



RTBU

14 September 2021

WA AMALGAMATION UPDATE

Dear RTBU Members

As you are aware, a rule change has been submitted to the Fair Work Commission (FWC). That rule change would have resulted in an interim amalgamated branch taking effect in about March 2022 and the current officials maintaining their positions, then, at the next General Election in September 2022, a decreased amount of officials would have been chosen by you.

Although the rule change application has not yet proceeded to a Hearing, the back office of the FWC has taken a legal view about the way our proposed rule would apply that we disagree with. In short, they believe that we would need an election for the interim branch despite this not having occurred in other unions in the past. If that occurred, you would have to vote for the positions of the interim branch in about March 2022 and again at the General Election in September 2022 after a mere 6 months.

In light of this, and rather than fight with the FWC on their interpretation of the law, I have taken the view that an easier and cleaner way forward would be to amend the rule. To this end, I have redrafted the rule and provided it to the back office of the FWC who have just provided written confirmation that it is likely to be approved in the new format if it proceeds to a Hearing.

The new rule is exactly the same amalgamated structure as Western Australian members have already agreed to. The only difference is that now, there will not be an interim branch but instead we will move directly to a full amalgamation.

Under the new proposed rule, when you vote at the next General Election in September 2022, you will now be voting for the officials who will run the newly amalgamated branch which will take effect on 1 January 2023. The separate branches and current officials will continue in their office until that date.

As an aside, since filing the original rule, some people have raised concerns about how the interim branch would be effective when elected officials from different branches are forced to work together. This concern has also been raised with me by both Branch Secretaries. The new proposed rule will not face this problem as there will be no interim branch.

Key Dates:

10 November 2021 – Approval of National Council

End November 2021 – Filed in Fair Work Commission and approval granted

September 2022 – General Election

1 January 2023 – Start of newly amalgamated branch and officials successful at the General Election to take office.

If you wish to discuss this further please talk to your Branch Secretary and we can set up a zoom meeting

A copy of the new proposed rule is attached and is subject to a final review for spelling and grammar errors only.

Regards

Mark Diamond

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WA MERGER

VERSION 7 – 19 AUGUST 2021

1. Insert a new Part XVII as follows:

PART XVII – WESTERN AUSTRALIA BRANCH

172 – APPLICATION

This Part applies specifically to the Western Australia Branch of the Australian Rail, Tram and Bus Industry Union. The provisions of this Part take precedence over any contrary provisions in Part VI of these Rules other than Rules 45 and 46.

173 – DEFINITIONS

The following specific definitions shall apply in relation to this Part:

“*Branch*” means the Australian Rail, Tram and Bus Industry Union, Western Australia Branch.

“*Freight Section*” shall consist of all members of the Branch who work entirely or predominately in or in connection with freight transport.

“*Passenger Section*” shall consist of all members of the Branch who work entirely or predominately in or in connection with passenger transport.

174 – NAME OF BRANCH

The name of the Branch shall be:

“Australian Rail, Tram and Bus Industry Union, Western Australia Branch.”

175 – BRANCH OFFICE

The Branch office shall be located at Unit 2/10 Nash Street, Perth in Western Australia or at such other place as to be determined by Branch Council from time to time.

176 – BRANCH MEMBERSHIP

The Branch shall comprise of all members of the Union whose usual place of work is located within the boundaries of the Western Australia Branch as determined from time to time by the National Council pursuant to Rule 6.

177 – BRANCH STRUCTURE AND ORGANISATION

The Branch shall be organised into two (2) Sections, namely the Freight Section and the Passenger Section, and within those Sections, Sub-Branches.

178 – SUB BRANCHES

The Sections shall be organised into Sub-Branches as follows:

- (1) The Freight Section:
 - a. Goldfields Sub-Branch
 - b. Metro Sub-Branch
 - c. Mid-West Sub-Branch
 - d. South-West Sub-Branch
 - e. Wheatbelt Sub-Branch
 - f. Metropolitan Sub-Branch
 - g. Regional Sub-Branch
 - h. Freight Infrastructure Sub-Branch

- (2) The Passenger Section:
 - a. Customer Relations Sub-Branch
 - b. Urban Rail Sub-Branch
 - c. Security Sub-Branch
 - d. State Network and Infrastructure Sub-Branch
 - e. Federal Network and Infrastructure Sub-Branch
 - f. Federal Miscellaneous Sub-Branch
 - g. Trans WA Sub-Branch

- (3) Each member shall be allocated to that Sub-Branch which most closely accords with his/her work functions. The principles of allocation shall be determined by the Branch Council and the allocation shall be undertaken by the Branch Secretary in accordance therewith.

- (4) The Branch Council or the Branch Executive shall have the power to establish new Sub-Branches on a geographic, regional or employer basis.

- (5) The Branch Council or the Branch Executive shall have the power to dissolve any Sub-Branch where:

- a. There are insufficient Sub-Branch Committee Members to archive a quorum; or
- b. The Sub-Branch has resolved that it should be dissolved.

179 – WORKPLACE DELEGATES

- (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.
- (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, assist in negotiations 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 Branch should assistance be required or the matter is considered greater than a local issue.

180 – COMPOSITION AND ORDINARY MEETINGS OF BRANCH COUNCIL

- (1) The Branch Council shall consist of the Branch President, Branch Vice-President (Freight) who shall be elected by the financial members of the Freight Section, Branch Vice-President (Passenger) who shall be elected by the financial members of the Passenger Section, Branch Secretary, the Sub-Branch Secretaries and one (1) Affirmative Action Councillor who shall be elected by the financial women members of the Branch.
- (2) Each of the members of Branch Council shall be entitled to exercise one vote at Branch Council.
- (3) A resolution of Branch Council shall be carried where a numerical majority of Branch Councillors present and voting, vote in favour.

- (4) The Branch Council shall meet in ordinary session every two years at such time and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President, the Branch Vice Presidents and the Branch Secretary jointly, shall determine.
- (5) In addition to the ordinary meetings of Branch Council, a meeting of the Branch Council shall be convened by the Branch 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

181 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE

- (1) The Branch Executive shall comprise the Branch President, the Branch Vice-Presidents, the Branch Secretary and the Affirmative Action Councillor.
- (2) The Branch Executive shall meet in ordinary session twice per year as determined by the Branch Secretary and Branch President jointly or as determined by Branch Council.
- (3) A Special Meeting of the Branch Executive may be convened by the Branch Secretary and the Branch President jointly or by direction of the Branch Council.

182 - COMPOSITION AND ORDINARY MEETINGS OF THE SUB-BRANCH COMMITTEES

Each Sub-Branch shall have a Sub-Branch Committee as provided for in Rule 57(2).

183 - BRANCH OFFICES

- (1) The Branch Offices are:-
 - Branch President
 - Branch Vice-President (Freight)
 - Branch Vice-President (Passenger)
 - Branch Secretary

- Sub-Branch Secretaries
 - Affirmative Action Councillor
- (2) The Office of Branch Secretary shall be a paid position.
- (3) All other Branch Offices shall be honorary positions.

184 - DELEGATES TO NATIONAL COUNCIL FROM DIVISIONS

The Branch shall elect delegates to National Council from the National Divisions in accordance with the formula set out in rule 28(3).

185 – REFERRAL OF MATTERS TO NATIONAL COUNCIL

Any matter arising within the Branch, may be referred to the National Council for determination or resolution 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

186 – TRANSITIONAL RULE

Introduction

- (1) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in these Rules.
- (2) This Rule is intended to enable the merger of the West Australian Branch and the West Australian PTA Branch to form the Western Australia Branch.
- (3) For the purposes of this Rule:
- (a) “merger date” shall mean 1 January 2023.
 - (b) “merged Branch” shall mean the Western Australia Branch.

Membership

- (4) On the merger date, the West Australian Branch and the West Australian PTA Branch will merge to form the merged Branch.
- (5) On the merger date, all members of the West Australian Branch and the West Australian PTA Branch on the day prior to the merger date shall become members of the merged Branch and shall maintain

continuity of membership, retain voting rights in accordance with these Rules and any privileges will be preserved.

- (6) On the merger date, any period of membership and/or financial membership of the Union in the West Australian Branch or the West Australian PTA Branch in accordance with the Union's Rules prior to the merger date shall be deemed to be for all purposes membership and/or financial membership of the Union in the merged Branch. Any period of unfinancial membership in the West Australian Branch or the West Australian PTA Branch in accordance with the Union's Rules prior to the merger date shall be deemed to be for all purposes a period of unfinancial membership in the merged Branch.

Abolition of Offices

- (7) On the merger date, all offices in the West Australian Branch and the West Australian PTA Branch are abolished.

Branch Property

- (8) On the merger date, the assets, funds and property of, and the debts and liabilities incurred by the West Australian Branch and the West Australian PTA Branch shall be the assets, funds and property of, and the debts and liabilities of the merged Branch.
- (9) From the merger date, the persons who held office in the West Australian Branch and the West Australian PTA Branch prior to the merger date shall take all and every action and execute such documents as may be necessary for, or helpful in, effecting the transfer of the assets, funds and property and debts and liabilities of the West Australian Branch and the West Australian PTA Branch to the merged Branch.

Inaugural Elections for the merged Branch

- (10) For the purposes of the inaugural elections for offices in the merged Branch to be conducted in 2022, the following provisions shall apply.
- (11) The electorate for the offices of Branch Secretary and Branch President shall be all financial members of the West Australian Branch and the West Australian PTA Branch.
- (12) The electorate for the office of Branch Vice-President (Freight) shall be all financial members of the West Australian Branch.

- (13) The electorate for the office of Branch Vice-President (Passenger) shall be all financial members of the West Australian PTA Branch.
- (14) The electorate for the office of Affirmative Action Councillor shall be all financial women members of the West Australian Branch and the West Australian PTA Branch.
- (15) The electorates for the office holders in the Sub-Branches shall be as set out in the tables below.

Freight Section

Sub-Branch	Electorate
Goldfields Sub-Branch	All financial members of the Goldfields Sub-Branch Intrastate Section of the West Australian Branch
Metro Sub-Branch	All financial members of the Metro Sub-Branch Intrastate Section of the West Australian Branch
Mid-West Sub-Branch	All financial members of the Mid-West Sub-Branch Intrastate Section of the West Australian Branch
South-West Sub-Branch	All financial members of the South-West Sub-Branch Intrastate Section of the West Australian Branch
Wheatbelt Sub-Branch	All financial members of the Wheatbelt Sub-Branch Intrastate Section of the West Australian Branch
Metropolitan Sub-Branch	All financial members of the Metropolitan Sub-Branch Interstate Section of the West Australian Branch
Regional Sub-Branch	All financial members of the Regional Sub-Branch Interstate Section of the West Australian Branch
Freight Infrastructure Sub-Branch	All financial members of the Infrastructure Section of the West Australian Branch

Passenger Section

Sub-Branch	Electorate
Customer Relations Sub-Branch	All financial members of the Customer Relations Sub-Branch of the West Australian PTA Branch
Urban Rail Sub-Branch	All financial members of the Urban Rail Sub-Branch of the West Australian PTA Branch
Security Sub-Branch	All financial members of the Security Sub-Branch of the West Australian PTA Branch
State Network and Infrastructure Sub-Branch	All financial members of the Network and Infrastructure Sub-Branch of the West Australian PTA Branch employed by a State public sector employer
Federal Network and Infrastructure Sub-Branch	All financial members of the Network and Infrastructure Sub-Branch of the West Australian PTA Branch employed by a national system employer
Miscellaneous Sub-Branch	All financial members of the West Australian PTA Branch not otherwise allocated to a Sub-Branch
Trans WA Sub-Branch	All financial members of the Trans WA Sub-Branch of the West Australian PTA Branch

- (16) All successful candidates elected at the inaugural elections for the merged Branch shall take office on and from 1 January 2023.