

**APPLICATION PURSUANT TO S.62 - ALTERATION OF REGISTERED RULES  
WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**

**COMMISSION IN COURT SESSION**

**CITATION** : 2020 WAIRC 00940

**CORAM** : CHIEF COMMISSIONER P E SCOTT  
SENIOR COMMISSIONER S J KENNER  
COMMISSIONER T B WALKINGTON

**HEARD** : THURSDAY, 3 DECEMBER 2020

**DELIVERED** : THURSDAY, 3 DECEMBER 2020

**FILE NO.** : FBM 1 OF 2020

**BETWEEN** : UNITED VOICE WA  
Applicant

AND

(NOT APPLICABLE)  
Respondent

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**CatchWords** : Industrial law (WA) – Application pursuant to s 62(2) of the *Industrial Relations Act 1979* (WA) – Alteration of Union rules – Alteration of name of industrial organisation of employees – Alteration of name of counterpart federal body – No objection to application – Application granted

**Legislation** : *Industrial Relations Act 1979* (WA)

**Result** : Alteration to rules authorised

**Representation:**

**Applicant** : Mr J Raja on behalf of the applicant

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*Reasons for Decision***THE COMMISSION IN COURT SESSION:**

1 United Voice WA (the organisation), an industrial organisation registered pursuant to the *Industrial Relations Act 1979* (WA) (the Act), seeks to alter its Rules to do two things. It seeks to alter its name to United Workers Union (WA) and to alter the name of its counterpart federal body, in Rule 29 – COUNTERPART FEDERAL BODY, from United Voice to United Workers Union. It does so because its counterpart federal body amalgamated with the National Union of Workers to become the United Workers Union ([2019] FWC 6756).

2 We have considered the evidence provided by Ms Carolyn Anne Smith, Secretary of United Voice WA. It records that the process undertaken by the organisation to make these alterations has been in accordance with the requirements of Rule 28 – ALTERATION OF RULES. This rule requires that:

The Branch Council shall have power to alter these rules. Not less than 21 days written notice of any proposed alteration and reasons therefore shall be given to all members of the union and any member shall be entitled to object in writing to the Branch Council concerning the proposed alteration.

In addition, any member shall be entitled to object to the proposed alteration by forwarding a written objection to the Registrar of the WA Industrial Relations Commission.

At the time of the giving of notice of proposed alterations and the reasons therefore, members shall be informed in writing of their rights to object thereto.

3 A notice was sent to all members on 3 June 2020. The notice informed members of the proposed alterations; the intention to apply to the Commission to make the alterations; that the members are entitled to object to the proposed alterations and that they may make any objection, in writing, to the organisation's Council or to the Registrar or both, within 21 days.

4 Ms Smith says that no objections were notified to the organisation.

5 A resolution was formally put to the Branch Council 'that the rules of United Voice WA be altered accordingly to give effect to the

- name change of the State branch from United Voice WA to United Workers Union (WA); and
- recognise the national name change from United Voice to United Workers Union'.

6 The Branch Council passed the motion on 14 July 2020, authorising the alterations (Affidavit of Carolyn Anne Smith – Appendix 4).

- 7 The Registrar published notice of the application to alter the Rules in the Western Australian Industrial Gazette of 28 October 2020 ((2020) 100 WAIG 1410). The notice set out that any person who wished to object to the application may do so in writing and it set out how such an objection may be made. No objections have been received by the Registrar.
- 8 The requirement in s 53(3) of the Act that the matter not be heard until after the expiration of 30 days from the date of publication of the notice has been met.
- 9 In all of these circumstances, the requirements of the Rules for the alteration of those rules and the requirements of the Act have been met. Therefore, the Commission in Court Session authorises the Registrar to make the alterations to the Rules in accordance with the terms of the application.