

## NOTICE OF RULE CHANGE

The Union has made an application to the General Manager of Fair Work Australia to approve alterations to the Union's rules made by the Federal Executive on 10 August 2009.

The rule changes made by the Federal Executive relate to the amalgamation of the South Australian and Western Australian branches of the Union. The text of the Federal Executive's Resolution is as follows:

### **RESOLUTION:**

Moved: Charlie Donzow

Seconded: Graham Bird

Whereas the Western Australian Branch committee of management has resolved to request the Federal Executive to dissolve the Western Australian Branch and attach its members to the South Australian Branch; and

Whereas the South Australian Branch committee of management has resolved to inform the Federal Executive that it would accept the attachment of the present membership of the Western Australian Branch;

The Federal Executive resolves the following:

- (1) To dissolve the Western Australian Branch of the Union
- (2) To attach all members of the (now dissolved) Western Australian Branch to the South Australian Branch of the Union
- (3) All property held by or on behalf of the Western Australian branch is to be transferred forthwith to the South Australian branch
- (4) That the rules of the Union be amended in the manner set out below:
  - (a) That Rule 13.1 of the Union's rules be amended so that the rule reads:

13.1 The Federal Council shall consist of three delegates from each Branch, who shall comprise the Secretary of the Branch and two other delegates, together with the Federal Secretary who shall be an *ex officio* member of the Federal Council with the right to one vote; provided however, that in order to maintain an appropriate balance and representation for Western Australian members following the amalgamation of the Western Australian and South Australian branches, the South Australian branch shall have five delegates (one of whom shall be the branch secretary).

(b) That Rule 13.2.3 of the Union's rules be amended so that the rule reads:

13.2.3 South Australian Branch – two delegates elected by all of the members of the Branch in South Australia who are eligible to vote pursuant to Rule 10; and two delegates elected by all of the members of the Branch in Western Australia who are eligible to vote pursuant to Rule 10;

(c) That Rule 13.2.5 of the Union's rules, which refers to the Western Australian branch, be deleted

(d) That Rule 16.1 of the Union's rules, be amended so that the rule reads:

16.1 The Federal Executive shall consist of Federal President, Federal Secretary / Treasurer, and one Delegate from each Branch who shall be the Branch Secretary; provided however, that in order to maintain an appropriate balance and representation for Western Australian members following the amalgamation of the Western Australian and South Australian branches, following the 2013 quadrennial elections, the Assistant Branch Secretary of the South Australian Branch shall also be a member of the Federal Executive.

(e) That Rule 42 of the Union's rules be amended by deleting the words "West Australia" in the first sentence in the rule, and deleting from the list of offices the words "West Australia, at 79 Sterling Street, Perth, 6000."

(f) That Rule 43 of the Union's rules be amended by

- (i) deleting the entry "As to South Australia – the whole of that State"
- (ii) inserting the entry "As to South Australia, the whole of that State and the whole of Western Australia;" and
- (iii) deleting the entry "As to West Australia – the whole of that State."

(g) That Rule 44.2 of the Union's rules be amended by deleting the words "Western Australian"

(h) That Rule 47 of the Union's rules be amended by deleting all of the provisions currently dealing with that Branch [47A.9 – 47.12] and replacing them in their entirety with the following [this has been done for sake of clarity, and does 're-enact' part of the existing rule]:

**“South Australian Branch:**

47.9 *For the conduct of the 2009 quadrennial election and thereafter, the Committee of Management of the South Australian Branch shall consist of a President, a Vice-President, a Deputy Vice President, a Secretary-Treasurer, Organisers and nine other members representing the whole of the membership, but not more than two from any plant.*

*SEVEN shall form a quorum*

47.10 *The President, Vice-President, Deputy Vice President, Secretary-Treasurer, and Organisers shall comprise the Executive and shall administer the business of the Branch between meetings of the Committee of Management.*

*THREE shall form a quorum.*

47.11 *The Committee of Management shall meet at such times as may be decided upon from time to time.*

47.12 *Five per cent (5%) or more of the financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Committee of Management upon written request to the Secretary.*

***Transitional Provisions for Amalgamation of South Australian and Western Australian Branches***

47AA.9 *Upon the dissolution of the Western Australian Branch, the above Committee of Management of the South Australian Branch shall be expanded to include (i.e. in addition to those officers elected at the 2009 quadrennial elections) the following persons:*

47AA.9.1 *Eight (8) persons appointed by the Federal Executive as Temporary Committee of Management Members of the South Australian Branch with the same rights and responsibilities of any other member of the South Australian Branch Committee of Management; and*

47AA.9.2 *Three (3) of the eight persons appointed pursuant to Rule 47AA.9.1 shall be nominated by the Federal Executive as Temporary Executive Members of the South Australian Branch, with the same participation and voting rights as any other member of the South Australian Branch Executive.*

- 47AA.9.3 *All persons appointed pursuant to Rule 47AA.9.1 and 47AA.9.2 shall, to the extent possible, be persons who were officeholders in the Western Australian Branch immediately prior to its dissolution.*
- 47AA.10 *The Western Australian Temporary Committee of Management members and Temporary Executive members shall hold office until such time as elections can be held to elect Western Australian representatives to interim Committee of Management and Executive positions. Such elections must be held no later than the time at which the 2009 Western Australian Branch quadrennial elections would have fallen due [November 2009].*
- 47AA.11 *Pursuant to rule 47AA.10, elections will be conducted in accordance with Rules 50 and 51 to permit members in Western Australia to elect:*
- 47AA.11.1 *Six (6) Interim Committee of Management members, who shall form part of the South Australian Branch Committee of Management; and*
- 47AA.11.2 *Four (4) Interim Executive members, who shall form part of the South Australian Branch Committee of Management and shall be entitled to be part of the South Australian Branch Executive;*
- 47AA.11.2 *Two Federal Council delegates*
- 47AA.12 *Interim Committee of Management members and Interim Executive members elected pursuant to rule 47AA.11 shall hold office until the 2013 quadrennial elections of the South Australian Branch, from which time the Branch shall be known as the South and Western Australian Branch, and rules 47A.9-12 shall apply to the government of that branch.*

**South and Western Australian Branch:**

- 47A.9 *For the 2013 quadrennial elections and onwards, the Committee of Management of the South and Western Australian Branch shall consist of a President, a South Australian Vice President, a Western Australian Vice President, a Secretary-Treasurer, an Assistant Secretary, Organisers and the following representatives:*
- 47A.9.1 *Four (4) representatives from South Australia;*
- 47A.9.2 *Four (4) representatives from Western Australia.*

*The Committee of Management shall meet at such times as may be determined from time to time. NINE shall form a quorum.*

*47A.10 Members of the Committee of Management shall be elected as follows:*

*47A.10.1 The Branch President, Branch Secretary, and Assistant Branch Secretary shall be elected by all the members within the Branch.*

*47A.10.2 The South Australian Vice President shall be elected from members in South Australia*

*47A.10.3 The Western Australian Vice President shall be elected from members in Western Australia.*

*47A.10.4 Prior to each quadrennial election, the Committee of Management must determine the number of organizers to be elected from South Australia and the number of organizers to be elected from Western Australia. Organisers shall then be elected by the members from the State they will represent.*

*47A.10.5 The other representatives on the Committee of Management shall be elected by the members in the State they represent.*

*47A.10.6 The Secretary of the South and Western Australian Branch shall be based in Adelaide, and until such time as the Committee of Management determines otherwise, the Assistant Secretary of the South and Western Australian Branch shall be based in Perth.*

*47A.11 The President, Vice Presidents, Secretary/Treasurer, Assistant Secretary and Organisers shall comprise the Executive and shall administer the business of the Branch between meetings of the Committee of Management. FIVE shall form a quorum, provided that no meeting of the Executive shall be quorate unless:*

*(i) The Secretary and Assistant Secretary are both present; or*

*(ii) The Secretary and both Vice Presidents are present.*

*47A.12 Five per cent (5%) or more of the financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Committee of Management upon written request to the Secretary.*

**CARRIED UNANIMOUSLY**