall be at least 20 per cent of the financial members.

Proposed Rule 44

44 – GENERAL MEETINGS OF MEMBERS

44.1 The Union may hold an Annual General Meeting in July of each year. The Executive shall present a report on the business of the preceding year at the Annual General Meeting.

44.2 A Special General Meeting of members may be called by the Executive and shall be called by the Executive upon receipt of a requisition signed by at least 10 per cent of the financial members of the Union.

44.3 The Secretary shall forward a notice of a general meeting of members to each member with an agenda no less than 14 days prior to the date of the general meeting.

44.4 No business shall be transacted at a Special General Meeting other than that stated in the notice convening the meeting.

44.5 A quorum for an Annual General Meeting shall be at least 50 financial members.

44.6 A quorum of a Special General Meeting shall be at least 20 per

cent of the financial members.

44.7 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 45

45 – AMENDMENT TO THE RULES

- 45.1 Subject to rule 45.3 of the Rules, the Executive shall have power to rescind, alter or amend these Rules in accordance with the procedure set out in rule 45.2 of the Rules.
- 45.2 Any rescission, alteration or amendment to these Rules shall be of no affect unless it complies with the following provisions:
 - 4521 The Secretary shall forward all members of the Executive written notice of the proposed rescission, alteration or amendment of the Rules which sets out the proposal in full;
 - 4522 Such notice shall specify the time and place of the Executive meeting which is to consider the proposal for the rescission, alteration or amendment of the Rules, which meeting shall be not less than one month after the date of the notice;
 - 4523 The resolution meets the requirements of these Rules for carriage of a resolution at a meeting of the Executive.
- 45.3 Any rescission, alteration or amendment to any provisions of these Rules shall be of no effect unless such rescission, alteration or amendment of the Rules is resolved to by the Executive.
- 45.4 Notwithstanding the foregoing in rule 45 of the Rules, the Executive shall also comply with any requirements as to the alteration of the Rules required by section 62 IRA that include but are not necessarily limited to:
 - 454.1 Notification to all members of the proposal for the alteration of the Rules and the reasons therefore along with a copy of the proposed alterations to the Rules;
 - 454.2 Notification to all members that any member may object to the proposed alteration of the Rules by forwarding a written objection, within 21 days of notification, to the Registrar.
- 45.5 No alteration of the Rules shall be effective until the Registrar has given to the Union a certificate that the alteration to the Rules has been registered.

Proposed Rule 45

45 – AMENDMENT TO THE RULES

- 45.1 Subject to rule 45.3 of the Rules, the Executive shall have power to rescind, alter or amend these Rules in accordance with the procedure set out in rule 45.2 of the Rules.
- 45.2 Any rescission, alteration or amendment to these Rules shall be of no affect unless it complies with the following provisions:
 - 4521 The Secretary shall forward all members of the Executive written notice of the proposed rescission, alteration or

amendment of the Rules which sets out the proposal in full;

- 45.22 Such notice shall specify the time and place of the Executive meeting which is to consider the proposal for the rescission, alteration or amendment of the Rules, which meeting shall be not less than one month after the date of the notice;
- 45.23 The resolution meets the requirements of these Rules for carriage of a resolution at a meeting of the Executive.
- 45.3 Any rescission, alteration or amendment to any provisions of these Rules shall be of no effect unless such rescission, alteration or amendment of the Rules is resolved to by the Executive.
- 45.4 Notwithstanding the foregoing in rule 45 of the Rules, the Executive shall also comply with any requirements as to the alteration of the Rules required by section 62 IRA that include but are not necessarily limited to:
- 45.4.1 Notification to all members of the proposal for the alteration of the Rules and the reasons therefore along with a copy of the proposed alterations to the Rules;
- 45.4.2 Notification to all members that any member may object to the proposed alteration of the Rules by forwarding a written objection, within 21 days of notification, to the Registrar.
- 45.5 No alteration of the Rules shall be effective until the Registrar has given to the Union a certificate that the alteration to the Rules has been registered.
- 45.6 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Rule 46

46 – INTERPRETATION OF THE RULES

- 46.1 The Executive shall have power to interpret any of these Rules and to determine any matter relating to the Union on which the Rules are silent.
- 46.2 Any interpretation of these Rules by the Executive shall be regarded as definitive and shall bind the union and its members.
- 46.3 Every interpretation of the Rules or declaration on matters on which the Rules are silent shall be recorded in the minutes of the Executive and no such interpretation or declaration shall have any affect unless it is so recorded.

Proposed Rule 46

46 – INTERPRETATION OF THE RULES

- 46.1 The Executive shall have power to interpret any of these Rules and to determine any matter relating to the Union on which the Rules are silent.
- 46.2 Any interpretation of these Rules by the Executive shall be regarded as definitive and shall bind the union and its members.
- 46.3 Every interpretation of the Rules or declaration on matters on

which the Rules are silent shall be recorded in the minutes of the Executive and no such interpretation or declaration shall have any affect unless it is so recorded.

46.4 Provided that on and from 1 January 2023, the powers of the Executive under this Rule shall be carried out by the Council.

Existing Heading VIII

PART VIII - OFFICE BEARERS TO BE PERSONS HOLDING OFFICE IN PTA BRANCH

Proposed Heading VIII

PART VIII - OFFICE BEARERS TO BE PERSONS HOLDING OFFICE IN PTA BRANCH RTBU

Existing Rule 48

48 – PTA BRANCH OF RTBU

- 48.1 Each Office of the Union from such time as the Executive may determine shall be held by the person who in accordance with the rules of the PTA Branch of the RTBU holds the corresponding office in that body.
- 48.2 Any determination by the Executive in accordance with rule 48.1 shall be notified to the Registrar and from the date specified in the notification all Offices in the Union will be filled in accordance with rule 48.1.

Proposed Rule 48

48 – PTA BRANCHES OF RTBU

- 48.1 Each Office of the Union from such time as the Executive may determine shall be held by the person who in accordance with the rules of the PTA Branch of the RTBU holds the corresponding office in that body.
- 48.2 Any determination by the Executive in accordance with rule 48.1 shall be notified to the Registrar and from the date specified in the notification all Offices in the Union will be filled in accordance with rule 48.1.
- 48.3 Provided that between 2 and 7 January 2023, it shall be determined that each Office of the Union shall be held by the person who in accordance with the rules of the WA Branch of the RTBU holds the corresponding office in that body.
- 48.4 Any determination by the Council in accordance with rule 48.3 shall be notified to the Registrar and from the date specified in the notification all Offices in the Union will be filled in accordance with rule 48.3.
- 48.5 Provided that for the purposes of the determination under rule 48.3 between 2 and 7 January 2023, there shall be a transitional Council of the Union comprised of those persons constituting the Branch Council of the WA Branch as at the time of the determination. The powers of the transitional Council are limited to that determination under rule 48.3 and upon such a determination being made, the transitional Council shall cease operation for all purposes under the Rules.

The matter is listed for hearing before the Commission in Court Session at 2:30pm on Friday, 10 February 2023 on Level 18, 111 St Georges Terrace, Perth. A copy of the Rules of the organisation and the proposed rule alterations may be inspected in the Registry on Level 17.

Any organisation/association registered under the *Industrial Relations Act 1979* (WA), or any person who satisfies the Commission in Court Session that they have a sufficient interest or desires to object to the application may, having given notice of that objection within the time and in the manner prescribed, appear and be heard in objection to the application.

Pursuant to regulation 69(5) of the *Industrial Relations Commission Regulations 2005* (WA) a notice of an objection in the approved form (Form 1A – Multipurpose Form) must be filed within 21 days of this notice. A Form 1A – Multipurpose Form is available on the WAIRC website at www.wairc.wa.gov.au under Applications and Forms.

DEPUTY REGISTRAR KEMP

14 December 2022