

REASONS FOR ALTERATIONS OF THE RULES OF THE AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION OF EMPLOYEES, WEST AUSTRALIAN BRANCH – 2022

General

It is proposed to alter the Rules of Australian Rail, Tram and Bus Industry Union of Employees, West Australian Branch (**State Union**). The proposal follows alterations to the Rules of the Australian Rail, Tram and Bus Industry Union (**Federal Union**) certified by the Fair Work Commission.

The alterations to the Rules of the Federal Union have the effect of merging the 2 branches of the Federal Union in WA being the West Australian Branch and the West Australian PTA Branch (**WA PTA Branch**) into a new branch being the Western Australian Branch (**WA Branch**). The merger will take effect on 1 January 2023.

As the WA PTA Branch is the counterpart Federal body to the State Union, it is necessary to alter the rules of the State Union to reflect the future position that the WA Branch will be the counterpart Federal body to the State Union.

This will permit the State Union to act cohesively with the WA Branch.

The main reasons in summary form for the alterations to the specific Rules of the State Union are set out below.

Rule 1

It is proposed that the name of the State Union be altered from 1 January 2023 to reflect as nearly as possible the name of the WA Branch.

Rule 3

It is proposed that the eligibility rule of the State Union be expanded to reflect those persons who are eligible to join the Federal Union in WA and who would belong to the WA Branch.

Rule 5

The definitions contained in Rule 5 are proposed to be updated to reflect the merged structure in WA.

Rule 6

The proposal is that from 1 January 2023 the State Union will be governed by a Council which will be the highest deliberative body in the State Union.

Rule 7A

From 1 January 2023 it is proposed that the State Union be organised into 2 Sections being the Freight Section and the Passenger Section.

Rule 7B

From 1 January 2023 it is proposed that the Sections be organised into Sub-Branches as set out in the new Rule.

Rule 7C

This proposal provides for the appointment of Workplace Delegates by Sub-Branches in various locations.

Rule 8

The alterations to the Rule set out the offices of the State Union from 1 January 2023.

Rule 9

This proposal provides that the powers in relation to admission to membership will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 10

This proposal provides that the powers in relation to the subscriptions and the like will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 11

This proposal provides that the powers in relation to membership status will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 12

This proposal provides that a member of the Federal Union who is financial and belongs to the WA Branch will be taken to be, and treated as, a financial member of the State Union.

Rule 15

The proposed alteration sets out the duties of the President from 1 January 2023.

Rule 16

The proposed alteration sets out the duties of the Vice-President from 1 January 2023.

Rule 17

The proposed alteration sets out the duties of the Secretary from 1 January 2023.

Rule 19

This rule is to be altered to reflect the equivalent rule in the Federal Union.

Rule 23

This proposal provides that the powers in relation to the funds of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 24

This proposal provides that the powers in relation to the levies and fees of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 25

This proposal provides that the powers in relation to the disbursement of funds of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 26

This proposal provides that the powers in relation to the loans, grants and denotations of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 27

This proposal provides that the powers in relation to the auditors of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 30

This proposal provides that the powers in relation to the expenses of office bearers and members of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 32

This proposal provides that the powers in relation to the eligibility for office of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 33

This proposal provides that the powers in relation to the misconduct of office bearers of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 38

This proposal is designed to reflect the equivalent rule in the Federal Union and giving power to the Council rather than the Executive to deal with casual vacancies from 1 January 2023.

Rule 39

This proposal provides that the powers in relation to the acting appointments of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 41

This proposal provides that the powers in relation to the seal and execution of documents of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 42

This proposal provides that the powers in relation to the arbitration of proceedings of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 44

This proposal provides that the powers in relation to the general meetings of members of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 45

This proposal provides that the powers in relation to the amendments to the Rules of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 46

This proposal provides that the powers in relation to the interpretation of the Rules of the State Union will be the responsibility of the Council from 1 January 2023 rather than the Executive.

Rule 48

This proposal provides that from 1 January 2023, the Council may determine that each office of the State Union shall be held by the person holding the corresponding office in the WA Branch.

For the purposes of any initial determination after 1 January 2023, it shall be made by a transitional Council constituted by the persons who are members of the Branch Council of the WA Branch as at 1 January 2023.