



# DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.159—Alteration of other rules of organisation

## **Australian Rail, Tram and Bus Industry Union** (R2021/201)

MURRAY FURLONG

MELBOURNE, 23 MAY 2022

*Alteration of other rules of organisation.*

[1] On 15 November 2021 the Australian Rail, Tram and Bus Industry Union (the Union) lodged with the Fair Work Commission (the Commission) particulars of alterations to its rules. The particulars were set out in detail in three Annexures, marked MGD1, MGD2 and MGD3, respectively.

[2] A further document was lodged by the Union on 15 November 2021 in connection with the alterations.

[3] This was a declaration, dated 15 November 2021. The declaration addresses matters set out in Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations).

[4] Further correspondence was received dated 11 January, 11 and 12 April and 4 May 2022. This correspondence provided further information in support of the application.

[5] On the information contained in the declaration and further correspondence, I am satisfied that the alterations have been made under the rules of the organisation.

### **Particulars of the alterations**

[6] The particulars of the alterations can be set out into three categories, each based on one of the abovementioned annexures.

[7] Category A corresponds with Annexure MGD1 and sets out alterations to Part XII – South Australian and Northern Territory Branch: Specific Provisions. These alterations were transacted by the South Australian and Northern Territory Branch Council on 24 June 2021 and ratified by the National Council on 10 November 2021.

[8] Category B corresponds with Annexure MGD2 and sets out alterations to Part X – New South Wales Branch: Specific Provisions. These alterations were transacted by the New South Wales Branch Council on 17 May, the NSW Branch Locomotive Division on 9 June, the NSW Rail Operations Division on 27 July, the NSW Branch Infrastructure Division on 4 August, the NSW Branch Tram and Bus Division on 27 August, the NSW Branch Fleet Manufacture, Overhaul, Maintenance and Service Division on 30 August and the NSW Branch Administrative, Supervisory, Technical and Professional Division on 3 September 2021. The alterations were then ratified by the National Council on 10 November 2021.

[9] Category C corresponds with Annexure MGD3, which sets out alterations transacted by the Union’s National Council.

[10] Under the rules of the Union, specifically Rule 87, the National Council shall have the power to rescind, alter or amend the rules of the organisation.<sup>1</sup> Branch Councils may also make alteration to their own Branch specific provisions, provided that the changes adopted by the Branch are later ratified by the National Council.<sup>2</sup>

[11] While there is some overlap between the alterations in Category A and Category C, there are also some differences. However, as explained above, the National Council both ratified the alterations in Category A and made the alterations in Category C. Therefore, the alterations in both Category A and Category C are before me for consideration.

[12] An example of this may be found in Part XII – South Australia and Northern Territory Branch: Specific Provisions Rule 125 – Definitions. Here the Branch has made substantive alterations to the terms and definitions, whilst the National Council has rearranged the existing terms and definitions so that they appear in alphabetical order. Accordingly, both the substantive and generic alterations are before me for consideration.

[13] Similarly, there is overlap and differences between the alterations in Category B and Category C. Likewise, both sets of alterations have been made and are before me for consideration.

[14] I will now address the particulars of each Category of alterations in turn.

### **Category A**

[15] The particulars of the alterations in Category A (Annexure MGD1) relate only to Part XII – South Australian and Northern Territory Branch: Specific Provisions, and include alterations to Rules:

125 – Definitions, and

130 – Composition and ordinary meetings of the Branch Council.

[16] The alterations change the name of several Branch Districts and make subsequent updates to the names of the Districts on Branch Council.

[17] The Rail Commissioner District, whose name is changed to Metro Trains District has also had its composition adjusted to include members employed by Keolis Downer Adelaide, and to remove members employed on Trams. The alterations also reduce this District’s representation on Branch Council from three representatives to two representatives.

[18] The Category A alterations also create a new Tram District which is comprised of Rail Commissioner (Tram) employees and Adelaide Metro Operations employees. The new district is allocated one representative on Branch Council.

[19] The total number of Branch Council Delegates is ten. Under the existing rules of the organisation, the Rail Commissioner District was allocated three representatives, one of whom was required to be an employee of the Tram Depot(s). Under the proposed new rules, this position of Tram delegate has been reallocated away from the Metro Trains District (formerly the Rail Commissioner District) to the new Tram District. Therefore, the total number of Branch Council Delegates remains unchanged.

[20] However, the apparent restructure of the Districts raised a question of whether the electorate for the above positions had changed as a result of the reallocation of representatives between Districts.

[21] In further correspondence received by the Commission on 4 May 2022, Mark Diamond, National Secretary clarified that the electorates of the Districts has remained unchanged. Mr Diamond advises that the Rail Commissioners operations have been privatised and therefore the resulting change from ‘Rail Commissioner District’ to ‘Metro Trains District’ is a change of name rather than a structural change.

[22] Mr Diamond has also advised:

To allay any further uncertainty at the last AEC general election these 3 Branch Council positions came from Rail Commissioner members and were treated as follows:

- “Rail Comm Glengowrie”. This is the Glengowrie Tram Depot which only includes Tram Members. These are the only tram members. This is now the ‘Tram District’ under the rule change
- “Rail Comm other than Glengowrie” Rail Comm is short for Rail Commissioner. This is the train members who vote on the other two positions and is all train members at Rail Commissioner. This is now the ‘Metro Train District’.<sup>3</sup>

[23] On the basis of the information provided by Mr Diamond it is clear that the changes to the Districts represented on Branch Council merely change the names of the Districts and update the names of the employers of members who comprise the Districts. The actual electorates and number of District representatives on Branch Council remain unchanged. I am satisfied with the information provided by the organisation that as a result of the Category A alterations the members will not be disadvantaged and will remain able to participate effectively in the governance of the Branch.

## **Category B**

[24] The particulars of the alterations in Category B (Annexure MGD2) relate only to Part X – New South Wales Branch: Specific Provisions, and include alterations to Rules:

98 – Branch structure and organisation

100 – Composition and ordinary meetings of the Branch Divisional Committees

- 101 – Branch Offices
- 104 – Dual Offices and additional Delegate.

[25] The particulars also delete Rule 105 – Method of voting and subsequently renumber Rule 106 – Workplace Delegates to Rule 105. The deletion of Rule 105 will mean that Rule 74 will prescribe the method of voting in New South Wales Branch elections.

[26] Overall, the alterations remove redundant provisions, update the boundary of a geographical group of members with representation on the Branch Locomotive Divisional Council, update subcommittees in the Locomotive Division, and remove the ability for Branch Divisional Secretaries and Presidents to simultaneously hold other paid Branch offices.

### **Category C**

[27] The particulars of the alterations in Category C (Annexure MGD3), transacted by the National Council individually, relate to each Part of the rules. Therefore, they relate both to the National Rules and each set of Branch specific provisions, with the exception that no alterations have been made to Parts XV, XVI and XVII – those provisions dealing with the Branches in the State of Western Australia.

[28] The particulars include alterations to Rules:

#### *National Provisions*

- 2 – Registered office
- 3 – Definitions
- 6 – Structure and organisation
- 11 – Membership contributions
- 12 – Membership status
- 21 – Union funds
- 25 – Auditors
- 27 – Books and accounts
- 29 – National Executive
- 38 – Duties of National Secretary
- 47 – Branch offices: Eligibility and terms of office
- 50 – Other branch office bearers: electorate
- 54 – Duties of Branch Secretary
- 63 – Duties of Branch Divisional Vice-President
- 64 – Duties of Branch Divisional Secretary
- 73 – Election procedures
- 76 – Collegiate elections
- 83 – Arbitration proceedings
- 84 – Agreements with other organisations

#### *New South Wales Branch: Specific Provisions*

- 92 – Definitions
- 98 – Composition and ordinary meetings of the Branch Council
- 100 – Composition and ordinary meetings of the Branch Divisional Committees
- 101 – Branch offices

#### *Queensland Branch: Specific Provisions*

- 108 – Definitions
- 118 – Branch offices

- 119 – Special provisions relating to Branch offices and office bearers and Branch Committees
- 120 – Organisers
- South Australian/Northern Territory Branch: Specific Provisions*
- 125 – Definitions
- Tasmanian Branch: Specific Provisions*
- 148 – Special provisions relating to Branch offices and office bearers
- Victorian Branch: Specific Provisions*
- 151 – Definitions
- 161 – Branch offices
- 162 – Special provisions relating to Branch offices and office bearers.

**[29]** The particulars also include the insertion of new Rule 8A – Admission to Associate Membership, and deletion of Rules:

- 90A – Transitional rule
- 90B – Transitional rule
- 117 – Deleted
- 120A – Deleted
- 135 – Deleted
- 137A – Transitional rule
- 163 – Deleted
- 164 – Deleted
- 171A – Special Rule – Tram and Bus Division.

**[30]** Overall, the particulars set out alterations to remove redundant provisions, update references to outdated legislation and ensure requirements regarding auditors comply with current legislative provisions. Minor changes are also made to improve formatting, including by rearranging Definitions provisions in alphabetical order. Some minor amendments have also been made to refer to the Western Australia Branch, instead of the West Australia Branch in Rules 6 and 29 to reflect recent alterations transacted to facilitate an amalgamation of the West Australian and West Australian PTA Branches.<sup>4</sup>

**[31]** The alterations to Rule 21 remove sub-rules regarding disclosures required by the union and its officers, which are now specifically prescribed in Part 2A of Chapter 9 of the *Fair Work (Registered Organisations) Act 2009* (the Act), removing inconsistencies between obligations in the rules and the requirements of the Act.

**[32]** The addition of new Rule 8A creates provisions for individuals to apply for membership as an associate member where they are not otherwise eligible to become a member of the Union according to the eligibility provisions set out at Rule 4. New Rule 8A makes clear that associate members are not entitled to hold office, attend or vote at meetings, take part in elections nor vote in any business of the Union. The provisions in Rule 8A further clarify that whilst a membership contribution may be required of Associate Members, they are to be treated as unfinancial members and will not have the rights of a financial member of the Union.

**[33]** The alterations to Rule 12 remove the existing provisions for Associate Members (at 12(4)), which are now made redundant by the insertion of new Rule 8A.

[34] On 21 April 2022, Mark Diamond, National Secretary, gave consent, under subsection 159(2) of the Act, for the General Manager to make various amendments to the alterations for the purpose of correcting typographical, clerical or formal errors. Accordingly, the following corrections have been made:

- In proposed Rule 3: in the definition of the term ‘relevant remuneration’ the quotation marks immediately after the word ‘following’ has been amended to a colon, so that it reads ‘following:’;
- In proposed Rule 3: in the definition of the term ‘RO Regulations’ quotation marks now immediately appear after the word ‘Regulations’ in the first instance;
- In proposed Rule 125: the definition of the term ‘Branch’ has been moved to appear between the definitions for ‘Aurizon’ and ‘Bowmans Intermodal’ to keep the list consistent with the alphabetisation of the remaining terms; and
- In proposed Rule 125: the definition of the term ‘Successorship’ has been moved to appear between the definitions for ‘SCT Logistics’ and ‘Tram District’, and the word ‘Successorship’ in the first instance should be enclosed with quotation marks to maintain consistency with the remainder of the rule.

[35] In my opinion, the alterations comply with and are not contrary to the Act, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law and have been made under the rules of the organisation.



GENERAL MANAGER

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<sup>1</sup> Refer sub-rule 87(1)

<sup>2</sup> Refer sub-rule 87(6)

<sup>3</sup> Refer correspondence dated 14 May 2022

<sup>4</sup> [2022] FWCG 4

**From:** Phoenix (Maranina Koertjes)  
**Sent on:** Monday, May 23, 2022 1:49:22 PM  
**To:** [Mark Diamond](mailto:Mark.Diamond@rtbu.org.au)  
**Subject:** RE: Remaining RTBU Rule Changes

OFFICIAL

Hi Mark,

Further to my last email I can confirm that the application is currently with the General Manager.

I will let you know as soon as we receive an outcome.

Kind regards,

Phoenix

Maranina Koertjes (Phoenix) (she/her, they/them)  
Advisor, Registered Organisations Section

T 03 8656 4773  
E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

The Fair Work Commission acknowledged that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

This email was sent from Woiwurrung Country.

-----Original Message-----

From: Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>  
Sent: Monday, 23 May 2022 9:45 AM  
To: Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)>  
Subject: Re: Remaining RTBU Rule Changes

Thank you !

Sent from my iPhone

> On 23 May 2022, at 9:39 am, Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)> wrote:

>

> OFFICIAL

>

> Hi Mark,

>

> Thanks for your email.

>

> I sent the materials through to our Director for referral to the GM at the start of the month and am awaiting an outcome.

>

> I will follow up today and will advise when I can.

>

> Kind regards,

>

> Phoenix

>

> Maranina Koertjes (Phoenix) (she/her, they/them) Advisor, Registered

> Organisations Section

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>

> T 03 8656 4773

> E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

>

> 11 Exhibition Street, Melbourne Victoria 3000 GPO Box 1994, Melbourne

> Victoria 3001

>

>

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> This email was sent from Woiwurrung Country.

>

> -----Original Message-----

> From: Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>

> Sent: Monday, 23 May 2022 6:05 AM

> To: Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)>

> Subject: Remaining RTBU Rule Changes

>

> Hi Phoenix

>

> I hope you're well

>

> I am sorry to bother again but I filed our General Election application at the end of last month and am concerned about the rule change you are overseeing and when that will be received.

>

> Could you please advise?

>

**From:** [Mark Diamond](#)  
**Sent on:** Monday, May 23, 2022 9:44:41 AM  
**To:** [Phoenix \(Maranina Koertjes\)](#)  
**Subject:** Re: Remaining RTBU Rule Changes

Thank you !

Sent from my iPhone

> On 23 May 2022, at 9:39 am, Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au> wrote:

>  
> OFFICIAL  
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> Phoenix

>  
> Maranina Koertjes (Phoenix) (she/her, they/them)  
> Advisor, Registered Organisations Section

>  
>  
>  
>  
> T 03 8656 4773

> E maranina.koertjes@fwc.gov.au

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> 11 Exhibition Street, Melbourne Victoria 3000

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> Could you please advise?

>  
> Regards

>  
> Mark Diamond



**From:** Phoenix (Maranina Koertjes)  
**Sent on:** Monday, May 23, 2022 9:39:35 AM  
**To:** [Mark Diamond](#)  
**Subject:** RE: Remaining RTBU Rule Changes

OFFICIAL

Hi Mark,

Thanks for your email.

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I will follow up today and will advise when I can.

Kind regards,

Phoenix

Maranina Koertjes (Phoenix) (she/her, they/them)  
Advisor, Registered Organisations Section

T 03 8656 4773  
E maranina.koertjes@fwc.gov.au

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GPO Box 1994, Melbourne Victoria 3001

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This email was sent from Woivurrung Country.

-----Original Message-----

From: Mark Diamond <mdiamond@rtbu.org.au>  
Sent: Monday, 23 May 2022 6:05 AM  
To: Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au>  
Subject: Remaining RTBU Rule Changes

Hi Phoenix

I hope you're well

I am sorry to bother again but I filed our General Election application at the end of last month and am concerned about the rule change you are overseeing and when that will be received.

Could you please advise?

Regards

Mark Diamond

**From:** [Mark Diamond](#)

**Sent on:** Monday, May 23, 2022 6:04:51 AM

**To:** [Phoenix \(Maranina Koerntjes\)](#)

**Subject:** Remaining RTBU Rule Changes

Hi Phoenix

I hope you're well

I am sorry to bother again but I filed our General Election application at the end of last month and am concerned about the rule change you are overseeing and when that will be received.

Could you please advise?

Regards

Mark Diamond

**From:** Phoenix (Maranina Koertjes)  
**Sent on:** Wednesday, May 4, 2022 11:54:37 AM  
**To:** [Mark Diamond](#)  
**Subject:** RE: Request for clarification - R2021/201

OFFICIAL

Hi Mark,

Thank you for providing this clarification, I have passed your advice along to the Senior Advisor.

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** (*she/her, they/them*)  
Advisor, Registered Organisations Section

 **Fair Work Commission**  
Australia's national workplace relations tribunal  
T 03 8656 4773  
E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

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**This email was sent from Woiwurrung Country.**

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**From:** Mark Diamond <mdiamond@rtbu.org.au>  
**Sent:** Wednesday, 4 May 2022 10:55 AM  
**To:** Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au>  
**Subject:** Re: Request for clarification - R2021/201

Hi Maranina

I have included answers in doc attached

Regards

Mark

On 2 May 2022, at 3:23 pm, Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)> wrote:

OFFICIAL

No worries, thanks Mark 😊

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** (*she/her, they/them*)  
Advisor, Registered Organisations Section  
<image002.png>

T 03 8656 4773  
E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
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**This email was sent from Woiwurrung Country.**

---

**From:** Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>  
**Sent:** Monday, 2 May 2022 3:03 PM  
**To:** Phoenix (Maranina Koerntjes) <[Maranina.Koerntjes@fwc.gov.au](mailto:Maranina.Koerntjes@fwc.gov.au)>  
**Subject:** Re: Request for clarification - R2021/201

Hi Phoenix

I am interstate at present and will try and consider by Wednesday

Mark

Sent from my iPhone

On 2 May 2022, at 2:04 pm, Phoenix (Maranina Koerntjes) <[Maranina.Koerntjes@fwc.gov.au](mailto:Maranina.Koerntjes@fwc.gov.au)> wrote:

?

OFFICIAL

Hi Mark,

Thank you again for your patience as we finalise R2021/201.

The Senior Advisor has requested some clarification around a couple of the proposed alterations.

#### **SA/NT Branch Specific Provisions**

In Part XII – South Australian and Northern Territory Branch: Specific Provisions, Rule 125 – Definitions has been altered. This includes changes made to the Branch Districts, including a new ‘Metro Trains District’ and ‘Tram District’.

The ‘Metro Trains District’, formerly the ‘Rail Commissioner District’, is comprised of locations where Keolis Downer Adelaide and Rail Commissioner (heavy rail) employees are employed.

The ‘Tram District’ is comprised of locations where Adelaide Metro Operations and Rail Commissioner (Trams) employees are employed.

Therefore, there appears to have been a redistribution of employees from between the two districts.

In addition, Part XII Rule 130 has been altered at (2) to provide that the new Tram District is entitled to one Delegate to Branch Council, and the Metro Train District is entitled to two Delegates.

We note that this does not constitute a change to the total number of Branch Council provisions, which remains at 10, but it does appear to represent a change in electorate for those positions.

Would you be able to provide some clarity around this?

If the electorate is different then there may be an issue regarding abolition of office for those existing positions and we would likely require further information from the Branch and officers.

However this may not be required if the Adelaide Metro Operations members were always in the group that elected the Tram representative from the Rail Commissioner District and if the Keolis Downer Adelaide members were always in the group that elected the other two Rail Commissioner District representatives.

#### **Alterations to Rules which relate to Divisions**

The other query is in relation to what is meant by rules that ‘relate to Divisions’.

As you are aware, sub-rule 87(4) provides that any rescission, alteration or amendment to any provisions of the Union’s rules which relate to National or Branch Divisions shall be of no effect unless it is ratified by the National Divisional Committees and the Branch Divisional Committees of the National or Branch Division(s) affected.

It appears that in Annexure MGD3 there are some alterations to rules which may relate to Divisions, particularly the deletion of sub-rule 12(4), which removes the right of Branch Divisional Committees to impose fees, levies and fines on Associate members, and the deletion of subrules in 21 which remove the obligations on National and Branch Divisional Officers to make disclosures and undertake training.

We understand that the provisions of 12(4) are now largely replicated in new Rule 8A – Associate Members, however responsibility for setting Associate Member fees now rests solely with the National Council. We also appreciate that the financial disclosure and training provisions are captured in the Act, but it not clear whether these rules would fall under the sub-rule 87(4) provisions and require ratification by the relevant Divisional Committees.

Could you please clarify the operation of 87(4) within this context?

Let me know if you have any queries with regard to the above, and thank you in advance for your assistance.

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** *(she/her, they/them)*  
Advisor, Registered Organisations Section  
<image004.png>

T 03 8656 4773

E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000

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<image003.png>

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**This email was sent from Woiwurrung Country.**

**From:** [Mark Diamond](#)  
**Sent on:** Wednesday, May 4, 2022 10:55:24 AM  
**To:** [Phoenix \(Maranina Koertjes\)](#)  
**Subject:** Re: Request for clarification - R2021/201  
**Attachments:** [F86C4AAEA2F763968EE7335A236DA4D21653280864447-Please see my responses below in red.docx](#) (17.71 KB)

Hi Maranina  
I have included answers in doc attached  
Regards  
Mark

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OFFICIAL

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Kind regards,

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**Maranina Koertjes (Phoenix)** (*she/her, they/them*)  
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<image002.png>

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**Subject:** Re: Request for clarification - R2021/201

Hi Phoenix

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OFFICIAL

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The ‘Metro Trains District’, formerly the ‘Rail Commissioner District’, is comprised of locations where Keolis Downer Adelaide and Rail Commissioner (heavy rail) employees are employed.

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Therefore, there appears to have been a redistribution of employees from between the two districts.

In addition, Part XII Rule 130 has been altered at (2) to provide that the new Tram District is entitled to one Delegate to Branch Council, and the Metro Train District is entitled to two Delegates.

We note that this does not constitute a change to the total number of Branch Council provisions, which remains at 10, but it does appear to represent a change in electorate for those positions.

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If the electorate is different then there may be an issue regarding abolition of office for those existing positions and we would likely require further information from the Branch and officers.

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#### **Alterations to Rules which relate to Divisions**

The other query is in relation to what is meant by rules that 'relate to Divisions'.

As you are aware, sub-rule 87(4) provides that any rescission, alteration or amendment to any provisions of the Union's rules which relate to National or Branch Divisions shall be of no effect unless it is ratified by the National Divisional Committees and the Branch Divisional Committees of the National or Branch Division(s) affected.

It appears that in Annexure MGD3 there are some alterations to rules which may relate to Divisions, particularly the deletion of sub-rule 12(4), which removes the right of Branch Divisional Committees to impose fees, levies and fines on Associate members, and the deletion of subrules in 21 which remove the obligations on National and Branch Divisional Officers to make disclosures and undertake training.

We understand that the provisions of 12(4) are now largely replicated in new Rule 8A – Associate Members, however responsibility for setting Associate Member fees now rests solely with the National Council. We also appreciate that the financial disclosure and training provisions are captured in the Act, but it not clear whether these rules would fall under the sub-rule 87(4) provisions and require ratification by the relevant Divisional Committees.

Could you please clarify the operation of 87(4) within this context?

Let me know if you have any queries with regard to the above, and thank you in advance for your assistance.

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** *(she/her, they/them)*

Advisor, Registered Organisations Section

<image004.png>

T 03 8656 4773

E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

<image003.png>

The Fair Work Commission acknowledged that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

**This email was sent from Woiwurrung Country.**

Please see my responses below in red

Hi Mark,

Thank you again for your patience as we finalise R2021/201.

The Senior Advisor has requested some clarification around a couple of the proposed alterations.

### **SA/NT Branch Specific Provisions**

In Part XII – South Australian and Northern Territory Branch: Specific Provisions, Rule 125 – Definitions has been altered. This includes changes made to the Branch Districts, including a new ‘Metro Trains District’ and ‘Tram District’.

The ‘Metro Trains District’, formerly the ‘Rail Commissioner District’, is comprised of locations where Keolis Downer Adelaide and Rail Commissioner (heavy rail) employees are employed.

The ‘Tram District’ is comprised of locations where Adelaide Metro Operations and Rail Commissioner (Trams) employees are employed.

Therefore, there appears to have been a redistribution of employees from between the two districts.

In addition, Part XII Rule 130 has been altered at (2) to provide that the new Tram District is entitled to one Delegate to Branch Council, and the Metro Train District is entitled to two Delegates.

We note that this does not constitute a change to the total number of Branch Council provisions, which remains at 10, but it does appear to represent a change in electorate for those positions.

Would you be able to provide some clarity around this?

The electorates are the same. The Rail Commissioners operations have been privatised so this is a change of name rather than a structural change.

Tram District - as a representative on Branch Council always came from the Rail Commissioner Trams this has simply been separated out into its own ‘Tram District’ with the same electorate pool voting.

Metro Train District – The other two positions to branch council were always elected from the members from the Rail Commissioner other than Tram Members.

To allay any further uncertainty at the last AEC general election these 3 Branch Council positions came from Rail Commissioner members and were treated as follows:

- “Rail Comm Glengowrie”. This is the Glengowrie Tram Depot which only includes Tram Members. These are the only tram members. This is now the ‘Tram District’ under the rule change
- “Rail Comm other than Glengowrie” Rail Comm is short for Rail Commissioner . This is the train members who vote on the other two positions and is all train members at Rail Commissioner. This is now the ‘Metro Train District’.



Therefore, proceeding with the amendments as presented does not change the electorates whatsoever. It also does not affect the existing positions at all nor does it impact the divisions as there aren't any in SA branch.

If the electorate is different then there may be an issue regarding abolition of office for those existing positions and we would likely require further information from the Branch and officers.

However this may not be required if the Adelaide Metro Operations members were always in the group that elected the Tram representative from the Rail Commissioner District and if the Keolis Downer Adelaide members were always in the group that elected the other two Rail Commissioner District representatives.

### **Alterations to Rules which relate to Divisions**

The other query is in relation to what is meant by rules that 'relate to Divisions'.

As you are aware, sub-rule 87(4) provides that any rescission, alteration or amendment to any provisions of the Union's rules which relate to National or Branch Divisions shall be of no effect unless it is ratified by the National Divisional Committees and the Branch Divisional Committees of the National or Branch Division(s) affected.

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We understand that the provisions of 12(4) are now largely replicated in new Rule 8A – Associate Members, however responsibility for setting Associate Member fees now rests solely with the National Council. We also appreciate that the financial disclosure and training provisions are captured in the Act, but it not clear whether these rules would fall under the sub-rule 87(4) provisions and require ratification by the relevant Divisional Committees.

Could you please clarify the operation of 87(4) within this context?

The 'Associate Member' category does not have the rights of other members of the union including the right to vote. These people do not fall within the eligibility rules. This was the case before and will be the case after the changes.

Rule 8(1) requires:

'Each member shall be allocated to that National Division which most closely accords with his/her work functions.'

But as Associate Members do not fall within the work functions as they are not within the eligibility rules they are unable to be allocated to a national division or a branch division.

Therefore, the provisions of the rules that pertained to levies, charges or fines etc being imposed by the various divisions were always redundant for Associate Members.

The new drafting simply limits the wording to the only functional part of the rule as it was, which is that National Council can determine their fees. They are not a member like other members.

Rule 87(4) has no work to do in regards to Associate Members.

Let me know if you have any queries with regard to the above, and thank you in advance for your assistance.

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** *(she/her, they/them)*

Advisor, Registered Organisations Section

**From:** Phoenix (Maranina Koertjes)  
**Sent on:** Monday, May 2, 2022 3:23:32 PM  
**To:** [Mark Diamond](#)  
**Subject:** RE: Request for clarification - R2021/201

OFFICIAL

No worries, thanks Mark 😊

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** (*she/her, they/them*)  
Advisor, Registered Organisations Section

 **Fair Work Commission**  
Australia's national workplace relations tribunal  
T 03 8656 4773  
E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

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**This email was sent from Woiwurrung Country.**

---

**From:** Mark Diamond <mdiamond@rtbu.org.au>  
**Sent:** Monday, 2 May 2022 3:03 PM  
**To:** Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au>  
**Subject:** Re: Request for clarification - R2021/201

Hi Phoenix

I am interstate at present and will try and consider by Wednesday

Mark

Sent from my iPhone

On 2 May 2022, at 2:04 pm, Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)> wrote:

?

OFFICIAL

Hi Mark,

Thank you again for your patience as we finalise R2021/201.

The Senior Advisor has requested some clarification around a couple of the proposed alterations.

**SA/NT Branch Specific Provisions**

In Part XII – South Australian and Northern Territory Branch: Specific Provisions, Rule 125 – Definitions has been altered. This includes changes made to the Branch Districts, including a new ‘Metro Trains District’ and ‘Tram District’.

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Therefore, there appears to have been a redistribution of employees from between the two districts.

In addition, Part XII Rule 130 has been altered at (2) to provide that the new Tram District is entitled to one Delegate to Branch Council, and the Metro Train District is entitled to two Delegates.

We note that this does not constitute a change to the total number of Branch Council provisions, which remains at 10, but it does appear to represent a change in electorate for those positions.

Would you be able to provide some clarity around this?

If the electorate is different then there may be an issue regarding abolition of office for those existing positions and we would likely require further information from the Branch and officers.

However this may not be required if the Adelaide Metro Operations members were always in the group that elected the Tram representative from the Rail Commissioner District and if the Keolis Downer Adelaide members were always in the group that elected the other two Rail Commissioner District representatives.

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The other query is in relation to what is meant by rules that 'relate to Divisions'.

As you are aware, sub-rule 87(4) provides that any rescission, alteration or amendment to any provisions of the Union's rules which relate to National or Branch Divisions shall be of no effect unless it is ratified by the National Divisional Committees and the Branch Divisional Committees of the National or Branch Division(s) affected.

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We understand that the provisions of 12(4) are now largely replicated in new Rule 8A – Associate Members, however responsibility for setting Associate Member fees now rests solely with the National Council. We also appreciate that the financial disclosure and training provisions are captured in the Act, but it not clear whether these rules would fall under the sub-rule 87(4) provisions and require ratification by the relevant Divisional Committees.

Could you please clarify the operation of 87(4) within this context?

Let me know if you have any queries with regard to the above, and thank you in advance for your assistance.

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** *(she/her, they/them)*

Advisor, Registered Organisations Section

<image004.png>

T 03 8656 4773

E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

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<image003.png>

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**This email was sent from Woiwurrung Country.**

**From:** [Mark Diamond](#)

**Sent on:** Wednesday, April 27, 2022 5:14:45 PM

**To:** [Phoenix \(Maranina Koertjes\)](#)

**Subject:** Re: Error

ok thank you

On 27 Apr 2022, at 5:06 pm, Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)> wrote:

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**From:** Phoenix (Maranina Koertjes)  
**Sent on:** Monday, May 2, 2022 3:23:32 PM  
**To:** [Mark Diamond](#)  
**Subject:** RE: Request for clarification - R2021/201

OFFICIAL

No worries, thanks Mark 😊

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** (*she/her, they/them*)  
Advisor, Registered Organisations Section

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**From:** Mark Diamond <mdiamond@rtbu.org.au>  
**Sent:** Monday, 2 May 2022 3:03 PM  
**To:** Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au>  
**Subject:** Re: Request for clarification - R2021/201

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We note that this does not constitute a change to the total number of Branch Council provisions, which remains at 10, but it does appear to represent a change in electorate for those positions.

Would you be able to provide some clarity around this?

**From:** [Mark Diamond](#)  
**Sent on:** Monday, May 2, 2022 3:03:18 PM  
**To:** [Phoenix \(Maranina Koerntjes\)](#)  
**Subject:** Re: Request for clarification - R2021/201

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Sent from my iPhone

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Could you please clarify the operation of 87(4) within this context?

Let me know if you have any queries with regard to the above, and thank you in advance for your assistance.

Kind regards,

Phoenix

**From:** Phoenix (Maranina Koertjes)  
**Sent on:** Monday, May 2, 2022 2:04:12 PM  
**To:** [Mark Diamond](#)  
**Subject:** Request for clarification - R2021/201

OFFICIAL

Hi Mark,

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**Maranina Koertjes (Phoenix)** *(she/her, they/them)*  
Advisor, Registered Organisations Section

 Fair Work Commission  
Australia's national workplace relations tribunal  
T 03 8656 4773  
E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001



**From:** [Mark Diamond](#)

**Sent on:** Wednesday, April 27, 2022 5:14:45 PM

**To:** [Phoenix \(Maranina Koerntjes\)](#)

**Subject:** Re: Error

ok thank you

On 27 Apr 2022, at 5:06 pm, Phoenix (Maranina Koerntjes) <[Maranina.Koerntjes@fwc.gov.au](mailto:Maranina.Koerntjes@fwc.gov.au)> wrote:

ly, I am unable to guarantee that the alterations would be certified by Friday, but I will note this on the records and advise the review

**From:** Phoenix (Maranina Koerntjes)  
**Sent on:** Wednesday, April 27, 2022 5:06:23 PM  
**To:** [Mark Diamond](mailto:Mark.Diamond@rtbu.org.au)  
**Subject:** RE: Error

Hi Mark,

The application is presently with the Senior Advisor for further review ahead of referral to the General Manager.

Unfortunately, I am unable to guarantee that the alterations would be certified by Friday, but I will note this on the records and advise the reviewers.

Kind regards,

Phoenix

**Maranina Koerntjes (Phoenix)** (*she/her, they/them*)  
Advisor, Registered Organisations Section

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**This email was sent from Woiwurrung Country.**

---

**From:** Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>  
**Sent:** Wednesday, 27 April 2022 3:12 PM  
**To:** Phoenix (Maranina Koerntjes) <[Maranina.Koerntjes@fwc.gov.au](mailto:Maranina.Koerntjes@fwc.gov.au)>  
**Subject:** Re: Error

Hi Phoenix

I was wondering if the last of the rule changes will be issued this week?

On Friday I have to put in the application for our General Election and want to indicate there are no outstanding rule changes going through FWC.

Regards

Mark Diamond

On 22 Apr 2022, at 2:46 pm, Phoenix (Maranina Koerntjes) <[Maranina.Koerntjes@fwc.gov.au](mailto:Maranina.Koerntjes@fwc.gov.au)> wrote:

OFFICIAL

No worries, enjoy the long weekend 😊

Kind regards,

Phoenix

**Maranina Koerntjes (Phoenix)** (*she/her, they/them*)  
Advisor, Registered Organisations Section  
<image002.png>

T 03 8656 4773  
E [maranina.koerntjes@fwc.gov.au](mailto:maranina.koerntjes@fwc.gov.au)

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<image003.png>

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**This email was sent from Woiwurrung Country.**

---

**From:** Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>  
**Sent:** Friday, 22 April 2022 1:53 PM  
**To:** Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)>  
**Subject:** Re: Error

ok that's fine. Thanks

On 22 Apr 2022, at 1:45 pm, Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)> wrote:

numbering system repeats itself from Rule 172. It is differentiated from the preceding Rule 172 by reference as 'Part XVII Rule 172'.

The only way to fix it so that the rules continued on chronologically would be to transact fresh alterations for the purpose.

**From:** [Mark Diamond](#)  
**Sent on:** Wednesday, April 27, 2022 3:12:19 PM  
**To:** [Phoenix \(Maranina Koertjes\)](#)  
**Subject:** Re: Error

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**Maranina Koertjes (Phoenix)** *(she/her, they/them)*  
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**From:** Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>  
**Sent:** Friday, 22 April 2022 1:53 PM  
**To:** Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)>  
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**From:** Phoenix (Maranina Koertjes)  
**Sent on:** Thursday, April 21, 2022 5:01:13 PM  
**To:** [Mark Diamond](#)  
**Subject:** RE: Consent to amend under s159(2)

OFFICIAL

Thanks Mark 😊

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** (*she/her, they/them*)  
Advisor, Registered Organisations Section

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**This email was sent from Woiwurrung Country.**

---

**From:** Mark Diamond <mdiamond@rtbu.org.au>  
**Sent:** Thursday, 21 April 2022 3:29 PM  
**To:** Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au>  
**Subject:** Re: Consent to amend under s159(2)

Hi Phoenix

Please see attached

Regards

Mark

On 21 Apr 2022, at 2:55 pm, Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)> wrote:

OFFICIAL

Hi Mark,

I trust you had a pleasant Easter break, and thank you again for clarifying the particulars of the alterations.

The rulebook has been marked up in full and we've just found a couple of minor errors that we would like consent to amend under s159(2), which gives the General Manager (or his Delegate) the ability to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Please find attached a partially completed consent form.

If you could please double check the details that I have prefilled, and review the proposed amendments that would be fantastic.

If there are any you disagree with please feel free to remove from the consent form and they will remain unchanged.

Once signed and dated please send the form back via return email and I will refer the application on for Decision.

Thank you for your assistance, if you have any questions please do not hesitate to get in touch.

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** (*she/her, they/them*)  
Advisor, Registered Organisations Section  
<image002.png>

**From:** [Mark Diamond](#)  
**Sent on:** Thursday, April 21, 2022 3:29:09 PM  
**To:** [Phoenix \(Maranina Koertjes\)](#)  
**Subject:** Re: Consent to amend under s159(2)  
**Attachments** [F86C4AAEA2F763968EE7335A236DA4D21653280864447-R2022-201](#)  
: [Sample consent under section 159\(2\).pdf](#) (35.56 KB)

Hi Phoenix  
Please see attached  
Regards  
Mark

On 21 Apr 2022, at 2:55 pm, Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)> wrote:

OFFICIAL

Hi Mark,

I trust you had a pleasant Easter break, and thank you again for clarifying the particulars of the alterations.

The rulebook has been marked up in full and we've just found a couple of minor errors that we would like consent to amend under s159(2), which gives the General Manager (or his Delegate) the ability to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Please find attached a partially completed consent form.

If you could please double check the details that I have prefilled, and review the proposed amendments that would be fantastic.

If there are any you disagree with please feel free to remove from the consent form and they will remain unchanged.

Once signed and dated please send the form back via return email and I will refer the application on for Decision.

Thank you for your assistance, if you have any questions please do not hesitate to get in touch.

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** (*she/her, they/them*)  
Advisor, Registered Organisations Section  
<image002.png>

T 03 8656 4773

E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

<image003.png>

The Fair Work Commission acknowledged that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

**This email was sent from Woivurrung Country.**

<R2022-201 Sample consent under section 159(2).docx>

**CONSENT OF AUTHORISED OFFICER in accordance with Section 159(2) of the *Fair Work (Registered Organisations) Act 2009***

I, Mark Diamond of Level 2, Trades Hall, 4-10 Goulburn Street, Sydney, NSW am the National Secretary of the Australian Rail, Tram and Bus Industry Union and am authorised to give consent under section 159(2) of the *Fair Work (Registered Organisations) Act 2009* to the General Manager (or his Delegate) to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Alterations to the rules of the Australian Rail, Tram and Bus Industry Union were notified to the Fair Work Commission on 15 November 2021. I give consent for the General Manager to amend the alterations for the purpose of correcting the following typographical, clerical or formal errors:

1. In proposed Rule 3: in the definition of the term 'relevant remuneration' the quotation marks immediately after the word 'following' should be amended to a colon, so that it reads 'following:'
2. Also in proposed Rule 3: in the definition of the term 'RO Regulations' quotation marks should immediately appear after the word 'Regulations' in the first instance;
3. In proposed Rule 125: the definition of the term 'Branch' should be moved to appear between the definitions for 'Aurizon' and 'Bowmans Intermodal' in order to keep the list consistent with the alphabetisation of the remaining terms
3. Also in proposed Rule 125: the definition of the term 'Successorship' should be moved to appear between the definitions for 'SCT Logistics' and 'Tram District', and the word 'Successorship' in the first instance should be enclosed with quotation marks in order to maintain consistency with the remainder of the rule.

Signed and dated by an officer authorised to give consent.



21 April 2022

*[PLEASE NOTE: This Consent Form must contain details of the errors to be corrected and the correction that is being consented to; a failure to identify and explain the corrections is likely to be insufficient to allow the General Manager or his Delegate to alter the particulars. This Consent Form can be emailed back to the [ros@fwc.gov.au](mailto:ros@fwc.gov.au) email address or sent directly to the action officer handling your matter.]*

**From:** Phoenix (Maranina Koertjes)  
**Sent on:** Thursday, April 21, 2022 2:55:31 PM  
**To:** [Mark Diamond](#)  
**Subject:** Consent to amend under s159(2)  
**Attachments:** [F86C4AAEA2F763968EE7335A236DA4D21653280864447-R2022-201](#)  
: [Sample consent under section 159\(2\).docx](#) (23.64 KB)

OFFICIAL

Hi Mark,

I trust you had a pleasant Easter break, and thank you again for clarifying the particulars of the alterations.

The rulebook has been marked up in full and we've just found a couple of minor errors that we would like consent to amend under s159(2), which gives the General Manager (or his Delegate) the ability to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Please find attached a partially completed consent form.

If you could please double check the details that I have pre-filled, and review the proposed amendments that would be fantastic.

If there are any you disagree with please feel free to remove from the consent form and they will remain unchanged.

Once signed and dated please send the form back via return email and I will refer the application on for Decision.

Thank you for your assistance, if you have any questions please do not hesitate to get in touch.

Kind regards,

Phoenix

**Maranina Koertjes (Phoenix)** (*she/her, they/them*)  
Advisor, Registered Organisations Section

 Fair Work Commission  
Australia's national workplace relations tribunal  
T 03 8656 4773  
E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

The Fair Work Commission acknowledged that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

**This email was sent from Woiwurrung Country.**



**CONSENT OF AUTHORISED OFFICER in accordance with Section 159(2) of the *Fair Work (Registered Organisations) Act 2009***

I, Mark Diamond of Level 2, Trades Hall, 4-10 Goulburn Street, Sydney, NSW am the National Secretary of the Australian Rail, Tram and Bus Industry Union and am authorised to give consent under section 159(2) of the *Fair Work (Registered Organisations) Act 2009* to the General Manager (or his Delegate) to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Alterations to the rules of the Australian Rail, Tram and Bus Industry Union were notified to the Fair Work Commission on 15 November 2021. I give consent for the General Manager to amend the alterations for the purpose of correcting the following typographical, clerical or formal errors:

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2. Also in proposed Rule 3: in the definition of the term 'RO Regulations' quotation marks should immediately appear after the word 'Regulations' in the first instance;
3. In proposed Rule 125: the definition of the term 'Branch' should be moved to appear between the definitions for 'Aurizon' and 'Bowmans Intermodal' in order to keep the list consistent with the alphabetisation of the remaining terms
3. Also in proposed Rule 125: the definition of the term 'Successorship' should be moved to appear between the definitions for 'SCT Logistics' and 'Tram District', and the word 'Successorship' in the first instance should be enclosed with quotation marks in order to maintain consistency with the remainder of the rule.

Signed and dated by an officer authorised to give consent.

*[PLEASE NOTE: This Consent Form must contain details of the errors to be corrected and the correction that is being consented to; a failure to identify and explain the corrections is likely to be insufficient to allow the General Manager or his Delegate to alter the particulars. This Consent Form can be emailed back to the [ros@fwc.gov.au](mailto:ros@fwc.gov.au) email address or sent directly to the action officer handling your matter.]*

**From:** [Mark Diamond](#)  
**Sent on:** Tuesday, April 12, 2022 3:26:43 PM  
**To:** [Phoenix \(Maranina Koertjes\)](#)  
**Subject:** Re: Rule Changes remaining

Hi Phoenix

Excuse the delay in response

The Changes in MGD1 are the rule changes for SA/NT

The affect of MGD3 is simply to take the definitions (which will now include the MGD1 changes) and put all the definitions in alphabetical order

The confusion arises because MGD3 does not include the MGD1 rule changes and therefore you see a discrepancy. But the two rule changes are complimentary. Do MGD1 first. Then put definition in alphabetical order.

I hope that clarifies.

Regards

Mark Diamond

> On 11 Apr 2022, at 3:47 pm, Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au> wrote:

>

> OFFICIAL

>

> Thanks Mark,

>

> There's just one other one that I would like to confirm with you if possible.

>

> Rule 125 - Definitions (for the SA/NT provisions); I've prepared a comparison document (attached) to assist with this one.

>

> The particulars submitted by the Branch in MGD1 include specific changes to those provisions which are not incorporated into MGD3. The alterations to that rule in MGD3 focus on re-arranging the definitions so they are in alphabetical order.

>

> In this scenario, would it be correct that the rule should appear with the specific alterations as outlined in MGD1 but in alphabetical order as set out in MGD3?

>

> For reference, I have included this variation below the table in the attached document.

>

> Kind regards,

>

> Phoenix

>

> Maranina Koertjes (Phoenix) (she/her, they/them)

> Advisor, Registered Organisations Section

>

>

>

>

> T 03 8656 4773

> E maranina.koertjes@fwc.gov.au

>

> 11 Exhibition Street, Melbourne Victoria 3000

> GPO Box 1994, Melbourne Victoria 3001

>

>

>

> The Fair Work Commission acknowledged that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

>

> This email was sent from Woiwurrung Country.

>

> -----Original Message-----

> From: Mark Diamond <mdiamond@rtbu.org.au>

> Sent: Monday, 11 April 2022 1:30 PM

> To: Phoenix (Maranina Koertjes) <Maranina.Koertjes@fwc.gov.au>

> Subject: Rule Changes remaining

>

> Hi Phoenix

>

> Thank you for your time on the phone

>

> In regards to the remaining rule changes for the RTBU that we discussed:

>

> Rule 92 - In the MGD3 rule changes, the definitions in rule 92 appear in alphabetical order. This was passed by National Council and is the correct version. Although this was only passed by National Council and not branch or national divisions, changing order does not affect the divisions and therefore they do not need to approve it under rule 87(4).

>

> Rule 98 - In MGD 3 rule 98 changes the numbering due to removal of paragraphs. Those paragraphs were redundant and had no work to do. Once again, national and branch divisions are not affected by the change so only national council needs to approve. MGD3 was approved by NC. Therefore the para numbers and the numbers in the para need to be changed in accordance with MGD3 provided that they make sense and flow

>

> Rule 100 - for me was on page 86 but you said on yours it was page 97 - Quirindi and Willow Tree were inserted in MGD2 which was approved by branch division and NATIONAL Council. These must be inserted. In short, it is the amendments that have been approved and therefore MGD2 amendment to this list stands. It is irrelevant that those amendments were not included in MGD3 as all amendments (rather than non-amendments) are what matters.

>

> Similar thinking to the ordering also applies to SA/NA as the first point above

>

> Happy to answer any further questions you may have

>

**From:** Phoenix (Maranina Koertjes)  
**Sent on:** Monday, April 11, 2022 3:47:49 PM  
**To:** [Mark Diamond](#)  
**Subject:** RE: Rule Changes remaining  
**Attachments:** [F86C4AAEA2F763968EE7335A236DA4D21653280864447-SA-NT Rule 125 - Definitions Comparison.docx](#) (19.11 KB)

OFFICIAL

Thanks Mark,

There's just one other one that I would like to confirm with you if possible.

Rule 125 - Definitions (for the SA/NT provisions); I've prepared a comparison document (attached) to assist with this one.

The particulars submitted by the Branch in MGD1 include specific changes to those provisions which are not incorporated into MGD3. The alterations to that rule in MGD3 focus on re-arranging the definitions so they are in alphabetical order.

In this scenario, would it be correct that the rule should appear with the specific alterations as outlined in MGD1 but in alphabetical order as set out in MGD3?

For reference, I have included this variation below the table in the attached document.

Kind regards,

Phoenix

Maranina Koertjes (Phoenix) (she/her, they/them)  
Advisor, Registered Organisations Section

T 03 8656 4773  
E [maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

The Fair Work Commission acknowledged that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander people. We acknowledge their continuing connection to country and pay our respects to their Elders past, present and emerging.

This email was sent from Woiwurrung Country.

-----Original Message-----

From: Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>  
Sent: Monday, 11 April 2022 1:30 PM  
To: Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)>  
Subject: Rule Changes remaining

Hi Phoenix

Thank you for your time on the phone

In regards to the remaining rule changes for the RTBU that we discussed:

Rule 92 - In the MGD3 rule changes, the definitions in rule 92 appear in alphabetical order. This was passed by National Council and is the correct version. Although this was only passed by National Council and not branch or national divisions, changing order does not affect the divisions and therefore they do not need to approve it under rule 87(4).

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Rule 100 - for me was on page 86 but you said on yours it was page 97 - Quirindi and Willow Tree were inserted in MGD2 which was approved by branch division and National Council. These must be inserted. In short, it is the amendments that have been approved and therefore MGD2 amendment to this list stands. It is irrelevant that those amendments were not included in MGD3 as all amendments (rather than non-amendments) are what matters.

Similar thinking to the ordering also applies to SA/NA as the first point above

Happy to answer any further questions you may have

Regards

Mark Diamond

Original	MGD1	MGD3
<p>125 - DEFINITIONS</p> <p>The following specific definitions shall apply in relation to this Part:-</p> <p>"Branch" means the Australian Rail, Tram and Bus Industry Union South Australian and Northern Territory Branch.</p> <p>"A.R.T.C." means Australian Rail Track Corporation.</p> <p>"Aurizon" means Aurizon</p> <p>"Bowmans Intermodal" means Bowmans Balco</p> <p>"Downer - EDI" means Downer - EDI Ltd.</p> <p>"G.S.R." means Great Southern Railway.</p> <p>"G.W.A." means Genesee Wyoming Australia.</p> <p>"Pacific National" means Pacific National</p> <p>"Qube Logistics" means Qube Logistics.</p> <p>"Rail Commissioner" means Rail Commissioner.</p> <p>"Rail Train" means Rail Train</p>	<p>125 - DEFINITIONS</p> <p>The following specific definitions shall apply in relation to this Part:-</p> <p>"Branch" means the Australian Rail, Tram and Bus Industry Union South Australian and Northern Territory Branch.</p> <p>"A.R.T.C." means Australian Rail Track Corporation.</p> <p>"Aurizon" means Aurizon</p> <p>"Bowmans Intermodal" means Bowmans Balco</p> <p>"Downer - EDI" means Downer - EDI Ltd.</p> <p>"Journey Beyond." means Journey Beyond (Previously Great Southern Railway).</p> <p>"ORA." means One Rail Australia (Previously Genesee Wyoming Australia).</p> <p>"Pacific National" means Pacific National</p> <p>"Qube Logistics" means Qube Logistics.</p> <p>"Rail Commissioner" means Rail Commissioner).</p> <p>"KDA" means Keolis Downer Adelaide</p>	<p>125 - DEFINITIONS</p> <p>The following specific definitions shall apply in relation to this Part:-</p> <p>"Branch" means the Australian Rail, Tram and Bus Industry Union South Australian and Northern Territory Branch.</p> <p>"A.R.T.C." means Australian Rail Track Corporation.</p> <p>"A.R.T.C. District" shall incorporate all Members employed by the A.R.T.C., Downer EDI, Engenco and Broadspectrum.</p> <p>"Aurizon" shall incorporate all Members employed by Aurizon, Qube Logistics, Rail Train, Bowmans Intermodal and SCT Logistics (including Specialised Bulk Services and Rail Pro Services).</p> <p>"Bowmans Intermodal" means Bowmans Balco</p> <p>"District" means a geographical area within the Branch.</p> <p>"Downer - EDI" means Downer - EDI Ltd.</p> <p>"G.S.R." means Great Southern Railway.</p> <p>"G.W.A." means Genesee Wyoming Australia.</p>

<p>“SCT Logistics” means SCT Logistics (including Specialised Bulk Rail and Rail ProServices)</p> <p>“District” means a geographical area within the Branch.</p> <p>“A.R.T.C. District” shall incorporate all Members employed by the A.R.T.C., Downder EDI, Engenco and Broadspectrum.</p> <p>“Aurizon” shall incorporate all Members employed by Aurizon, Qube Logistics, Rail Train, Bowmans Intermodal and SCT Logistics (including Specialised Bulk Services and Rail Pro Services)..</p> <p>“GWA District” means all locations in the South Australian and Northern Territory Branch where GWA employees are employed.</p> <p>“Northern Territory District” means all locations in the Northern Territory where employees are employed.</p> <p>“Pacific National District” shall incorporate all Members employed by Pacific National and GSR in all locations in the South Australian and Northern Territory Branch.</p>	<p>AMO means Adelaide Metro Operations (Torrens Connect)</p> <p>“Rail Train” means Rail Train</p> <p>“SCT Logistics” means SCT Logistics (including Specialised Bulk Rail and Railpro Services)</p> <p>“District” means a geographical area within the Branch.</p> <p>“A.R.T.C. District” shall incorporate all Members employed by the A.R.T.C., Downer EDI, Engenco and Broadspectrum/Ventia.</p> <p>“SCT District” shall incorporate all Members employed by Aurizon, Qube Logistics, Rail Train, Bowmans Intermodal and SCT Logistics (including Specialised Bulk Services and Railpro Services).</p> <p>“ORA District” means all locations in the South Australian and Northern Territory Branch where ORA employees are employed.</p> <p>“Northern Territory District” means all locations in the Northern Territory where employees are employed.</p> <p>“Pacific National District” shall incorporate all Members employed by Pacific National and Journey Beyond in all locations in the South Australian and Northern Territory Branch.</p>	<p>“GWA District” means all locations in the South Australian and Northern Territory Branch where GWA employees are employed.</p> <p>“Pacific National” means Pacific National</p> <p>“Qube Logistics” means Qube Logistics.</p> <p>“Rail Commissioner” means Rail Commissioner.</p> <p>“Rail Train” means Rail Train</p> <p>“SCT Logistics” means SCT Logistics (including Specialised Bulk Rail and Rail ProServices)</p> <p>“Northern Territory District” means all locations in the Northern Territory where employees are employed.</p> <p>“Pacific National District” shall incorporate all Members employed by Pacific National and GSR in all locations in the South Australian and Northern Territory Branch.</p> <p>“Rail Commissioner District” means all locations where Rail Commissioner employees are employed.</p> <p>Successorship means any reference to a business or part of a business in this part is taken to include a reference</p>
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<p>"Rail Commissioner District" means all locations where Rail Commissioner employees are employed.</p> <p>Successorship means any reference to a business or part of a business in this part is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of the business.</p>	<p>" Metro Trains District" means all locations where Keolis Downer Adelaide and Rail Commissioner (heavy rail) employees are employed.</p> <p>“Tram District” means all locations where Adelaide Metro Operations and Rail Commissioner (Trams) employees are employed.</p> <p>Successorship means any reference to a business or part of a business in this part is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of the business.</p>	
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## 125 - DEFINITIONS

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

"Branch" means the Australian Rail, Tram and Bus Industry Union South Australian and Northern Territory Branch.

AMO means Adelaide Metro Operations (Torrens Connect)

“A.R.T.C.” means Australian Rail Track Corporation.

“A.R.T.C. District” shall incorporate all Members employed by the A.R.T.C., Downer EDI, Engenco and Broadspectrum/Ventia.

“Bowmans Intermodal” means Bowmans Balco

"District" means a geographical area within the Branch.

“Downer - EDI” means Downer - EDI Ltd.

“Journey Beyond” means Journey Beyond (Previously Great Southern Railway).

“KDA” means Keolis Downer Adelaide

"Metro Trains District" means all locations where Keolis Downer Adelaide and Rail Commissioner (heavy rail) employees are employed.

“Northern Territory District” means all locations in the Northern Territory where employees are employed.

“ORA” means One Rail Australia (Previously Genesee Wyoming Australia).

“ORA District” means all locations in the South Australian and Northern Territory Branch where ORA employees are employed.

“Pacific National” means Pacific National

“Pacific National District” shall incorporate all Members employed by Pacific National and Journey Beyond in all locations in the South Australian and Northern Territory Branch.

“Qube Logistics” means Qube Logistics.

“Rail Commissioner” means Rail Commissioner.

“Rail Train” means Rail Train

“SCT District” shall incorporate all Members employed by Aurizon, Qube Logistics, Rail Train, Bowmans Intermodal and SCT Logistics (including Specialised Bulk Services and Railpro Services).

“SCT Logistics” means SCT Logistics (including Specialised Bulk Rail and Railpro Services)

“Tram District” means all locations where Adelaide Metro Operations and Rail Commissioner (Trams) employees are employed.

Successorship means any reference to a business or part of a business in this part is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of the business.

**From:** Phoenix (Maranina Koertjes)  
**Sent on:** Friday, April 8, 2022 4:45:35 PM  
**To:** [Mark Diamond](#)  
**Subject:** RE: RTBU rule change - missed call  
**Attachments:** [F86C4AAEA2F763968EE7335A236DA4D21653280864447-current-rb-139v.docx](#) (253.93 KB),  
[F86C4AAEA2F763968EE7335A236DA4D21653280864447-Annexure MDG1.pdf](#) (101.47 KB),  
[F86C4AAEA2F763968EE7335A236DA4D21653280864447-Annexure MGD2.pdf](#) (1.21 MB), [F86C4AAEA2F763968EE7335A236DA4D21653280864447-Annexure MGD3.pdf](#) (1.27 MB),  
[F86C4AAEA2F763968EE7335A236DA4D21653280864447-current-rb-139v\\_edit.docx](#) (292.03 KB)

OFFICIAL

Thanks Mark,

Please see attached.

I have inserted comments where there are deviations between the NSW particulars (MGD2) and the National particulars (MGD3).

There also seem to be a number of differences between the Adelaide particulars (MGD1) and the National particulars (MGD2), and I note that there are also alterations to the remaining Branch Rules included in MGD3 which don't appear to have gone through a rule altering process at the Branch level.

Based on the information included in the declaration which only references duplication of the NSW alterations in the National particulars I was surprised to find that.

If each set of alterations could be examined and it could be confirmed which are the correct particulars / which have been validly transacted that would greatly assist.

We can discuss further on Monday. I will sent a reminder to call at about 1pm if that works for you 😊

Have a lovely weekend!

Kind regards,

Phoenix

Maranina Koertjes (Phoenix) (she/her, they/them)  
Advisor, Registered Organisations Section

Fair Work Commission  
Tel: 03 8656 4773  
Fax: 03 9655 0410  
[maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

[www.fwc.gov.au](http://www.fwc.gov.au)

-----Original Message-----

From: Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>  
Sent: Friday, 8 April 2022 4:30 PM  
To: Phoenix (Maranina Koertjes) <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)>  
Subject: RTBU rule change - missed call

Hi Phoenix

I got your voicemail

I am available monday afternoon if you would like to talk then

Happy for you to send me through what you have so i can get an idea before we talk.

Enjoy your weekend

Regards

Mark



**From:** [Mark Diamond](#)  
**Sent on:** Friday, April 8, 2022 4:30:00 PM  
**To:** [Phoenix \(Maranina Koerntjes\)](#)  
**Subject:** RTBU rule change - missed call

Hi Phoenix

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I am available monday afternoon if you would like to talk then

Happy for you to send me through what you have so i can get an idea before we talk.

Enjoy your weekend

Regards

Mark

**From:** [Mark Diamond](#)

**Sent on:** Tuesday, April 5, 2022 11:20:23 AM

**To:** [Phoenix \(Maranina Koertjes\)](#)

**Subject:** RTBU remaining rule change

Hi Phoenix

In addition to the WA Rule change which has already passed, we are waiting on another rule change.

Because I soon need to put in an application for our General Elections can you please advise when the remaining rule change will be processed?

Regards

Mark Diamond

**From:** Maranina Koertjes  
**Sent on:** Friday, January 14, 2022 5:49:31 PM  
**To:** [Mark Diamond](#)  
**Subject:** RE: Rule Change Application

OFFICIAL

Hi Mark,

Thank you for the prompt response, I have noted this information on the application files and continue to progress the application.

Have a lovely weekend 😊

Kind regards,

**Maranina Koertjes**  
Advisor, Registered Organisations Section

Fair Work Commission  
Tel: 03 8656 4773  
Fax: 03 9655 0410  
[maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

[www.fwc.gov.au](http://www.fwc.gov.au)

The Fair Work Commission acknowledges that our business is conducted on the traditional lands of Aboriginal and Torres Strait Islander peoples. We acknowledge their continuing connection to country and pay our respects to their Elders past present and emerging.



---

**From:** Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>  
**Sent:** Tuesday, 11 January 2022 6:08 PM  
**To:** Maranina Koertjes <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)>  
**Subject:** Re: Rule Change Application

Hi Maranina

I have provided the responses below in CAPITALS in regards to rule change application R2021/201

On 11 Jan 2022, at 5:45 pm, Maranina Koertjes <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)> wrote:

Hi Mark,

Just a few details for R2021/201 that I would like to confirm please:

- \* were the alterations put forward by the relevant Branch Secretaries or were they placed as an agenda item by other individuals,

THEY WERE ON THE ORIGINAL MEETING NOTICE AS AN AGENDA ITEM WHICH MEANS IT WAS A DECISION OF THE BRANCH SECRETARY.

- \*
- \* was the notice of each meeting was provided in writing,

YES

- \*
- \* were the Branch Council meetings called by the Branch Secretaries,

SA/NT - YES BUT IT WAS AN ORDINARY MEETING SO IT WAS ADDED TO THE AGENDA ITEM BY THE BRANCH SECRETARY WHEN HE SENT OUT THE NOTICE

NSW - AN ORDINARY MEETING OF THE NSW BRANCH COUNCIL DETERMINED VIA RESOLUTION TO HOLD A SPECIAL MEETING OF THE NSW BRANCH COUNCIL TO CONSIDER THE RULE CHANGES. AFTER WHICH THE BRANCH SECRETARY SENT OUT THE NOTICE FOR THE SPECIAL MEETING WITH THE RULE CHANGE AS AN AGENDA ITEM

- \*
- \* were the Branch Divisional Committee meetings for the NSW Branch called by the relevant Branch Divisional Secretaries, and

YES. AND THEY SENT OUT NOTICE OF MEETING WITH AGENDA ITEM

- \*
- \* did the notices provided for each meeting specify the time and place of each?

YES.

• \*

Thank you for your assistance.

Kind regards,

**Maranina Koertjes**

Advisor, Registered Organisations Section

Fair Work Commission

Tel: 03 8656 4773

Fax: 03 9655 0410

[maranina.koertjes@fwc.gov.au](mailto:maranina.koertjes@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000

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<image001.png>

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**From:** ROS <[ROS@fwc.gov.au](mailto:ROS@fwc.gov.au)>

**Sent:** Monday, 15 November 2021 5:42 PM

**To:** Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>

**Cc:** Maranina Koertjes <[Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au)>

**Subject:** RE: Rule Change Application

OFFICIAL

Dear Mark,

On behalf of the Fair Work Commission, I confirm receipt of the RTBU's rule alteration application.

If you have any queries regarding the application, please contact Maranina Koertjes, who will be the actioning officer for this matter. Maranina can be best contacted via email at [Maranina.Koertjes@fwc.gov.au](mailto:Maranina.Koertjes@fwc.gov.au).

The matter number for the RTBU's application is R2021/201.

Thank you for your assistance.

Kind regards,

**NICHOLAS KIERCE**

Registered Organisations Section

Fair Work Commission

Tel: 03 8656 4610

Fax: 03 9655 0401

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**From:** Mark Diamond <[mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)>

**Sent:** Monday, 15 November 2021 5:10 PM

**To:** ROS <[ROS@fwc.gov.au](mailto:ROS@fwc.gov.au)>

**Subject:** Rule Change Application

Dear General Manager

Please find attached a Notice Of Particulars and Declaration of Authorised Officer with three annexures (two of which are provided in word)

Regards

Mark Diamond

National Secretary

## NOTICE OF PARTICULARS OF ALTERATIONS AND DECLARATION OF AUTHORISED OFFICER

I, Mark Diamond, of Level 2, Trades Hall, 4-10 Goulburn Street, Sydney, in the State of New South Wales, Union Official, give notice of the following matters in relation to the Rules of the Australian Rail, Tram and Bus Industry Union (**ARTBIU**):

1. I am the National Secretary of the ARTBIU.
2. The ARTBIU is an organisation of employees registered under the *Fair Work (Registered Organisations) Act 2009*.
3. I am authorised to give this Notice of Particulars of Alterations to the Rules of the ARTBIU and to make this Declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.
4. The ARTBIU has sought alterations to its Rules. Particulars of the alterations the subject of this notification are annexed to this Declaration and marked **Annexure MGD1, Annexure MGD2 and Annexure MGD3**.
5. I declare that the alterations particularised in Annexure MGD1, Annexure MGD2 and Annexure MGD3 were to the best of my knowledge made in accordance with the Rules of the ARTBIU. The actions taken under the Rules to make the alterations included the following:

### **Annexure MGD1 – SA/NT Update**

- a. On 21 May 2021 a Notice of Meeting was forwarded with an agenda to each member of the South Australian and Northern Territory Branch Council to be held on 23 June 2021 to 25 June 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD1
- b. On 23 June 2021 to 25 June 2021 a quorate Ordinary Meeting of the South Australian and Northern Territory Branch Council was held. Amongst other things, in accordance with Rule 87 of the Rules of the ARTBIU the Branch Council resolved on 24 June 2021 that the rules be amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD1
- c. On 9 October 2021 I forwarded a Notice of Meeting together with an agenda to each member of the National Council entitled to attend an Ordinary Meeting of National Council to be held on 10 November 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD1.
- d. On 10 November 2021 a quorate Ordinary Meeting of the National Council occurred by video conference. Amongst other things, in accordance with Rule 87 of the Rules of the ARTBIU the National Council resolved that the rules be

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Email: [mdiamond@rtbu.org.au](mailto:mdiamond@rtbu.org.au)

amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD1

## **Annexure MGD2 – NSW Alignment**

### *NSW Branch Council*

- e. On 24 May 2021 and 25 May 2021 a quorate Ordinary Meeting of the New South Wales Branch Council was held at which a copy of the proposed rule changes was provided to those in attendance which is annexed to this Declaration and marked Annexure 2. At that meeting the Branch Council resolved to hold a Special Meeting of the New South Wales Branch Council to consider the proposed changes.
- f. On 1 April 2021 a Notice of Meeting was forwarded with an agenda to each member of the NSW Branch Council for a Special Meeting to be held on 17 May 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD2.
- g. On 17 May 2021 a quorate Ordinary Meeting of the NSW Branch Council was held. Amongst other things, in accordance with Rule 87 of the Rules of the ARTBIU the NSW Branch Council resolved that the rules be amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD2.

### *NSW Branch Administrative, Supervisory, Technical and Professional Division*

- h. On 2 August 2021 a Notice of Meeting was forwarded with an agenda to each member of the NSW Branch Administrative, Supervisory, Technical and Professional Divisional Committee for a Special Meeting of the Branch Divisional Committee to be held on 3 September 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD2.
- i. On 3 September 2021 a quorate Special Meeting of the NSW Branch Administrative, Supervisory, Technical and Professional Divisional Committee was held. Amongst other things, in accordance with Rule 87 of the Rules of the ARTBIU the Branch Divisional Committee resolved that the rules be amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD2

### *NSW Branch Infrastructure Division*

- j. On 1 July 2021 a Notice of Meeting was forwarded with an agenda to each member of the NSW Branch Infrastructure Divisional Committee for a Special Meeting to be held on 4 August 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD2.
- k. On 4 August 2021 a quorate Special Meeting of the NSW Branch Infrastructure Divisional Committee was held. Amongst other things, in accordance with Rule 87 of the Rules of the ARTBIU the Branch Divisional Committee resolved that the

rules be amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD2

*NSW Branch Locomotive Division*

- l. On 31 March 2021 a Notice of Meeting was forwarded with an agenda to each member of the NSW Branch Locomotive Divisional Committee for a Special Meeting to be held on 9 June 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD2.
- m. On 9 June 2021 a quorate Special Meeting of the NSW Branch Locomotive Divisional Committee was held. Amongst other things, in accordance with Rule 87 of the Rules of the ARTBIU the Branch Divisional Committee resolved that the rules be amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD2

*NSW Branch Rail Operations Division*

- n. On 29 June 2021 a Notice of Meeting was forwarded with an agenda to each member of the NSW Branch Rail Operations Divisional Committee for a Special Meeting to be held on 27 July 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD2.
- o. On 27 July 2021 a quorate Special Meeting of the NSW Branch Rail Operations Divisional Committee was held. Amongst other things, in accordance with Rule 87 of the Rules of the ARTBIU the Branch Divisional Committee resolved that the rules be amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD2.

*NSW Branch Tram and Bus Division*

- p. On 28 July 2021 a Notice of Meeting was forwarded with an agenda to each member of the NSW Branch Tram and Bus Divisional Committee for a Special Meeting to be held on 27 August 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD2.
- q. On 27 August 2021 a quorate Special Meeting of the NSW Branch Tram and Bus Divisional Committee was held. Amongst other things, in accordance with Rule 87 of the Rules of the ARTBIU the Branch Divisional Committee resolved that the rules be amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD2.

*NSW Branch Fleet Manufacture, Overhaul, Maintenance and Service Division*

- r. On 30 July 2021 a Notice of Meeting was forwarded with an agenda to each member of the NSW Branch Fleet Manufacture, Overhaul, Maintenance and Service Divisional Committee for a Special Meeting to be held on 30 August 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD2.
- a. On 30 August 2021 a quorate Special Meeting of the NSW Branch Fleet Manufacture, Overhaul, Maintenance and Service Committee was held. Amongst

other things, in accordance with Rule 87 of the Rules of the ARTBIU the Branch Divisional Committee resolved that the rules be amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD2.

#### *National Council*

- s. On 9 October 2021 I forwarded a Notice of Meeting together with an agenda to each member of the National Council entitled to attend an Ordinary Meeting of National Council to be held on 10 November 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD2.
- t. On 10 November 2021 a quorate Ordinary Meeting of the National Council occurred by video conference. Amongst other things, in accordance with Rule 87 of the Rules of the ARTBIU the National Council resolved that the rules be amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD2.

#### *Duplication Consideration*

- u. I note that 3 of the 5 proposed rule changes for the NSW Alignment in Annexure MGD2 are also duplicated in the Legal Compliance Rule Change in Annexure MDG3 being:
  - a. The removal of Rule 98
  - b. The removal of Rule 100
  - c. The removal of Rule 101
- v. The Rule Changes which are not accounted for elsewhere are:
  - a. The removal of Rule 104(1)
  - b. The removal of Rule 105

#### **Annexure MGD3 – Legal Compliance Rule Change**

- a. On 9 October 2021 I forwarded a Notice of Meeting together with an agenda to each member of the National Council entitled to attend an Ordinary Meeting of National Council to be held on 10 November 2021. Attached to that Notice of Meeting was a copy of the proposed rule changes annexed to this Declaration and marked Annexure MGD3.
  - b. On 10 November 2021 a quorate Ordinary Meeting of the National Council occurred by video conference. Amongst other things, in accordance with Rule 87 of the Rules of the ARTBIU the National Council resolved that the rules be amended with the proposed changes provided in the Notice of Meeting and annexed to this Declaration and marked Annexure MGD3
6. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.





Mark Diamond  
National Secretary  
ARTBIU  
15 November 2021

**Deleted:** 139V: - Incorporates alterations of 27 March 2020 [R2020/1]]  
(replaces rulebook dated 26 March 2020 [D2019/1]]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 149 both inclusive contain a true and correct copy of the registered rules of the Australian Rail, Tram and Bus Industry Union.

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

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### 3 - DEFINITIONS

## AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION NATIONAL RULES

### PART I - MEMBERSHIP AND OBJECTS

#### 1 - NAME OF UNION

The name of the Union shall be:-

"Australian Rail, Tram and Bus Industry Union"

#### 2 - REGISTERED OFFICE

The Registered Office which shall be the National Office of the Union shall be at Suite 210, Trades Hall, 4-10 Goulburn Street, Sydney, New South Wales or at such other place as the National Council may from time to time determine.

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#### 3 - DEFINITIONS

"Board" means a group of persons who supervise, govern or otherwise have oversight of a corporation, association, or other like body including a Board of Directors.

**Commented [EL1]:** The alphabetising of these definitions is recommended for ease of use/completeness.

Amendments to any of the definitions are **highlighted**.

**Moved (insertion) [11]**

"Branch" means a Branch of the Union established pursuant to Rule 6.

**Moved (insertion) [2]**

"Branch Division" means a National Division or combined National Divisions operating within a Branch pursuant to the provisions of Rule 6.

**Moved (insertion) [3]**

"Branch Divisional Organiser" means an Organiser who has responsibility for servicing a particular Branch Division.

"Branch Offices" means the Offices specified in Parts X to XV.

"Branch Organiser" means an Organiser who has responsibility for servicing more than one Branch Division.

"Branch Sub-Division" is as defined in Sub-Rule 6(15).

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"Declared person or body" means

- (i) an Officer of the Union who has disclosed a material personal interest under rule 21
- and
- (ii) the interest relates to, or in the person or the body, and
- (iii) the Officer has not notified the Union that the Officer no longer has the interest.

"Disclosure Period" for the purposes of these Rules means the financial year unless a shorter period is specified.

"Election Year" means a year in which biennial or quadrennial elections are due to be held in accordance with these Rules.

"Ex-Officio", in relation to membership of a Governing Body or Committee means membership by reason of an Office held and such membership shall involve full participation and voting rights.

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3 - DEFINITIONS

"Financial" and "Unfinancial" are as defined in Rule 13.

"financial duties" includes duties that relate to the financial management of the Union.

"Health Fund Member" is a member who shall be deemed a financial member only for the purposes of retaining ongoing membership of the RTBU Health Fund. Such a member shall be exempt from membership subscriptions and shall not be entitled to cast a ballot in any election of the Union.

"General Manager" means the General Manager of the Fair Work Commission.

"Meeting" in relation to a Governing Body includes a meeting held by telephone conference or video conference where such a conference is provided for in these Rules.

"National Division" means a National Division of the Union established pursuant to Rule 6.

"National Divisional Office Bearers" means the Assistant National Secretaries (Divisional) and the National Divisional Delegates from the Branch to the National Council.

"National Offices" means the Offices specified in Sub-Rule 31(1).

"National Organisation" means the National Governing Bodies of the Union as set out in Sub-Rule 9(2).

"Office" means all positions specified in these Rules as National Offices or Branch Offices.

"Office Bearer" means a person holding an Office.

"Officer" means a person who holds an office in the Union.

"peak council" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

"Private Sector" shall mean not of a Federal, State or Local government owned nor controlled enterprise.

"Quarter" means a period of three calendar months commencing on either 1 January, 1 April, 1 July or 1 October.

"related party" has the same meaning as defined by Section 9B of the RO Act as if the reference contained therein was a reference to the ordinary meaning of the term.

"relative" in relation to a person means:

- (i) parent, step-parent, child, stepchild, grandparent, grandchild, brother, or sister of the person, or
- (ii) the spouses of the first mentioned person.

"relevant remuneration" in relation to an Officer of the Union for a disclosure period is the sum of the following

- (i) any remuneration disclosed to the Union by the Officer under Rule 21 during the disclosure period,
- (ii) any remuneration paid during the disclosure period, to the Officer by the Union.

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3 - DEFINITIONS

“remuneration” included pay, wages, salary, fees, allowances, leave, benefits or other entitlements: but does not include  
(i) a non cash benefit  
(ii) the reimbursement or payment of reasonable expenses for the costs incurred in the course of the Officer carrying out his or her duties.

“RO Act” means the Fair Work (Registered Organisations) Act 2009 (Cth) or any Act replacing that Act.

“RO Regulations means the Fair Work (Registered Organisations) Regulations 2009 (Cth) or any Regulations replacing those Regulations.

“Sub-Branch” is as defined in Sub-Rule 6(16).

“Sub-Branch Committee” means the Committee for a Sub-Branch.

“Sub-Divisional Committee” means the Shop Committee for a depot, shed, workplace or location that comprises a Branch Sub-Division.

“Sub-Divisional Representative” means a representative elected by members within a Sub-Division to represent those members on the Branch Divisional Committee.

“Union” means the “Australian Rail, Tram and Bus Industry Union” which is an organisation registered under the RO Act, and unless the context otherwise indicates, includes all parts of the Union.

“Vice-President” includes Senior Vice-President and Junior Vice-President unless the context clearly indicates otherwise.

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**4 - ELIGIBILITY FOR MEMBERSHIP**

- (1) The following shall 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 State Transit Authority of New South Wales, the Public Transport Corporation of Victoria, the State Transport Authority of South Australia, the Metropolitan Transport Trust Tasmania, the Brisbane City Council and 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 the States of Victoria, Queensland, Tasmania and 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 States of Queensland, New South Wales, Victoria, South Australia, Western Australia and Tasmania, 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 (iii)(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

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#### 4 - ELIGIBILITY FOR MEMBERSHIP

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- (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 Sub-Rules 4(3), 12(3) and 12(4), 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.

- (2) Each of the paragraphs numbered (i) to (iv) in Sub-Rule 4(1) shall be interpreted separately. Accordingly, each paragraph shall neither limit nor be limited by the provisions of any other paragraph.
- (3) Notwithstanding the proviso to Sub-Rule 4(1), a person who is admitted to membership pursuant to the provisions of Rule 10 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.
- (4) Without in any way limiting or being limited by the provisions of sub rules (1), (2) and (3) inclusive, the following persons shall be eligible for membership of the Union:
  - (i) NOT CONSENTED TO ([2020] FWC 1489)
  - (ii) All employees of the State Transit Authority of New South Wales and any successor, assignee or transmittee, whether direct or indirect, of the business and/or the roles, functions or responsibilities (or any part thereof) of the State Transit Authority of New South Wales; and
  - (iii) All employees of Keolis Downer Hunter Pty Ltd and any successor, assignee or transmittee, whether direct or indirect of the business (or any part thereof) of Keolis Downer Hunter Pty Ltd where such employees are employed in or in connection with the provision of bus services in the area identified as Outer Metropolitan Bus Contract Region 5 – Newcastle otherwise known as State Transit Region 5 Newcastle; and
  - (iv) NOT CONSENTED TO ([2020] FWC 1489)
  - (v) NOT CONSENTED TO ([2020] FWC 1489)
  - (vi) All employees of Transit Systems West Services Pty Ltd and any successor, assignee or transmittee, whether direct or indirect of the business (or any part thereof) of Transit Systems West Services Pty Ltd where such employees are employed in or in connection with the provision of bus services in the area identified as Sydney Metropolitan Bus Service Contract 6 otherwise known as State Transit Region 6.

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### 5 - OBJECTS

The objects of the Union are:-

- (a) to uphold the rights of combination of labour, to maximise the amount of labour employed within the rail, tram and bus industry and to improve, protect and foster the best interests of its members;
- (b) to take all necessary steps and actions under any relevant legislation or otherwise, for the purpose of securing satisfactory industrial and working conditions without discrimination, in respect of the remuneration of labour, the hours of labour and other conditions in or in relation to employment in the rail, tram and bus industry;
- (c) to provide for the protection and safety of its members and members of the public in the course of or in connection with its members' employment;
- (d) to obtain preferential treatment for its members in all aspects of their employment;
- (e) to improve the social and economic position of its members;
- (f) to assist members or their families in distress;
- (g) to formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business or profession for the provision to members of any special benefits, privileges and advantages and in particular in relation to goods and services;
- (h) to establish and maintain social clubs and other recreational facilities and amenities for the benefit of members and their families;
- (i) to establish, operate and maintain health services;
- (j) to establish sickness and/or accident funds, mortality benefit and/or retirement gratuity funds and any other appropriate funds for the benefit of members, Office Bearers and employees of the Union or any particular class or group of members, Office Bearers and employees of the Union;
- (k) to establish Branches, Sub-Branches, Divisions, Sub-Divisions or other organisational structures of the Union and to establish Governing Bodies and/or Consultative Committees in relation to each organisational level;

## 5 - OBJECTS

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- (l) to assist members by all reasonable and proper means, to address any and all grievances which the members may have, and without limiting the generality of the foregoing -
  - (i) to assist members in enforcing their rights under any law relating to industrial conciliation or arbitration or compensation for illness or injuries or any other statutory enactment;
  - (ii) to provide financial, legal and other assistance for securing, protecting and advancing the rights, privileges, benefits, interests and welfare of members and their families and for the conduct of negotiations or any proceedings for the attainment of this object;
- (m) to establish and/or maintain Official Journals, other journals, newspapers or other publications, or radio, television or other electronic broadcasting facilities and/or to assist in the establishment, operation and maintenance of any such publications or facilities owned by bona fide trade unions or labour organisations or conducted in the interests thereof, including but not limited to the purchase of shares in any corporation carrying on such an activity;
- (n) to provide information on industrial, economic, social, legal and political matters affecting members;
- (o) to organise and/or assist in the training and education of members and without limiting the generality of the foregoing, to assist any movement or institution for the training of members in the skills and duties of their occupation or their rights and duties as members of the working class;
- (p) to encourage, develop and maintain fraternal relations with and to assist kindred organisations and their members and dependants, either in or out of Australia;
- (q) to encourage and support the organisation of industrial unionism by the establishment of one union for all grades and classifications of railway, tram and bus industry employees and the linking up, by amalgamation with unions in other sections of the transport industry or in other industries as the National Council may from time to time determine;
- (r) to co-operate, affiliate, federate, amalgamate, merge with or absorb any association, organisation or union of employees whether registered or not pursuant to any industrial law of the Commonwealth of Australia or of any State or Territory of Australia;
- (s) to assist in the movement for the socialisation of the means of production, distribution and exchange, and for the application of the principles of democracy to industry, and without limiting the generality of the foregoing, to assist, support and/or encourage direct representation in the Federal and State Parliaments and Municipal and Shire Councils with the view to promoting such legislative reforms as will ensure social justice to workers and to actively support by all possible means, the complete nationalisation of all forms of public transport and carriage of freight;
- (t) to affiliate with and/or assist financially or otherwise, any bona fide labour or trade union organisation or association or representative body or council which promotes or protects the cause of labour;

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## 6 - STRUCTURE AND ORGANISATION

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- (u) to establish, maintain and/or assist any body, corporation or association concerned with research into industrial, economic, social, legal and political matters affecting members and the trade union movement;
- (v) to resist the introduction or the continuation of bonus, butty gang, piece work and similar pernicious systems of employment;
- (w) to raise funds by contributions, levies, fines, donations, fees, interest on capital, and otherwise for any of the objects of the Union;
- (x) to invest funds;
- (y) to purchase, take on lease or in exchange, hire or otherwise acquire any property, including any land, buildings or easements, for any purpose connected with the conduct of the Union;
- (z) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union;
- (aa) to borrow or raise funds or secure the repayment of funds;
- (bb) to undertake and do all such acts, matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them.

### **PART II - STRUCTURE AND GOVERNMENT**

#### **6 - STRUCTURE AND ORGANISATION**

- (1) The Union shall be organised principally on a National, a Branch, a Sub-Branch, a National Divisional, a Branch Divisional and a Branch Sub-Divisional basis.
- (2) The number and boundaries of each Branch shall be determined from time to time by the National Council having regard to geographical boundaries and/or employer and/or other relevant factors.
- (3) Subject to any subsequent decision by the National Council of the Union, the Union shall have the following Branches:-

New South Wales Branch  
Queensland Branch  
South Australian and Northern Territory Branch  
Tasmanian Branch  
Victorian Branch  
Western Australia Branch

- (4) The New South Wales Branch shall comprise all members whose usual place of work is located within the State of New South Wales and the Australian Capital Territory together with members employed by the State Rail Authority of New South Wales or its successor.

**Commented [EL4]:** Subject to approval by FWC of current rule change.

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## 6 - STRUCTURE AND ORGANISATION

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- (5) The Queensland Branch shall comprise all members whose usual place of work is located within the State of Queensland other than persons employed by the State Rail Authority of New South Wales or its successor.
- (6) The South Australian and Northern Territory Branch shall comprise all members whose usual place of work is located within the State of South Australia or within the Northern Territory.
- (7) The Tasmanian Branch shall comprise all members whose usual place of work is located within the State of Tasmania.
- (8) The Victorian Branch shall comprise all members whose usual place of work is located within the State of Victoria.
- (9) Members in Western Australia shall be allocated between two branches - the West Australian Branch which shall comprise all members whose usual place of work is located within the State of Western Australia and the West Australian PTA Branch which shall comprise all members employed by the Public Transport Authority of Western Australia or who are employed in or in connection with the activities of the Public Transport Authority.
- (10) Divisions shall be defined primarily by reference to work functions and shall operate at both the National and the Branch level.
- (11) Subject to sub-rule 6(12) the Union shall have the following National Divisions:-

National Administrative, Supervisory, Technical and Professional Division  
National Infrastructure Division  
National Locomotive Division  
National Rail Operations Division  
National Tram and Bus Division  
National Fleet Manufacture, Overhaul, Maintenance and Service Division

with each Division being defined as follows:-

The National Administrative, Supervisory, Technical and Professional Division shall comprise members employed in an administrative, supervisory, technical or professional position or in any clerical or other position which attracts an annual salary but excluding crafts, trades and the driving of trains, buses, trams or other vehicles.

The National Infrastructure Division shall comprise members employed in the construction and maintenance of a permanent way and associated structures, signalling, buildings, bridges, electrical reticulation and related areas.

The National Locomotive Division shall comprise members employed in railway train running including locomotive drivers, electric train drivers, firemen, locomotive assistants, electric helpers, chargemen and cleaners, and rail motor drivers and trainees in these callings and, in Queensland, guards.

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[R2020/1]



## 6 - STRUCTURE AND ORGANISATION

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The National Rail Operations Division shall comprise members employed in all operational aspects of railway services both freight and passenger, other than members in the Locomotive Division or in the Administrative, Supervisory, Technical and Professional Division.

The National Tram and Bus Division shall comprise members employed in the tramway, motor omnibus and/or trolley bus industry including light rail services which are an extension of existing tram routes.

The National Fleet Manufacture, Overhaul, Maintenance and Service Division shall comprise members, other than professional or salaried staff, employed in fleet manufacture, overhaul, maintenance and service.

- (12) The National Council may, with the consent of the National Divisional Committees of the National Divisions affected, vary the number and scope of the National Divisions.
- (13) Each National Division shall be divided into Branches, known as Branch Divisions and the boundaries of such Branch Divisions shall correspond with the Branches of the Union.
- (14) Notwithstanding the provisions of Sub-Rule 6(13), a Branch Council may, with the consent of the Branch Divisional Committees and a majority of the financial members present and voting at a General Meeting, of the Branch Divisions affected, determine that two or more National Divisions established pursuant to Sub-Rules 6(11) and 6(12), should operate as a single Branch Division.
- (15) Branch Sub-Divisions shall comprise groups of members within a Branch Division and shall be defined by reference to depots, sheds or other workplace, or geographical location or any other convenient sub-grouping of a Branch Division.

Subject to any specific designation of Branch Sub-Divisions in Parts X to XVI of these Rules, the establishment and scope of each Branch Sub-Division shall be determined by the relevant Branch Divisional Committee but may be reviewed by the Branch Council and/or the relevant National Divisional Committee. Any disagreement between the National Divisional Committee or the Branch Council and the Branch Divisional Committee in relation to the establishment and scope of Branch Sub-Divisions shall be resolved by the National Council.

- (16) Sub-Branches shall comprise groups of members within the Branch defined by reference to geographical location and comprising some or all members of the Branch within that location.
- (17) In addition to the structure and organisation provided for in this Rule, Branch Conferences or Regional groupings of Sub-Branches, Branch Sub-Divisions or Sections of Branch Sub-Divisions or any other convenient groupings or sub-groupings of members may be established as provided for in these Rules.

### 7 - BRANCH AND SUB-BRANCH MEMBERSHIP

- (1) Each member shall belong to that Branch of the Union within the boundaries of which his/her usual place of work is located.
- (2) Where Sub-Branches are established within a Branch, members shall be allocated to such Sub-Branches.

### 8 - MEMBERSHIP OF DIVISIONS AND SUB-DIVISIONS

- (1) Each member shall be allocated to that National Division which most closely accords with his/her work functions. The principles of allocation shall be determined by the National Council and the allocation shall be undertaken by the relevant Branch Secretary in accordance therewith. Any question or dispute relating to the appropriate allocation of a member or members shall be resolved by the relevant Branch Council, but a member shall have a right to appeal to the National Executive.
- (2) The National Division to which a member is allocated shall determine his/her electorate for the purposes of elections for National Divisional Office Bearers and subject to Sub-Rule 8(3), for Branch Divisional Office Bearers.
- (3) Where the Branch Council has determined that two or more National Divisions shall operate as a single Division at Branch level, then the Branch members of those National Divisions shall be allocated to the single Branch Division for the purposes of Branch operations and Branch elections.
- (4) A member who becomes a paid Office Bearer or an employee of the Union shall retain his/her National and Branch Divisional membership.
- (5) Where Sub-Divisions are established within a Branch Division, members shall be allocated to such Sub-Divisions.

### **8A – ADMISSION TO ASSOCIATE MEMBERSHIP**

- (1) Each associate member is a person who may apply for membership as an associate member of the Union who is otherwise not eligible to be a member pursuant to Rule 4.
- (2) An associate member is not entitled to hold Office; attend or vote at meetings; take part in elections; or participate in any business of the Union.
- (3) An associate member shall be a non-financial member who does not have the rights of a financial member of the Union.
- (4) Membership contributions per annum shall be determined by the National Council.
- (5) Any associate member that seeks to bring the Union into disrepute or is involved in actions that seek to injure, vilify or reduce the standing of the Union in any fashion will have their membership cancelled without appeal.

**Commented [EL5]:** This reflects a similar rule recently adopted by the MUA and approved by the FWC. If inserted, it will require a deletion of Rule 12(4).

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**9 - GOVERNING BODIES AND OTHER COMMITTEES**

- (1) The Governing Bodies and other Committees within the Union shall be the National Council, the National Executive, National Divisional Committees, Branch Councils, Branch Executives, Branch Divisional Committees, Sub-Branch Committees, Sub-Divisional Committees and such additional bodies as are provided for in Part VI and Parts X to XVI of these Rules.
- (2) The structure and composition of the National Governing Bodies of the Union shall be as follows:-

**National Council:**

Members of the National Executive  
National Divisional Delegates from the Branch to the National Council.

**National Executive:**

National President  
National Vice-President (Rail)  
National Vice-President (Road)  
National Vice-President Affirmative Action (Women)  
National Secretary  
Assistant National Secretary  
Assistant National Secretaries (Divisional)  
Branch Secretaries  
Branch Delegates to the National Executive.

**National Divisional Committees:**

Assistant National Secretary (Divisional)  
Branch Divisional Secretaries  
National Divisional Delegates from the Branch to the National Council  
National President )  
National Vice-President (Rail) )  
National Vice-President (Road) )  
National Vice-President Affirmative Action (Women) ) Ex-officio  
National Secretary )  
Assistant National Secretary )

9 - GOVERNING BODIES AND OTHER COMMITTEES

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- (3) The structure and composition of the Branch Governing Bodies and other Committees shall be as specified in Parts X to XVI of these Rules. Unless otherwise provided for in Parts X to XVI of these Rules the structure and composition shall be as follows:-

**Branch Council:**

Members of the Branch Executive  
Branch Divisional and Regional Delegates to the Branch Council  
Branch Organisers/Branch Divisional Organisers

**Branch Executive:**

Branch President  
Branch Vice-President  
Branch Secretary  
Assistant Branch Secretary  
Branch Divisional Presidents  
Branch Divisional Secretaries  
Branch Organisers/Branch Divisional Organisers

**Branch Divisional Committees:**

Branch Divisional President  
Branch Divisional Vice-President  
Branch Divisional Secretary  
Assistant Branch Divisional Secretary  
Representatives from the Sub-Divisions  
Branch Divisional Organisers  
Branch Secretary (Ex officio)

**Branch Sub-Divisional Committees**

Branch Sub-Divisional President  
Branch Sub-Divisional Vice-President  
Branch Sub-Divisional Secretary  
Committee members

**Sub-Branch Committees**

Sub-Branch President  
Sub-Branch Vice-President  
Sub-Branch Secretary  
Committee members

- (4) **National Women's Campaign Committee**

The National Women's Campaign Committee shall promote and pursue Affirmative Action policies for the RTBU, and develop and mentor women leaders in our union and the industry. The National Women's Campaign Committee will also publicly advocate issues for women in the transport industry.

The National Women's Campaign Committee shall meet at least annually and shall comprise of the National Vice President Affirmative Action, and one delegate from every Branch.

Branch Delegates to the National Women's Campaign Committee must be nominated by respective Branch Executives. Delegates must also be financial members of their Branch.

**PART III – MEMBERSHIP**

**10 - ADMISSION TO MEMBERSHIP**

- (1) All persons eligible for membership of the Union under the provisions of Sub-Rule 4(1) of these Rules shall be entitled to seek membership of the Union by making application to the Branch Secretary of the relevant Branch.
- (2) The form of application for membership shall be as determined from time to time by the National Council or the National Executive.
- (3) Applications for membership shall be accompanied by such entrance fee, if any, as the National Council shall from time to time determine.
- (4) Except as provided for in Sub-Rule 10(5), a person's membership of the Union commences on and from the date on which his/her application for membership is received by the Branch Secretary.
- (5) If the Branch Secretary considers that an applicant for membership is either ineligible for membership of the Union or is of general bad character, the Branch Secretary shall refer the application for consideration by the Branch Executive. The Branch Executive shall decide whether to accept or reject the application and in the event of acceptance, the applicant shall be deemed to be a member from the date that his/her application was received by the Branch Secretary.
- (6) The Branch Secretary shall inform applicants for membership 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.
- (7) No error, omission or want of form in connection with a person's application for membership shall in itself invalidate membership.

**10A - MEMBERSHIP ARRANGEMENTS AND AGREEMENTS**

Where as a result of an arrangement entered into by the union, including any agreement made pursuant to RULE 84 - AGREEMENTS WITH OTHER ORGANISATIONS, it is desired that the union and any other union, association or group of persons, whether members of the union or not, may come together, whether by way of absorption, merger, amalgamation or otherwise, and for that purpose it is desired to:

- (i) Admit any person, persons, or group of persons or any of them to the union; and/or to:
- (ii) Waive any or part of any requirement as to payment of subscriptions in respect of persons who have paid contributions to some other union, association or group of persons; and/or to:
- (iii) Waive restrictions in these Rules as to election or appointment of persons to offices in the union which would require a person or nominator to have been a member or financial member for a period prior to nomination, election, holding of office or similar requirement. The National Council shall decide the extent and nature of any such restrictions as may be deemed applicable.

## 11 - MEMBERSHIP CONTRIBUTIONS

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The National Council may decide that such person, persons or group of persons shall be admitted as members to the union in accordance with the eligibility rule (rule 4) at a time determined by the National Council and that such requirements and restrictions shall not apply for a period as specified up to a maximum of twelve months after their admission to membership.

For the purpose of this sub-Rule the National Council may decide that, notwithstanding the provisions of Rule 10, it shall be sufficient that application in writing be made on behalf of such person, persons or group of persons, by the other union, association or group of persons or by a person authorised by such other union, association or group to make such application.

A person or persons on whose behalf an application for membership has been made pursuant to this Rule shall be informed in writing of:

- (i) The financial obligations arising from membership; and
- (ii) The circumstances, the manner, in which a member may resign from the organisation.

A person on whose behalf an application for membership is made in accordance with this Sub-Rule shall be advised in writing that an application for membership of the Union has been made on their behalf.

Such person shall also be advised in writing that they may decline membership of the Union within the period of one month after the receipt of such advice by advising in writing the Branch Secretary of the relevant Branch. In the event of such an applicant for membership not declining membership within the said period, such person shall be taken to have been a member from the date of the application for membership.

### 11 - MEMBERSHIP CONTRIBUTIONS

- (1) A member shall pay such subscription rates, entrance fees, and National levies as are determined from time to time by the National Council together with such Branch levies as are determined from time to time by the Branch Council of the member's Branch. All monies due shall be paid to the relevant Branch Secretary.
- (2) A member shall pay such fines as may be imposed upon him/her by a Branch Executive or a Branch Divisional Committee pursuant to these Rules.
- (3) The method of payment of entrance fees, levies and fines shall be as determined from time to time by each Branch Council.
- (4) Subject to Sub-Rule 11(5), all subscriptions shall be paid either annually in advance or quarterly in advance at the option of the individual member. Where subscriptions are paid annually, payment shall be made no later than 1 January in each year and where subscriptions are paid quarterly, then payment shall be made no later than 1 January, 1 April, 1 July and 1 October in each year.

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## 12 - MEMBERSHIP STATUS

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- (5) Where the Union has entered into an arrangement with an employer or other body providing for the collecting and remitting of subscription payments through regular payroll, bank account or other deductions, then a member may elect to pay his/her subscriptions by means of such deductions. Where a member has so elected, he/she shall sign a deduction authority authorising the periodic deduction of the prescribed subscription rate.
- (6) The employer or other body making the subscription deductions shall be the agent of the member in making those deductions and it shall be the member's responsibility to ensure that deductions are duly made, provided that an advice slip showing that the requisite subscription rate was deducted for a given period shall be conclusive evidence that the member's subscription has been paid for that particular period.
- (7) A member paying his/her subscriptions through periodic deductions shall be financial from the date of the first such deduction provided that he/she owes no prior arrears.
- (8) Notwithstanding the foregoing provisions of this Rule, should any member during any financial year be without pay owing to ill health or to other causes which a Branch Executive regards as warranting special consideration, then the Branch Executive may grant the member exemption from payment of all or any contributions imposed in accordance with the Rules for all or part of the period during which he/she is without pay. During the period of the exemption, the member shall be deemed to be financial.
- (9) Notwithstanding the foregoing provisions of this Rule, if a member is a financial member of another union of employees, approved by the National Council, up until the end of the quarter during which he/she joins the Union, that member shall not be required to pay contributions for that quarter and shall be deemed to be financial up until the end of that quarter.

### 12 - MEMBERSHIP STATUS

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- (1) Except as provided in Sub-Rules 12(3) and 12(4), only members who continue to meet the eligibility criteria specified in Sub-Rule 4(1) of these Rules or who fall within the provisions of Sub-Rule 4(3), shall be entitled to remain as members.
- (2) Members no longer entitled to remain as members shall cease to be members once removed from the Register of Members pursuant to Rule 18.
- (3) The National Council, the National Executive, a Branch Council or a Branch Executive may confer Honorary Life Membership on any member who has given meritorious service to the Union and its members. Such Life Membership shall commence on and from that member's retirement, resignation or cessation of eligibility to remain a member.

An Honorary Life Member shall be exempt from payment of subscriptions, fees, fines and levies but he/she shall not be entitled to vote in any election or ballot or at any meeting within the Union, or to nominate for or hold any Office within the Union. Honorary Life Membership shall not be regarded as financial membership for the purposes of these Rules.

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**13 - FINANCIAL STATUS OF MEMBERS**

- (1) A member is unfinancial if he/she is more than thirteen weeks in arrears in his/her subscriptions or in the payment of any fees, fines or levies imposed in accordance with the Rules. Conversely, a member is financial if he/she is not more than thirteen weeks in arrears in his/her subscriptions or in the payment of any fees, fines or levies imposed in accordance with the Rules.
- (2) 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.
- (3) Notwithstanding the provisions of Sub-Rule 13(1), a member who is unfinancial shall not become financial until he/she pays all arrears due.
- (4) Where a member who is 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.

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(4) The National Council, the National Executive, a Branch Council or a Branch Executive may confer Associate Membership on any member of the Union who ceases to meet one or other of the eligibility criteria specified in Sub-Rule 4(1). Such Associate Membership shall commence on and from the date of the Council's or the Executive's decision.

An Associate Member shall pay such subscription rates as are determined by the National Council from time to time in relation to Associate Members generally together with such fines, fees and levies as may be imposed by the National Council, the National Executive, a Branch Council, a Branch Executive or a Branch Divisional Committee in accordance with these Rules. An Associate Member shall not be entitled to vote in any election or ballot or at any meeting within the Union nor to nominate for or hold any Office within the Union. Associate Membership shall not be regarded as financial membership for the purposes of these Rules.

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**14 - RESIGNATION FROM MEMBERSHIP**

- (1) A member may resign from membership of the Union by written notice addressed and delivered to the Secretary of his/her Branch.
- (2) A notice of resignation from membership of the Union takes effect:-
  - (a) where the member ceases to be eligible to become a member of the Union:-
    - (i) on the day on which the notice is received by the Union; or
    - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
  - (b) In any other case:-
    - (i) at the end of two weeks; or
    - (ii) on the day specified in the notice;whichever is later.
- (3) Any subscriptions, fees, fines and levies owing but not paid by a former member of the Union in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Union in a Court of competent jurisdiction, as a debt due to the Union.
- (4) A notice delivered to the Branch Secretary shall be deemed to have been received by the Union when it was delivered.
- (5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered to the Branch Secretary.
- (6) A resignation from membership of the Union is valid even if it is not effected in accordance with this Rule, if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.
- (7) If a financial member retires from employment permanently or changes employment to a position not covered under these rules by the union, the member shall be entitled to transfer to the status of Health Fund Member.

**15 - DUTIES OF MEMBERS**

A member of the Union shall not:-

- (i) contravene or fail to observe any of the Rules of the Union;
- (ii) contravene or fail to observe any lawful resolution of the Governing Bodies of the Union;
- (iii) give false or misleading information to the Union on any matter relating to the objects or activities of the Union;
- (iv) divulge any of the confidential business of the Union to someone not entitled to know such information;
- (v) obstruct the Union or its Governing Bodies or its Office Bearers or Committees in the performance of their functions under the Rules;
- (vi) defraud or attempt to defraud the Union;
- (vii) misappropriate any property of the Union;
- (viii) make a false charge against a fellow member;
- (ix) insult or behave in an offensive manner towards any Office Bearer or employee of the Union who is acting in the course of his/her duties;
- (x) violate or attempt to violate the terms of any applicable industrial Award or Agreement or enter into or attempt to enter into any agreement with any employer or an employee thereof contrary to the provisions of an applicable Award or Agreement;
- (xi) fail, without reasonable excuse, to attend any meeting of the Governing Bodies or Committees of the Union when summoned by such a body;

**16 - DISCIPLINARY ACTION AGAINST MEMBERS**

- (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 laying the charge and delivered to the Branch Secretary of the Branch to which the member charged belongs.
- (2) Upon receipt of the charge, the Branch Secretary shall investigate the matter and, unless he/she decides that the matter is without substance, he/she shall determine whether the subject matter of the charge is a matter extending beyond one Branch Division or whether it is a Branch Divisional matter and, in the former case, he/she shall refer the charge to the Branch Executive for determination and, in the latter case, he/she shall refer the matter to the Branch Divisional Committee for determination.

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16 - DISCIPLINARY ACTION AGAINST MEMBERS

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- (3) The Branch Executive may, where it considers it appropriate in a particular case, delegate its disciplinary powers to a Sub-Branch Committee. A Branch Divisional Committee may, where it considers it appropriate in a particular case, delegate its disciplinary powers to a Branch Sub-Divisional Committee. Any delegation shall not, however, include the power to expel, suspend or fine.
- (4) The Branch Executive or a Branch Divisional Committee or a Sub-Branch Committee or a Branch Sub-Divisional Committee, as the case may be, shall not find a member guilty of a breach of his/her duties as a member unless he/she has been given written notice and particulars of the charge made sent to his/her last known address and has been given twenty one (21) days to present any defence to the charge.
- (5) Subject to Sub-Rule 16(9), the Branch Executive or a Branch Divisional Committee as the case may be, shall have power to expel or suspend from membership or to impose a fine not exceeding \$100.00 or to rebuke or caution any member found guilty of a failure to fulfil his/her duties as a member. A Sub-Branch Committee or Branch Sub-Divisional Committee to which disciplinary powers have been delegated may rebuke or caution any member found guilty of a failure to fulfil his/her duties as a member.
- (6) A member found guilty may appeal in relation to the finding of guilt and/or the severity of the penalty imposed. Where a decision has been made by the Branch Executive or the Branch Divisional Committee an appeal lies to the Branch Council. Where the decision has been made by a Sub-Branch Committee then an appeal lies to the Branch Executive with a further right of appeal to the Branch Council. Where the decision has been made by a Branch Sub-Divisional Committee, then an appeal lies to the Branch Divisional Committee with a further right of appeal to the Branch Council.
- (7) A member shall have a further right of appeal from the Branch Council to the National Executive. The decision of the National Executive shall be final.
- (8) A right of appeal exercised pursuant to Sub-Rules 16(6) and 16(7) shall be exercised by written notice to the Branch Divisional Secretary, the Branch Secretary or the National Secretary, as the case may be, within twenty-eight days of receipt by the member of written advice of the decision of the Sub-Branch Committee, Branch Sub-Divisional Committee, the Branch Divisional Committee or the Branch Executive, as the case may be. Where the member is the Branch Divisional Secretary, the Branch Secretary or the National Secretary, then the Notice of Appeal shall be sent to the Branch Divisional President, the Branch President or the National President, as the case may be.
- (9) 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 these rules.

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**17 - REGISTER OF MEMBERS AND OFFICE BEARERS**

- (1) A Register of the names and the postal addresses of members of the Union within each Branch shall be kept by the Secretary of each Branch. The Register shall show the National and the Branch Division and, where applicable, the Sub-Branch, Branch Sub-Division, District or Region to which a member belongs and the membership category and financial status of the member.
- (2) A Register of the names, postal addresses and occupations of all Branch Office Bearers shall be kept by the Secretary of each Branch.
- (3) The National Secretary shall be entitled, on demand, to obtain copies of any or all information on a Branch Register and to inspect such Register at any time.
- (4) A Register of the names, postal addresses and occupations of all National Office Bearers shall be kept by the National Secretary.

**18 - PURGING THE REGISTER AND CESSATION OF MEMBERSHIP**

- (1) The Branch Secretary shall as soon as practicable after a Notice of Resignation takes effect pursuant to the provisions of Rule 14, remove the names and details of the persons who have resigned from the Register of Members.
- (2) The Branch Secretary shall from time to time, as directed by the Branch Executive in accordance with the policies determined from time to time by the National Council, and in accordance with the provisions of Sub-Rule 18(3), remove from the Register of Members, members who are unfinancial and members who have ceased to be entitled to remain as members or have been expelled from membership under these Rules. Removal from the Register shall not in any way waive, reduce or affect a member's liability for any arrears due to the Union.
- (3) The Branch Secretary shall give a member one month's notice in writing to the member's last known address of the intention to remove his/her name from the Register pursuant to the provisions of Sub-Rule 18(2). The notice shall specify the reason or reasons why a member is to be removed from the Register. Where at the expiration of the one month notice period, the member has not provided satisfactory evidence as to why he/she should not be removed from the Register, then he/she shall be so removed and his/her membership shall cease from the date of removal. The Branch Secretary shall advise the member in writing of his/her removal. Any member shall have a right of appeal against his/her removal to the Branch Executive. Such right must be exercised within fourteen (14) days of receipt of the written advice from the Branch Secretary. A member lodging an appeal shall be deemed to continue as a member pending determination of his/her appeal.

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### **19 - RECOVERY OF DUES**

The Branch Secretary shall have power to take action in the name of the Union in a Court of competent jurisdiction to recover any subscriptions, fees, fines or levies due from any member and shall take such action when instructed to do so by the Branch Executive.

### **20 - TRANSFER OF MEMBERS BETWEEN BRANCHES**

- (1) Where a member transfers from one Branch to another, he/she shall be provided with a statement by the Branch Secretary of the Branch from which he/she is transferring which shows the member's membership history and financial position. The Branch Secretary shall forward a copy of that statement to the Secretary of the Branch to which the member is transferring.
- (2) The Branch from which the member is transferring shall be entitled to receive all subscriptions, fees, fines or levies up until the date of the member's departure from the Branch. The Branch to which the member is transferring shall be entitled to all subscriptions, fees, fines and levies on and from the date of departure.

## **PART IV – FINANCES**

### **21 - UNION FUNDS**

- (1) The Funds of the Union shall comprise the National Fund, the Branch Funds and the Branch Divisional Funds. Branch Divisional Funds including composite Branch Divisional Funds may be established in relation to all or any Branch Divisions.
- (2) The National Fund shall be managed and controlled by the National Council and the National Executive and shall consist of:-
  - (i) any real or other property of which the National Council and the National Executive by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement would have, the right of custody, control or management;
  - (ii) all amounts due from Branches as capitation fees;
  - (iii) all entrance fees, fines and levies imposed by the National Council or the National Executive in accordance with these Rules;
  - (iv) any interest, rents, dividends or other income derived from the investment or use of the Fund;
  - (v) any superannuation or long service leave or other fund operated or controlled by the National Organisation for the benefit of its Office Bearers or employees;
  - (vi) any sick pay fund, accident pay fund, funeral fund, tool fund or like fund operated or controlled by the National Organisation for the benefit of members;

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## 21 - UNION FUNDS

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(vii) any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(viii) the proceeds of any disposal of part of the Fund;

and shall be used for the administration and management of the National Organisation and for any other purposes that the National Council or the National Executive may from time to time direct for the attainment of any of the objects of the Union.

(3) The property comprising the National Fund shall be held, registered, deposited, invested, or otherwise dealt with, in the name of the Union.

(4) A Branch Fund shall be managed and controlled by the Branch Council and Branch Executive and shall consist of:-

(i) any real or other property of which the Branch by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement would have, the right of custody, control or management;

(ii) the amount of subscriptions received by the Branch less any amount payable to the National Organisation by way of capitation fees.

(iii) the amount of any fines or levies imposed by the Branch Council or the Branch Executive;

(iv) any interest, rents or dividends derived from the investment or use of the Fund;

(v) any superannuation or long service leave or other fund operated or controlled by the Branch for the benefit of its Office Bearers or employees;

(vi) any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Branch for the benefit of its members;

(vii) any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(viii) the proceeds of any disposal of part of the Fund;

and shall be used for the administration and management of the Branch and for any other purpose that the Branch Council or the Branch Executive may from time to time direct towards the attainment of any of the objects of the Union within the Branch.

(5) All liabilities arising out of the administration and management of the Branch including those liabilities arising from the control and management of real property within the Branch Fund, shall be the responsibility of the Branch.

(6) All real property forming part of a Branch Fund shall be held and dealt with in the name of the Union, but shall only be dealt with at the request of and in accordance with the instructions of, the relevant Branch Council or Branch Executive.

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21 - UNION FUNDS

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- (7) The property, other than real property, comprising the Branch Fund shall be held, deposited, invested or otherwise dealt with in the name of the Branch provided that, where it is necessary or advisable that any such property be held or dealt with by Trustees on behalf of the Branch, then the Branch President and the Branch Secretary shall be joint Trustees.
- (8) Any Branch Divisional Fund shall be managed and controlled by the Branch Divisional Committee and shall consist of:-
- (i) any real or other property of which the Branch Division by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement would have, the right of custody, control or management;
  - (ii) any monies received from the Branch;
  - (iii) any sick pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Branch Division for the benefit of its members;
  - (iv) any interest, rents or dividends derived from the investment or use of the Fund;
  - (v) any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and
  - (vi) the proceeds of any disposal of part of the Fund
- (9) All liabilities arising out of the administration and management of the Branch Division including those liabilities arising from the control and management of real property within the Branch Divisional Fund, shall be the responsibility of the Branch Division.
- (10) Notwithstanding the provisions of Sub-Rules 21(8) and 21(9), where all or part of the expenses of the administration and management of a Branch Division are met from the Branch Fund, the Branch shall be entitled to be reimbursed for such expenditure from any interest, rents or dividends derived from the investment or use of the Branch Divisional Fund of that Branch Division.
- (11) All real property forming part of a Branch Divisional Fund shall be held and dealt with in the name of the Union, but shall only be dealt with at the request of and in accordance with the instructions of, the relevant Branch Divisional Committee as ratified by the Branch Council.

- (12) In addition to the requirements of Rule 21(11), in the case of the Victorian Locomotive Division, all real property forming part of the Branch Divisional Fund of the Victorian Locomotive Division may only be disposed of with the approval of at least 70% of eligible voters of the membership of the Victorian Locomotive Division who vote in a ballot, provided that such approval will be obtained in advance of any disposition in the following manner;
- (i) The Branch Divisional Committee shall appoint a Returning Officer for the ballot, who will conduct the ballot, including by:
- (a) determining the dates for the opening and closing of the ballot,
  - (b) determining the roll of eligible voters (being those financial members of the Victorian Locomotive Division at the last date on which the ballot papers are issued;
  - (c) counting the ballot; and
  - (d) declaring the ballot
- (ii) The ballot will be conducted by pre-paid postal ballot;
- (iii) At least 28 days before the ballot, the ballot will be advertised in the union journal, the Victorian Locomotive Division magazine or through a circular issued to all eligible voters, with a brief explanation of the proposed disposal and details of the method, and dates for voting;
- (iv) Ballot papers will be issued to all eligible voters at least 21 days in advance of the closure of the ballot;
- (v) The Returning Officer will notify members of the Victorian Locomotive Division of the result of the ballot in the union journal, the Victorian Locomotive Division magazine or through a circular issued to all eligible voters as practicable after declaring the result.
- (13) The property, other than real property, comprising a Branch Divisional Fund shall be held, deposited, invested or otherwise dealt with in the name of the Branch Division provided that, where it is necessary or advisable that any property be held or dealt with by Trustees on behalf of a Branch Division then the Branch Divisional President and the Branch Divisional Secretary shall be joint Trustees.
- (14) A Branch Council, with the consent of the relevant Branch Divisional Committees, may establish a composite Branch Divisional Fund embracing two or more Branch Divisions. A composite Branch Divisional Fund may be established only in relation to real property or it may embrace both real property and some or all of the other combined property of the relevant Branch Divisions. The provisions of Sub-Rules 21(8), 21(9), 21(10), 21(11) and 21(12), shall apply in relation to such composite Branch Divisional Funds except that references to the Branch Division shall be read as references to the relevant Branch Divisions jointly and references to the Branch Divisional Committee shall be read as references to the Branch Divisional Committees jointly. Further, where any property is held on trust pursuant to the provisions of Sub-Rule 21(12), the relevant Branch Divisional Presidents and the relevant Branch Divisional Secretaries shall together be joint Trustees.

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22 - CAPITATION FEES, ENTRANCE FEES AND LEVIES

- (15) For the purposes of Sub-Rule 21(13), within the Victorian Branch, a Regional Committee shall be regarded as a Branch Divisional Committee. Further, each Regional Committee may elect a Trustee by and from its members to be a joint Trustee.
- (16) NATIONAL/BRANCH POLICIES AND PROCEDURES
- The Union and its Branches will develop, implement and retain policies and procedures relating to the expenditure of the union which include:
- (a) A reaffirmation of appropriate values;
  - (b) Financial oversight and planning;
  - (c) Financial policies and procedures;
  - (d) Implementation of policies and procedures;
  - (e) Reporting and transparency to members;
  - (f) Credit Cards;
  - (g) Employment and Remuneration;
  - (h) Conflicts of interest;
  - (i) Broader aspects of good governance; and
  - (j) Training standards and programs.

22 - CAPITATION FEES, ENTRANCE FEES AND LEVIES

- (1) In addition to setting subscription rates, the National Council may set an entrance fee to be paid by all members upon joining the Union. Further, the National Council may from time to time, strike a levy payable by all members of the Union.
- (2) A Branch Council may from time to time strike a levy payable by all members of the Branch.
- (3) Fourteen and a half (14 ½ ) per cent of the subscription income received by a Branch or such other percentage as is determined from time to time by the National Council, shall be payable as capitation fees by each Branch to the National Organisation.
- (4) All monies payable by members of the Union by way of entrance fees, subscriptions, levies or fines shall be paid to and collected by the Secretary of the Branch to which the member belongs. Each Branch Secretary shall receive and deal with such monies in accordance with these Rules.

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**Deleted:** (17) - DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

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→ a) → Each officer of the Union and its Branches shall disclose to the union any remuneration paid to the officer;

→ i. because the officer is a member of a board, if:

→ A. → the officer is a member of the board only because the officer is an → officer of the Union or its Branches; or

→ B. → the officer was nominated for the position as a member of the board by the union, a branch of the union, or a peak council; or

→ ii. by any related party of the Union or its Branches in connection with the → performance of the officer's duties as an officer.

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→ b) → The disclosure required by sub-rule (a) shall be made to the Union and its Branches;

→ i. as soon as practicable after the remuneration is paid to the officer; and

→ ii. in writing.

**Deleted:**

→ c) → The union shall disclose to the members of the Union and its Branches:

→ i. → the identity of all officers who hold permanent full-time positions in the union → and;

→ ii. for each of those officers:

→ A. → the actual amount of the officer's relevant remuneration for the → disclosure period; and

→ B. → either the value of the officer's relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.

**Deleted:**

→ d) → For the purposes of sub-rules (c), the disclosure shall be made:

→ i. in relation to each financial year; and

→ ii. within six months after the end of the financial year; and

→ iii. in writing.

**Deleted:**

(18) - DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

**Deleted:**

→ c) → An officer who provides a disclosure required by sub-rule (a) shall absent themselves from any discussion or vote on a matter related to the material personal interest he or she has disclosed;

**Deleted:**

→ d) → The Union and its Branches shall disclose to their members any interests that are disclosed to the Union and Its Branches pursuant to sub-rule (a).

**Deleted:**

→ e) → For the purposes of sub-rule (c), the disclosures shall be made:

→ i. in relation to each financial year; and

→ ii. within six months after the end of the financial year

**Deleted:**

(20) - REQUIREMENTS FOR TRAINING OF OFFICIALS

**Deleted:**

139V: Incorporates alterations of 27 March 2020 [R2020/1]

## 23 - DISBURSEMENT OF FUNDS

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- (5) The Secretary of each Branch shall promptly remit all monies due to the National Organisation as capitation fees, entrance fees or National levies. Capitation fees shall be paid in monthly instalments no later than the last day of each month.
- (6) Where a Branch is more than three months in arrears in the payment of any capitation fee instalment or in the remission of entrance fees or National levies, then the rights of the Branch and the Branch representatives to participate in the affairs of the National Organisation, including the right to attend and vote at meetings of National Governing Bodies, shall be suspended until such time as all monies owing are paid.

### 23 - DISBURSEMENT OF FUNDS

- (1) All cheques and written authorisations for the transfer and/or disbursement of funds from the National Union Fund shall be signed by the National Secretary together with the Assistant National Secretary. The National Executive may authorise the Assistant National Secretary to sign in place of the National Secretary in his or her absence together with either the National President, or an authorised Vice-President.
- (2) The funds of the National Union Fund, shall only be disbursed or otherwise dealt with, upon a resolution of the National Council or the National Executive. Provided that for the expenditure of the funds of the Union on general administration of the Union and for purposes reasonably incidental to the general administration of the Union, the prior approval of Council or Executive will not be necessary before such cheques or written authorisation for the transfer and/or disbursement of funds from the Union Fund are signed and accounts paid.
- (3) All cheques and written authorisations for the transfer and/or disbursement of funds from the Branch Union Fund shall be signed by the Secretary together with either the President, Senior Vice-President, Junior Vice-President or Assistant Secretary. The Branch Executive may authorise the Assistant Secretary to sign in place of the Secretary in his or her absence together with either the President, Senior Vice-President or Junior Vice-President.
- (4) The funds of the Branch Union Fund, shall only be disbursed or otherwise dealt with, upon a resolution of the Council or the Executive. Provided that for the expenditure of the funds of the Union on the general administration of the Union and for purposes reasonably incidental to the general administration of the Union, the prior approval of Council or Executive will not be necessary before such cheques or written authorisation for the transfer and/or disbursement of funds from the Union Fund are signed and accounts paid.
- (5) All cheques and written authorisations for the transfer and/or disbursement of funds from a Branch Divisional Fund shall be signed by the Branch Divisional Secretary together with the Branch Divisional President, Branch Divisional Vice President or Branch Divisional Assistant Secretary. The Branch Divisional Executive may authorise the Branch Divisional President to sign in place of the Branch Divisional Secretary in his or her absence together with the Branch Divisional Vice-President and one (1) other member of the Branch Divisional Committee.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

## 23 - DISBURSEMENT OF FUNDS

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- (6) The funds of a Branch Divisional Fund, shall only be disbursed or otherwise dealt with, upon a resolution of the Branch Divisional Committee, provided that for the expenditure of the funds of a Division on general administration of the Division and for purposes reasonably incidental to the general administration of the Division, the prior approval of the Branch Divisional Committee will not be necessary before such cheques or written authorisations for the transfer and/or disbursement of funds from a Branch Divisional Fund are signed and accounts paid.
- (7) Any resolution of a Branch Divisional Committee dealing with real property shall be subject to ratification by the Branch Council pursuant to rule 21 of these Rules.
- (8) All cheques and written authorisations for the transfer and/or disbursement of funds from a composite Branch Divisional Fund shall be signed by all relevant Branch Divisional Secretaries. The relevant Branch Divisional Committees may jointly authorise other members of such Branch Divisional Committees to sign in place of the Branch Divisional Secretaries in the absence of one (1) or other of such office bearers.
- (9) The funds of a composite Branch Divisional Fund, shall only be disbursed or otherwise dealt with, upon resolutions of all relevant Branch Divisional Committees. Provided that for the expenditure of the funds of the composite Branch Divisions on the general administration of the composite Branch Divisions and for the purposes reasonably incidental to the General Administration of the composite Branch Divisions, the prior approval of the relevant Branch Divisional Committees will not be necessary before such cheques or written authorisations for the transfer and/or disbursements of funds from the composite Divisional Fund are signed and accounts paid.
- (10) Any resolutions of the relevant Branch Divisional Committees dealing with real property shall be subject to ratification by the Branch Council pursuant to rule 21 of these Rules.
- (11) Where the Branch Executive authorises, officers and/or employees of the Union may be issued with credit cards for the disbursement of funds from the Union Fund, a Divisional Fund or a composite Divisional Fund but only in accordance with any policy or policies of the Union relating to the use of credit cards in force from time to time.

#### 24 - LOANS, GRANTS OR DONATIONS

- (1) No loans, grants or donations shall be made by any Governing Body or other Committee within the Union other than the National Executive or a Branch Executive.
- (2) A loan, grant or donation of an amount exceeding \$1,000.00 shall not be made by the National Executive or a Branch Executive unless the Executive:-
  - (i) has satisfied itself:-
    - (a) that the making of the loan, grant or donation would be in accordance with these Rules; and
    - (b) 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
  - (ii) has approved the making of the loan, grant or donation.

#### 25 - AUDITORS

- (1) The National Council shall appoint biennially, a duly qualified and competent auditor or firm of auditors who shall audit the accounts of the National Organisation and provide a report, audited accounts and such further information and statements as may be required ~~in accordance with the RO Act~~, in relation to each financial year or in relation to any other period that the National Council or the National Executive may determine.
- (2) An auditor or firm of auditors appointed by the National Council may be removed during the term of appointment by resolution of the Council ~~and in accordance with the RO Act~~.
- (3) A Branch Council shall appoint biennially, a duly qualified and competent auditor or firm of auditors who shall audit the Branch accounts (including Branch Divisional accounts) 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 Branch Council or the Branch Executive may determine.
- (4) An auditor or firm of auditors appointed by the Branch Council may be removed during the term of appointment by resolution of the Council.

**Commented [EL17]:** These amendments are recommended for clarity.

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#### 26 - FINANCIAL YEAR

The financial year for the Union shall be the period commencing on January 1 in any year and ending on December 31 in the same year.

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

### 27 - BOOKS AND ACCOUNTS

The National Secretary and each Branch Secretary shall ensure that adequate books and accounts are kept and that the provisions of the RO Act, or any other relevant legislation are complied with in relation to the maintenance, form, lodgement and distribution of financial records. Further, each Branch Secretary shall provide the National Secretary with a copy of the audited Branch Accounts each year.

Deleted: Fair Work (Registered Organisations) Act 2009

## PART V - NATIONAL GOVERNING BODIES AND OFFICE BEARERS

### 28 - NATIONAL COUNCIL

- (1) The National Council shall be the highest deliberative body in the Union. Subject to these Rules, the National Council shall have power to do all such things as are within the objects of the Union or incidental thereto including:-
- (i) to authorise the formation of Branches and National Divisions and to determine the boundaries and/or scope thereof;
  - (ii) to dissolve Branches and National Divisions;
  - (iii) to determine the National policy of the Union;
  - (iv) to determine the salaries and conditions of employment of paid Office Bearers;
  - (v) to fix the allowances as provided in Rule 66;
  - (vi) to determine subscription levels, entrance fees and National levies;
  - (vii) to determine Branch capitation fees;
  - (viii) to establish any special fund or funds to achieve any of the objects of the Union;
  - (ix) to settle all disputes between Branches or National Divisions;
  - (x) to intervene in the affairs of a Branch or a Division (including a Branch Division) to ensure compliance with the Rules or the National policy of the Union or decisions of the National Council or the National Executive;
  - (xi) to interpret the Rules and to determine any matter on which the Rules are silent;
  - (xii) to make, alter, amend or rescind these Rules;
  - (xiii) to hear appeals regarding disciplinary action taken against any National Office Bearer;
  - (xiv) to expend monies from the National Fund for any of the objects of the Union;
  - (xv) to appoint and dismiss a National Returning Officer;

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

- (xvi) to appoint and dismiss a National auditor or firm of auditors.
- (xvii) subject to ratification by a plebiscite of the members, dissolve the Union.
- (2) The National Council shall comprise the National President, National Vice-President (Rail), the National Vice-President (Road), the National Vice-President Affirmative Action (Women), the National Secretary, the Assistant National Secretary, the Assistant National Secretaries (Divisional), the Secretaries of each Branch, the Branch Delegates to National Executive as specified in Sub-Rule 29(2) and the National Divisional Delegates from the Branch to the National Council determined in accordance with Sub-Rule 28(3).
- (3) The members of each National Division within each Branch shall be entitled to elect one Delegate to the National Council for each one thousand (1,000) members or part thereof provided that where the number of members of a National Division within a Branch is less than one hundred (100) there shall be no entitlement to a Delegate. The number of Delegates to which the members of a National Division within a Branch are entitled, shall be determined on the basis of the number of financial members of the National Division within the Branch at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.
- (4) The National Council shall meet in Ordinary Session once every two years at such time and place as the National Council may determine or, in the absence of a decision by the National Council, as the National Executive may determine. A Special Meeting of the National Council may be convened by the National Executive and shall be convened upon receipt of a written request from at least three Branch Executives.
- (5) National Council members or the National Executive or any Branch Council or any Branch Executive or any National Divisional Committee may place a matter on the agenda for a meeting of the National Council.
- (6) Where an Ordinary Meeting of the National Council has been scheduled or a Special Meeting has been called, the National Secretary shall send a Notice of Meeting together with an agenda to each member of the Council entitled to attend, not less than fourteen days prior to the meeting.
- (7) A quorum for a meeting of the National Council shall be a majority of the members of the Council entitled to attend.
- (8) Subject to Sub-Rule 28(9), each member of the National Council shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (9) Where a person, to the extent permitted by these Rules, holds more than one Office on the National Council, he/she shall nonetheless only be entitled to exercise one vote.
- (10) Notwithstanding anything elsewhere contained in these Rules, a meeting of the National Council may be held via telephone conference or video conference.

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

**29 - NATIONAL EXECUTIVE**

- (1) The National Executive shall be the Committee of Management of the Union. Subject to these Rules, to the policies and decisions of the National Council and to the review of its decisions by the National Council, it shall have the care, control, management and superintendence of the activities of the Union and between meetings of the National Council, it may exercise all or any of the powers and functions of the National 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 National Council and shall not rescind, alter, vary or revoke any such policy or decision. All decisions within the powers of the National Executive shall have full force and effect unless and until disallowed by the National Council.
  
- (2) The National Executive shall comprise the National President, the National Vice-President (Rail), the National Vice-President (Road), the National Vice-President Affirmative Action (Women), the National Secretary, the Assistant National Secretary, the Assistant National Secretaries (Divisional) and the Secretaries of each Branch within the Union together with Delegates from the Branches as follows:-
 

New South Wales Branch	- 3 delegates
Queensland Branch	- 2 delegates
Victorian Branch	- 2 delegates
Western Australia Branch	- Nil
South Australian and Northern Territory Branch	- Nil
Tasmanian Branch	- Nil
  
- (3) The National Executive shall meet in Ordinary Session at least three times in each two year period at such time and place as the National Executive or, in the absence of a decision by the National Executive, the National President and the National Secretary jointly, shall determine. A Special Meeting of the National Executive may be convened by the National President and the National Secretary jointly and a Special Meeting shall be convened upon receipt of a written request from at least three Branch Executives.
  
- (4) National Executive members or any Branch Executive or any National Divisional Committee may place a matter on the agenda for a meeting of the National Executive.
  
- (5) Where an Ordinary Meeting of the National Executive has been scheduled or where a Special Meeting has been called, the National Secretary shall forward a Notice of Meeting together with an agenda to each member of the National Executive entitled to attend, not less than seven days prior to the date of a meeting.
  
- (6) A quorum for a meeting of the National Executive shall be a majority of the members of the National Executive entitled to attend.
  
- (7) Subject to Sub-Rule 29(8), members of the National Executive shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.

**Commented [EL18]:** Subject to approval of rule change by FWC.

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**Deleted:** West Australian PTA Branch - Nil

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

### 31 - NATIONAL OFFICES

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- (8) Where a person, to the extent permitted by these Rules, holds more than one Office on the National Executive, he/she shall nonetheless only be entitled to exercise one vote.
- (9) Notwithstanding anything elsewhere contained in these Rules, a meeting of the National Executive may be held via telephone conference or video conference.

### 30 - BALLOTS OF THE NATIONAL COUNCIL AND THE NATIONAL EXECUTIVE

- (1) Between meetings of the National Council or the National Executive, the decision of the Council or the Executive, as the case may be, may be determined by ballot.
- (2) A decision to hold a ballot shall be made by the National President and the National Secretary jointly.
- (3) Where a decision has been made to hold a ballot, the National Secretary shall despatch a ballot paper clearly setting out the matter(s) for decision, together with any relevant material, to each member of the Council or the Executive, as the case may be. The National Secretary shall advise each member of the date by which ballot papers must be returned, such date to be not less than seven days nor more than twenty-one days from the date the ballot papers are despatched. Ballot papers not received by the National Secretary by the date specified shall be disregarded provided that a question shall only be carried if the number of ballot papers returned are sufficient to meet the quorum provisions for meetings of the National Council or the National Executive under these Rules and a majority of the ballot papers returned record a vote in the affirmative.
- (4) The National Secretary shall provide a written report to members of the National Executive or the National Council, as the case may be, as soon as practicable after the completion of the ballot. The National Secretary shall retain all ballot papers for tabling and report at the next meeting of the National Executive or the National Council, as the case may be.

### 31 - NATIONAL OFFICES

- (1) The National Offices are:-
  - National President
  - National Vice-President (Rail)
  - National Vice-President (Road)
  - National Vice-President (Affirmative Action - Women)
  - National Secretary
  - Assistant National Secretary
  - Assistant National Secretaries (Divisional)
  - Branch Delegates to the National Executive
  - National Divisional Delegates from the Branch to the National Council
  - Representatives to a National Divisional Committee
- (2) The Office of National Secretary and Assistant National Secretary shall be paid positions. Such Office Bearers shall be elected every four years in accordance with the provisions of Part VIII of these Rules and shall hold office until his/her successor is declared elected.

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### 33 - OTHER NATIONAL OFFICE BEARERS

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- (3) National Offices other than those as specified in Sub-Rule 31(2) shall be honorary positions. Such Office Bearers shall be elected every four years in accordance with the provisions of Part VIII of these Rules and shall hold office until their successors are declared elected.

### 32 - NATIONAL SECRETARY, ASSISTANT NATIONAL SECRETARY AND ASSISTANT NATIONAL SECRETARIES (DIVISIONAL)

- (1) The National Secretary and Assistant National Secretary shall be elected by a secret ballot of all the financial members of the Union.
- (2) There shall be an Assistant National Secretary (Divisional) for each National Division established pursuant to Rule 6. An Assistant National Secretary (Divisional) shall be elected by a secret ballot of all financial members of the relevant National Division.
- (3) To be eligible to nominate for an Office covered by this Rule, a candidate must be a member of the Union and have been continuously financial for a period of not less than six months immediately preceding the date on which nominations open. To be "continuously financial", a candidate must not, at any stage within the six month period, have been an unfinancial member.
- (4) In addition to the requirements specified in Sub-Rule 32(3), a candidate for an Office of Assistant National Secretary (Divisional) must, unless he/she is a candidate seeking re-election, have been employed in the work function represented by the National Division for a period of not less than twelve months immediately preceding the date on which nominations open.

### 33 - OTHER NATIONAL OFFICE BEARERS

- (1) The National President shall be elected by a secret ballot of all the financial members of the Union. The National Vice-President (Rail) shall be elected by a secret ballot of all the financial members of the Union, with the exception of members from the Bus and Tram Division. The National Vice President (Road) shall be elected by a secret ballot of all the financial members of the Bus and Tram Division only. The National Vice President (Affirmative Action - Women) shall be elected by a secret ballot of all the financial women members of the Union.
- (2) Branch Delegates to the National Executive shall be elected by a secret ballot of all the financial members of the Branch.
- (3) National Divisional Delegates from the Branch to the National Council shall be elected by a secret ballot of all the financial members of the National Division within the Branch.
- (4) To be eligible to nominate for a National Office other than those dealt with in Rule 32, a candidate must be a financial member on the date on which nominations open. In addition, a candidate for the Office of National Divisional Delegate from the Branch to the National Council must be a member of the relevant National Division and the relevant Branch on such date. Further, a candidate for the Office of Branch Delegate to the National Executive must be a member of the relevant Branch on such date.

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### 35 - DUAL OFFICES AT DIFFERENT DECISION MAKING LEVELS

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- (5) To be eligible to nominate for the Office of National Vice President (Rail) a candidate must be a financial member of any Division, with the exception of the Bus and Tram Division, on the date on which nominations open.
- (6) To be eligible to nominate for the office of National Vice President (Road) a candidate must be a financial member of the Bus and Tram Division, on the date on which nominations open.
- (7) To be eligible to nominate for the Office of National Vice President (Affirmative Action - Women) a candidate must be a financial woman member on the date on which nominations open.

### 34 - DUAL NATIONAL OFFICES

- (1) Except in the case of an appointment under the provisions of Rules 78 or 79, no person shall simultaneously hold more than one of the National Offices specified in Sub-Rule 31(1) except for the Offices of Branch Delegates to the National Executive, National Divisional Delegates from the Branch to the National Council and Representatives to a National Divisional Committee. Where a person already holding a National Office is elected to another National Office, then he/she is deemed to have resigned from the Office already held.
- (2) Where a person holds a particular National Office and by reason of holding such Office, he/she holds another National Office, he/she shall not be regarded as holding more than one National Office for the purposes of this Rule.

### 35 - DUAL OFFICES AT DIFFERENT DECISION MAKING LEVELS

- (1) Except as provided in Sub-Rule 35(2), nothing in these Rules shall be construed as preventing a person holding a National Office while simultaneously holding a Branch Office.
- (2) Except in the case of an appointment under the provisions of Sub-Rule 78 or 79, and except as provided in Parts X to XVI of these Rules, no person shall simultaneously hold more than one paid Office within the Union. Where a person already holding a paid Office at any level is elected to another paid Office at any level, then he/she is deemed to have resigned from the Office already held.

### 36 - DUTIES OF THE NATIONAL PRESIDENT

- (1) In addition to any duties specified elsewhere in these Rules, the National President shall preside at all meetings of the National Council and the National 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.
- (2) The National President is empowered to give an interpretation of these Rules and to determine any dispute involving the application or requirements of the Rules and in any such case his/her decision shall be final and conclusive unless over-ruled by the National Council. All rulings made by the National President shall be circulated in writing to members of the National Council as soon as practicable following the ruling. Further, the National Secretary shall maintain a record of all rulings by the National President.
- (3) At all meetings of the Union at which he/she presides, the National President shall have a deliberative but not a casting vote.

### 37 - DUTIES OF NATIONAL VICE-PRESIDENTS

In addition to any duties specified elsewhere in these Rules, the National Vice-Presidents shall assist the National President in the conduct of his/her duties and, in the absence of the National President, the National Vice-Presidents shall deputise for him/her.

The National Vice President (Affirmative Action - Women) shall promote, and work for the involvement of women members within the Union.

### 38 - DUTIES OF NATIONAL SECRETARY

The National Secretary shall be the Principal Officer and Treasurer of the Union. Between meetings of the National Council and the National Executive, he/she shall, subject to these Rules and to the policies and decisions of the National Council and the National Executive, conduct and manage 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:-

- (i) discharge all duties assigned to him/her by these Rules, the National Council or the National Executive;
- (ii) summon and attend all meetings of the National Council and the National Executive;
- (iii) attend to all National correspondence;
- (iv) issue or authorise press statements and provide media comment on behalf of the Union.
- (v) be responsible for the safe custody of the Union seal, documents, securities and accumulated funds;

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

## 38 - DUTIES OF NATIONAL SECRETARY

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- (vi) prepare, keep and/or file or cause to be prepared, kept and/or filed, all documents and records required under the provisions of the RO Act and the RO Regulations and any other relevant legislation;
- (vii) receive all monies belonging to the National Fund and deposit same in a bank on behalf of the Union as soon as practicable;
- (viii) disburse National funds in accordance with these Rules;
- (ix) ensure that National financial records are maintained and that National annual accounts are prepared and audited;
- (x) monitor the accounts and other affairs of the Branches and the Divisions and for this purpose have access, whenever requested, to Branch and Divisional documents and financial records;
- (xi) prepare or cause to be prepared all necessary documents for the National Council and the National Executive including the minutes of meetings;
- (xii) prepare or cause to be prepared regular financial statements for the National Council and the National Executive;
- (xiii) prepare or cause to be prepared a yearly report to Branches and Divisions on the activities of the National Organisation;
- (xiv) ensure that Branch Secretaries maintain Registers of Members and Office Bearers and himself/herself maintain National records based thereon;
- (xv) co-ordinate the activities of Branches and National Divisions;
- (xvi) control and supervise the National Office and its staff including the appointment and termination of such staff;
- (xvii) initiate legal, industrial or other proceedings on behalf of the Union before any Court, Commission, Board or Tribunal; and
- (xviii) be an ex-officio member of any National Governing Body and be entitled to attend any meeting of any Branch Governing Body;
- (xix) be responsible to the National Council and the National Executive for the proper performance of his/her duties.

**Deleted:** Industrial Relations Act 1988

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

**38A - DUTIES OF ASSISTANT NATIONAL SECRETARY**

- (1) Subject to these Rules and to the policies and decisions of the National Council and National Executive, the Assistant National Secretary shall assist the National Secretary in the conduct of his/her day to day duties. Without limiting the generality of the foregoing he/she shall:
  - (i) With the approval of the National Secretary control, supervise or instruct any Officer or paid employees of the National Office to carry out the (a) day to day affairs and business of the National Office, (b) preparation of documents for presentation to a tribunal and/or (c) conduct of cases before a tribunal.
  - (ii) Keep a correct amount of monies received and expended in the day to day affairs of the National Office, and pay or otherwise appropriate funds of the National Office in accordance with these Rules and with the consultation and approval of the National Secretary.
  - (iii) Prepare or have prepared documents, including notifications of industrial disputes, as are required from time to time by the National Office in order to conduct cases before a Tribunal on behalf of the Union.
  - (iv) Give any other reasonable assistance to the National Secretary as and when required.
- (2) Where the Assistant National Secretary is temporarily required to act in the Office of National Secretary, an Assistant National Secretary (Divisional) – as determined by the National Executive – shall be Acting Assistant National Secretary and, subject to any restrictions that may be imposed by the National Executive or by these Rules, may exercise all the powers of that Office.

**39 - DUTIES OF ASSISTANT NATIONAL SECRETARIES (DIVISIONAL)**

- (1) An Assistant National Secretary (Divisional) shall act in accordance with the directions and instructions of the National Secretary in all matters. In addition to any duties specified elsewhere in these Rules, an Assistant National Secretary (Divisional) shall co-ordinate the activities of the National Division which he/she represents and shall assist the National Secretary in the performance of his/her duties.
- (2) When the National Secretary is temporarily unable to fulfil the duties of his/her Office, the Assistant National Secretary or an Assistant National Secretary (Divisional) as determined by the National Executive, shall be Acting National Secretary and, subject to any restrictions that may be imposed by the National Executive or by these Rules, may exercise all the powers of that Office.

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**40 - NATIONAL DIVISIONAL COMMITTEES**

- (1) There shall be a National Divisional Committee for each Division established by the National Council.
- (2) A National Divisional Committee shall comprise the Assistant National Secretary for the National Division, the Branch Divisional Secretaries, and those National Divisional Delegates from the Branch to the National Council which represent that National Division. Where a Branch has combined National Divisions, the combined National Divisional Delegates from the Branch to the National Council shall have the right to attend National Divisional Committee meetings of the Division included in the Branch combined Division. The National President, the National Vice-Presidents, the National Secretary and the Assistant National Secretary shall all be ex-officio members of each National Divisional Committee.
- (3) A National Divisional Committee shall meet biennially on the day immediately preceding the biennial meeting of the National Council. Additional meetings may be held with the approval of the National Executive either immediately preceding meetings of the National Executive or at such other times and places as the National Executive determines. The Assistant National Secretary for the Division shall act as convener and secretary of the Committee. At the commencement of each meeting of the Committee, the Committee shall elect one of its members as Chairperson of the meeting.
- (4) The primary purpose of the National Divisional Committee shall be to provide a forum for National Divisions to develop National Divisional positions for submission to the National Council or the National Executive. A Divisional Committee shall however, subject to Sub-Rules 40(5) and 40(6), have power to make decisions in relation to matters which affect members of the National Division only.
- (5) A National Divisional Committee is bound by these Rules and the policies and decisions of the National Council and the National Executive and any decision in conflict with the Rules or the said policies and decisions shall be void and of no effect.
- (6) Where a National Divisional Committee makes a decision pursuant to its powers under this Rule, then, the National Secretary or, in his/her absence the National President, shall promptly be advised of such decision. The National Secretary or the National President, as the case may be, shall determine whether, in his/her opinion, the decision is one which affects the members of the National Division only. Where the National Secretary or the National President, as the case may be, forms the view that the decision of a National Divisional Committee is not one which affects members of the National Division only, he/she shall refer this issue to the National Executive for determination and, pending such determination, the National Divisional Committee and the members of the Committee shall take no action in relation to that decision.

#### 40 - NATIONAL DIVISIONAL COMMITTEES

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- (7) A Branch Divisional Committee may refer a matter to the relevant National Divisional Committee. The Branch Divisional Secretary shall promptly advise the Branch Secretary that a matter has been so referred. In the event of a disagreement between the Branch Secretary and the Branch Divisional Committee on the issue of whether a matter is more properly dealt with by the Branch or by the National Divisional Committee, the issue shall be referred by the Branch Secretary to the National Executive for determination. Where the matter is referred to the National Executive, the Branch Secretary shall promptly advise the Branch Divisional Secretary. No action shall be taken by the Branch Divisional Committee or the members of the Committee in relation to the matter pending determination by the National Executive.
- (8) Where a meeting of a National Divisional Committee has been scheduled in accordance with the provisions of Sub-Rule 40(3), the Assistant National Secretary (Divisional) shall send a Notice of Meeting, together with an Agenda, to all members of the Committee at least fourteen days prior to the meeting.
- (9) National Divisional Committee members or the National Council or the National Executive or a Branch Council or a Branch Executive or a Branch Divisional Committee may place a matter on the agenda for a meeting of the National Divisional Committee.
- (10) A quorum for a meeting of the National Divisional Committee shall be a majority of the members of the Committee entitled to attend.
- (11) Each member of a National Divisional Committee shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (12) Notwithstanding anything elsewhere contained in these Rules, a meeting of a National Divisional Committee may be held via telephone conference or video conference when a majority of the members of the Committee so agrees or when determined by the National Executive.

## 42 - BRANCH COUNCIL

### **PART VI - BRANCH GOVERNING BODIES AND OFFICE BEARERS**

#### **41 - APPLICATION**

The provisions of this Part apply to all Branches unless modified by the Branch specific provisions in Parts X to XVI of these Rules.

#### **42 - BRANCH COUNCIL**

- (1) The Branch Council shall be the highest deliberative body in the Branch. Subject to these Rules and any policies or decisions of the National Council or the National Executive, the Branch Council shall have power to do all things in relation to the Branch which are within the objects of the Union or incidental thereto including, without limiting the generality of the foregoing,:-
- (i) to implement the objects of the Union within the Branch;
  - (ii) to determine the structure and organisation of the Branch; and
  - (iii) subject to ratification by the National Council, to make rules for the management and operation of the Branch and its Divisions, Sub-Divisions, Sub-Branches and other structures.
  - (iv) to determine the salaries and conditions of employment of paid Branch Office Bearers and persons engaged as Branch employees;
  - (v) to impose a Branch levy;
  - (vi) to establish any special fund or funds to achieve any of the objects of the Union within the Branch;
  - (vii) to settle disputes between Branch Divisions;
  - (viii) to interpret the relevant Branch specific provisions in Parts X to XVI of these Rules;
  - (ix) to hear appeals regarding disciplinary action taken against any member of the Branch or any Branch Office Bearer;
  - (x) to expend such monies as may be necessary to fulfil the objects of the Union within the Branch;
  - (xi) to appoint and dismiss a Branch Returning Officer;
  - (xii) to appoint and dismiss a Branch auditor or a firm of auditors;
- (2) The composition of the Branch Council shall be as specified in Parts X to XVI of these Rules.

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#### 43 - BRANCH EXECUTIVE

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- (3) The frequency, time and place of Ordinary Meetings of the Branch Council shall be as specified in Parts X to XVI of these Rules.
- (4) A Special Meeting of the Branch Council may be convened by the Branch Executive and shall be convened on the written request of at least two Branch Divisional Committees.
- (5) Branch Council members or the Branch Executive or any Branch Divisional Committee or any other Branch Governing Body may place a matter on the agenda for a meeting of the Branch Council.
- (6) Where an Ordinary Meeting of the Branch Council has been scheduled or a Special Meeting has been called, the Branch Secretary shall send a notice of meeting together with an agenda to each member of the Council entitled to attend, not less than fourteen days prior to date of the meeting.
- (7) A quorum for a meeting of the Branch Council shall be a majority of the members of the Council entitled to attend.
- (8) Subject to Sub-Rule 42(9), each member of the Branch Council shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (9) Where a person, to the extent permitted by these Rules, holds more than one Office on the Branch Council, he/she shall nonetheless only be entitled to exercise one vote.
- (10) Notwithstanding anything elsewhere contained in these Rules, a meeting of the Branch Council may be held via telephone conference or video conference when a majority of Council members so agrees.

#### 43 - BRANCH EXECUTIVE

- (1) The Branch Executive shall be the Committee of Management of the Branch. Subject to these Rules, to the policies and decisions of the National Council, the National Executive and the Branch Council and to the review of its decisions by the Branch Council, it shall have the care, control, management and superintendence of the activities of the Branch and between meetings of the Branch Council, it may exercise all or any of the powers and functions of the Branch Council other than the power to make, alter or rescind Parts X to XVI of 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 Branch Council. All decisions within the powers of a Branch Executive shall have full force and effect unless and until disallowed by the Branch Council.
- (2) The composition of a Branch Executive shall be as specified in Parts X to XVI of these Rules.
- (3) The frequency, time and place of Ordinary Meetings of the Branch Executive shall be as specified in Parts X to XVI of these Rules.
- (4) A Special Meeting of the Branch Executive may be convened by the Branch Secretary and the Branch President jointly and shall be convened upon receipt of a written request from at least two Branch Divisional Committees.

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#### 44 - BALLOTS OF THE BRANCH COUNCIL AND THE BRANCH EXECUTIVE

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- (5) Branch Executive members or any Branch Divisional Committee or any other Branch Governing Body may place a matter on the agenda for a meeting of the Branch Executive.
- (6) Where an Ordinary Meeting of the Branch Executive has been scheduled or a Special Meeting has been called, the Branch Secretary shall forward a Notice of Meeting together with an Agenda to each member of the Branch Executive entitled to attend, not less than seven days prior to the date of the meeting.
- (7) A quorum for a meeting of the Branch Executive shall be a majority of the members of the Executive entitled to attend.
- (8) Subject to Sub-rule 43(9), each member of the Branch Executive shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (9) Where a person, to the extent permitted by these Rules, holds more than one Office on the Branch Executive, he/she shall nonetheless only be entitled to exercise one vote. Notwithstanding this in the Queensland Branch a person shall not hold more than one position on the Branch Executive.
- (10) Notwithstanding anything elsewhere contained in these Rules, a meeting of the Branch Executive may be held via telephone conference or video conference when a majority of Executive members so agrees.

#### 44 - BALLOTS OF THE BRANCH COUNCIL AND THE BRANCH EXECUTIVE

- (1) Between meetings of the Branch Council or the Branch Executive, the decision of the Council or the Executive, as the case may be, may be determined by ballot.
- (2) A decision to hold a ballot may be made by the Branch President and the Branch Secretary jointly.
- (3) Where a decision has been made to hold a ballot, the Branch Secretary shall despatch a ballot paper clearly setting out the matter(s) for decision, together with any relevant material, to each member of the Branch Council or the Branch Executive, as the case may be. The Branch Secretary shall advise each member of the date by which ballot papers must be returned, such date to be not less than seven days nor more than twenty-one days from the date that the ballot papers are despatched. Ballot papers not received by the Branch Secretary by the date specified, shall be disregarded provided that a question shall only be carried if the number of ballot papers returned are sufficient to meet the quorum provisions for meetings of the Branch Council or the Branch Executive under these Rules and a majority of the ballot papers returned record a vote in the affirmative.
- (4) The Branch Secretary shall provide a written report to members of the Branch Executive or the Branch Council, as the case may be, as soon as practicable after the completion of the ballot. The Branch Secretary shall retain all ballot papers for tabling and report at the next meeting of the Branch Executive or the Branch Council, as the case may be.

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#### 45 - NATIONAL MONITORING OF BRANCH DECISIONS

Where a Branch Council or a Branch Executive makes a decision in relation to the Branch which affects other Branches and/or the National Organisation, the Branch Secretary shall promptly advise the National Secretary or, in his/her absence, the National President, before taking any action to implement the decision. Where the National Secretary or the National President, as the case may be, forms the view that the decision does affect other Branches and/or the National Organisation, the National Secretary or the National President, as the case may be, shall so inform the Branch Secretary, and the Branch Council and the Branch Executive and the Branch Office Bearers shall take no further action on the matter without the authorisation of the National Executive.

#### 46 - INTERVENTION IN BRANCH AND DIVISIONAL AFFAIRS

- (1) Where a Branch, or a National Division or a Branch Division refuses to comply or fails, within a reasonable time after receipt of a direction from the National Executive, to comply with these Rules or the National Policy of the Union or the decisions of the National Council or the National Executive or, in the case of a Branch Division with Branch policy or decisions of the Branch Council or the Branch Executive, then the National Council may suspend the Governing Bodies of the Branch or the National Division or the Branch Division, as the case may be, for a period of not more than six months and place the administration of such Branch or National Division or Branch Division in the hands of the National Executive. The National Executive may in turn appoint an administrator, answerable to the National Executive, to manage the affairs of the Branch or the National Division or the Branch Division, as the case may be, during the period of suspension.
- (2) At the conclusion of the period of suspension, the members of the Governing Bodies shall resume control of the Branch or the National Division or the Branch Division, as the case may be, unless such members have been removed from office in accordance with these Rules.
- (3) Notwithstanding any provision elsewhere in these Rules, a decision to suspend the Governing Bodies of a Branch or a National Division or a Branch Division, shall only be made by the National Council.

#### 47 - BRANCH OFFICES: ELIGIBILITY AND TERM OF OFFICE

- (1) The Branch Offices are as specified in Parts X to XVI of these Rules.
- (2) Office Bearers shall be elected every four years in accordance with the provisions of Part VIII of these Rules and shall hold office until their successors are declared elected.

- (4) Where a Branch Office is a paid position, the Branch Council shall determine from time to time whether it is a full-time or a part-time or a casual position, provided that the Branch Council shall not alter the full-time or part-time or casual nature of an Office during the term of that Office without the consent of the Office Bearer.

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47 - BRANCH OFFICES: ELIGIBILITY AND TERM OF OFFICE

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- (5) Where a Branch Office is a paid position, to be eligible to nominate for office, a candidate must be a member of the Branch on the date on which nominations open and must have been continuously financial for a period of not less than twelve months immediately preceding the date on which nominations open.

To be "continuously financial", a candidate must not at any time within the twelve month period have been an unfinancial member.

- (6) Where a Branch Office is an honorary position, to be eligible to nominate for office, a candidate must be a member of the Branch and a financial member of the Union on the date on which nominations open.
- (7) In addition to the requirements specified in Sub-Rules 47(5) and 47(6):-
- (i) a candidate for the Offices of Branch Divisional President, Branch Divisional Secretary, Assistant Branch Divisional Secretary, Branch Divisional Organiser, Senior Branch Divisional Vice-President, Junior Branch Divisional Vice-President, Branch Divisional Vice-President, Branch Divisional Delegate to the Branch Council or any other Office within a Branch Division must be a member of the relevant Branch Division on the date on which nominations open; further, but subject to sub-rule 162(8) in the case of the Victorian Branch, a candidate for the Offices of Branch Divisional Secretary or Assistant Branch Divisional Secretary or Branch Divisional Organiser must, unless he/she is a candidate seeking re-election, have been employed for a period of not less than twelve months immediately prior to the date on which nominations open in the work function represented by the Branch Division;
  - (ii) a candidate for the Office of Sub-Divisional Representative on a Branch Divisional Committee must in addition to complying with the requirements specified in paragraph (i) of this Sub-Rule 47(7), be a member of the Sub-Division that the Office represents on the date on which nominations open;
  - (iii) a candidate for an Office, other than the Office of Branch Organiser, which represents a Sub-Branch or other geographical area within a Branch must, unless it is a paid Office and he/she is a candidate seeking re-election, have his/her usual place of employment located within the geographical area on the date on which nominations open;
  - (iv) a candidate for an Office which represents a geographical area within a Branch Division must meet the requirements of both paragraphs (i) and (iii) of this Sub-Rule 47(7).

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**48 - BRANCH SECRETARY AND ASSISTANT BRANCH SECRETARY**

- (1) The Office of Branch Secretary shall be a paid position.
- (2) A Branch Secretary shall be elected by a secret ballot of all the financial members of the Branch.
- (3) Where the Branch Rules in Parts X to XVI provide for the Office of Assistant Branch Secretary then the provisions of Sub-Rules 48(1) and (2) shall also apply to that Office excepting the Tasmanian, Victorian and New South Wales Branches, where an Office of Assistant Branch Secretary is an unpaid position.
- (4) The New South Wales Branch shall have two (2) Assistant Branch Secretaries. The Assistant Branch Secretary (Rail), who shall be elected by a secret ballot of all the financial members of the New South Wales Branch, with the exception of members from the New South Wales Branch Tram and Bus Division. The Assistant Branch Secretary (Road), who shall be elected by a secret ballot of all the financial members of the New South Wales Tram and Bus Division only.

**49 - BRANCH ORGANISERS AND BRANCH DIVISIONAL ORGANISERS**

- (1) A Branch Council shall, from time to time, determine the number of Organisers and the geographical area or Division or Divisions within the Branch which each Organiser is to service.

In N.S.W and in Queensland the respective Branch Council shall, from time to time, determine whether such positions of Branch Organiser and Branch Divisional Organiser are to be filled as an Office under the Rules or to be filled by the engagement of persons as Branch employees.

- (2) The Offices of Branch Organiser and Branch Divisional Organiser shall be paid positions.
- (3) A Branch Organiser and a Branch Divisional Organiser, where established as an Office under the Rules, shall be elected by secret ballot of all the financial members within the geographical area or Division or Divisions serviced by the Organiser.
- (4) For the avoidance of doubt, and except and unless where expressly stated to the contrary elsewhere in these Rules, any part of these Rules which have application in Victoria and which refers to Branch Divisional Organiser shall be taken to include a reference to Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions).
- (5) The reference to Branch Divisional Organiser in sub-rule 49(1) does not include a reference to the Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) of the Victorian Branch.

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**50 - OTHER BRANCH OFFICE BEARERS: ELECTORATE**

- (1) A Branch President shall be elected by a secret ballot of all the financial members of the Branch.
- (2) A Senior Branch Vice-President, Junior Branch Vice-President or Branch Vice-President shall be elected by a secret ballot of all the financial members of the Branch or through a collegiate election by and from the members of the Branch Council. In the case of a collegiate election, the elections shall take place at the first meeting of the Branch Council following biennial elections.
- (3) A Branch Divisional President, a Branch Divisional Vice- President, a Branch Divisional Secretary, an Assistant Branch Divisional Secretary and a Branch Divisional Delegate to the Branch Council or the Branch Executive shall be elected by a secret ballot of all the financial members within the relevant Branch Division.

Provided that, the following provision shall apply in the case of the NSW Branch Locomotive Division: a Branch Divisional Vice-President (Freight) an Assistant Branch Divisional Secretary (Freight) will be elected by all Freight financial members of the NSW Branch Locomotive Division. A Branch Divisional Vice-President (Passenger) and Assistant Branch Divisional Secretary (Passenger) will be elected by all Passenger financial members of the NSW Branch Locomotive Division.

**Deleted:** from the quadrennial elections due in 2014,

- (4) A Sub-Divisional Representative on a Branch Divisional Committee shall be elected by a secret ballot of all financial members within the Sub-Division or Sub-Divisions that the Office is to represent.
- (5) Other Branch Office Bearers not specified in Rules 48 or 49 or in this Rule, shall be elected in the manner provided for in Parts X to XVI of these Rules. Where a collegiate election is specified, the election shall take place at the first meeting of the Governing Body forming the electoral college following biennial elections.

**51 - DUAL BRANCH OFFICES**

- (1) Except in the case of an Office which is filled by a collegiate election or in the case of appointment under the provisions of Rules 78 or 79 and except as provided in Sub-Rule 51(2) and in Parts X to XVI of these Rules, no person shall be eligible to simultaneously hold more than one of the Branch Offices specified for a particular Branch in Parts X to XVI of these Rules. Where a person already holding a Branch Office is elected to another Branch Office, then he/she is deemed to have resigned from the Office already held.
- (2) A person may simultaneously hold the Office of Branch Divisional Secretary or the Office of Branch Divisional President or the office of Branch Divisional Delegate to Branch Council and another Branch Office provided that to do so would not infringe Sub-Rule 35(2).
- (3) Where a person holds a particular Branch Office and, by reason of holding such Office, he/she holds another Branch Office, he/she shall not be regarded as holding more than one Branch Office for the purposes of this Rule.

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

### 53 - DUTIES OF BRANCH VICE-PRESIDENT

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#### 52 - DUTIES OF BRANCH PRESIDENT

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- (1) In addition to any duties specified elsewhere in these Rules, a Branch President shall preside at all meetings of the Branch Council and the Branch 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 and the Branch are adhered to.
- (2) A Branch President is empowered to give an interpretation in relation to that Part of Parts X to XVI of these Rules which has application to his/her Branch or to determine any dispute involving the application or requirements of such Part and his/her decision in such manner shall be final and conclusive unless over-ruled by the Branch Council or the National Council. All rulings made by the Branch President shall be circulated in writing to members of the Branch Council as soon as practicable following the ruling. Further, the Branch Secretary shall maintain a record of all rulings by the Branch President.
- (3) At all meetings of the Branch, at which he/she presides, the Branch President shall have a deliberative but not a casting vote.
- (4) A Branch President shall be an ex officio member of all Branch Governing Bodies and Committees.

#### 53 - DUTIES OF BRANCH VICE-PRESIDENT

In addition to any duties specified elsewhere in these Rules, a Branch Vice-President shall assist the Branch President in the conduct of his/her formal duties and in the absence of the Branch President, the Branch Vice-President or where there is more than one Branch Vice-President, the Senior Branch Vice-President, shall deputise for him/her and in the absence of both of them, the Junior Branch Vice-President shall so deputise for the Branch President. Where a Branch has more than one Junior Vice-President, the Junior Branch Vice-President who is to so deputise, shall be determined by the Branch Executive.

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#### 54 - DUTIES OF BRANCH SECRETARY

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

- (i) discharge all duties assigned to him/her by these Rules, the Branch Council or the Branch Executive;
- (ii) summon and attend all meetings of the Branch Council and the Branch Executive;
- (iii) attend all meetings of the National Council and the National Executive;
- (iv) consult with the Branch President and the Assistant Branch Secretary (where such Office exists) and relevant Branch Divisional Secretaries on any urgent matters which require a decision between meetings of the Branch Executive;
- (v) attend to all Branch correspondence;
- (vi) authorise and release press statements and provide media comment on behalf of the Branch;
- (vii) be responsible for the safe custody of the Branch Seal (if any), and Branch documents, securities and accumulated funds;
- (viii) prepare, keep and/or file or cause to be prepared, kept and/or filed, all Branch documents and records required under the provisions of the [RO Act](#) and the [RO Regulations](#) or any other relevant legislation;
- (ix) receive all monies belonging to the Branch Fund and deposit same in a Bank on behalf of the Branch as soon as practicable;
- (x) disburse all Branch funds in accordance with the Rules;
- (xi) ensure that Branch financial records are maintained and that annual accounts are prepared and audited;
- (xii) monitor the accounts and other affairs of the Branch Divisions, Sub-Divisions and Sub-Branches and for this purpose to have access, whenever requested, to relevant documents and financial records;
- (xiii) prepare or cause to be prepared, all necessary documents for the Branch Council and the Branch Executive including the minutes of meetings;
- (xiv) prepare or cause to be prepared, regular financial statements for the Branch Council and the Branch Executive;

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Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]



#### 56 - DUTIES OF ORGANISERS

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- (xv) prepare or cause to be prepared a statement showing Branch membership by category and financial status as at December 31 of each year and a statement of Branch income and expenditure and a balance sheet as at December 31 of each year and forward such statements to the National Secretary no later than March 31 of each year.
- (xvi) maintain Registers of Members of the Branch and Branch Office Bearers.
- (xvii) co-ordinate the activities of Branch Divisions;
- (xviii) control and supervise the Branch Office and its staff including the appointment and termination of such staff;
- (xix) initiate legal, industrial or other proceedings on behalf of the Branch before any Court, Commission, Board or Tribunal;
- (xx) be an ex-officio member of all Branch Governing Bodies and Committees;
- (xxi) be responsible to the Branch Council and the Branch Executive to the proper performance of his/her duties;

#### 55 - DUTIES OF ASSISTANT BRANCH SECRETARY

- (1) In addition to any duties specified elsewhere in these Rules, the Assistant Branch Secretary (where such Office is provided for in Parts X to XVI of these Rules) shall assist the Branch Secretary and act in accordance with his/her directions and instructions.
- (2) When the Branch Secretary is temporarily unable to fulfil his/her duties, the Assistant Branch Secretary, or where such Office does not exist within a Branch, a member of the Branch Executive as determined by the Branch Executive, shall be Acting Branch Secretary and, subject to any restrictions that may be imposed by the Branch Executive or by these Rules, may exercise all the powers of that Office. Where a Branch has more than one Assistant Branch Secretary, the Branch Executive shall nominate one of them to be Acting Branch Secretary.

#### 56 - DUTIES OF ORGANISERS

- (1) A Branch Organiser shall be under the direction of the Branch Secretary and, in addition to any duties specified elsewhere in these Rules, shall discharge all duties assigned to him/her by the Branch Secretary, the Branch Council and the Branch Executive.
- (2) A Branch Divisional Organiser shall be under the direction of the Branch Divisional Secretary and, in addition to any duties specified elsewhere in these Rules, shall discharge all duties assigned to him/her by the Branch Divisional Secretary or the Branch Divisional Committee.

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**57 - SUB-BRANCHES**

- (1) A Branch Council may establish Sub-Branches within a particular geographical region comprising some or all members of the Branch within that region. The Branch Council shall determine the scope, role and operation of any Sub-Branch including the manner of electing representatives to the Sub-Branch Committee.
- (2) A Sub-Branch shall have a Sub-Branch Committee elected by the financial members within the Sub-Branch and comprising a Sub-Branch President, a Sub-Branch Vice-President, a Sub-Branch Secretary and up to seven Committee members. The Committee may meet up to six times per year.
- (3) A candidate for a position of Sub-Branch President, Sub-Branch Vice-President, Sub-Branch Secretary or Committee member must be a financial member of the Union and a member of the Sub-Branch on the date on which nominations open.

**58 - BRANCH DIVISIONAL COMMITTEES**

- (1) Each Branch Division shall have a Branch Divisional Committee. Subject to these Rules and the policies and decisions of the National Council, the National Executive, the Branch Council and the Branch Executive, the Branch Divisional Committee shall have management of those aspects of the Branch's operations which affect members of the Branch Division only.
- (2) Subject to Sub-Rule 40(7), a Branch Divisional Committee may refer a matter to the relevant National Divisional Committee.
- (3) The composition of a Branch Divisional Committee shall be as specified in Parts X to XVI of these Rules.
- (4) The frequency, time and place of Ordinary Meetings of a Branch Divisional Committee shall be as specified in Parts X to XVI of these Rules.
- (5) A Special Meeting of the Branch Divisional Committee may be convened by the Branch Divisional Secretary and the Branch Divisional President jointly, and shall be convened upon receipt of a written request from Sub-Divisions representing at least ten (10) per centum of the members of the Branch Division.
- (6) Branch Divisional Committee members or any Sub-Divisional Committee or any financial member of the Branch Division may place a matter on the agenda for a meeting of the Branch Divisional Committee.
- (7) Where an Ordinary Meeting of the Branch Divisional Committee has been scheduled or a Special Meeting has been called, the Branch Divisional Secretary shall provide a Notice of Meeting and together with an agenda to each member of the Committee entitled to attend, not less than seven days prior to the date of the meeting.

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## 59 - BRANCH SUB-DIVISIONS

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- (8) A quorum for a meeting of the Branch Divisional Committee shall be a majority of the members of the Committee entitled to attend.
- (9) Each member of the Branch Divisional Committee shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (10) Between meetings of the Branch Divisional Committee, decisions may be made by ballot conducted in accordance with the procedures specified in Rule 44.
- (11) Notwithstanding anything elsewhere contained in these Rules a meeting of the Branch Divisional Committee may be held by telephone conference or video conference when a majority of the members of the Committee so agrees.

### 59 - BRANCH SUB-DIVISIONS

- (1) A Branch Divisional Committee may establish Branch Sub-Divisions based on depots, sheds or other workplaces or on geographical location or any other convenient sub-grouping of members within a Branch Division and shall determine the scope, role and operation of any Branch Sub-Division including the manner of electing representatives to the Sub-Divisional Committee.
- (2) Each Branch Locomotive Division except in New South Wales shall have a Sub-Divisional Committee Structure and each Branch Tram and Bus Division shall have a Sub-Divisional structure whilst other Branch Divisions, including the New South Wales Locomotive Division, may have a Sub-Divisional Committee or Sub-Divisional Representative/s.

In the case of a Branch Locomotive Sub-Division the Sub-Divisional Committee shall comprise a Branch Sub-Divisional President, a Branch Sub-Divisional Vice-President, a Branch Sub-Divisional Secretary and, except for the NSW Locomotive Division, up to seven committee members. The Tram and Bus Sub-Division shall comprise one representative, except in South Australia where the Division shall have a Sub-Divisional Committee comprising a Sub-Divisional President, a Sub-Divisional Vice-President and a Sub-Divisional Secretary.

A Sub-Divisional representative or committee shall be elected by the financial members with the depot, shed, workplace or geographical location comprising the Sub-Division. The functions of a Branch Sub-Divisional Committee or representative shall include the policing of relevant awards, determinations or other provisions relating to the welfare of members and the initial handling of local grievances.

- (3) A candidate for a position of Branch Sub-Divisional President, Branch Sub-Divisional Vice-President, Branch Sub-Divisional Secretary or Committee member or representative must be a financial member of the Union and a member of the Sub-Division on the date on which nominations open.

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[R2020/1]

### 63 - DUTIES OF BRANCH DIVISIONAL VICE-PRESIDENT

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- (4) The Branch Divisional Committee shall determine the number of representatives on the Branch Divisional Committee to which a Branch Sub-Division is entitled. Where a Branch Divisional Committee determines that the number of members within a particular Branch Sub-Division is too small to warrant individual representation on the Branch Divisional Committee, then the Branch Divisional Committee may combine one or more Branch Sub-Divisions to form a single electorate for the purpose of electing a representative.

### 60 - SECTIONS WITHIN BRANCH DIVISIONS AND SUB-DIVISIONS

A Branch Divisional Committee may establish Sections within the Branch Division or within a Branch Sub-Division. A Section shall comprise a proportion of the membership of the Branch Division or a Branch Sub-Division and may have a work function, workplace and/or a geographical basis. The Branch Divisional Committee shall determine the scope, role and operation of such Sections.

### 61 - REGIONAL BRANCH DIVISIONS

A Branch Divisional Committee may establish a Regional Branch Division embracing the members of two or more Sub-Divisions within a particular geographical region. The Branch Divisional Committee shall determine the scope, role and operation of such Regional Branch Divisions.

### 62 - DUTIES OF BRANCH DIVISIONAL PRESIDENT

- (1) In addition to any duties specified elsewhere in these Rules, a Branch Divisional President shall preside at all meetings of the Branch Divisional Committee and shall preserve order and decorum at such meetings and shall confirm the minutes thereof. He/she shall ensure that the Rules and the policies of the Union and the Branch are adhered to.
- (2) At all meetings of the Branch Division at which he/she presides, a Branch Divisional President shall have a deliberative but not a casting vote.

### 63 - DUTIES OF BRANCH DIVISIONAL VICE-PRESIDENT

In addition to any duties specified elsewhere in these Rules, a Branch Divisional Vice-President shall assist the Branch Divisional President in the conduct of his/her duties and in the absence of the Branch Divisional President, the Branch Divisional Vice-President, or where there is more than one Branch Divisional Vice-President, the Senior Branch Divisional Vice-President, shall deputise for him/her and in the absence of both of them, the Junior Branch Divisional Vice-President shall so deputise for the Branch Divisional President. Where a Branch Division has more than one Junior Branch Divisional Vice-President, the Junior Branch Divisional Vice-President who is to so deputise, shall be determined by the Branch Divisional Committee.

Provided that, the following provision shall apply to the NSW Branch Locomotive Division: in the absence of the Branch Divisional President, the Branch Divisional Committee shall determine which of the two Branch Divisional Vice-Presidents shall deputise for the Branch Divisional President in his/her absence.

**Deleted:** from the quadrennial elections due in 2014

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

#### 64 - DUTIES OF BRANCH DIVISIONAL SECRETARY

A Branch Divisional Secretary shall be the Principal Officer and Treasurer of the Branch Division and shall, subject to the Rules and the policies and decisions of the National Council, the National Executive, the Branch Council, the Branch Executive and the Branch Divisional Committee, oversee the affairs of the Branch Division. In addition to any duties specified elsewhere in the Rules, he/she shall ensure that minutes of Branch Divisional Committee Meetings are kept, that financial records are maintained, that Branch Divisional funds are properly expended and that meetings are duly convened. In addition a Branch Divisional Secretary shall provide a monthly financial report to the Branch Executive and a periodic financial report to each meeting of the Branch Council and shall promptly inform the Branch Secretary of all decisions made by the Branch Divisional Committee.

A Branch Divisional Assistant Secretary shall assist the Branch Divisional Secretary and act in accordance with his/her directions and instructions.

When the Branch Divisional Secretary is temporarily unable to fulfil his/her duties, the Branch Divisional Assistant Secretary shall be Acting Branch Divisional Secretary and, subject to any restrictions that may be imposed by the Branch Divisional Committee or by these rules, may exercise all the powers of that office.

Provided that, the following provision shall apply to the NSW Branch Locomotive Division: when the Branch Divisional Secretary is temporarily unable to fulfil his/her duties, the Branch Divisional Committee shall determine which of the two Branch Divisional Assistant Secretaries shall be the Acting Branch Divisional Secretary.

Deleted: from the quadrennial elections due in 2014.

#### 65 - BRANCH MONITORING OF BRANCH DIVISIONAL DECISIONS

Where a Branch Divisional Committee makes a decision in relation to the Branch Division, which affects other Branch Divisions and/or the Branch generally, the Branch Divisional Secretary shall promptly advise the Branch Secretary or, in his/her absence, the Branch President, before taking any action to implement the decision. Where the Branch Secretary or the Branch President, as the case may be, forms the view that the decision does effect other Branch Divisions and/or the Branch generally, the Branch Secretary or the Branch President, as the case may be, shall so inform the Branch Divisional Secretary, and the Branch Divisional Committee and the Branch Divisional Office Bearers shall take no further action on the matter without the authorisation of the Branch Executive.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

**PART VII - EXPENSES, PROXIES, ELIGIBILITY FOR  
OFFICE AND MISCONDUCT**

**66 - EXPENSES OF OFFICE BEARERS AND MEMBERS**

- (1) National and Branch Office Bearers shall be entitled to be compensated for any travel, accommodation or other out-of-pocket expenses incurred as a result of attendance at meetings of the Union's Governing Bodies or by engagement on authorised Union business. Members engaged on authorised Union business shall have a similar entitlement. The amount of such entitlement shall be determined from time to time by the National Council or the National Executive.
- (2) National and Branch Office Bearers shall be entitled to be compensated for loss of pay incurred as a result of attendance at meetings of the Union's Governing Bodies or by engagement on authorised Union business.

Members engaged on authorised Union business shall have a similar entitlement. The amount of such entitlement shall, in the case of National Office Bearers, be determined by the National Council or the National Executive and, in the case of Branch Office Bearers and members, by the Branch Council or the Branch Executive.

**67 - PROXIES**

- (1) Any member of a Governing Body within the Union who is unable to attend all or part of a meeting of such Governing Body, may be represented by another person as a proxy delegate appointed in accordance with and subject to the restrictions imposed by this Rule.
- (2) A person appointed as a proxy delegate shall be a financial member of the Union. Further, where a member represents a particular Branch, National Division, Branch Division, Sub-Division or geographical area, then the proxy delegate shall come from the same Branch, National Division, Branch Division, Sub-Division or geographical area, as the case may be.

- (3) Proxies for National Office Bearers shall be as follows:-
- (i) A proxy for the National President or the National Secretary shall be determined in accordance with the provisions of Rules 37 and 39 respectively.
  - (ii) A proxy for the National Vice-President shall be appointed by the National Executive.
  - (iii) A proxy for an Assistant National Secretary (Divisional) shall be appointed by the relevant National Divisional Committee.
  - (iv) A proxy for a Branch Delegate to the National Executive shall be appointed by the Branch Executive.
  - (v) A proxy for a National Divisional Delegate from the Branch to the National Council shall be appointed by the relevant Branch Divisional Committee.
  - (vi) A proxy for a representative to a National Divisional Committee shall be appointed by the relevant Branch Council.
- (4) Subject to any contrary or additional provisions in Parts X to XVI of these Rules, proxies for Branch Office Bearers shall be as follows:-
- (i) A proxy for the Branch President or the Branch Secretary shall be determined in accordance with the provisions of Rules 53 and 55 respectively.
  - (ii) A proxy for a Senior Branch Vice-President, a Junior Vice-President, a Branch Vice-President, an Assistant Branch Secretary or a Branch Organiser shall be appointed by the Branch Executive.
  - (iii) A proxy for a Branch Divisional Organiser shall be appointed by the relevant Branch Divisional Committee.
  - (iv) A proxy for a Branch Divisional President shall be determined in accordance with the provisions of Rule 63.
  - (v) A proxy for a Senior Branch Divisional Vice-President, a Junior Branch Divisional Vice-President, a Branch Divisional Vice-President or a Branch Divisional Secretary shall be appointed by the Branch Divisional Committee.
  - (vi) A proxy for a Branch Divisional Delegate to the Branch Council or the Branch Executive, shall be appointed by the relevant Branch Divisional Committee.
  - (vii) A proxy for a Sub-Divisional Representative on a Branch Divisional Committee shall be appointed by the Sub-Divisional Committee or, where a Representative represents more than one Branch Sub-Division, by the relevant Sub-Divisional Committees jointly.

**68 - ELIGIBILITY FOR OFFICE**

- (1) Notwithstanding any provisions elsewhere in these Rules, a person is ineligible to nominate for any Office or to continue to hold any Office within the Union if:-
- (i) he/she is not a member or resigns from membership;
  - (ii) he/she is not, or ceases to be, entitled to remain as a member of the Union; or
  - (iii) he/she is or becomes employed principally in an industry or calling falling outside the scope of Rule 4;
  - (iv) he/she is or becomes an Honorary Life Member or an Associate Member;
  - (v) in the case of an Office which represents a National Division or a Branch Division, he/she is not, or ceases to be, a member of the National Division or the Branch Division, as the case may be; or
  - (vi) in the case of a Branch Office or a National Office which represents a Branch, he/she is not, or ceases to be, a member of the Branch; or
  - (vii) in the case of an Office, other than the Office of Branch Organiser, which represents a Sub-Branch or other geographical area within a Branch, his/her usual place of employment is not, or ceases to be, located within that area; or
  - (viii) in the case of an Office which represents a Sub-Division, he/she is not, or ceases to be, a member of the Sub-Division; or
  - (ix) subject to Sub-Rule 68(3), he/she is or becomes unfinancial.
- (2) Where an Office Bearer within the Union ceases to be eligible to continue to hold office under the provisions of paragraphs (i) to (viii) inclusive of Sub-Rule 68(1) then the National Secretary in the case of National Office Bearers, and the Branch Secretary in the case of Branch Office Bearers, shall write to the Office Bearer advising him/her that he/she is ineligible to continue to hold his/her Office and the reasons therefor. That advice shall invite the Office Bearer to submit any material he/she wishes to so submit within the fourteen 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 National Executive in the case of National Office Bearers or the Branch Executive in the case of Branch Office Bearers. The National Executive or the Branch Executive, as the case may be, shall consider the material submitted and if satisfied that the Office Bearer is ineligible to continue to hold Office under the provisions of this Rule, it shall remove the person from Office with effect from the date of the Executive's decision.



69 - GENERAL OBLIGATIONS OF OFFICE BEARERS AND ACTION IN RELATION TO MISCONDUCT

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- (3) Where an Office Bearer within the Union becomes unfinancial, then he/she shall be deemed to be suspended from his/her Office and from all the rights and privileges attached to that Office on and from the date on which he/she becomes unfinancial and until he/she becomes financial again. The Office Bearer shall be advised by the National Secretary, in the case of National Office Bearers and the Branch Secretary in the case of Branch Office Bearers, and the written advice shall state that the Office Bearer will be removed from office unless he/she becomes financial within fourteen days of the date of the letter. Where an Office Bearer fails to become financial within the fourteen day period, then the National Executive in the case of National Office Bearers, or the Branch Executive, in the case of Branch Office Bearers, shall remove the person from Office with effect from the date of the Executive's decision.
- (4) Where the Office Bearer who has ceased to be eligible to hold office is the National Secretary or the Branch Secretary, then the processes prescribed in Sub-Rules 68(2) and 68(3) shall be carried out by the National President or the Branch President, as the case may be.
- (5) Where a person holds an Office which is filled through a collegiate election and the term of that collegiate Office expires after the term of the Office within the electoral college which that person also holds and which qualified him/her to nominate for the collegiate Office, he/she shall not cease to hold that collegiate Office by reason only of him/her ceasing to hold the qualifying Office due to the expiration of the term of that Office.

**69 - GENERAL OBLIGATIONS OF OFFICE BEARERS AND ACTION IN RELATION TO MISCONDUCT**

- (1) A person holding an Office within the Union shall carry out his/her role in an honest, competent and diligent manner. He/she shall abide by these Rules and the policies and decisions of the Governing Bodies of the Union.
- (2) A person holding an Office who has been found guilty in accordance with the procedures set out in this Rule of a breach of his/her obligations as an Office Bearer may be reprimanded, warned, temporarily suspended from office for a period of not more than twelve months, fined an amount not exceeding \$100.00 or, subject to Sub-Rule 69(3), removed from office.
- (3) A person holding an Office within the Union may be removed from office, only if he/she has been found guilty in accordance with this Rule, of a misappropriation of the funds of the Union, a substantial breach of these Rules or gross misbehaviour, or gross neglect of duty or has otherwise ceased to be eligible to continue to hold Office under these Rules. For the purposes of this Rule, a "substantial breach of these Rules" includes a persistent refusal or failure to abide by the obligations imposed by these Rules including those obligations imposed by Sub-Rule 69(1).

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

69 - GENERAL OBLIGATIONS OF OFFICE BEARERS AND ACTION IN RELATION TO MISCONDUCT

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- (4) Any member, including an Office Bearer, wishing to invoke the preceding Sub-Rules against a person holding an Office, shall detail in writing the conduct or circumstances alleged to justify disciplinary action and forward that written charge to the National Secretary in the case of National Office Bearers and to the Branch Secretary in the case of Branch Office Bearers, who shall forward a copy to the person against whom the charge is made. When the National Secretary or the Branch Secretary, as the case may be, forwards the written charge to the Office Bearer, that Office Bearer shall be requested to advise the National Secretary or the Branch Secretary, as the case may be, within seven days whether he/she admits to or denies the charge and/or whether he/she wishes to make any comment thereon.
- (5) Where the National Secretary or the Branch Secretary is the person against whom the charge is made, then the charge shall be forwarded to the National President or the Branch President, as the case may be, who shall take the actions that would otherwise be taken by the National Secretary or the Branch Secretary under this Rule.
- (6) At the next Ordinary or Special Meeting of the National Executive in the case of National Office Bearers and the Branch Executive in the case of Branch Office Bearers, the charge and any reply made by the person against whom the charge is made, shall be considered and the Executive may resolve:-
  - (i) that the person charged shall be called upon to show cause to the Executive why he/she should not be disciplined; or
  - (ii) that no further action be taken.
- (7) If the charge is to be proceeded with, the person charged shall be called upon to attend before the National Executive or the Branch Executive, as the case may be, at a stated time and place to show cause why he/she should not be disciplined. The person charged shall be given at least twenty-one days' notice of the time and place of the hearing. At least fourteen days before the hearing, the person laying the charge shall provide the Office Bearer with particulars of the charge reasonably sufficient to enable him/her to know the nature of the allegations made against him/her and the circumstances alleged to justify disciplinary action.
- (8) An Office Bearer who has been charged may, by resolution of the National Executive or the Branch Executive, as the case may be, be directed not to carry out some or all of the duties of his/her Office pending the hearing and determination of the charge.
- (9) At the hearing, the person laying the charge and the person charged:
  - (i) shall be heard in person if he/she or they so desire;
  - (ii) may submit a written statement;
  - (iii) may call witnesses;
  - (iv) may examine and cross-examine witnesses;
  - (v) may present evidence relevant to the charge.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

## 70 - ELECTIONS FOR OFFICES

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- (10) 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 National Executive or the Branch Executive, as the case may be, and any witnesses called, provided that any witnesses called may only be present while such witness's evidence is being taken. No person other than members of the National Executive or the Branch Executive, as the case may be, shall be present after the hearing of the charge while the Executive is deliberating upon its decision in relation to that charge.
- (11) Where the member laying the charge or the person charged is a member of the National Executive or the Branch Executive, as the case may be, then that person shall take no part in the deliberations of the Executive and shall absent himself/herself during the Executive's deliberations.
- (12) The National Executive or the Branch Executive, as the case may be, shall determine whether or not the charge has been proven and subject to Sub-Rule 69(3), determine the appropriate penalty.
- (13) An Office Bearer who is found guilty pursuant to this Rule, shall have a right of appeal to the National Council in the case of a decision by the National Executive and to the Branch Council in the case of a decision by the Branch Executive. The appeal may be against the finding of guilt and/or the penalty imposed.
- (14) An appeal right shall be exercised within fourteen days of receipt of written advice of the decision of the Executive by notice in writing to the National Secretary or the Branch Secretary, as the case may be, or, where the National Secretary or the Branch Secretary is the person charged, to the National President or the Branch President, as the case may be. In hearing such appeal, the Council shall follow the same proceedings and accord the Office Bearer the same rights as are provided for in this Rule in relation to the hearing of the matter by the Executive.
- (15) A Branch Office Bearer shall have a further right of appeal from the Branch Council to the National Executive, whose decision shall be final.

### **PART VIII – ELECTIONS**

## **70 - ELECTIONS FOR OFFICES**

Elections for all Offices within the Union shall take place in accordance with the provisions of this Part.

**71 - ELECTION TIMETABLE AND ASSUMPTION OF OFFICE**

- (1) Except as provided in Sub-Rule 71(3), the timetable for elections within the Union, other than elections to fill a casual vacancy, shall be as follows:-
  - (i) nominations shall open at 9.00am on the first Monday in July of an election year and shall close at 5.00pm on the fourth Monday in July in that year.
  - (ii) where a ballot is necessary, the ballot shall commence at 9.00am on the first Monday in September of an election year and shall conclude at 5.00pm on the fourth Monday in September of that year.

Provided that the National Executive may, in the case of elections for National Offices, and a Branch Council may, in the case of elections for Branch Offices, vary this timetable in exceptional circumstances.

- (2) The ballot shall be declared as soon as practicable after the counting of the votes. Successful candidates shall take office on and from the declaration of the ballot.
- (3) Where an Office is to be filled through a collegiate election under these Rules, the election shall take place at the first meeting of the electoral college following elections for the members of the college. The ballot shall be declared at that meeting and the successful candidate shall take office forthwith.
- (4) For the election of the President, Vice President and Junior Vice President of the Tram and Bus Division of the Queensland Branch, the nominations will be called one week from the declaration of the poll for Sub Divisional Representatives. Nominations will close one week after they are called. One week will be allowed for withdrawal of nominations and a ballot will occur within fourteen (14) days after withdrawal of nominations closing.

**72 - RETURNING OFFICERS**

- (1) The National Council shall appoint a National Returning Officer who shall, subject to any statutory provision regarding the conduct of elections, conduct all National elections and ballots.
- (2) The National Council may appoint an Assistant Returning Officer or Officers to assist the National Returning Officer.
- (3) A Branch Council shall appoint a Branch Returning Officer who shall, subject to any statutory provision regarding the conduct of elections, conduct all Branch elections and ballots.
- (4) A Branch Council shall appoint an Assistant Branch Returning Officer or Officers to assist the Branch Returning Officer.
- (5) The National and the Branch Returning Officers and Assistant Returning Officers shall not be Office Bearers within or employees of the Union.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

### 73 - ELECTION PROCEDURES

Except where otherwise provided in these Rules, elections within the Union shall be conducted in accordance with the following procedures:-

- (i) The Returning Officer shall call for nominations at least three weeks before the date on which nominations open by a notice published in a union journal or by circulars addressed to members or by the insertion of an advertisement in a newspaper or newspapers circulating throughout the electorate. Such notices shall specify the date on which nominations will open and will close, the dates upon which the ballot will open and will close, the manner in which nominations can be made and the eligibility requirements for nomination. Where the office or offices for which elections are held are paid positions, the notice shall specify the location, duties and responsibilities of the Office.
- (ii) Nominations shall be in writing and shall be signed by the nominee.
- (iii) If the Returning Officer finds that a nomination is defective, he/she shall, before rejecting the nomination, notify the person concerned of the defect and where it is practicable to do so, give him or her the opportunity of remedying the defect within not less than seven days but not more than ten days after he or she has been notified.
- (iv) A member nominating for any office may withdraw his/her nomination by advising the Returning Officer in writing at any time after the opening date for receipt of nominations but not later than ten days after the closing date for the receipt of nominations.
- (v) A candidate in any election shall be entitled to appoint, by notice in writing to the Returning Officer, another person to act at his/her own expense as a scrutineer on his/her behalf. Such scrutineer shall be entitled to be present at all stages of the ballot and may draw the attention of the Returning Officer to any complaint which he/she has regarding the ballot, but he/she shall not interfere in the counting of the ballot or handle any ballot paper or ballot envelope without the permission of the Returning Officer. The Returning Officer shall, if requested by any scrutineer, inform the scrutineer of the times and places at which the various stages of the ballot will be conducted.
- (vi) Except in the case of Offices which represent members in the Tram and Bus Division only, a candidate in an election shall be entitled to support his/her candidature in National and Branch Journals and may submit articles for this purpose.
- (vii) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominee(s) duly elected. Nominees declared duly elected shall not, however, take Office until the day following the date on which a ballot would have concluded pursuant to the provisions of Rule 71.
- (viii) If the number of nominations exceeds the number of vacancies, a secret postal ballot of all financial members within the relevant electorate, shall be held.

- (ix) Where a ballot is necessary, the Returning Officer shall cause to be printed ballot papers which are oblong in shape and show the name, classification and work location of each candidate. All ballot papers shall be printed bearing the signature of the Returning Officer imposed on a facsimile of the Union's Seal. No vote shall be valid unless the ballot paper bears the signature of the Returning Officer imposed upon a facsimile of the Union's Seal. The names of the candidates shall appear on the ballot paper as decided by lot. One ballot paper may contain provision for voting in respect of more than one election.
- (x) The Returning Officer shall also cause to be printed declaration envelopes marked "Ballot Paper" and other prepaid envelopes bearing the address of the Returning Officer. Both the declaration envelopes and the prepaid envelopes shall comply with the forms prescribed by the [RO Regulations](#). In addition, the removable flap or label shall also have printed on it a number corresponding to a number appearing opposite the financial member's name on the list of voters.
- (xi) The Returning Officer shall prepare or cause to be prepared a voters' roll containing the name and last known postal address including postcode of each and every member within the electorate, who is a financial member on the day the roll of voters closes. The voters' roll shall close seven (7) days before the date the nominations open. The closing of the roll of voters is not to be taken to prevent the correction of errors in the roll after that day up to but not extending beyond a date seven days prior to the commencing date for the conduct of the ballot.
- (xii) The Returning Officer shall keep a record of the number of ballot papers printed, the number issued by him/her and the number used and unused and, in his/her written declaration of the poll, shall account for every ballot paper printed.
- (xiii) The Returning Officer shall issue by pre-paid post to each financial member within the electorate, a Ballot Paper as specified, together with a declaration envelope marked "Ballot Paper" suitable for containing the Ballot Paper and supply therewith to each voter a pre-paid envelope addressed to the Returning Officer.
- (xiv) The Returning Officer shall arrange for a post office box to which ballot papers may be forwarded and shall arrange, so far as is possible, that such post office box is not able to be accessed by persons other than himself/herself (post office staff excepted).
- (xv) The Returning Officer shall instruct each voter in the manner in which a vote is to be recorded on the ballot paper.
- (xvi) The voter shall, on receipt of the ballot paper, record his/her vote, enclose the ballot paper in the envelope marked "Ballot Paper", seal the envelope, sign the declaration on the removable flap or label in the place provided and insert it in the prepaid envelope bearing the address of the Returning Officer and thereafter forward it by post to the Returning Officer.

**Deleted:** Workplace Relations (Registration and Accountability of Organisations) Regulations 2003

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

#### 74 - METHOD OF VOTING

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- (xvii) The Returning Officer shall, after the closing date for the ballot, collect the envelopes containing the ballot papers from the post office box. He/she shall check the details and declaration on the removable flap or label with the voters' roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to. He/she shall then remove the declaration envelopes marked "Ballot Paper" from the outside envelopes.
- (xviii) The Returning Officer shall remove the removable flap or label from the declaration envelope marked "Ballot Paper" before removing the ballot papers. He/she shall admit the ballot papers properly marked and count those ballot papers.
- (xix) Where more than one candidate receive the same number of votes, the Returning Officer shall determine the successful candidate by lot provided that the candidates agree. In the event that the candidates do not agree then a further ballot shall be held in accordance with these Rules.
- (xx) When the counting of the ballot is completed, the Returning Officer shall cause all envelopes, ballot papers, lists and other documents relating to the election to be filed and preserved at the registered office of the Union or the office of the Branch, as the case may be, for a period of one year after completion of the election.
- (xxi) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.
- (xxii) The Returning Officer shall have the power to call fresh elections in the event of irregularities being discovered in relation to the ballot or for any other reason which affects the legality of the election result.
- (xxiii) Where no nominations are received for any position the Returning Officer shall by notice in writing to the members call for nominations for that position within 7 days of the declaration of the ballot. A further election shall be held for that position and as far as is practicable the provisions of this Rule shall apply.
- (xxiv) If no nominations are received again then the Returning Officer shall by notice to the members call for nominations for that position 12 months after the declaration of the initial Recall Ballot. A further election ("Further Recall Ballot") shall be held for that position and as far as practicable the provisions of this Rule shall apply. A person elected to office at a further Recall Ballot in accordance with this sub-rule shall hold office for the remainder of the term of the office.

#### 74 - METHOD OF VOTING

Except as provided Parts X to XVI of these Rules, the method of voting for National and Branch Offices shall be first past the post. Accordingly, voters shall place a cross in each square of the ballot paper opposite the name(s) of the candidate(s) of his/her choice up to but not exceeding the number of candidates required to be elected. A mark other than a cross shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's intention. Where the number of candidates to be elected exceeds one, a vote shall be valid notwithstanding that the voter does not exercise his/her right to cast his/her vote for the total number of candidates to be elected.

**75 - ELECTION PROCEDURES: TRAM AND BUS DIVISION**

- (1) All voting for National or Branch Offices which represent members within the Tram and Bus Division only, shall be by attendance ballot.
- (2) Elections for National or Branch Offices which represent members within the Tram and Bus Division only, shall be conducted in accordance with the timetable specified in Rule 71 with the necessary changes being made and be conducted by the National or Branch Returning Officers appointed pursuant to Rule 72. In addition, the provisions of Rule 73, with the exception of paragraphs (viii), (x), (xiii), (xiv), (xvi), (xvii) and (xviii), shall apply to such elections.

Members shall be notified by printed circulars setting out all positions for which an election is to be conducted by the Returning Officer. Such circulars to be posted in all work centres e.g. Depots, Sheds, Offices, Departments etc. where the Division members are employed. These circulars shall be displayed for at least three weeks prior to the closing of nominations.

- (3) If the number of nominations exceeds the number of vacancies, the Returning Officer shall arrange for a secret ballot to be held of all financial members within the relevant electorate. Such ballot shall be conducted by the Returning Officer over two days within the State of Victoria and over one day within other States within the ballot period specified in Rule 71 and the Returning Officer shall ensure that all members are advised of the time and place at which they may cast their votes.

The ballot of financial members of the Division shall be held on the same day/days. Where the ballot is held on one day the ballot must be held on the Thursday of the third full week in September. Where the ballot is held over two days the ballot must be held on the Wednesday and Thursday of the third full week of September. The time(s) for polling shall be 7.00 a.m. to 4.30 p.m. on the day(s) of the ballot. Members shall be notified by printed circular of the time and date(s) of polling, circulars to be posted in all work centres.

- (4) Any member who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provision and processing of such postal ballot shall be in accordance with paragraphs (x), (xiii), (xiv), (xv), (xvi), (xvii) and (xviii) of Rule 73.

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]



- (5) Except in the case of absent voting pursuant to the provisions of Sub-Rule 75(5), ballots covered by this Rule shall be in accordance with the following provisions:-
- (i) Ballots shall be conducted in a room or marquee or other suitable place that will ensure suitable voter privacy;
  - (ii) An Assistant Returning Officer appointed pursuant to Rule 72 shall be in attendance at such polling place and shall ensure that members entitled to vote are afforded an adequate opportunity of voting without intimidation;
  - (iii) A voter's roll shall be provided at each polling place and the Assistant Returning Officer shall ensure that a record of each member voting is duly made on the roll.

As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall deliver to each Assistant Returning Officer sufficient ballot papers for each person whose name appears on the roll of voters for the relevant work centre.

At the end of each day's voting the Returning Officer shall check with the Assistant Returning Officer the number of ballot papers issued with the voters roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to;

- (iv) Sealed and locked ballot boxes must be used at the conclusion of the ballot and all boxes must be transported personally by the Assistant Returning Officer in charge of the particular booth to the custody of the Returning Officer;
- (v) Once a voter has marked his/her ballot paper, he/she shall deposit such ballot paper in the ballot box in the presence of the Assistant Returning Officer;
- (vi) The Returning Officer shall after the closing of the ballot, collect the envelopes containing the absentee ballot papers from the post office box in time for them to be counted together with the votes cast at the various work centres. Each Assistant Returning Officer shall provide the Returning Officer with a Declaration which will show:-
  - (a) the number of ballot papers received;
  - (b) the number of ballot papers issued (other than duplicate ballot papers); and
  - (c) the number of duplicate ballot papers issued.

Upon return of the ballot boxes to the Returning Officer, the Returning Officer shall supervise and monitor the removal of the ballot papers from the ballot box, the admission of those ballot papers which are properly marked and the counting of those ballot papers by the Assistant Returning Officers;

- (vii) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.

**76 - COLLEGIATE ELECTIONS**

- (1) Collegiate elections shall be conducted by the National or Branch Returning Officer and shall be by secret ballot undertaken at a meeting of the relevant Governing Body which constitutes the electoral college.
- (2) The following provisions shall apply to collegiate elections:-
  - (i) Nominations shall be called by notice sent by the Returning Officer to the postal address of each member of the Governing Body eligible to nominate, at least thirty days prior to the meeting at which the ballot is to occur;
  - (ii) Nominations shall close at 12.00 noon on the first day of the scheduled meeting of the Governing Body;
  - (iii) The provisions of paragraphs (ii) and (iii) of Rule 73 shall apply to nominations for collegiate elections;
  - (iv) Any member nominating may withdraw his/her nomination by advising the Returning Officer in writing at any time up to the close of nominations;
  - (v) Deleted: (v) → deleted
  - (vi) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominees duly elected;
  - (vii) If the number of nominations exceeds the number of vacancies, a secret ballot of the members, or the proxy of a member as per Rule 67, of the Governing Body entitled to vote shall be held during the course of the afternoon on the first day of the meeting of such Governing Body;
  - (viii) The method of voting shall be as prescribed in Rule 74;
  - (ix) In addition to the provisions specified elsewhere in this Rule, the provisions of paragraphs (v), (xix), (xx), (xxi) and (xxii) of Rule 73 shall apply to collegiate elections.

### 77 - NOMINATION FOR MORE THAN ONE OFFICE

Where two Offices cannot be held simultaneously under these Rules then a person may not nominate for both Offices. Where a person does so nominate, he/she shall be required by the Returning Officer to elect which of the Offices he/she wishes to nominate for. Where a person declines or otherwise fails to so elect, then he/she shall be deemed to have nominated for that

Office having the highest ranking in the order of preference shown in Sub-Rule 31(1) and in the Rules specifying Branch Offices in Parts X to XVI of these Rules, with National Offices ranking ahead of Branch Offices.

### 78 - CASUAL VACANCIES

- (1) A casual vacancy occurs when an Office Bearer dies, resigns or is removed from office or ceases to hold office in accordance with these Rules.
- (2) Where a casual vacancy occurs in relation to any Office within the Union it shall be filled by an ordinary election held in accordance with the provisions of this part if the unexpired portion of the term exceeds 3 years.
- (3) Where an election is to be held pursuant to the provisions of Sub-Rule 78(2), the National Council in the case of a National Office or the Branch Council in the case of a Branch Office, may appoint a person to fill the vacant Office pending the declaration of the ballot.
- (4) Except as provided in sub-rule (2), the National Council, in the case of National Office Bearers and the Branch Council in the case of Branch Office Bearers may appoint a person to fill a casual vacancy.
- (5) Where a person is elected under Sub-Rule 78(2) or appointed under Sub-Rule 78(4) to fill a casual vacancy, then he/she shall hold office for the unexpired portion of the term.
- (6) Notwithstanding anything elsewhere contained in this Rule, where an appointment is made pursuant to the provisions of Sub-Rules 78(3) or (4) in relation to an Office which, under these Rules, is to be filled on the basis of an order of seniority, then any appointment to a casual vacancy shall be in accordance with that order of seniority.

**79 - TEMPORARY APPOINTMENTS**

- (1) Subject to Sub-Rule 79(2) and (3), 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 six weeks, then the National Executive in the case of National Office Bearers and the Branch Executive in the case of Branch Office Bearers, may appoint an Office Bearer to act in the Office for the duration of the absence with such appointee having all the rights and duties of the particular Office.
- (2) In the case of the National President and the National Secretary, a National Vice- President and the Assistant National Secretary or an Assistant National Secretary (Divisional) respectively shall act in the Office pursuant to the provisions of Rules 37 and 38A. In the case of the Branch President and the Branch Secretary, a Branch Vice-President and the Assistant Branch Secretary respectively, shall act in the Office pursuant to the provisions of Rule 53 and 55.
- (3) In the case of the Assistant National Secretary, an Assistant National Secretary (Divisional) shall act in the office pursuant to the provisions of Rule 38A.

**PART IX – GENERAL**

**80 - IRREGULARITIES**

- (1) Any Governing Body within the Union may continue to function notwithstanding any vacancy thereon provided that the requisite quorum is present.
- (2) No failure to give notice or other defect in the calling of any meeting of any Governing Body within the Union shall invalidate the proceedings thereof unless such failure or defect results in the non-attendance of some member or members otherwise able and willing to attend. Provided that any such failure or defect may be waived by such member or members.
- (3) All communications sent to members or Office Bearers pursuant to the provisions of any of these Rules, may be sent to such member or Office Bearer at the last address notified by him/her to the Union.
- (4) Except where the Rules provide for a specific form of communication, all communications to members or Office Bearers may be sent by post, telegraph, telex, facsimile transmission or other like means and shall be deemed to have been received by such member or Office Bearer in the ordinary course of post, telegraph, telex, facsimile transmission or like means, as the case may be.
- (5) Except in the case of disciplinary proceedings under Rule 69, no decision or proceeding of any Governing Body provided for under these Rules shall be invalidated by the presence at or participation of any person not entitled to be present or to participate therein if, apart from such person, the requisite quorum was present and the vote of such a person did not determine the decision or the result of the proceedings.

**81 - SEAL AND EXECUTION OF DOCUMENTS**

- (1) The Union shall have a common seal which shall be kept in the custody of the National Secretary. The seal shall be affixed to any document required to be under seal, by the National President and the National Secretary or by such other member or members of the National Council as may be determined by the Council.
- (2) A Branch of the Union may have a common seal and, where it does so, such seal shall be kept in the custody of the Branch Secretary. A Branch seal shall be affixed to any document required to be under seal by the Branch President and the Branch Secretary or by such other member or members of the Branch Council as may be determined by the Council.
- (3) National documents not required to be under seal shall be executed on behalf of the Union by the National Secretary or in his/her absence by the National President, whose signature shall be attested to by one other member of the National Executive.
- (4) Branch documents not required to be under seal shall be executed on behalf of the Branch by the Branch Secretary or in his/her absence by the Branch President, whose signature shall be attested to by one other member of the Branch Executive.

**82 - PRESS RELEASES AND MEDIA COMMENT**

- (1) The National Secretary shall be the Office Bearer to issue all press releases and make all media comment on behalf of the Union and no other Office Bearer or member shall issue such releases or make such comment without the express authorisation of the National Secretary.
- (2) Notwithstanding the provisions of Sub-Rule 82(1) and subject to the provisions of Parts X to XVI, the Branch Secretary may issue press releases and make media comment in relation to matters affecting the Branch only and no other Branch Office Bearer or member shall issue such releases or make such comment on behalf of the Branch without the express authorisation of the Branch Secretary.

**83 - ARBITRATION PROCEEDINGS**

- (1) The National Executive may determine that an industrial dispute or matter be submitted to the Fair Work Commission or other proper body.
- (2) In between meetings of the National Executive, the National Secretary shall have the power to determine that disputes or matters be submitted to the Fair Work Commission or other proper body provided that any actions taken are reported to the next meeting of the National Executive.
- (3) The Union may be represented before the Fair Work Commission or other Tribunal by such Office Bearers or employees or agents as the National Executive or, in the case of matters submitted pursuant to Sub-Rule 83(2), the National Secretary, determines.
- (4) Where the Union, or a Branch of the Union participates in a State Industrial system, then the Branch Executive may determine that an industrial dispute or matter be submitted to the State Industrial Relations Commission or other proper body. In between meetings of the Branch Executive, the Branch Secretary shall have power to submit disputes or matters to such Commission or other body. The Union or the Branch may be represented before such Commission or other body by such Office Bearers or employees or agents as the Branch Executive or, in the case of disputes or matters submitted by the Branch Secretary, as the Branch Secretary may determine.

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**84 - AGREEMENTS WITH OTHER ORGANISATIONS**

The Union may, by resolution of the National Council or the National Executive, enter into any agreement that is not contrary to law with any registered or unregistered trade union, industrial union or organisation, peak council, employer, employer body or like organisation and, without limiting the generality of the foregoing, may enter into agreements pursuant to the provisions of Section 151 of the RO Act or any statutory provision amending, replacing or supplementing that provision.

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**85 - GENERAL MEETINGS OF MEMBERS AND MEETINGS OF COMMITTEES**

- (1) The Branch and each Branch Division may hold an Annual General Meeting in July of each year. The Branch Council or the Branch Divisional Committee, as the case may be, shall present a report on the business of the preceding year at such Annual General Meetings.
- (2) A Special General Meeting of members of the Branch may be called by the Branch Council and shall be called by the Council upon receipt of a requisition signed by at least ten per cent of the financial members of the Branch.  
  
A Special General Meeting of members of the Branch may be called by the Branch Council and shall be called by the Council upon receipt of a requisition signed by at least ten per cent of the financial members of the Branch.
- (2a) A Special General Meeting of members of the Branch shall be called by the Branch Secretary where the meeting is requisitioned to consider the auditor's report, the general purpose financial report, and the operating report in relation to the Branch, by at least 5% of the members of the Branch.
- (2b) Upon receipt of a written request signed by no less than 5% of the whole membership of the union calling for a general meeting for the purpose of considering the auditor's report, the general purpose financial report and the operating report, the National Secretary shall summon a meeting of the members of the union by giving 21 days notice to the members of the union of the meeting. Such meeting may be held with the use of video or similar technology, or in a series of meetings held in major metropolitan and regional areas where members are employed. The result of such series of meetings is to be aggregated.
- (3) A Special General Meeting of members of a Branch Division may be called by a Branch Divisional Committee and shall be called by the Committee upon receipt of a requisition signed by at least ten per cent of the financial members of the Branch Division concerned.
- (4) A resolution of a duly convened meeting of members of a Branch Tram and Bus Division at which no less than ten per cent of the financial members of the Branch Division are in attendance shall be binding on the Branch Divisional Committee.
- (5) A Special General Meeting of members of a Sub-Branch or a Branch Sub-Division may be called by a Sub-Branch or Sub-Divisional Committee, as the case may be, and shall be called by the Committee upon receipt of a requisition signed by at least ten per cent of the financial members of the Sub-Branch or the Branch Sub-Division, as the case may be.
- (6) A Branch Secretary, a Branch Divisional Secretary, a Sub-Branch Secretary or a Sub-Divisional Secretary, as the case may be, shall give members not less than seven days notice of the time, place and business of a General Meeting.
- (7) No business shall be transacted at a Special General Meeting of members other than that stated in the notice convening the meeting.

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- (8) Unless specific provision is made elsewhere in these Rules, a meeting of any committee of the Union shall be summoned by the relevant secretary or, if no such Office exists in relation to the committee, the chairperson of that committee sending a notice to all members of the committee, not less than seven days prior to the date of the meeting.

**86 - PLEBISCITES: CONTROL OF GOVERNING BODIES**

- (1) A plebiscite of members shall be held to review a decision of a Governing Body of the Union if:-
- (i) in the case of a decision of the National Council or the National Executive, such a plebiscite is called for by any four Branch Councils or by Special Meetings of members of Branches, which Branches together represent more than half the Branches of the Union and more than half of the membership of the Union;
  - (ii) in the case of a decision of a Branch Council or a Branch Executive, such a plebiscite is called for by more than half of the Branch Divisional Committees or by Special Meetings of members of Branch Divisions, which Branch Divisions together represent more than half of the Divisions of the Branch and more than half of the membership of the Branch.
  - (iii) in the case of a decision of a Branch Divisional Committee, a plebiscite is called for by more than half of the Branch Sub-Divisional Committees or by Special Meetings of members of the Branch Sub-Divisions, which Branch Sub-Divisions together represent more than half of the Sub-Divisions of the Branch Division and more than half of the membership of the Branch Division.
- (2) A plebiscite shall be held within three months of the receipt by the National Secretary, in the case of a plebiscite to review a decision of the National Council or the National Executive, or the Branch Secretary in the case of a plebiscite to review a decision of the Branch Council, the Branch Executive or a Branch Divisional Committee, of advice that the requirements specified in Sub-Rule 86(1) have been met.
- (3) A plebiscite shall be conducted by the National Returning Officer in the case of a plebiscite to review a decision of the National Council or the National Executive and by the Branch Returning Officer in the case of a plebiscite to review a decision of the Branch Council, the Branch Executive or a Branch Divisional Committee.
- (4) The subject matter of a plebiscite shall be that a decision or resolution of the Governing Body be set aside.
- (5) The electorate in relation to a plebiscite called pursuant to this Rule shall be:-
- (i) in the case of a decision of the National Council or the National Executive, the entire financial membership of the Union;
  - (ii) in the case of a decision of a Branch Council or the Branch Executive, the entire financial membership of the Branch;
  - (iii) in the case of a decision of a Branch Divisional Committee, the entire financial membership of the Branch Division.

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#### 87 - AMENDMENT TO RULES

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- (6) A plebiscite shall be conducted by a secret postal ballot and the provisions of Rule 73 shall apply in relation to the ballot, except to the extent that they are clearly inapplicable.
- (7) A plebiscite is carried if a majority of members voting vote in favour.
- (8) A decision of the members by plebiscite is binding on a Governing Body whose decision was the subject of the plebiscite.

#### 87 - AMENDMENT TO RULES

- (1) Except as provided in this Rule, the National Council shall have power to rescind, alter or amend these Rules in accordance with the procedure set out in Sub-Rule 87(2).
- (2) Any rescission, alteration or amendment to these Rules shall be of no effect unless it complies with the following provisions:-
  - (i) the National Secretary shall forward all members of the National Council written notice of the proposed rescission, alteration or amendment which sets out the proposal in full;
  - (ii) such notice shall specify the time and place of the National Council meeting which is to consider the proposal or the details of the ballot which is to determine the matter, which meeting or ballot shall be not less than one month after the date of the notice;
  - (iii) the voting meets the requirements of these Rules for carriage of a resolution at a meeting or ballot of the National Council.
- (3) Any rescission, alteration or amendment to Sub-Rules 6(5) and 6(7) or to Sub-Rules 21(4) 21(6), 21(8) and 21(11) or to Sub-Rules 87(1), 87(3) and 87(4), shall be of no effect unless, in addition to complying with Sub-Rule 87(2), it is ratified by at least four (4) Branch Councils.
- (4) Any rescission, alteration or amendment to any provisions of these Rules which relate to National Divisions or Branch Divisions, including this Sub-Rule 87(4), shall be of no effect unless, in addition to complying with Sub-Rule 87(2), it is ratified by the National Divisional Committees and the Branch Divisional Committees of the National or Branch Division(s) affected.
- (5) Subject to Sub-Rule 87(6), the relevant Branch Council shall have power to rescind, alter or amend the Branch Rules contained within Parts X to XVI of these Rules in accordance with the procedure set out in Sub-Rule 87(2), but with the reference to the National Secretary becoming a reference to the Branch Secretary and the reference to the National Council becoming a reference to the Branch Council.
- (6) Any rescission, alteration or amendment to Branch Rules shall be of no effect unless and until it is ratified by the National Council.

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**88 - INTERPRETATION OF RULES**

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- (1) The National Council shall have power to interpret any of these Rules and to determine any matter relating to the Union on which the Rules are silent.
- (2) Any interpretation of these Rules by the National Council shall be regarded as definitive and shall bind the Union, its Office Bearers and its members.
- (3) Every interpretation of the Rules or declaration on matters on which the Rules are silent shall be recorded in the Minutes of the National Council and no such interpretation or declaration shall have any affect unless it is so recorded.
- (4) A Branch Council shall have power to interpret the relevant Branch specific provisions in Parts X to XVI of these Rules. Any such interpretation shall be recorded in the minutes of the Branch Council and shall have no effect unless it is so recorded. Further, any such interpretation is subject to the over-riding authority of the National Council as specified in Sub-Rule 88(1).

**89 - INCONSISTENCY OF RULES**

In the event of any inconsistency between Parts I to V, VII to IX and XVI of these Rules, the interpretation of these Parts of the Rules or any declaration in relation to matters on which these Rules are silent and the Rules of any Branch in Parts X to XV of these Rules, the former shall prevail.

**90 - STANDING ORDERS AND RULES OF DEBATE**

- (1) The following order of procedure shall be adhered to as far as practicable at all meetings within the Union:-
  - (i) The Chairperson shall take the chair for the meeting and upon ascertaining that a quorum is present shall then declare the meeting open for the transaction of business.
  - (ii) Attendance and apologies.
  - (iii) Receipt of Minutes of Previous Meeting.
  - (iv) Adoption of Minutes of Previous Meeting.
  - (v) Business arising from the Minutes.
  - (vi) Correspondence.
  - (vii) Financial statements and accounts.
  - (viii) Reports.
  - (ix) General business.

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- (2) Except as provided in Sub-Rule 90(3), the following Rules of Debate shall be observed at all meetings within the Union:-
- (i) No motion or amendment shall be entertained or discussed until it has been seconded and one amendment only shall be entertained at the one time but all amendments shall be considered and be put before the original motion. Amendments shall be considered in the order they are received by the Chair.
  - (ii) On the adoption of any amendment it shall be held to have quashed the original motion and, for all purposes of subsequent discussion, the amendments so carried shall be acted upon as the original motion.
  - (iii) No amendment shall be received by the Chairperson which is a direct negative to a motion which has been moved and seconded or does not preserve the substance of such motion.
  - (iv) In the event of the voting on any motion or amendment being equal, it shall be deemed to have been decided in the negative and shall be declared lost.
  - (v) At any meeting, five of the members present shall have the power to demand a division on any question.
  - (vi) Notices of Motion for debate shall be signed and handed to the Chairperson during the meeting. The member making such shall read it aloud and the Chairperson shall consider whether it is in order. A Notice of Motion shall not be proceeded with in the absence of the mover unless some other member present and duly authorised in writing which has been submitted to the Chairperson, takes up the motion in his/her absence.
  - (vii) To rescind any resolution previously passed and confirmed, a month's notice must be given.
  - (viii) Any resolution may be recommitted during the period of the meeting at which it was passed on the affirmative votes of two-thirds of those present at such meeting.
  - (ix) No member shall be allowed to speak more than once on any motion except strictly in explanation of or in contradiction of a mis-statement excepting the mover of the original motion, who shall have the right to reply and be allowed ten (10) minutes to open and five (5) minutes to reply. No other speaker shall occupy a longer period than five (5) minutes. The meeting may however by resolution put by the Chairperson on the proposition of two members and without debate, grant an extension of the time prescribed under this paragraph for a member to speak.
  - (x) No further discussion shall take place nor shall questions be allowed after the mover has replied. When a motion is moved, the mover and the seconder shall have the right to speak. If no-one rises to speak in opposition, the motion shall be put but should debate ensue, the order shall thereafter be alternately one for and one against.

- (xi) On any member rising to a point of order during a discussion, the speaker shall sit down and a person on rising shall state the point of order upon which the Chairperson shall rule which ruling shall be final provided it is not disagreed with by the majority of members present.
- (xii) Every member who proposes or seconds any motion or amendment or who takes part in any discussion or puts replies to any question or makes any statement or any address or observation at any meeting shall while doing so, stand up, (unless prevented by bodily infirmity) and shall address himself/herself to the Chairperson of the meeting. Every member attending any such meeting shall conduct himself/herself in an orderly manner.
- (xiii) Any member acting contrary to any of the rules of debate or using improper language shall be called to order and should he/she persist he/she shall be asked to withdraw from the meeting.
- (xiv) Voting at all meetings shall be by a show of hands, or by a division if called pursuant to paragraph (v).
- (xv) When a motion of dissent from the Chairperson's ruling is moved and formally seconded, only the mover of such motion shall be heard in support of it after which the Chairperson shall be heard in reply and the motion shall then be put to the vote.
- (xvi) No subject or matter shall occupy the meeting for a longer period than sixty (60) minutes, unless an extension is agreed to by a majority of members present at such meeting.
- (xvii) The adjournment of the debate upon any matter under discussion may be moved for a given time after the question has been debated for any period up to twenty minutes but upon any motion being so determined, the subsequent time taken in debate shall not exceed the period set down in paragraph (xvi).
- (xviii) Members in their addresses shall not refer to individual members by name (this is to prevent points of order or personal explanations).
- (xix) A motion may be superseded at any time by another motion "that it be discharged from the Agenda paper" or that "the next business be proceeded with" being resolved in the affirmative.
- (xx) Any member who has not previously spoken in the debate shall have the right to move "that the question be now put" at any time during the course of debate. Such motion if seconded shall be put to the meeting without discussion and if carried, the motion before the meeting shall be put without further discussion, after the mover of the original motion has been given the opportunity of closing the debate.
- (xxi) Any member desiring to correct an alleged mis-statement during any debate shall not be permitted to do so until the speaker has resumed his/her seat.
- (xxii) A motion to suspend standing orders or rules of debate in order to deal with any matter may be moved at any time during the currency of the meeting.

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## 92 - DEFINITIONS

- (3) Where a meeting of a Governing Body is held via telephone conference or video conference in accordance with these Rules, then the provisions of Sub-Rule 90(2) shall only apply to the extent practicable.

### **PART X - NEW SOUTH WALES BRANCH: SPECIFIC PROVISIONS**

#### **91 - APPLICATION**

This Part applies specifically to the New South Wales Branch of the Australian Rail, Tram & 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.

#### **92 - DEFINITIONS**

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

"Branch" means the Australian Rail, Tram and Bus Industry Union, New South Wales Branch.

"District" means a geographical area within the Branch.

"Metropolitan District" means the District comprising the South Coast Line to Nowra and Port Kembla, the Unanderra-Moss Vale Line but excluding Moss Vale to Maldon on the Main Southern Line, to Lithgow on the Main Western Line, to Gosford on the Main Northern Line and any Branch lines within the boundaries of this District.

"North Coast District" means the District from and including Paterson on the Main North Coast Line to Brisbane and Branch lines.

"Northern District" means the District commencing at and including Narara and embracing the Main Northern Line to Wallangarra, the North Western Line and Branch lines and the Main North Coast Line to Brisbane and Branch lines.

"Southern District" means the District commencing at and including Picton and embracing the Main Southern Line to Albury and all Branch lines south of Picton including the Harden-Blayney Line up to and including Young, the Stockinbingal-Forbes Line up to and including Garema and the Hillston-Roto Line up to and including the Lowlands.

"Western District" means the District commencing at and including Bowenfells and embracing the Main Western Line to Bourke and all Branch lines west of Lithgow including the Binnaway-Werris Creek Line up to and including Turilawa, the Blayney-Harden Line up to and including Burrangong, the Forbes-Stockinbingal Line to Grawlin Plains and the Broken Hill Line.

**Deleted: 90A - TRANSITIONAL RULE**

The alterations to Rules 6, 31, 47 and 78 made by the National Council in October 2001 shall not come into effect until the 2002 Australian Rail, Tram and Bus Industry Union general election.

**Deleted: 90B - TRANSITIONAL RULE**

The alterations to Rule 47(3) shall not come into effect until the 2006 Australian Rail, Tram and Bus Industry Union general election.

**Moved (insertion) [25]**

**Moved up [25]:** "North Coast District" means the District from and including Paterson on the Main North Coast Line to Brisbane and Branch lines.

**Moved (insertion) [24]**

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

## 96 - BRANCH MEMBERSHIP

### 93 - NAME OF BRANCH

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, New South Wales Branch"

**Moved up [24]:** "Southern District" means the District commencing at and including Picton and embracing the Main Southern Line to Albury and all Branch lines south of Picton including the Harden-Blayney Line up to and including Young, the Stockinbingal-Forbes Line up to and including Garema and the Hillston-Roto Line up to and including the Lowlands.

### 94 - BRANCH OFFICE

The Branch office shall be located at Level 4, 321 Pitt Street, Sydney, New South Wales or at such other place as is determined by the Branch Council from time to time.

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### 95 - BRANCH DIVISIONAL OFFICES

The Branch Divisional offices shall be located as specified hereunder or at such other places as are determined by the Branch Council from time to time:-

<u>Branch Division</u>	<u>Branch Divisional Office</u>
Administrative, Supervisory, Technical and Professional	Level 4, 321 Pitt St Sydney 2000.
Infrastructure	Level 4, 321 Pitt St Sydney 2000.
Locomotive	Level 4, 321 Pitt St Sydney 2000.
Rail Operations	Level 4, 321 Pitt St Sydney 2000.
Tram & Bus	83-89 Renwick Street, Redfern, Sydney.
Fleet Manufacture, Overhaul, Maintenance and Service	Level 4, 321 Pitt St Sydney 2000.

### 96 - BRANCH MEMBERSHIP

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

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

**97 - BRANCH STRUCTURE AND ORGANISATION**

- (1) The Branch shall be principally organised on a Branch, a Branch Divisional, a Sub-Branch and a Sub-Divisional basis.
- (2) The Branch Divisions shall be as follows:-

- Administrative, Supervisory, Technical and Professional
- Infrastructure
- Locomotive
- Rail Operations
- Tram & Bus
- Fleet Manufacture, Overhaul, Maintenance and Service

with the scope of each Division being as defined in Rule 6.

**98 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

(1) The Branch Council shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretaries, the Presidents of each Branch Division, the Secretaries of each Branch Division, one affirmative action (woman) from the Tram & Bus Division, one affirmative action (woman) from the Rail Divisions, one delegate from the Administrative, Supervisory, Technical and Professional Division in STA Group together with Delegates from Branch Divisions determined in accordance with Sub-Rule 98(2).

(2) For the purpose of electing Delegates to the Branch Council, each Branch Division, other than the Tram & Bus Division, shall be divided into Districts as provided for in Sub-Clause 98(3). The Branch Tram & Bus Division and each Branch Divisional District as specified in Sub-Clause 98(3) shall, subject to Sub-Clause 98(4), be entitled to one Delegate for each eight hundred members or part thereof. The number of Delegates to which the Branch Tram & Bus Division or a Branch Divisional District is entitled, shall be determined on the basis of the number of financial members within the Branch Division or the Branch Divisional District, as the case may be, at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.

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Deleted: (1) The Branch Council shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretary, the Presidents of each Branch Division, the Secretaries of each Branch Division, the Branch Organisers (where such positions are established as an Office under the Rules) and the Branch Divisional Organisers (where such positions are established as an Office under the Rules), one affirmative action (woman) from the Tram & Bus Division, one affirmative action (woman) from the Rail Divisions, one delegate from the Administrative, Supervisory, Technical and Professional Division in State Transit Authority and Sydney Ferries Corporation together with Delegates from Branch Divisions determined in accordance with Sub-Rule 98(3).

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99 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE

(3) The Branch Divisional Districts for the purpose of electing Delegates to the Branch Council shall be as follows:-

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<u>Branch Division</u>	<u>Branch Divisional Districts</u>
Administrative, Supervisory, Technical and Professional	Metropolitan District, Northern District, Western and Southern Districts combined. STA Group.
Infrastructure	Metropolitan District, Northern District other than North Coast District, North Coast District, Western District, Southern District.
Locomotive	Metropolitan District, Northern District, Western District, Southern District.
Rail Operations	Metropolitan District, Northern District, Western District, Southern District.
Fleet Manufacture, Overhaul Maintenance and Service	Metropolitan District, Northern, Western and Southern Districts combined.

(4) Where the Branch Council determines that the number of members in a Divisional District or Districts, other than a Metropolitan District, is too small to warrant a Delegate to the Branch Council, the Council may combine such District or Districts with another non-Metropolitan District or Districts, whether in the same or a different Branch Division, for the purpose of forming an electorate for the election of Council Delegates.

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(5) The Branch Council shall meet in Ordinary Session at least twice a year at such time and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President and the Branch Secretary jointly, may determine provided that the Branch Executive may vary the date so determined where circumstances so require.

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99 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE

- (1) The Branch Executive shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretaries, the Presidents of each Branch Division and the Secretaries of each Branch Division.
- (2) The Branch Executive shall meet in Ordinary Session at least six times a year at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, may determine.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]



**100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES**

- (1) The Branch Divisional Committee shall comprise the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary and Representatives of each Sub-Division within the Division. The Branch Locomotive Divisional Committee shall be referred as the Branch Locomotive Divisional Council, further, the Branch Locomotive Division shall have two Assistant Branch Divisional Secretaries who shall be members of that Branch Divisional Council.
- (2) Subject to Rule 59, each Sub-Division shall be entitled to one Representative on the Branch Divisional Committee.
- (3) Subject to any restrictions that may be imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee may meet in Ordinary Session with such frequency and at such times and places as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.
- (4) The Branch Divisional Committees shall be comprised as follows:

**Tram and Bus Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

One Sub-divisional representative from each of the following depots:

Mona Vale  
Brookvale  
Willoughby

**Deleted:** (1) The Branch Divisional Committee shall comprise the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary and Representatives of each Sub-Division within the Division. The Branch Locomotive Divisional Committee shall be referred as the Branch Locomotive Divisional Council, further, the Branch Locomotive Division shall have two Assistant Branch Divisional Secretaries who shall be members of that Branch Divisional Council.

(2) Subject to Rule 59, each Sub-Division shall be entitled to one Representative on the Branch Divisional Committee.

(3) Subject to any restrictions that may be imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee may meet in Ordinary Session with such frequency and at such times and places as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.

(4) The Branch Divisional Committees shall be comprised as follows:

**Tram and Bus Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

One Sub-divisional representative from each of the following depots:

Mona Vale  
Brookvale  
Willoughby  
North Sydney  
Kingsgrove  
Ryde  
Leichhardt  
Belmont  
Hamilton  
Waverley  
Randwick  
Port Botany  
Burwood  
Pymont (Sydney Light Rail)  
Tempe

**Locomotive Division:**

Branch Divisional President  
Branch Divisional Vice-President (Freight)  
Branch Divisional Vice-President (Passenger)  
Branch Divisional Secretary  
Assistant Branch Divisional Secretary (Freight)  
Assistant Branch Divisional Secretary (Passenger)

The Divisional Executive shall meet in ordinary session up to 4 times per year or more often as determined by the Divisional Executive.

In addition to the above, the Branch Locomotive Divisional Council shall comprise a Representative from each Sub-Division within the Locomotive Division as set out in the following schedule.

One representative from each of the following:

North Coast Group comprising all sub-division members (excluding RailCorp) within the boundaries of Brisbane at ... [25]

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100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

North Sydney  
Kingsgrove  
Ryde  
Leichhardt  
Belmont  
Hamilton  
Waverley  
Randwick  
Port Botany  
Burwood  
Pymont (Sydney Light Rail)  
Tempe

**Locomotive Division:**

Branch Divisional President  
Branch Divisional Vice-President (Freight)  
Branch Divisional Vice-President (Passenger)  
Branch Divisional Secretary  
Assistant Branch Divisional Secretary (Freight)  
Assistant Branch Divisional Secretary (Passenger)

The Divisional Executive shall meet in ordinary session up to 4 times per year or more often as determined by the Divisional Executive.

In addition to the above, the Branch Locomotive Divisional Council shall comprise a Representative from each Sub-Division within the Locomotive Division as set out in the following schedule.

One representative from each of the following:

- North Coast Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Brisbane and Taree.
- Western Group comprising all sub-division members (excluding Sydney and NSW Trains) within the boundaries of Broken Hill, Bathurst, Lithgow and Parkes.
- North-West Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Narrabri, Werris Creek, Dubbo, Cobar and Gunnedah.
- South-West Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Griffith, Temora, Junee, Goulburn, Jindabyne, Canberra, Albury and Moss Vale.
- Central Group comprising all sub-division members (excluding NSW Trains) within the Boundaries of Hunter Valley, Mudgee, Port Waratah and Newcastle.
- Metropolitan Group 1 comprising all sub-division members (excluding Sydney and NSW Trains) within the boundaries of Sydney, Botany, Wollongong, Pt Kembla and Nowra.

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

#### 100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

- NSW Trains/InterCity Group comprising all InterCity sub-divisions which includes the depots of Lithgow, Mt Victoria, Newcastle Interchange, Gosford, Moss Vale, Wollongong and Eveleigh.
- NSW Trains/CountryLink Group comprising all CountryLink sub-divisions which includes the depots of Dubbo, Goulburn, Grafton, Junee, Taree, Werris Creek, Sydney and Canberra.
- Sydney Trains/ETR Group 1 comprising the sub-divisions of Blacktown, Penrith, Richmond and Hornsby.
- Sydney Trains/ETR Group 2 comprising the sub-divisions of Campbelltown, Leppington, Flemington and Auburn Stabling Yard (ASY)
- Sydney Trains/ETR Group 3 comprising the sub-divisions of Central and Nth Sydney
- Sydney Trains/ETR Group 4 comprising the sub-divisions of Cronulla, Mortdale and Waterfall.

The Branch Locomotive Divisional Council shall meet in ordinary session up to 4 times per year or more often as determined by the Locomotive Divisional Council or Divisional Executive.

#### Locomotive Divisional Sub-Committees

The following Sub-Committees shall operate within the Locomotive Division: Electric Train Drivers Committee (ETDC); InterCity Drivers Committee (ICDC); CountryLink Drivers Committee (CDC); and Freight Drivers Committee (FDC).

The ETDC, ICDC and CDC Sub-Committees shall comprise the elected Depot Organisers and Workplace Organisers within the relevant sub-divisions. These Sub-Committee positions shall be automatically filled following the declaration of each election.

The FDC shall comprise of a Sub-Divisional Representative for each three hundred (300) or part thereof members employed by a freight company and/or geographic group/s as determined by the Branch Locomotive Divisional Council and endorsed by Branch Council prior to each election.

The Divisional Sub-Committees shall meet in ordinary session up to 3 times per year or more often as determined by the Locomotive Divisional Council.

#### **Locomotive Division Sub-Divisions**

The Branch Locomotive Divisional Council may establish Sub-Divisions and where formed they shall consist of a Depot Organiser for workplaces of greater than 20 financial members or a Workplace Organiser for workplaces of less than 20 financial members.

The Branch Locomotive Divisional Council may determine the structure required in each sub-division.

The Branch Locomotive Sub-Division shall determine the number of committee members to be part of the Sub-Divisional Committee. Sub-Divisional Committee members will be elected by the financial members of the Sub-Division within two calendar months following the declaration of the ballot for the positions of: Depot Organiser for workplaces of greater than 20 financial

100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

members. The election for Sub-Divisional Committee members (and a Workplace Organiser for workplaces of less than 20 financial members) shall be conducted by that sub-division.

**Rail Operations Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Train Guards Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Branch Train Guards Sub-Division shall comprise of the Branch Sub-Division President, Branch Sub-Division Vice President, Branch Sub-Division Secretary and one Depot Sub Division Secretary from the following depots who will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared

Blacktown  
Campbelltown  
Cronulla  
Flemington Maintenance Centre  
Gosford  
Hornsby Maintenance Centre  
Lithgow  
Leppington  
Mortdale Maintenance Centre  
Moss Vale  
Mount Victoria  
Newcastle Interchange  
North Sydney  
Penrith  
Richmond  
Central  
Sydney Inter-City  
Waterfall  
Wollongong  
Auburn Stabling Yard (ASY)

Apart from the Depot Sub Division Secretary, each Depot Sub Division will elect one Depot Sub Division President and one Depot Sub Division Vice-President who will be elected by the financial members of that Depot Sub-Division within two (2) calendar months following the declaration of the ballot for the Train Guards Sub-Division Executive positions and the Depot Sub Division Secretary positions by a ballot conducted in the workplace.

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100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

Customer Service Attendants Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Customer Service Attendants Branch Sub Division President, Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

The Customer Service Attendants Sub Division will also have ten (10) Sub Depots. These Sub Depots will represent all members of the Customer Service Attendants Sub Division in the following boundaries:

1. City Circle – The borders will be Redfern and Wynyard.
2. Berowra – The borders will be all stations Milson Point to Berowra via the North Shore Line as well as all stations from North Strathfield to Berowra via the main North Line.
3. Olympic Park – The borders will be all stations from Macdonaldtown to Olympic Park then all stations from Olympic Park to Carlingford, all stations from Carlingford to Carramar and all stations from Carramar to Esrkineville via the Bankstown Line.
4. Waterfall – The borders will be all stations from Tempe to Waterfall; inclusive of the Cronulla Line.
5. Macarthur – The borders will be all stations from Turella to Macarthur, and all stations from Macarthur to Leppington and all stations from Leppington to Merrylands.
6. Emu Plains – The borders will be all Stations from Granville to Richmond and all stations from Richmond to Emu Plains.
7. Lithgow – The borders will be all stations from Lapstone to Lithgow.
8. Moss Vale – The borders will be all stations from Menangle Park to Moss Vale.
9. Bomaderry – The borders will be all stations from Helensburgh to Bomaderry.
10. Scone/Dungog – The borders will be all stations from Cowan to Newcastle Interchange, Scone and Dungog.

A workplace representative will be elected by the financial members of that Depot Sub-Division within Customer Service Attendants Sub-Division by the financial members of that Depot Sub-Division within two (2) calendar months, following the declaration of the ballot for the Customer Service Attendants Sub Division Executive positions.

100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

Terminal Operators Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Terminal Operators Branch Sub Division President, Branch Sub Division Vice President and the Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

The Branch Secretary will organise elections in the workplace for workplace delegates if the workplace requests a workplace delegate.

Signallers Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Branch Signallers Sub-Division shall comprise of The Branch Signallers Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary, who will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected and one representative from the following depots who will be elected by the financial members of the Sub-Division within two (2) calendar months, following the declaration of the ballot for the Signallers Sub-Division Executive positions, by a ballot conducted in the workplace.

Sydney  
Sydenham  
Homebush  
Strathfield  
Hornsby  
Blacktown  
Central Coast (Gosford, Wyong, Newcastle)  
Blue Mountains (Lithgow, Mt. Victoria, Katoomba, Springwood)  
Penrith/St Marys  
Wollongong  
Campbelltown  
Granville/Clyde/Auburn

On-Board Passenger Train Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The On-Board Passenger Train Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

One depot Sub-Division Secretary on the following depots will be elected every four (4) years in accordance with Part VIII of these rules and shall hold office until their successors are declared elected:

Sydney  
Albury  
Dubbo  
Grafton

Transport Officers Sub-Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Transport Officers Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold office until their successors are declared elected.

A Branch Divisional Committee may establish Sections within the Branch Division or within a Branch Sub-Division in accordance with Rule 60.

The Secretary of each of the Sub Divisions shall be represented on the Branch Divisional Committee. In addition each Sub Division within the Rail Operations Division shall be entitled to a representative on the Branch Divisional Committee as set out in the following schedule.

Train Guards Sub Division	-	1 Representative
Customer Service Attendants Sub Division	-	2 Representatives
Terminal Operators Sub Division	-	1 Representative
Signallers Sub Division	-	1 Representative
On-Board Passenger Train Sub Division	-	1 Representative
Transport Officers Sub Division		1 Representative

**Infrastructure Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Company mentioned below within the Branch Infrastructure Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:

Sydney Trains	-	10 Representatives
Australian Track Corporation	-	2 Representatives
John Holland Pty Ltd	-	2 Representatives

100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

For the purpose of clarification, the Branch Infrastructure Divisional President, Branch Infrastructure Divisional Vice President and the Branch Infrastructure Divisional Secretary will be included in the above schedule of representative to Branch Infrastructure Divisional Committee.

**Fleet Manufacture, Overhaul, Maintenance and Service Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Group within the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:

Metropolitan District Group - 4 Representatives  
(including One Bus Engineering Representative)  
Northern District Group - 1 Representative  
Western District Group - 1 Representative  
Southern District Group - 1 Representative

**Administrative, Supervisory, Technical and Professional Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Group within the Branch Administrative, Supervisory, Technical and Professional Division shall be entitled to a Representative or Representatives as set out in the following schedule:

Metropolitan District Group - 7 Representatives  
Northern District Group - 1 Representative  
Western District Group - 1 Representative  
Southern District Group - 1 Representative

(5) The Districts referred to in Sub-Rule (4) of this Rule, are those geographic locations as set out in Rule 92 - Definitions.

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102 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS

(6) Where sub-divisions have been formed under this rule they shall meet in ordinary session up to 3 times per year.

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(7) Women's Campaign Committee

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The Women's Campaign Committee shall promote and pursue Affirmative Action policies for the Union and develop and mentor women leaders in the Union and the industry. The Women's Campaign Committee will also publicly advocate issues for women in the industry.

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The Women's Campaign Committee shall meet at least annually and shall be comprised of the Affirmative Action (Woman) Delegate to the Council from the Tram and Bus Division, the Affirmative Action (Woman) Delegate to the Council from the Rail Divisions and one delegate from every Division.

Delegates to the Women's Campaign Committee must be nominated by the respective Divisional Committees. Delegates must also be financial members of the Union

101 - BRANCH OFFICES

(1) The Branch Offices are:-

- Branch President
- Senior Branch Vice-President
- Junior Branch Vice-President

- Branch Secretary
- Assistant Branch Secretaries
- Branch Divisional Presidents
- Branch Divisional Vice-Presidents
- Branch Divisional Vice President (Freight), Locomotive Division
- Branch Divisional Vice President (Passenger), Locomotive Division
- Branch Divisional Secretaries
- Assistant Branch Divisional Secretary (Freight), Locomotive Division
- Assistant Branch Divisional Secretary (Passenger), Locomotive Division
- Branch Divisional Delegates to the Branch Council
- Sub-Divisional Representatives on a Branch Divisional Committee

Deleted: (1) The Branch Offices are:-

- Branch President
- Senior Branch Vice-President
- Junior Branch Vice-President

- Branch Secretary
- Assistant Branch Secretary
- Branch Organisers - where such position is established as an Office under the Rules
- Branch Divisional Presidents
- Branch Divisional Vice-Presidents
- Senior Branch Divisional Vice President, Locomotive Division
- Junior Branch Divisional Vice President, Locomotive Division
- Branch Divisional Secretaries
- Assistant Branch Divisional Secretary, Locomotive Division
- Branch Divisional Delegates to the Branch Council
- Sub-Divisional Representatives on a Branch Divisional Committee

(2) The Offices of Branch Secretary, Branch Divisional Secretary, Locomotive Division, Branch Divisional President, Tram and Bus Division, Branch Divisional Secretary Tram & Bus Division, and Branch Organisers shall be paid positions.

The elected Branch Organisers positions will cease to exist at the end of the term commencing with the Branch Elections to be held 2014/2015 or at such time as the position/s become vacant.

From the commencement of the Branch Elections to be held 2014/2015, or at such time as the position/s become vacant prior to the Branch Elections to be held 2014/2015, the Branch Organisers will be appointed as employees of the Branch.

(2) The Offices of Branch Secretary, Branch Divisional Secretary, Locomotive Division, Branch Divisional President, Tram and Bus Division, Branch Divisional Secretary Tram & Bus Division, and Branch Organisers shall be paid positions.

(3) Other Branch Offices as specified in Sub-Rule 101(1) shall be honorary positions

(3) Other Branch Offices as specified in Sub-Rule 101(1) shall be honorary positions

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102 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS

(1) Except to the extent modified by this Rule and Sub-Rule 101(3), the provisions of Rules 47, 48, 49 and 50 shall apply in relation to Branch Offices and Office Bearers.

(2) The Senior Branch Vice-President and the Junior Branch Vice-President shall be elected by a secret ballot by and from the members of the Branch Council.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

102 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS

- (3) Branch Divisional Delegates to the Branch Council shall be elected by a secret ballot of all the financial members within each Branch Divisional District forming an electorate pursuant to the provisions of Rule 98.
- (4) The Branch Council Delegate Affirmative Action (woman) from the Tram & Bus Division shall be elected by a secret ballot of all financial women members in the STA Group and Sydney Light Rail.

The Branch Council Delegate Affirmative Action (woman) from the Rail Divisions shall be elected by a secret ballot of all financial women members in the Branch Divisions of Administrative, Supervisory, Technical & Professional, Infrastructure, Locomotive, Rail Operations, Fleet Manufacture, Overhaul Maintenance and Service.

### 103 - BRANCH CONFERENCE

A Branch Conference may be held at such time and place and for such duration as the Branch Council determines. The Conference shall provide a forum for discussing Branch issues and the Conference shall comprise members of the Branch Council together with such other representatives of the Branch Divisions, Branch Divisional Districts, Branch Sub-Divisions and Sub-Branches as the Branch Council may determine.

### 104 - DUAL OFFICES AND ADDITIONAL DELEGATE

- (1) A person may simultaneously hold the Office of Branch Divisional Secretary or Branch Divisional President and another paid Branch Office.
- (2) Where, and for such period as, a Branch Divisional Secretary or a Branch Divisional President simultaneously holds any other Branch Office which has membership of the Branch Executive, the Vice-President of the relevant Branch Division shall be an additional delegate on the Branch Executive with full membership rights.

### 105 - METHOD OF VOTING

- (1) Except as provided in Sub-Rule 105(2), the method of voting for Branch Offices in New South Wales shall be optional preferential. Accordingly, voters shall express their preference by placing numbers against the names of the candidates on the ballot paper with the number one indicating the highest preference, the number two indicating the second highest preference and so on. A voter has the option of whether to place a number against the name of each candidate or whether to place a number against the name or names of only some of them. A mark other than a number shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's preference.
- (2) The method of voting for Branch Offices which represent members within the Branch Tram and Bus Division only shall be first past the post.

### 106 - WORKPLACE DELEGATES

- (1) Where groups of workers are working there should be a Workplace Representative or Workplace Delegate who must be a member of the Union. The Workplace Delegate will either be elected by members at a meeting called for that purpose or appointed by the Branch Secretary or his nominee, provided that the election or appointment may be subject to the endorsement of the Branch Secretary.
- (2) Workplace Delegates will be elected by the financial members of the workplace within two (2) calendar months, following the declaration of the AEC ballot, by a ballot conducted in the workplace. The Workplace Delegate shall be elected every four years or for a lesser term as determined by the Branch Executive. Provided that the position of the Workplace Delegate is not invalidated by reason of non-compliance with this sub-rule.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

- (3) A Workplace Delegate must supply the Secretary with a permanent address and contact details immediately after appointment and upon any subsequent change.

Power of Secretary to appoint or dismiss Representatives

- (4) Workplace Delegates must act at all times in compliance with the Rules of the Union.
- (5) The Branch Secretary or his nominee has the power to appoint Workplace Delegates and to dismiss any Workplace Delegate who breaches the Rules or who acts contrary to the policies of the Union, whether appointed by the Branch Secretary or elected by a ballot of members. Provided that any person so dismissed has the right of appeal to the Branch Executive.

Return of Union Property

- (6) In the event of any Workplace Delegate leaving the position as Workplace Delegate or leaving the workplace or locality they must communicate with the Branch Secretary and return all Union property in their possession unless they have permission of the Branch Secretary to do otherwise.

Duties of Workplace Representatives/Delegates

- (7) A Workplace Delegate shall act as the union representative in their place or area. In conjunction with the Officers of the Union, the duty of a Workplace Delegate is to advance and protect the interests of the Union and the wages, conditions and welfare of its members by the following means:
- (i) Promoting the Union, its activities and the benefits of membership, including participating in induction sessions for new employees;
  - (ii) Enlisting persons into the Union at the workplace and maintaining a record of financial membership;
  - (iii) Providing assistance to any member of the Union requiring it, including assisting in the resolution of disputes;
  - (iv) Promoting and campaigning for improved conditions of employment in the workplace and/or industry;
  - (v) Assisting in negotiating enterprise agreements including by preparing members' claims, representing the Union during negotiations and communicating regularly with members and Officers;
  - (vi) Encouraging and promoting the training of Workplace Delegates and of members in matters affecting their conditions of employment and participating in such training where appropriate;
  - (vii) Identify and rectify any breaches of industrial instruments or Union policy or regulation applying at the workplace and if necessary seek assistance from the relevant union official;

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

- (viii) Identifying and pursuing the rectification of occupational health and safety issues in the workplace;
  - (ix) Distributing or disseminating all notices, newsletters, documents and messages sent by the union;
  - (x) Complying with any reasonable request of an Officer of the Union
- (8) At the request of the Branch Secretary or his/her nominee, a Workplace Delegate may be required to provide a report as to:
- (i) The name, address, work location and contact details of members at the workplace, including information regarding members who have commenced or left employment or changed their contact details;
  - (ii) The names and work locations of all persons employed at the workplace who are eligible to be members of the Union but who are not;
  - (iii) Relevant information regarding the employer, including any changes to the legal status, or address of the employer;
  - (iv) Any breach of the industrial instruments, Union policy or other regulation;
  - (v) Any industrial dispute;
  - (vi) Any matter that concerns the Union or its members.

**PART XI - QUEENSLAND BRANCH: SPECIFIC PROVISIONS**

**107 - APPLICATION**

This Part applies specifically to the Queensland 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.

**108 - DEFINITIONS**

"Branch" means the Australian Rail, Tram and Bus Industry Union, Queensland Branch.

"Designated Organising Area Unit" is a geographic unit where a sub-branch does not exist and is outside the geographical area of any Sub branch.

Moved (insertion) [20]

"District" means a geographical area within the Branch.

"Region" means a geographical area within a District or Districts.

Moved up [20]: "Designated Organising Area Unit" is a geographic unit where a sub-branch does not exist and is outside the geographical area of any Sub branch.

**109 - NAME OF BRANCH**

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, Queensland Branch"

**110 - BRANCH OFFICE**

The Branch office shall be located at 457 Upper Edward Street, Brisbane, Queensland or at such other place as is determined by the Branch Council from time to time.

**111 - BRANCH MEMBERSHIP**

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

**112 - MEMBERSHIP OF SUB-BRANCHES, DISTRICTS AND REGIONS**

- (1) Each member of the Branch shall be a member of that Sub-Branch or a Designated Organising Area Unit which covers the geographical area in which his/her usual place of employment is located.
- (2) Each member of a Sub-Branch or "Designated Organising Area Unit" shall also be a member of the District and/or Region in which his/her Sub-Branch or "Designated Organising Area Unit" is located.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

**113 - BRANCH STRUCTURE AND ORGANISATION**

- (1) The Branch shall be principally organised on a Branch, a Branch Divisional, a District, a Regional, a Sub-Branch or Designated Organising Area Unit and a Sub-Divisional basis.
- (2) The Branch Divisions shall be as follows:-

Administrative, Supervisory, Technical and Professional  
Infrastructure  
Locomotive  
Rail Operations  
Tram and Bus  
Fleet Manufacture, Overhaul, Maintenance and Service

with the scope of each Division being as defined in Rule 6.

- (3) (a) Sub-Branches shall be established in relation to the following areas:-

Townsville  
Bowen  
Cairns  
Cloncurry  
Hughenden  
Mt. Isa  
Rockhampton  
Bluff  
Bundaberg  
Coppabella  
Emerald  
Gladstone  
Mackay/Jilalan  
Brisbane & South East  
Maryborough and  
Toowoomba

- (b) Unless otherwise determined by Branch Council:
- Townsville Sub-Branch covers all work locations south of Cairns, north of Bowen and east of Hughenden.
  - Hughenden Sub-Branch covers work locations in Hughenden and west to Nonda.
  - Cloncurry Sub-Branch covers work locations in Cloncurry and west to Mt Isa.
  - Mt Isa Sub-Branch covers all work locations in or around Mt Isa.
  - Cairns Sub-Branch covers all work locations in and around Cairns, including work locations west of Cairns including Normanton.
  - Bowen Sub-Branch covers all work locations in around Bowen and west to Glenden.
  - Mackay/Jilalan Sub-Branch covers all work locations in and around Mackay, west to and including Nebo/Waitara, north to and including Proserpine, South to and including Sarina, Yukon and Jilalan.
  - Toowoomba Sub-Branch covers all work locations in and around Toowoomba.
  - Rockhampton Sub-Branch covers all work locations in and around Rockhampton, north of Gladstone, south of Sarina/Yukan and east of Bluff.
  - Bluff Sub-Branch covers all work locations in and around Bluff and west to and including, Blackwater.
  - Emerald Sub-Branch covers all work locations in and around Emerald and all work locations between Emerald and Blackwater.
  - Bundaberg Sub-Branch covers all work locations in and around Bundaberg.
  - Maryborough Sub-Branch covers all work locations in and around Maryborough.
  - Brisbane & South East Sub-Branch covers all work locations in and around Brisbane, South to and including the Gold Coast, east of Toowoomba and south of Maryborough.
  - Gladstone Sub- Branch covers all work locations in and around Gladstone and south to Miriam Vale.
  - Coppabella Sub-Branch covers all work locations in and around Coppabella and west to and including Moranbah and Dysart.
  - The Central Queensland Designated Organising Area Unit covers all work locations in Central Queensland west of Emerald to, and including, Winton.
  - The South West Queensland Designated Organising Area Unit covers all work locations in Southern Queensland west and south-west of Toowoomba.
  - The Northern Queensland Designated Organising Area Unit covers all work locations in north and west of Cairns.



- (4) The Branch shall be divided into three geographical Districts as follows:-

The Northern District shall comprise the Townsville, Bowen, Cairns, Cloncurry, Hughenden and Mt. Isa Sub-Bran­ches and the Northern Queensland Designated Organising Area Unit;

The Central District shall comprise the Rockhampton, Bluff, Coppabella, Emerald, Gladstone and Mackay/Jilalan Sub-Bran­ches and the Central Queensland Designated Organising Area Unit;

The Southern District shall comprise the Brisbane, Bundaberg, Maryborough, and Toowoomba Sub-Bran­ches and the South West Queensland Designated Organising Area Unit.

- (5) There shall be five geographical Regions within the Branch as follows:-

The North West Region shall comprise the Cloncurry, Hughenden and Mt. Isa Sub-Bran­ches;

The Central West Region shall comprise the Emerald and Bluff Sub-Bran­ches and the Central West Queensland Designated Organising Area Unit;

The Wide Bay Region shall comprise the Maryborough and Bundaberg Sub-Bran­ches;

The South West Region shall comprise the Toowoomba Sub-Bran­ch and the South West Queensland Designated Organising Area Unit.

The South East Region shall comprise the Brisbane & South East Sub-Bran­ch.

(6) The Queensland Locomotive Division shall be divided into Sub-Divisional Committees as follows,

- Coal
- Freight
- Passenger

Membership of the Locomotive Sub-Divisions will be determined as per rule 6 (15) and rule 8

- Locomotive Sub-Division Coal

- 1 Member representing Coal Depots in the Northern District
- 1 Member representing Coal Depots in the Blackwater and Moura Systems
- 2 Member's representing Coal Depots in the Goonyella System Coal Depots
- 1 Member representing Coal Depots in the Southern District

- Locomotive Sub-Division Freight

- 1 Member representing Freight Depots Charters Towers to Mount Isa
- 2 Member's representing Freight Depots Mackay to Cairns
- 1 Member representing Freight Depots Rockhampton to Winton
- 1 Member representing Freight Depots in the Sothern District

- Locomotive Sub-Division Passenger

Suburban Passenger Depot Mayne

- 1 Driver Representative
- 1 Guard Representative

Suburban Passenger Out Depots (Nambour, Caboolture, Petrie, Shorncliffe, Manly, Beenleigh, Robina, Redbank, Gympie, Doomben, Ferny Grove, Richlands and Ipswich)

- 1 Driver Representative
- 1 Guard Representative

1 Member representing Passenger Regional Depots Cairns, Bundaberg and Townsville

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**114 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

- (1) The Branch Council shall comprise the Branch President, the Senior Branch Vice-President, the three Junior Branch Vice-Presidents, the Branch Secretary, the Assistant Branch Secretary, together with the following delegates from Branch Divisions and Regions:-

The Branch Divisional President, Tram & Bus Division  
The Branch Divisional Vice-President, Tram & Bus Division  
The Branch Divisional Junior Vice President Tram and Bus Division  
The Branch Locomotive Sub-Divisional Committee Coal Secretary  
The Branch Locomotive Sub-Divisional Committee Passenger Secretary  
The Branch Locomotive Sub-Divisional Committee Freight Secretary  
A Delegate of the Tram and Bus Division  
A Delegate of the Rail Operations Division from the Northern District  
A Delegate of the Rail Operations Division from the Central District  
A Delegate of the Rail Operations Division from the Southern District  
A Delegate of the Infrastructure Division from the Northern District  
A Delegate of the Infrastructure Division from the Central District  
A Delegate of the Infrastructure Division from the Southern District  
A Delegate of the Fleet Manufacture, Overhaul, Maintenance and Service Division from the Northern District  
A Delegate of the Fleet Manufacture, Overhaul, Maintenance and Service Division from the Central District  
A Delegate of the Fleet Manufacture, Overhaul, Maintenance and Service Division from the Southern District  
The Branch Divisional Secretary, Administrative Supervisory, Technical and Professional Division  
A Delegate from the North West Region  
A Delegate from the Central West Region  
A Delegate from the South West Region  
A female delegate from the Southern District (All Divisions)  
A female delegate from the Central and Northern Districts (All Divisions)  
A delegate of the Operations Division from the Private Sector  
The Branch Divisional President, Administrative, Supervisory, Technical and Professional Division  
The Branch Organiser for the Tram and Bus Division whilst so ever that that position is an elected position

- (2) The Branch Council shall meet in Ordinary Session once a year at such time and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President and the Branch Secretary jointly, may determine.

**115 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall comprise the Branch President, the Senior Branch Vice-President, the three Junior Branch Vice-Presidents, the Branch Secretary and the Assistant Branch Secretary.
- (2) The Branch Executive shall meet in Ordinary Session not less than three times a year at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, may determine.

**116 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES**

- (1) The Branch Divisional Committees shall be comprised as follows:-

Tram and Bus Division:

Branch Divisional Secretary  
Branch Divisional Organiser assigned to the Tram and Bus Division  
Branch Executive Officer  
Junior Vice President for the Tram and Bus Division  
Sub-Divisional Representative from the Carina Bus Depot  
Sub-Divisional Representative from the Toowong Bus Depot  
Sub-Divisional Representative from the Bowen Hills Bus Depot  
Sub-Divisional Representative from the Virginia Bus Depot  
Sub-Divisional Representative from the Garden City Bus Depot  
Sub-Divisional Representative from the Richlands Bus Depot  
Sub-Divisional Representative from Larapinta Bus Depot  
Sub-Divisional Representative from Willawong Bus Depot  
Sub-Divisional Representative from Brisbane Tram Depot  
Sub-Divisional Representative from Gold Coast Tram Depot  
Sub-Divisional Representative from Sherwood Bus Depot  
Sub-Divisional Representative from Trade Coast Bus Depot

Should an existing depot cease to operate then that Sub-Divisional Representative position is retired.

Locomotive Division:

Branch Divisional Secretary  
The Branch Locomotive Sub - Divisional Committee Coal President  
The Branch Locomotive Sub - Divisional Committee Coal Secretary  
The Branch Locomotive Sub - Divisional Committee Passenger President  
The Branch Locomotive Sub - Divisional Committee Passenger Secretary  
The Branch Locomotive Sub-Divisional Committee Freight President  
The Branch Locomotive Sub-Divisional Committee Freight Secretary

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

116 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

Rail Operations Division:

Branch Divisional Secretary  
The Branch Council Delegate from the Northern District  
The Branch Council Delegate from the Central District  
The Branch Council Delegate from the Southern District  
A Representative from the Wide Bay Region  
A Representative from the South West Region  
A Representative from the South East Region  
A Representative from the Private Sector

Infrastructure Division:

Branch Divisional Secretary  
The Branch Council Delegate from the Northern District  
The Branch Council Delegate from the Central District  
The Branch Council Delegate from the Southern District  
A Representative from the Wide Bay Region  
A Representative from the South West Region  
A Representative from the South East Region

Fleet Manufacture, Overhaul, Maintenance and Service Division:

Branch Divisional Secretary  
The Branch Council Delegate from the Northern District  
The Branch Council Delegate from the Central District  
The Branch Council Delegate from the Southern District  
A Representative from the South West Region  
A Representative from the South East Region

Administrative, Supervisory, Technical and Professional Division:

Branch Divisional Secretary  
A Representative from the Northern District  
A Representative from the Central District  
A Representative from the Southern District  
A Representative from the South East Region

- (2) Subject to any restrictions imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee shall meet, in Ordinary Session at least twice a year, or at such time and place on a needs basis as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and/or the Branch Divisional Secretary, may determine.

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### 118 - BRANCH OFFICES

- (1) The Branch Offices are:-

Branch President  
Senior Branch Vice-President  
Junior Branch Vice-Presidents  
Branch Secretary  
Assistant Branch Secretaries  
Branch Divisional Presidents  
Branch Divisional Vice-Presidents  
Branch Divisional Secretaries  
Branch Divisional Delegates to the Branch Council  
Regional Delegates to the Branch Council  
Sub-Divisional, District or Regional Representatives on Branch Divisional Committees  
District Executive Presidents  
District Executive Vice-Presidents  
Female Delegates to the Branch Council

- (2) The Offices of Branch Secretary, Assistant Branch Secretary, and Branch Organiser, shall be paid positions.
- (3) Branch Offices, other than those specified in Sub-Rule 118(2), shall be honorary positions.

**Deleted:** Branch President,

**Deleted:** Provided that the position of Branch President shall convert to an honorary position for the 2002 election.

### 119 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS AND BRANCH COMMITTEES

- (1) Except to the extent modified by this Rule, the provisions of rules 47, 48, 49 and 50 shall apply in relation to Branch Offices and Office Bearers.
- (2) There shall be an Assistant Branch Secretary. The Assistant Branch Secretary shall be elected by a secret ballot of all the financial members of the Branch Tram and Bus Division. The Assistant Branch Secretary elected by the members of the Tram and Bus Division shall be the Branch Divisional Secretary of that Division.
- (3) To be eligible to nominate for an Office of Assistant Branch Secretary, a candidate must, in addition to meeting the requirements specified in Rule 47, unless he/she is a candidate seeking re-election, have been employed in the work function represented Branch Tram and Bus Division prior to the date on which nominations open.
- (4) The Senior Branch Vice-President shall be elected by a secret ballot of all the financial members of the Branch.
- (5) There shall be three Junior Branch Vice-Presidents. One Junior Branch Vice-President shall be elected by a secret ballot of all the financial members of the Tram and Bus Division and two Junior Branch Vice-Presidents shall be elected by all the financial members of the Branch.

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

119 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS AND BRANCH COMMITTEES

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- (6) To be eligible to nominate for an Office of Branch Vice-President, a candidate must, in addition to meeting the requirements specified in Rule 47, be a member of the Branch Division or Divisions which the Office represents on the date on which nominations open.
- (7) Delegates to Branch Council representing the members of a Branch Division within a particular District shall be elected by a secret ballot of all the financial members of that Branch Division within that District.
- (8) Delegates to Branch Council representing a particular Region shall be elected by a secret ballot all the financial members of the Branch within that Region.
- (9) Except where otherwise provided within Branch Divisions, the Branch Divisional President, Branch Divisional Secretary and the Branch Divisional Vice-President shall be elected by a secret ballot by and from the members of the Branch Divisional Committee.
  - a. The President, Vice President and Junior Vice President of the Tram and Bus Division shall be elected from the Sub Divisional Representatives of the Tram and Bus Division by the members of the Tram and Bus Division.
  - b. If a person ceases to be a Sub Divisional Representative of the Tram and Bus Division whilst holding the Office of President, Vice President, or Junior Vice President, they no longer hold those positions.
- (10) Regional or Sub-Branch or Designated Organising Area Unit Representatives on Branch Divisional Committees shall be elected by a secret ballot of all the financial members of the relevant Branch Division within the Region or Sub-Branch(es) and Designated Organising Area Units.
- (11) District Representatives on Branch Divisional Committees, shall be elected by a secret ballot of all the financial members of the relevant Division within the District.
- (12) A candidate for an Office having membership of a District Executive must be a member of a Sub-Branch or Designated Organising Area Unit under the control of the District Executive on the date on which nominations open.
- (14) A female delegate from the Southern District (All Divisions) shall be elected by a ballot of financial female members from within the Southern District (All Divisions). A female delegate from the Central and Northern District (All Divisions) shall be elected by a ballot of financial female members from within the Central and Northern District (All Divisions).

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(15) Queensland Branch Affirmative Action Women's Campaign Committee

- 15.1 The Queensland Branch Affirmative Action Women's Campaign Committee shall consist of:
- (a) 2 Affirmative Action (Women) Southern District Delegates
  - (b) 1 Affirmative Action (Woman) Central District Delegate
  - (c) 1 Affirmative Action (Woman) Northern District Delegate
  - (d) 1 Affirmative Action (Woman) Tram & Bus Division Delegate; and
  - (e) 2 Affirmative Action Branch Councillors.
- 15.2 In addition to the committee members listed any female member of Branch Council may attend meetings of the Queensland Branch Affirmative Action Women's Campaign Committee in an ex-officio capacity. Such Women's Committee ex officio members can participate in committee proceedings but will not be entitled to move or second a resolution or vote.
- 15.3 Election process:
- (a) Two (2) Affirmative Action Women's Campaign Committee Southern District Delegates (excluding Tram and Bus Division members) elected by and from financial women union members within the Southern District (excluding Tram and Bus Division)
  - (b) One (1) Affirmative Action Women's Campaign Committee Central District Delegate elected by and from financial women union members within the Central District
  - (c) One (1) Affirmative Action Women's Campaign Committee Northern District Delegate elected by and from financial women union members within the Northern District
  - (d) One (1) Affirmative Action Women's Campaign Committee Tram & Bus Division Delegate elected by and from financial women union members within the Tram and Bus Division.
- 15.4 The Affirmative Action Women's Campaign Committee President and Affirmative Action Women's Campaign Committee Secretary shall be elected in a secret ballot by and from the members of the Affirmative Action Women's Campaign Committee.



120 - ORGANISERS

- (16) Locomotive Sub-Divisional Committee Representatives shall be elected by a secret ballot of all the financial members of that Locomotive Sub-Division within that Area/Location.
- 16.1 Within Branch Locomotive Sub-Divisions, the Sub-Divisional President, Sub-Divisional Secretary and the Sub-Divisional Vice-President will be elected by a secret ballot by and from the Sub-Divisional Committee.
- 16.2 Representation from the Locomotive Sub-Divisional Committees to the Locomotive Divisional Committee will be the Sub -Divisional President and Sub -Divisional Secretary.
- 16.3 Representation to Branch Council from the Locomotive Division will be the Locomotive Sub-Divisional Secretaries.

**120 - ORGANISERS**

- (1)(a) The Branch Council has authority to increase or reduce the number of Organisers or alter their areas and responsibilities.
- (1)(b) Branch Organisers must be financial members of the Union prior to seeking appointment/election to the position.
- (1)(c) Branch Organisers responsible for Rail Divisions will be appointed or elected by a process determined, from time to time, by Branch Council. Such process shall include a requirement that for any appointment to occur, it must be endorsed by Branch Council.
- (1)(d) There will be a Branch Organisers based in Townsville, Mackay, Rockhampton and Brisbane unless otherwise determined by Branch Council. Rail Branch Organisers' areas of responsibility will be designated by Branch Council.

(1)(e) The Tram and Bus Division will be supported and assisted by a Branch Organiser.

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(1)(f) → Deleted

(1)(f) An Organiser or another employee shall be appointed under this rule to support a Rail Division of the Branch by the Branch Secretary in consultation with the relevant Division.

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(1)(g) Organisers employed under this rule may be required to undertake other responsibilities and duties as determined by the Branch Secretary.

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(1)(h) All Branch Organisers shall be ex-officio members of the Branch Council but will not have voting rights.

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## 121 - ACTING BRANCH SECRETARY

(1)(i) There will be a Branch Organiser working with the Tram & Bus Division. The position is created on the same basis as other Branch Organisers under this rule and the continued existence of this position will remain at the discretion of the Queensland Branch Council.

Unless Branch Council determines an alternative method of selection or determines to remove this position, this Branch Organiser position will be subject to an election by members of the Tram & Bus Division every four years at the same time as Branch Officers elections.

The elected position of Branch Organiser cannot be determined by the Branch Council to cease from a date within the current four year term of the elected Branch Organiser position without the agreement of the Branch Tram & Bus Divisional Committee.

(1)(j) Any grievance over the operation of this sub-clause shall be notified to the Branch Secretary in the first instance. The Branch Secretary shall deal with the matter as expeditiously as possible. Should the aggrieved member be dissatisfied with the decision of the Branch Secretary, the matter may be remitted to the Branch Executive or Branch Council.

(2) Regardless of any other sub-rules to the contrary and/or inconsistencies with other rules in Part XI, sub-rule 120(1) shall prevail.

## 121 - ACTING BRANCH SECRETARY

When the Branch Secretary is temporarily unable to fulfil his/her duties by reason of illness, absence on leave or other reason, the Branch Executive shall appoint a Branch Office Bearer to act in the Office for the duration of the absence with such appointee having all the rights and duties of the Office of Branch Secretary.

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Deleted: (1)(m) - There will be an election of four Rail Division Branch organisers in 2006.

→ One Branch Organiser will be elected from and by members in the Sub-Branches contained in 120(1)(d)

→ One Branch Organiser will be elected from and by members in the Sub-Branches contained in 120(1)(e)

→ Two Branch Organisers will be elected from and by members in the Sub-Branches contained in 120(1)(f)

(1)(n) - The elected Branch Organisers positions will cease to exist from 1 January 2007, with the exception of the Tram and Bus Division which is governed by Rule 1(k).

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**122 - PROXIES**

In addition to the provisions of Rule 67, the following provisions shall apply in relation to proxies:-

- (i) A proxy for a Branch Divisional Representative on a District Executive shall be appointed by the relevant Branch Divisional Committee.
- (ii) A proxy for a Branch Organiser for a particular District shall be appointed by the District Executive.
- (iii) A proxy for a Regional Delegate to the Branch Council shall be appointed by the relevant District Committee.
- (iv) A proxy for a District or Regional Representative on a Branch Divisional Committee shall be appointed by the Branch Divisional Committee.
- (v) Where an Office Bearer for whom a proxy is to be appointed is a member of more than one Branch Governing Body, then, subject to this Rule and Rule 67, a different person may be appointed as proxy in relation to different Governing Bodies.

**123 - NOMINATION FOR MORE THAN ONE OFFICE**

In any ordinary election, no person shall be eligible to nominate for more than one position having membership of the Branch Council or more than one position having membership of the Branch Executive or more than one position having membership of a Branch Divisional Committee or more than one position having membership of a District Executive or more than one position having membership of a Sub-Branch Committee or more than one position having membership of a Sub-Divisional Committee.

125 - DEFINITIONS

**PART XII - SOUTH AUSTRALIAN AND NORTHERN TERRITORY BRANCH:  
SPECIFIC PROVISIONS**

**124 - APPLICATION**

This Part applies specifically to the South Australian and Northern Territory 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.

**125 - DEFINITIONS**

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

"Branch" means the Australian Rail, Tram and Bus Industry Union South Australian and Northern Territory Branch.

"A.R.T.C." means Australian Rail Track Corporation.

"A.R.T.C. District" shall incorporate all Members employed by the A.R.T.C., Downer EDI, Engenco and Broadspectrum.

Moved (insertion) [22]

"Aurizon" shall incorporate all Members employed by Aurizon, Qube Logistics, Rail Train, Bowmans Intermodal and SCT Logistics (including Specialised Bulk Services and Rail Pro Services).

Moved (insertion) [23]

Deleted: .

Deleted: "Aurizon" means Aurizon

"Bowmans Intermodal" means Bowmans Balco

"District" means a geographical area within the Branch.

Moved (insertion) [21]

"Downer - EDI" means Downer - EDI Ltd.

"G.S.R." means Great Southern Railway.

"G.W.A." means Genesee Wyoming Australia.

"GWA District" means all locations in the South Australian and Northern Territory Branch where GWA employees are employed.

"Pacific National" means Pacific National

"Qube Logistics" means Qube Logistics.

"Rail Commissioner" means Rail Commissioner.

"Rail Train" means Rail Train

"SCT Logistics" means SCT Logistics (including Specialised Bulk Rail and Rail ProServices)

Moved up [21]: "District" means a geographical area within the Branch.

Moved up [22]: "A.R.T.C. District" shall incorporate all Members employed by the A.R.T.C., Downer EDI, Engenco and Broadspectrum.

Moved up [23]: "Aurizon" shall incorporate all Members employed by Aurizon, Qube Logistics, Rail Train, Bowmans Intermodal and SCT Logistics (including Specialised Bulk Services and Rail Pro Services)..

Deleted: "GWA District" means all locations in the South Australian and Northern Territory Branch where GWA employees are employed.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

## 129 - BRANCH STRUCTURE AND ORGANIZATION

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“Northern Territory District” means all locations in the Northern Territory where employees are employed.

“Pacific National District” shall incorporate all Members employed by Pacific National and GSR in all locations in the South Australian and Northern Territory Branch.

"Rail Commissioner District" means all locations where Rail Commissioner employees are employed.

Successorship means any reference to a business or part of a business in this part is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of the business.

### 126 - NAME OF BRANCH

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, South Australian and Northern Territory Branch"

### 127 - BRANCH OFFICE

The Branch office shall be located at 63, Ledger Road, Beverly, South Australia, 5009 or at such other place as is determined by the Branch Council from time to time.

### 128 - BRANCH MEMBERSHIP

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

### 129 - BRANCH STRUCTURE AND ORGANIZATION

(1) The Branch shall be principally organised on a Branch District, Branch Regional Sub-Branch, Delegate and Shop Committee basis.

(2) Branch Regional Sub-Branches shall be established for:-

Adelaide Metro Region (including Tailem Bend, Balaklava, Balhannah and Bowmans)

South Australia and Northern Territory Region (all locations not included in the Adelaide Metro Region) Eyre Peninsula, Port Augusta, Whyalla and the Northern Territory.

**130 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

- (1) The Branch Council shall comprise the Branch President, Branch Vice President, Branch Junior Vice President Metro, Branch Junior Vice President Regional, Branch Vice President (Women), the Branch Secretary, the Branch Organiser (where elected), together with delegates from Branch Districts determined in accordance with Sub-Rule 130(2).
- (2) For the purpose of electing delegates to Branch Council, the Branch shall be divided into Districts as provided for in this sub-clause.

The Districts into which the Branch is to be divided for the purpose of electing delegates to the Branch Council and the number of delegates shall be as follows:-

Branch Districts

ARTC District (but excluding employees in the Northern Territory) - One (1) delegate

Pacific National District (excluding employees in the Northern Territory) - Two (2) delegates, one representing members in the Adelaide Metro region and one representing all other locations in South Australia.

Aurizon/ SCT Logistics District (excluding employees in the Northern Territory) - One (1) delegate

GWA District – Two (2) delegates, with one representing members in the Adelaide Metro region and one representing all other locations in South Australia.

Rail Commissioner District – Three (3) delegates, one of whom shall be elected by and from employees of Tram Depot/s.

Northern Territory District – One (1) delegate

Where the Branch Council determines that the number of members in a Branch District is too small to warrant a delegate to the Branch Council, the Council may combine such District or part of a District with another District for the purpose of forming an electorate for the election of Council Delegates. Branch Council prior to each election, shall review the number of delegates to be elected from each District on the basis of changes to the number of members in a District or combined District.

- (3) The Branch Council shall meet in ordinary session annually at such times and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President and the Branch Secretary jointly, may determine, provided that the Branch Executive may vary the date determined where circumstances so require.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

**131 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall comprise the Branch President, the Branch Vice President, the Branch Deputy Vice-President Metro, the Branch Deputy Vice President Regional, the Branch Vice-President (Women), the Branch Secretary, and the Branch Organiser (where elected).
- (2) The Branch Executive shall meet in Ordinary Session in the months of March, June, September and December (excepting if a Branch Council meets during the same month), at such times and places as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly may determine.

**132 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH REGIONAL COMMITTEES**

- (1) A Branch Regional Sub-Branch Committee shall comprise the Branch Regional Sub-Branch President, the Branch Regional Sub-Branch Vice-President and the Branch Regional Sub-Branch Secretary. A candidate for a position of Branch Regional Sub-Branch President, Vice-President or Secretary must be a financial member of the Union and a member of the Branch Regional Sub-Branch on the date on which nominations open.
- (2) Branch Council or Branch Executive shall determine when Regional Branch Sub-Branch Committees meet in ordinary session and at such times and location. Branch Council shall determine the scope, role and operation of Branch Regional Sub-Branches.

**133 - BRANCH OFFICES**

- (1) The Branch Offices are:-
  - Branch President
  - Branch Vice-President
  - Branch Vice President (Women)
  - Branch Deputy Vice President Metro
  - Branch Deputy Vice President Regional
  - Branch Secretary
  - Branch Organiser (where elected)
  - Branch District Delegates to the Branch Council
  - Branch Regional Sub-Branch Committee members
- (2) The Office of Branch Secretary shall be a paid position.
- (3) The position of Branch Organiser shall be either a full-time or part-time, paid position.
- (4) Other Branch Offices as specified in Sub-Rule 133(1) shall be honorary positions.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

**134 - SPECIFIC PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS**

- (1) Except to the extent modified by this Rule, the provisions of Rules 47, 48, 49, 50 and 51 shall apply in relation to Branch Offices and Office Bearers.
- (2) There shall be a Branch Vice-President (Women) who shall be elected by a secret ballot of all the women financial members of the Branch. To be eligible to nominate for the Office a candidate must be a financial member on the date on which nominations open. The duties of the Branch Vice-President (Women) shall be to promote and work for the involvement of women members within the Branch.
- (3) Branch Organiser: Branch Council shall determine from time to time whether the Branch Organiser is to be a full time or part time position and if full time whether it is to be elected by members or appointed by Branch Council. A part time Branch Organiser shall be appointed by Branch Council.
- (4) Notwithstanding the provisions of Rule 47(3), the terms of Office of honorary positions in the Branch shall be every 4 years.
- (5) Proxies: in addition to the provisions of Rule 67 the following shall apply. A proxy for a Branch District delegate to Branch Council shall be appointed by the Branch Executive. A proxy for Branch Vice-President (Women) shall be appointed by the Branch Executive from among the women members of the Branch.



#### 137 - BRANCH FUNDS

- (6) Branch District Delegates to the Branch Council shall be elected by a secret ballot of all the financial members within each Branch District forming an electorate in accordance with Rule 130.

Deleted: 135 - DELETED

#### 136 – DELEGATES AND SHOP COMMITTEES

- (1) In any workshop, depot, station, shunting yard, terminal, infrastructure gang, control centre or office etc where the majority of members so decide those members may appoint a Delegate/s and a Deputy Delegate/s in the months of February/March of each year. In the event of a position of Delegate and/or Deputy Delegate falling vacant or where a petition, presented to the Branch Secretary, signed by at least 50% of financial members of the workplace calling for a new appointment to the position of Delegate and/or Deputy Delegate, the members in the workplace may by majority decision appoint a replacement. All appointments shall be ratified by the Branch Executive.

The duties of Delegates shall be to interview local management representatives for the purposes of securing an adjustment of members' grievances, ensure all awards and enterprise agreements are enforced and to see that company regulations and instructions relating to the welfare of members are observed. Delegates shall notify the Branch Secretary of any matter concerning members at their work location.

- (2) A Shop Committee of not less than three members may be appointed in the month of December for another date so decided by the majority of eligible Members each year where not less than fifteen members are located and where the majority of members so decide. A Shop Committee may have a work function, workplace and/or geographical basis. The appointment of a Shop Committee shall be ratified by the Branch Executive.

The role of such Shop Committee shall be to interview local management representatives for the purpose of securing an adjustment of members' grievances, to ensure all awards and enterprise agreements are enforced and to see that company regulations and instructions relating to the welfare of members are observed. Only matters of a local nature shall be presented to local management representatives, all other being referred to the Branch Secretary.

#### 137 - BRANCH FUNDS

Without limiting the generality of the foregoing, the following real property shall form part of the South Australian and Northern Territory Branch Funds:-

The property of 63 Ledger Road, Beverley SA;

Any such property, or financial accounts as determined from time to time by the Branch Council.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

**PART XIII - TASMANIAN BRANCH: SPECIFIC PROVISIONS**

**138 - APPLICATION**

This Part applies specifically to the Tasmanian 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.

**139 - DEFINITIONS**

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

"Branch" means the Australian, Rail, Tram and Bus Industry Union, Tasmanian Branch.

"Honorary" means an unpaid position.

"North West Coast Region" means that geographical region having the telephone prefix 0364.

"Northern Region" means that geographical region having the telephone prefix 0363.

"Southern Region" means that geographical region having the telephone prefix 0362.

**140 - NAME OF BRANCH**

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, Tasmanian Branch"

**141 - BRANCH OFFICE AND REGIONAL OFFICE**

The Branch office shall be located at Suite 5/113 Main Road, Moonah Tasmania or at such other place as is determined by the Branch Council from time to time.

**Deleted: 137A - TRANSITIONAL RULE**

The alterations to rules 125, 130, 131 and 136 endorsed by the Branch Council in June 2017 and certified by the Registrar shall not come into effect until the 2018 Australian Rail, Tram and Bus Industry Union general elections.

**Deleted:**

**Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]**

#### 142 - BRANCH MEMBERSHIP

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

#### 143 - BRANCH STRUCTURE AND ORGANISATION

(1) The Branch shall be principally organised on a Branch, a Branch Divisional, a Regional Branch Divisional and a Branch Sub-Divisional basis.

(2) The Branch Divisions shall be as follows:-

Rail  
Tram and Bus

with the scope of each Branch Division being as defined in Rule 6 of these Rules but with the Branch Rail Division, combining the Infrastructure, Fleet Manufacture, Overhaul, Maintenance and Service Division, the Administrative, Supervisory, Technical and Professional Division, the National Locomotive Division and the National Rail Operations Division.

(3) Within the Branch Tram & Bus Division there shall be the following Sub-Divisions:-

Springfield, Launceston, Burnie and Administration/Supervisory.

(4) (a) Due to industry depot rationalisation the Sub-Divisions of City and Mornington will cease to operate in 1995 and the members affected transferred to the Sub-Division of Springfield. Within three months of the closing of the Sub-Divisions of City and Mornington, a ballot be commenced under Rule 75 - Election procedures: Tram and Bus Division to elect a Sub-Division representative to the Branch Divisional Committee from the Sub-Division at Springfield.

(b) The term of office for the Sub-Division representatives from the Sub-Divisions of City, Mornington and Springfield elected at the 1994 election shall expire at the conclusion of the ballot as per Rule 143(4)(a) to be held under Rule 75 - Election Procedures: Tram and Bus Division to elect a Sub-Division representative from the Sub-Division of Springfield whose term expires at the conclusion of the election to be held in 1996.

**144 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

- (1) The Branch Council shall comprise the Branch President, the Branch Secretary, the Assistant Branch Secretary, the Presidents of each Branch Division, the Secretaries of each Branch Division and Branch Divisional Delegates determined in accordance with Sub-Rule 144(2).
- (2) Each Branch Division shall be entitled to one Delegate to the Branch Council for each one hundred members or part thereof. The number of Delegates to which a Branch Division is entitled, shall be determined on the basis of the number of financial members within the Branch Division at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.
- (3) The Branch Council shall meet in Ordinary Session twice a year at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, shall determine.

**145 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall comprise the Branch President, the Branch Secretary, the Assistant Branch Secretary, the Presidents of each Branch Division and the Secretaries of each Branch Division.
- (2) The Branch Executive shall meet in Ordinary Session at least three times each year at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, shall determine.

**146 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES**

- (1) The Branch Divisional Committee for the Branch Rail Division shall comprise the Branch Divisional President, the Branch Divisional Secretary, one representative of the North West Coast Region, one representative of the Northern Region and one representative of the Southern Region.
- (2) The Branch Divisional Committee for the Tram and Bus Division shall comprise the Branch Divisional President, two Branch Divisional Vice-Presidents, the Branch Divisional Secretary, and a representative from each Sub-Division within the Branch Tram and Bus Division.
- (3) The Branch Divisional Committee for the Branch Rail Division shall meet in Ordinary Session twice a year at such times and places as the Branch Divisional Committee or, in the absence of a decision by the Committee, the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.
- (4) The Branch Divisional Committee for the Tram and Bus Division shall meet in ordinary session four times a year at such times and places as the Branch Divisional Committee or, in the absence of a decision by the Branch Divisional Committee, the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

**147 - BRANCH OFFICES**

- (1) The Branch Offices are:-
- Branch President
  - Branch Vice-President
  - Branch Secretary
  - Assistant Branch Secretary
  - Branch Divisional Presidents
  - Branch Divisional Vice-Presidents
  - Branch Divisional Secretaries
  - Branch Divisional Delegates to the Branch Council
  - Sub-Divisional Representatives on a Branch Divisional Committee
  - Regional Representatives on a Branch Divisional Committee
- (2) Subject to Sub-Rule 147(4), the Office of Branch Secretary shall be a paid, casual position.
- (3) Other Branch Offices as specified in Sub-Rule 147(1) shall be honorary positions.
- (4) Where a Branch Office is a paid position the Branch Council shall from time to time determine the amount of casual work that will be undertaken by the Branch Secretary.
- (5) The Branch Divisional Secretary of the Division not providing the Branch Secretary shall be ex-officio Assistant Branch Secretary.
- (6) The Assistant Branch Secretary shall relieve the Branch Secretary where and when appropriate as decided by the Branch Executive.

**148 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS**

- (1) Except to the extent modified by this Rule, the provisions of Rules 47, 48 and 50 shall apply in relation to Branch Offices and Office Bearers.
- (2) The Branch Vice-President shall be elected by secret ballot of all the financial members of the Branch.
- (3) Within the Branch Tram and Bus Division, one Divisional Vice-President shall be elected by a secret ballot of the financial members of the Branch Sub-Divisions within the Northern and the North West Coast Regions while the other Divisional Vice-President shall be elected by a secret ballot of all the financial members of the Branch Sub-Divisions within the Southern Region.
- (4) Regional Representatives on a Branch Divisional Committee shall be elected by a secret ballot of all the financial members of the Branch Division within the relevant Region.

**Deleted:** (5) - The alterations to rules 147 and 148 made by the Branch Council on 1st September 2001 shall not come into effect until the 2002 Australian Rail, Tram and Bus Industry Union general elections.<sup>4</sup>

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

#### 149 - PROXIES

In addition to the provisions of Rule 67, the following provisions shall apply in relation to proxies:-

- (i) A proxy for the Branch Divisional President of the Branch Tram & Bus Division shall be appointed by the Branch Divisional Committee from the two Branch Divisional Vice-Presidents.
- (ii) A proxy for a Regional Representative on a Branch Divisional Committee shall be appointed by the Branch Divisional Committee.

#### PART XIV - VICTORIAN BRANCH: SPECIFIC PROVISIONS

#### 150 - APPLICATION

This Part applies specifically to the Victorian 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.

#### 151 - DEFINITIONS

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

"Branch" means the Australian Rail, Tram and Bus Industry Union, Victorian Branch.

"Metropolitan Area" in relation to representatives on or Delegates to Branch Governing Bodies means the Melbourne Metropolitan Area.

"Region" means a geographical area within the Branch or within a Branch Division or Divisions.

Moved down [26]: "Region" means a geographical area within the Branch or within a Branch Division or Divisions.

Moved (insertion) [26]

#### 152 - NAME OF BRANCH

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, Victorian Branch"

#### 153 - BRANCH OFFICE

The Branch Office shall be located at Level 2, 365 Queen Street Melbourne or at such other place as is determined by the Branch Council from time to time.

#### 154 - BRANCH DIVISIONAL OFFICES

The Branch Divisional Offices shall be located at Level 2, 365 Queen Street Melbourne. The Locomotive Division is located at L6, 1-5 Elizabeth Street Melbourne or at such other places as are determined by the Branch Council from time to time.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

**Deleted:** 139V: Incorporates alterations of 27 March 2020  
(R2020/1)

### 155 - BRANCH MEMBERSHIP

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

### 156 - BRANCH STRUCTURE AND ORGANISATION

(1) The Branch shall be principally organised on a Branch, a Branch Divisional, a Sub-Branch and a Sub-Divisional basis.

(2) The Branch Divisions shall be as follows:-

Administrative, Supervisory, Technical and Professional  
Infrastructure  
Locomotive  
Rail Operations  
Tram and Bus  
Fleet Manufacture, Overhaul, Maintenance and Service

with the scope of each Division being as defined in Rule 6.

(3) Each Branch Division shall be divided into Sub-Divisions with each Sub-Division being organised on the basis of depots, sheds or other workplace or geographical location or any other convenient sub-grouping of members within a Branch Division.

(i) Within the Branch Locomotive Division there shall be the following Sub-Divisions:-

Metropolitan (incorporating Epping, Ringwood, Dandenong, Frankston, Broadmeadows, Sydenham and Newport Outstations)

#### V/LINE PASSENGER

V/Line Passenger Southern Cross  
V/Line Passenger Traralgon/Sale  
V/Line Passenger Ballarat  
V/Line Passenger Seymour (incorporating Wodonga Passenger)  
V/Line Passenger Bendigo (incorporating Kyneton Passenger)  
V/Line Passenger Geelong

#### PACIFIC NATIONAL VICTORIAN GENERAL FREIGHT, BULK RAIL AND AURIZON AND GRAIN

Pacific National Central (incorporating Qube Logistics, Aurizon and SCT)  
Pacific National Maryborough (incorporating Bendigo, Mildura and Ouyen)  
Pacific National Dimboola  
Pacific National Geelong

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]



PACIFIC NATIONAL (INTERMODAL)  
Pacific National - Wimmera  
Pacific National - Melbourne

The Sub-Divisions shall be grouped according to rule 159(4) for the purpose of establishing the Branch Divisional Committee.

- (ii) Within the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division there shall be the following Sub-Divisions:-

Metro  
EDI - Workshops  
Miscellaneous (comprising members of the Division employed by a business or part of a business which does not otherwise form a Sub-Division in this sub-rule.)

- (iii) Within the Branch Rail Operations Division there shall be the following Sub-Divisions:-

Metro  
Pacific National  
V/Line Passenger  
V/Line Network and Access (Operations)

- (iv) Within the Branch Rail Operations Sub-Divisions there shall be the following sections as required:-

Station Assistants  
Conductors  
Shunters/Yard Persons  
Authorised Officers  
Signallers  
Metrol  
Centrol

Each section shall comprise up to 10 members as determined by the Branch Rail Operations Divisional Committee of Management from time to time.

- (v) Within the Branch Administrative, Supervisory, Technical and Professional Division there shall be the following Sub-Divisions:-

Metro Fleet Manufacture, Overhaul, Maintenance and Service  
Metro Infrastructure  
Metro Rail Operations  
V/Line Passenger  
V/Line Passenger Infrastructure  
Miscellaneous (comprising members of the Division employed by a business or part of a business which does not otherwise form a Sub-Division in this sub-rule.)

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

- (vi) Within the Branch Infrastructure Division there shall be the following Sub-Divisions:-

EDI Downer Works  
Metro  
V/Line Passenger Infrastructure  
Miscellaneous (comprising members of the Division employed by a business or part of a business which does not otherwise form a Sub-Division in this sub-rule.)

- (vii) Within the Branch Tram and Bus Division there shall be the following Sub-Divisions:-

Brunswick  
Camberwell  
Essendon  
Glenhuntly  
Kew  
Malvern  
Preston  
Southbank  
Bendigo Trams  
Tram Hub  
Authorised Officers  
Preston Workshops  
Tram Infrastructure  
Tram Maintenance

- (viii) Any reference to a business or part of a business in this sub-rule is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of a business.

- (4) The Branch Council may establish Sub-Branches within particular geographical regions with each Sub-Branch comprising some or all members of the Branch within a particular region.
- (5) Regional Sub-Branches shall be established combining members within the Branch Administrative, Supervisory, Technical and Professional Division, the Branch Infrastructure Division, the Branch Rail Operations Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division employed within the following areas:-

Western/South Western Region

Ararat/Stawell  
Mildura/Ouyen  
Ballarat  
Hamilton/Portland  
Dimboola/Murtoa/Horsham  
Geelong/Gheringhap  
Warrnambool/Camperdown  
Colac

157 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL

Northern Region

Bendigo/Castlemaine/Woodend  
Echuca/Korongvale/Swan Hill  
Shepparton/Seymour/Numurkah  
Benalla/Wangaratta  
Wodonga

Southern Region

Bairnsdale  
Traralgon/Morwell  
Warragul/Korumburra.

**157 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

- (1) The Branch Council shall comprise the Branch President, the Branch Senior Vice-President, the Branch Junior Vice-President, the Branch Secretary, the Assistant Branch Secretary, the Secretaries of each Branch Division, the Branch Divisional Assistant Secretary Tram and Bus Division, the Branch Organisers (if any), and the Branch Divisional Organisers (if any) together with the Delegates from Branch Divisions and Regional Sub-Branches determined in accordance with Sub-Rules 157(2) and 157(3).
- (2) The Branch Divisions shall be entitled to Delegates to the Branch Council determined in accordance with the following schedule:-

<u>Number of Members within Branch Division</u>	<u>Number of Delegates</u>
For the first 375 or part thereof	1 Delegate
For 376 to 625	2 Delegates
For 626 to 875	3 Delegates
For 876 to 1,125	4 Delegates
For 1,126 to 1,375	5 Delegates
For 1,376 to 1,625	6 Delegates

The number of Delegates shall be determined on the basis of the number of financial members within the Branch Division at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.

The Delegate entitlement of the Branch Tram and Bus Division and the Branch Locomotive Division shall be filled by the elected Office Bearers of the Branch Divisional Committees in accordance with the following order of seniority:-

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

158 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE

Branch Divisional President  
Branch Divisional Vice-President  
Sub-Divisional Representatives on the Branch Divisional Committee ranked in accordance with the number of financial members within the Sub-Division.

provided that, should one of the Office Bearers otherwise entitled to be a Delegate to the Branch Council in accordance with the foregoing, already be a member of the Branch Council by reason of the fact that he/she holds another Office having membership of the Branch Council, then his/her entitlement to be a Delegate shall pass to the next highest ranking Office Bearer.

The delegate entitlement of the members within the Metropolitan Areas of the Branch Administrative, Supervisory, Technical and Professional Division, the Branch Infrastructure Division, the Branch Rail Operations Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division shall be directly elected according to the provisions of rule 71.

- (3) The delegate entitlement of the Regional Sub-Branches shall be the Sub-Branch President and Sub-Branch Secretary.
- (4) The Branch Council shall meet in Ordinary Session at least once 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 and the Branch Secretary jointly, shall from time to time determine.

**158 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretary, the Branch Organisers (if any), the Branch Divisional Organisers (if any), the Secretaries of each Branch Division, and the Branch Divisional Assistant Secretary Tram and Bus Division together with Delegates to the Branch Executive from the Branch Divisions.
- (2) The number of Delegates to the Branch Executive to which a Branch Division is entitled shall be determined in accordance with the following schedule:-

<u>Number of Members within the Branch Division</u>	<u>Number of Delegates</u>
For the first 1,400 or part thereof	1 Delegate
For 1,401 to 2,400	2 Delegates
For 2,401 to 3,400	3 Delegates

The number of Delegates shall be determined on the basis of the number of financial members within the relevant Branch Division and/or areas as specified in Sub-Rule 158(3) at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

- (3) The Branch shall be divided as follows for the purposes of determining Branch Divisional Delegates to the Branch Executive:-

The Branch Tram and Bus Division  
The Branch Locomotive Division  
The Branch Administrative, Supervisory, Technical and Professional Division  
The Branch Infrastructure Division  
The Branch Rail Operations Division  
The Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.

- (3)(a) Delegates to which the Branch Tram and Bus Division, and the Branch Administrative, Supervisory, Technical and Professional Division, the Branch Infrastructure Division, the Branch Rail Operations Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division are entitled, shall be filled by the elected Office Bearers of the respective Branch Divisional Committees in accordance with the following order of seniority:-

Branch Divisional President  
Branch Divisional Vice-President  
Sub-Divisional Representatives on the Branch Divisional Committee ranked in accordance with the number of financial members within the Branch Sub-Division

provided that, should one of the Office Bearers otherwise entitled to be a Delegate to the Branch Executive in accordance with the foregoing, already be a member of the Branch Executive by reason of the fact that he/she holds another office having membership of the Branch Executive, then his/her entitlement to be a Delegate shall pass to the next highest ranking Office Bearer.

- (3)(b) Delegates to which the Branch Locomotive Division are entitled shall be filled by the elected Office Bearers of the Branch Divisional Committee in accordance with the following order of seniority:-

Branch Divisional President  
Branch Divisional Vice-President  
Branch Divisional Assistant Secretary  
Sub- Divisional Representatives on the Branch Divisional Committee ranked in accordance with the number of financial members within the Branch Sub-Division

Provided that should one of the Office Bearers otherwise entitled to be a Delegate to the Branch Executive in accordance with the foregoing, already be a member of the Branch Executive by reason of the fact that he/she holds another office having membership of the Branch Executive, then his/her entitlement to be a Delegate shall pass to the next highest ranking Office Bearer.

- (4) The Branch Executive shall meet in Ordinary Session once a month at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, may determine.

**159 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES**

- (1) Each Branch Division shall have a Divisional Committee.
- (2) A Branch Divisional Committee shall comprise the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary and the Branch Divisional Organiser (if any) together with representatives of the Sub-Divisions within the Branch Divisions. Except in the case of the Branch Tram and Bus Division and the Branch Locomotive Division, the representation to which a Sub-Division is entitled shall be as determined by the Branch Divisional Committee pursuant to Rule 59. No Branch Divisional Committee shall exceed twenty-one (21) members.
- (3) The Branch Divisional Committee for the Tram and Bus Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary, the Branch Divisional Assistant Secretary, and the Branch Divisional Organiser (if any) comprise one representative from each of the following Sub-Divisions:-

Brunswick Sub-Division  
Camberwell Sub-Division  
Essendon Sub-Division  
Glenhuntly Sub-Division  
Kew Sub-Division  
Malvern Sub-Division  
Preston Sub-Division  
Southbank Sub-Division  
Bendigo Trams  
Tram Hub  
Preston Workshops Sub-Division  
Tram Infrastructure  
Tram Maintenance  
Authorised Officers

- (4) The Branch Divisional Committee for the Locomotive Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary, the Branch Divisional Assistant Secretary and the Branch Divisional Organiser (if any) comprise Sub-Divisional Representatives determined in accordance with this Sub-Clause 159(4).

Each Region within the Branch Division as specified hereunder shall be entitled to a Representative or Representatives on the Branch Divisional Committee. The number of Representatives shall be determined in accordance with the following schedule:-

Metropolitan	(4 representatives)
Pacific National Victorian General Freight, Bulk Rail and Grain (incorporating Qube Logistics, Aurizon and SCT)	(1 representative)
V/Line Passenger	(2 representative)
Pacific National Intermodal	(1 representative)

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

159 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

- (5) The Branch Divisional Committee for the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice-President and the Branch Divisional Secretary include the following Sub Divisional representatives:-

EDI - Workshops	(2 Representatives)
Metro	(3 Representatives)
Miscellaneous Sub-Division	(1 Representative)

- (6) The Branch Divisional Committee for the Branch Rail Operations Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice President and the Branch Divisional Secretary include the following Sub Divisional representatives:

Pacific National	(1 Representative)
V/Line Passenger	(2 Representatives)
V/Line Network and Access (Operations)	(1 Representative)
Metro	(5 Representatives)

- (7) The Branch Divisional Committee for the Branch Infrastructure Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice President and the Branch Divisional Secretary include the following Sub Divisional representatives:

EDI Downer Works	(1 Representative)
Metro	(6 Representatives)
V/Line Passenger Infrastructure	(2 Representatives)
Miscellaneous	(1 Representative)

- (8) The Branch Divisional Committee for the Branch Administrative, Supervisory, Technical and Professional Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice-President and the Branch Divisional Secretary include the following Sub Divisional representatives:-

V/Line Passenger Sub-Division	(1 Representatives)
Metro Fleet Manufacture, Overhaul, Maintenance & Service Sub-Division	(1 Representative)
Metro Infrastructure Sub-Division	(1 Representative)
Metro Rail Operations Sub-Division	(4 Representatives)
V/Line Passenger Infrastructure Sub-Division	(1 Representative)
Miscellaneous Sub-Division	(1 Representative)

- (9) Subject to any restrictions imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee may meet in Ordinary Session with such frequency and at such times and places as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.

- (10) Any reference to a business or part of a business in this rule is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of a business.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]

### 160 - REGIONAL COMMITTEES

Regional Sub Branch Committees shall be established in relation to the Regions specified in Sub-Rule 156(5). Such Committees shall have management of the affairs of the Branch Administrative, Supervisory, Technical and Professional Division, the Branch Infrastructure Division, the Branch Rail Operations Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Divisions within a Region and shall each comprise a Sub Branch President, Senior Sub-Branch Vice-President, Junior Sub-Branch Vice-President, a Sub-Branch Secretary and four Sub Branch Representatives. Regional Sub Branch Committee shall meet in Ordinary Session at least once a year at such times and places as the Committee may determine.

### 161 - BRANCH OFFICES

(1) The Branch Offices are:-

Branch President  
Senior Branch Vice-President  
Junior Branch Vice-President  
Branch Secretary  
Assistant Branch Secretary  
Branch Organisers (if any)  
Branch Divisional Organisers (if any)  
Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) ▼  
Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions)  
Branch Divisional Presidents  
Branch Divisional Vice-Presidents  
Branch Divisional Secretaries  
Branch Divisional Assistant Secretary - Tram and Bus  
Branch Divisional Assistant Secretary - Locomotive  
Branch Divisional Delegates to the Branch Council  
Sub-Branch Delegates to the Branch Council  
Branch Divisional Delegates to the Branch Executive  
Sub-Divisional Representatives on a Branch Divisional Committee  
Sub-Branch Presidents  
Senior Sub-Branch Vice-Presidents  
Junior Sub-Branch Vice-Presidents  
Sub-Branch Secretaries

(2) The office of Branch Secretary, Branch Divisional Secretary, (except for Branch Divisional Secretary, Branch Infrastructure Division; Branch Divisional Secretary, Branch Administrative, Supervisory, Technical and Professional Division; Branch Divisional Secretary, Branch Fleet Manufacture Division) Branch Divisional Assistant Secretary Tram & Bus, Branch Divisional Assistant Secretary – Locomotive, Branch Organiser (if any) and Branch Divisional Organiser (if any) shall be paid positions.

Deleted: - as from the 2010 Branch elections

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]



162 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS

(2A) The office of Assistant Branch Secretary shall be a paid position until one of the following occurs:

- (i) the expiry of the current term of office of the person who holds the office on 1 February, 2000 (“the incumbent”); or
- (ii) the incumbent dies, resigns or is deemed to have resigned by operation of these Rules;

and thereupon the Office shall be an honorary office.

(3) Prior to a quadrennial election being held pursuant to these rules Branch Council shall determine the number of Branch Organisers (if any) and the number of Branch Divisional Organisers (if any) for which nominations are to be called.

(4) Subject to Sub-Rule(3) above the Branch Offices, other than those specified in Sub-Rule 161(2) shall be honorary positions.

The Office of the Branch Divisional Assistant Secretary - Locomotive may be a full time or part-time paid position.

(5) For the purposes of Sub-Rule 161(1), Sub-Branch President, Sub-Branch Vice-President, and Sub-Branch Secretary means such Sub-Branch Offices within Sub-Branches referred to in Sub-Rule 156(5).

**162 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS**

(1) The Senior Branch Vice-President and the Junior Branch Vice-President shall be elected by a secret ballot of all the financial members of the Branch.

(2) The Branch Divisional Presidents, the Branch Divisional Vice-Presidents and the Branch Divisional Secretaries, Branch Divisional Assistant Secretary Tram and Bus and the Branch Divisional Assistant Secretary - Locomotive shall be elected by a secret ballot of all the financial members of the respective Branch Division(s).

(3) In addition to meeting the requirements of Sub-Rules 47(5) or 47(6), a candidate for the Offices of Branch Divisional President or Branch Divisional Vice-President Branch Divisional Secretary or Branch Divisional Assistant Secretary Tram and Bus and Branch Divisional Assistant Secretary - Locomotive must, on the date on which nominations open, be a member of the Branch Division in which they seek election. Further, a candidate for an Office of Branch Divisional Secretary and Branch Divisional Assistant Secretary Tram and Bus and Branch Divisional Assistant Secretary - Locomotive must, unless he/she is a candidate seeking re-election, have been employed for a period of not less than twelve months immediately prior to the date on which nominations open, in a work function represented by the Branch Division in which they seek election.

(4) Regional Representatives to the Branch Divisional Committee of the Branch Locomotive Division shall be elected by a secret ballot of all the financial members within the region that the Officer is to represent.

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162 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS

- (5) Sub-Branch Presidents, Sub-Branch Vice-Presidents, Sub-Branch Secretaries and the four Sub-Branch Representatives within the Sub-Branche s specified in Sub-Rule 156(5) shall be elected by a secret ballot of all the financial members within the Sub-Branch.
- (6) The Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) shall be elected by all members who are entitled to vote in Branch elections and who are also members of either the Branch Infrastructure Division or the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.
- (6A) ~~The Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) shall be elected by all members who are entitled to vote in Branch elections and who are also members of either the Branch Administrative, Supervisory, Technical and Professional Division or the Branch Rail Operations Division.~~
- (7) The Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) shall service the industrial interests of Branch members in the Branch Infrastructure Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.

The Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) shall be under the direction of both the Branch Divisional Secretary - Infrastructure Division and the Branch Divisional Secretary - Fleet Manufacture, Overhaul, Maintenance and Service Division, and, in addition to any duties specified elsewhere in these Rules, shall discharge all duties assigned to him/her by both those Branch Divisional Secretaries or the respective Branch Divisional Committees. In the event of a disagreement about what duties the Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) should perform, the Branch Secretary shall resolve the disagreement as he or she sees fit.

- (7A) ~~The Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) shall service the industrial interests of Branch members in the Branch Administrative, Supervisory, Technical and Professional Division and the Branch Rail Operations Division. The Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) shall be under the direction of both the Branch Divisional Secretary - Administrative, Supervisory, Technical and Professional Division and the Branch Divisional Secretary - Rail Operations Division, and in addition to any duties specified elsewhere in these Rules, shall discharge all duties assigned to him/her by both those Branch Divisional Secretaries or the respective Branch Divisional Committees. In the event of a disagreement about what duties the Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) should perform, the Branch Secretary shall resolve the disagreement as he or she sees fit.~~

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## 167 - CO-OPERATION BETWEEN BRANCH SUB-DIVISIONS

(8) In addition to meeting the requirements of Sub-Rules 47(5) or 47(6), a candidate for the office of Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) must, on the date on which nominations open, be a member of either the Branch Infrastructure Division or the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division, and must, unless he/she is a candidate seeking re-election, have been employed for a period of not less than twelve months immediately prior to the date on which nominations open, in a work function represented by either of those Branch Divisions.

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(8A) In addition to meeting the requirements of Sub-Rules 47(5) or 47(6), a candidate for the office of Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) must, on the date on which nominations open, be a member of either the Branch Administrative, Supervisory, Technical and Professional Division or the Rail Operations Division, and must, unless he/she is a candidate seeking re-election, have been employed for a period of not less than twelve months immediately prior to the date on which nominations open, in a work function represented by either of those Branch Divisions.

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## 165 - DUAL BRANCH OFFICES

Except as provided in Sub-Rule 35(2), more than one of the Branch Offices specified in Rule 161 may be held simultaneously.

## 166 - SUB-BRANCH COMMITTEES

A Sub-Branch Committee within the Victorian Branch may have up to ten (10) committee members.

## 167 - CO-OPERATION BETWEEN BRANCH SUB-DIVISIONS

By agreement between the relevant Branch Divisional Committees, two or more Branch Sub-Divisions within a particular depot, shed, workplace or geographical area may operate in unison in relation to that particular area.

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**168 - SHOP COMMITTEES AND DELEGATES**

- (1) Sub Rules 168(1), 168(2), and 168(3) apply in relation to the Branch Administrative, Supervisory, Technical and Professional Division, the Branch Infrastructure Division, the Branch Rail Operations Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.
- (2) A Shop Committee of not less than three members may be appointed in the month of December in each year by the members in any workshops, depot, station, shed, shunting yard, special gang etc. where not less than fifteen members are located. The role of such Shop Committee shall be to interview local departmental officers for the purpose of securing an adjustment of members' grievances, to police all awards and determinations to see that the provisions of same are not evaded, to see that departmental regulations, decisions and instructions relating to the welfare of members are observed and to exhaust every local channel for securing redress before referring grievances to a higher body of the Union. Only matters of a local nature shall be presented to local departmental officers, all other matters shall be referred to a higher body of the Union.
- (3) In workplaces where the majority of members so decide, those members may appoint a Job Delegate and a Deputy Job Delegate in the months of February/March each year. In the event of a position of Job Delegate and or Deputy Job Delegate falling vacant the members in the workplace may, by majority decision, appoint a replacement. Members at such workplaces shall, prior to the appointment of such Delegates, make application to the appropriate Branch Divisional Committee, Sub-Branch Committee or Shop Committee.

Upon the application being approved and the Job Delegate and Deputy Job Delegate being appointed, the appointment shall be ratified by the Branch Executive on the recommendation of the Divisional Committee, the Sub-Branch Committee or the Shop Committee, as the case may be.

The duties of the Job Delegates shall be to interview local departmental officers for the purposes of securing an adjustment of members' grievances, to police all awards and determinations and see that the provisions of same are not evaded and to see that departmental regulations, decisions and instructions relating to the welfare of members are observed. Delegates shall notify the appropriate Divisional Committee or Sub-Branch Committee or Shop Committee of any matter concerning members at their work location.

- (4) This sub rule applies in relation to the Branch Locomotive Division.
  - (i) Where the number of members in any depot does not exceed twenty five (25), and the majority of members so decide, those members may appoint a Job Delegate and a Deputy Job Delegate in each election term. In the event of a position of Job Delegate and/or Deputy Job Delegate falling vacant, the members in the workplace may, by majority decision, appoint a replacement. Only matters of a local nature shall be dealt with by a Job Delegate or Deputy Job Delegate. All other matters shall be referred to a higher body of the Union.
  - (ii) An appointment under sub rule 168(4)(i) shall not take effect unless and until it is approved by the Branch Locomotive Divisional Committee.

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

#### **169 - PROXIES**

In addition to the provisions of Rule 67, the following provisions shall apply:-

- (i) A proxy for a Regional Sub-Branch President or a Sub-Branch Secretary to the Branch Council shall be appointed by the relevant Sub-Branch Committee.
- (ii) A proxy for a Regional Representative on a Branch Divisional Committee shall be appointed by the Branch Divisional Committee.
- (iii) A proxy for a Representative on a Sub-Branch Committee shall be appointed by the Sub-Branch Committee.
- (iv) A proxy for a Sub-Branch President, a Senior Sub-Branch Vice-President, a Junior Sub-Branch Vice-President a Sub-Branch Secretary or a Sub-Branch Committee member shall be appointed by the Sub-Branch Committee.

#### **170 - BRANCH DELEGATES TO EXTERNAL BODIES**

- (1) Branch Delegates to the Australian Council of Trade Unions Congress, the Victorian Trades Hall Council and conferences of the Australian Labor Party shall, subject to Sub-Rule 170(2) be elected by and from the Branch Council.
- (2) The Branch President, the Branch Secretary and the Assistant Branch Secretary shall be delegates to the Australian Council of Trade Unions Congress and the Victorian Trades Hall Council and, provided that they meet the eligibility requirements for attendance at Australian Labor Party Conferences, they shall be delegates to such Conferences.

#### **171 - PRESS RELEASES AND MEDIA COMMENT**

Subject to Rule 82, the Branch Secretary, the Assistant Branch Secretary and the Branch President shall be the Branch Office Bearers to issue all press releases and make all media comment in relation to matters affecting the Branch and no other Office Bearer or member shall issue such releases or make such comment on behalf of the Branch without the express authorisation of the Branch Secretary.

**PART XV - WEST AUSTRALIAN BRANCH**

**172 - APPLICATION**

This part applies specifically to the West Australian 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, West Australian Branch.

"West Australian PTA Branch" means the Branch comprised of the members of the union in the employ of the Public Transport Authority of Western Australia or who are employed in or in connection with the activities of the Public Transport Authority, including employed in or in connection with Security, Urban Rail, Customer Relations, Administrative Technical and Supervisory, TransWA, Delron & Goldfields Buses, and Miscellaneous Infrastructure.

"Intrastate Section" means the Section comprised of the members of the Branch in the employ of the Australian Railroad Group.

"Interstate Section" means the Section comprised of the members of the Branch in the employ of Pacific National and S.C.T. Logistics.

"Infrastructure Section" means the Section comprised of the members of the Branch in the employ of John Holland, and Westnet Rail.

"Administrative, Technical and Supervisory Section" shall consist of Administrative, Technical and Supervisory employees employed by all employers in the industries covered by the Branch.

**Deleted: 171A – SPECIAL RULE – TRAM AND BUS DIVISION**

The provisions of this Rule shall apply notwithstanding anything else contained in these Rules.

On the date of the certification of this Rule, the office of Operation Centre Sub-Division Representative on the Tram and Bus Division Divisional Committee is abolished.

Immediately following the date of the certification of this Rule, the Branch Secretary shall lodge with the Fair Work Commission the prescribed information for an election to be conducted by Australian Electoral Commission for the office of Tram Hub Sub-Division Representative on the Tram and Bus Division Divisional Committee. Such an election shall be conducted in accordance with Rule 75 with the necessary changes being made.

A person elected to the office of Tram Hub Sub-Division Representative in accordance with sub-rule (3) shall hold office until the quadrennial elections due in 2018.

**Commented [EL19]:** Parts XV and XVI have not been amended pending application to merge two branches currently before the FWC.

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

## 179 - SUB-BRANCHES

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A reference to any firm or organisation in these definitions shall be taken to include any successor in business or transferee of those firms or organisations.

### 174 - NAME OF BRANCH

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, West Australian Branch"

### 175 - BRANCH OFFICE

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

### 176 - BRANCH MEMBERSHIP

The Branch shall comprise all members of the Union whose usual place of work is located within the boundaries of the West Australian Branch as determined from time to time by the National Council pursuant to Rule 6 but shall not include the members of the West Australian PTA Branch.

### 177 - BRANCH STRUCTURE AND ORGANISATION

The Branch shall be organised on the basis of three Sections, namely, the Intrastate Section, the Interstate Section and the Infrastructure Section, and within those Sections, Sub-Branches. Should the Branch Council decide, an additional Section known as the "Administrative, Technical and Supervisory Section" shall be constituted and consist of Administrative, Technical and Supervisory employees employed by all employers in the industries covered by the Branch.

### 178 - THE SECTIONS

- (1) The Intrastate Section, the Interstate Section and the Infrastructure Section, shall be Sections comprised of the members of the union employed in or in connection with the activities of the employers in each division.
- (2) Each Section shall have primary responsibility for the industrial affairs of the members in the Section.
- (3) Each Section shall be governed by its Sectional Executive.

### 179 - SUB-BRANCHES

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

- (1) The Intrastate Section shall consist of the Australian Railroad Group and shall be organised into metropolitan and regional sub-branches as determined by the Branch council.

#### 181 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL

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- (2) The Interstate Section shall consist of the Pacific National and S.C.T. Logistics sub-branches and, where decided, shall be organised into metropolitan and regional sub-branches as determined by the Branch council.
- (3) The Infrastructure Section shall consist of the John Holland, and Westnet Rail sub-branches.
- (4) The Administrative, Technical and Supervisory Section (if created) shall consist of such sub-branches (if any) as the Branch Executive may decide.

#### 179A

Each location in a Sub-Branch may appoint Workplace Delegates, the appointment of Workplace Delegates will be by the majority of members at that location and the term of appointment will be for two years or until the majority of members decide to reappoint their Workplace Delegate.

The role of the Delegate is to consult with local management on issues of a local nature, ensure industrial agreements are adhered to, ensure compliance of OSH legislation, assist in establishing log of claims for any new Industrial Agreement, assist in negotiations of a new Industrial 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 - SECTIONAL EXECUTIVES

- (1) There shall be a Sectional Executive which shall advise and assist the Branch Executive and Branch Council regarding the conduct and control of industrial affairs of the members in the Section.
- (2) The Sectional Executive shall consist of representatives of the Sectional sub-branches, and the Branch Secretary, the Branch President and the Branch Vice-President (ex officio).

#### 181 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL

- (1) The Branch Council shall comprise the Branch President, Branch Vice-President, Branch Secretary, and representatives of each section as determined in sub-rule (2), and one (1) affirmative action councillor, elected by the whole branch membership from the women members of the Branch.
- (2) Each section shall be entitled to at least one representative on the Branch Council and an additional representative as follows:- 300-600 members - 1 additional representative; 600-900 members - 1 additional representative; over 900 members - 1 additional representative (or their proxies). The representatives shall be referred to as Branch Councillors.

Deleted: 139V: Incorporates alterations of 27 March 2020 [R2020/1]



#### 183 - COMPOSITION AND ORDINARY MEETINGS OF THE SECTIONS

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- (3) Each of the members of Branch Council shall be entitled to exercise a vote at Branch Council based on the financial membership of the Branch in accordance with the following formula:
  - (a) Each Branch Councillor shall be entitled to exercise a vote equal to 70% of the financial members of the section in the case of a single Councillor from the section, or where there is more than one councillor the total number of votes to which the section is entitled divided by the number of councillors.
  - (b) Each of the Branch President, Branch Vice President, and Branch Secretary shall be entitled to exercise a vote equal to one third of 30% of the financial members of the Branch.
- (4) A resolution of Branch Council shall be carried where a numerical majority of Branch councillors as represented in (a) and (b) above, present and voting, vote in favour. For the purposes of the formula in sub-rule 3(a) and (b) the number of financial members of the Branch shall be determined at the end of the quarter immediately preceding the date for the opening of nominations for each biennial election.
- (5) The Branch Council shall meet in ordinary session at least annually at such time and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President, Branch Vice President and the Branch Secretary jointly, shall determine.

#### 182 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE

- (1) The Branch Executive shall comprise the Branch President, Branch Vice-President, and Branch Secretary.
- (2) The Branch Executive will meet on a needs basis between Branch Council meetings as determined by the Branch Council or as the Branch President and Branch Secretary jointly, may determine.

#### 183 - COMPOSITION AND ORDINARY MEETINGS OF THE SECTIONS

- (1) Each Section shall have a Committee composed of at least one representative from each sub branch within the Section. Any additional representatives shall be determined by the Branch Executive in consultation with the Section.
- (2) A Sectional Committee shall meet at least twice a year. The Branch President and/or Secretary jointly may determine, in the absence of a decision by the Sectional Committee, to call meetings between the ordinary half yearly meetings provided that members of the sectional committee are consulted.

**184 - COMPOSITION AND ORDINARY MEETINGS OF THE SUB-BRANCH COMMITTEES**

- (1) Each Sub-Branch shall have a Sub-Branch Committee as provided for in Rule 57(2).
- (2) A Sub-Branch Committee shall meet at least once each quarter and at least four weeks prior to any ordinary Branch Council meeting. The Sub-Branch President and the Sub-Branch Secretary jointly may determine, in the absence of a decision by the Sub-Branch Committee, to call meetings between the ordinary quarterly meetings.

**185 - OTHER SECTIONAL COMMITTEE MEETINGS**

Joint Sectional Committee meetings to discuss issues of mutual interest shall be held twice a year at a time and place determined by the Branch Executive.

**186 - BRANCH OFFICES**

- (1) The Branch Offices are:-
  - Branch President
  - Branch Vice-President
  - Branch Secretary
  - Branch Councillors
- (2) The Offices of Branch Secretary shall be a paid position.
- (3) Other Branch Offices shall be honorary positions.

**186A - DELEGATES TO NATIONAL COUNCIL FROM DIVISIONS**

The Branch shall elect delegates to National Council to the National Infrastructure Division, National Rail Operations Division and the National Locomotive Division in accordance with the formula set out in rule 28(3)

**PART XVI - WEST AUSTRALIAN PTA BRANCH**

**187 - APPLICATION**

This part applies specifically to the West Australian PTA 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.

**188 - DEFINITIONS**

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

"Branch" means the Australian Rail, Tram and Bus Industry Union, West Australian PTA Branch.

"Branch Executive" shall mean the PTA Branch Executive.

"PTA Branch" means the Branch comprised of the members of the union in the employ of the Public Transport Authority of Western Australia or who are employed in or in connection with the activities of the Public Transport Authority, including employed in or in connection with Security, Urban Rail, Customer Relations, Administrative Technical and Supervisory, TransWA, Delron & Goldfields Buses, and Miscellaneous Infrastructure.

A reference to the Public Transport Authority of Western Australia in these rules shall be taken to include any successor in business or transferee of that organisation.

**189 - NAME OF BRANCH**

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, West Australian PTA Branch"

**190 - BRANCH OFFICE**

The Branch office shall be located at Unit 2/10 Nash Street, Perth or at such other place as is determined by the PTA Branch Executive from time to time.

**191 - BRANCH MEMBERSHIP**

The Branch shall comprise all members of the Union in the employ of the Public Transport Authority of Western Australia or who are employed in or in connection with the activities of the Public Transport Authority, including employed in or in connection with Security, Urban Rail, Customer Relations, Administrative Technical and Supervisory, TransWA, Delron & Goldfields Buses, and Miscellaneous Infrastructure.

**Commented [EL20]:** Parts XV and XVI have not been amended pending application to merge two branches currently before the FWC.

**Deleted:** 139V: Incorporates alterations of 27 March 2020 [R2020/1]

#### **192 - THE PTA BRANCH**

- (1) The PTA Branch shall have responsibility for the industrial affairs of the members in the Branch.
- (2) The PTA Branch shall be governed by the PTA Branch Executive.
- (3) To avoid any doubt, the PTA Branch shall be autonomous subject to the rules and the supervision of the National Executive and National Council.

#### **193 - SUB-BRANCHES**

- (1) The PTA Branch shall be organised into Sub-Branches as follows:- the Security, Urban Rail, Customer Relations, TransWA, Delron & Goldfields Buses, and such other sub-branches as the Branch Executive may determine.
- (2) The Sub-Branches shall advise and assist the Executive.
- (3) Each Sub-Branch shall have a Sub-Branch Committee in accordance with sub-rule 57(2).

#### **194 - BRANCH EXECUTIVE**

- (1) There shall be a Branch Executive which shall have responsibility for the conduct and control of the affairs of the members in the PTA Branch. The Branch Executive shall have the care, control, management and superintendence of the activities of the PTA Branch. All decisions within the powers of the Branch Executive shall have full force and effect.
- (2) The PTA Branch Executive shall consist of the Branch Secretary, the Branch President and the Branch Vice-President (to be elected by and from the members employed by the PTA) and one representative from each sub-branch within the Branch.

#### **195 - MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch 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 a needs basis. As far as practicable, seven days' notice of any meeting shall be given provided that the Executive may agree to waive any notice requirement.
- (2) Between meetings of the Executive, a meeting of the Executive may be had by a postal or electronic ballot or by a meeting convened by teleconference, videoconference or similar means ("Urgent Executive Meeting"). A decision to hold an Urgent Executive Meeting is to be made by the President and the Secretary jointly. Where a decision has been made to hold an Urgent 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.

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**197 - MEETINGS OF THE SUB-BRANCH COMMITTEES**

- (1) A Sub-Branch Committee shall meet at least once each quarter. The Sub-Branch President and the Sub-Branch Secretary jointly may determine, in the absence of a decision by the Sub-Branch Committee, to call meetings between the ordinary quarterly meetings.
- (2) The Branch President and the Branch Secretary jointly may determine, in the absence of a decision by the Sub-Branch Committee, to call meetings of the Sub-Branch Committee between the ordinary quarterly meetings.

**198 - BRANCH OFFICES**

- (1) The Branch Offices are:-  
Branch President  
Branch Vice-President  
Branch Secretary  
Sub-Branch representatives
- (2) The Offices of Branch Secretary shall be a paid position.
- (3) Other Branch Offices shall be honorary positions.

**198A - DELEGATES TO NATIONAL COUNCIL FROM DIVISIONS**

The Branch shall elect delegates to National Council to the National Rail Operations Division and the National Locomotive Division in accordance with the formula set out in rule 28(3)

**199 - TRANSITIONAL RULES**

- (1) Notwithstanding anything else in these rules, when the rules establishing a Western Australian PTA Branch [Part XVI - West Australian PTA Branch] are adopted by the National Council, the following transitional provisions set out in this rule will apply.
- (2) NOT CERTIFIED
- (3) Persons elected to the Branch Executive of the West Australian PTA Branch shall be elected for a term commencing upon the date of declaration of the election until their successors are declared elected at the next scheduled election for offices for all positions within the RTBU nationally in accordance with Rule 47 [i.e. November 2014] provided that the PTA Branch Secretary shall, in and from the election to be conducted in September 2014, be elected for a term of office of 4 years.
- (4) West Australian PTA Branch shall commence operations as a separate and autonomous branch of the union on and from the declaration of the election of the PTA Branch Executive.

\*\*\* END OF RULES \*\*\*

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PART XII - SOUTH AUSTRALIAN AND NORTHERN TERRITORY BRANCH: SPECIFIC PROVISIONS

125 - DEFINITIONS

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

"Branch" means the Australian Rail, Tram and Bus Industry Union South Australian and Northern Territory Branch.

"A.R.T.C." means Australian Rail Track Corporation.

"Aurizon" means Aurizon

"Bowmans Intermodal" means Bowmans Balco

"Downer - EDI" means Downer - EDI Ltd.

"Journey Beyond," means Journey Beyond (Previously Great Southern Railway).

"ORA," means One Rail Australia (Previously Genesee Wyoming Australia).

"Pacific National" means Pacific National

"Qube Logistics" means Qube Logistics.

"Rail Commissioner" means Rail Commissioner.

"KDA" means Keolis Downer Adelaide

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AMO means Adelaide Metro Operations (Torrens Connect)

"Rail Train" means Rail Train

"SCT Logistics" means SCT Logistics (including Specialised Bulk Rail and Railpro Services)

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"District" means a geographical area within the Branch.

"A.R.T.C. District" shall incorporate all Members employed by the A.R.T.C., Downer EDI, Engenco and Broadspectrum/Ventia.

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"SCT District" shall incorporate all Members employed by Aurizon, Qube Logistics, Rail Train, Bowmans Intermodal and SCT Logistics (including Specialised Bulk Services and Railpro Services).

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"ORA District" means all locations in the South Australian and Northern Territory Branch where ORA employees are employed.

## 129 - BRANCH STRUCTURE AND ORGANIZATION

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"Northern Territory District" means all locations in the Northern Territory where employees are employed.

"Pacific National District" shall incorporate all Members employed by Pacific National and Journey Beyond in all locations in the South Australian and Northern Territory Branch.

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"Metro Trains District" means all locations where Keolis Downer Adelaide and Rail Commissioner (heavy rail) employees are employed.

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"Tram District" means all locations where Adelaide Metro Operations and Rail Commissioner (Trams) employees are employed.



Successorship means any reference to a business or part of a business in this part is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of the business.

(1) The Branch shall be principally organised on a Branch District, Branch Regional SubBranch, Delegate and Shop Committee basis.

(2) Branch Regional Sub-Branches shall be established for:-

Adelaide Metro Region (including Tailem Bend, Balaklava, Balhannah and Bowmans)

South Australia and Northern Territory Region (all locations not included in the Adelaide Metro Region) Eyre Peninsula, Port Augusta, Whyalla and the Northern Territory.

#### 130 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL

(1) The Branch Council shall comprise the Branch President, Branch Vice President, Branch Junior Vice President Metro, Branch Junior Vice President Regional, Branch Vice President (Women), the Branch Secretary, the Branch Organiser (where elected), together with delegates from Branch Districts determined in accordance with Sub-Rule 130(2).

(2) For the purpose of electing delegates to Branch Council, the Branch shall be divided into Districts as provided for in this sub-clause.

The Districts into which the Branch is to be divided for the purpose of electing delegates to the Branch Council and the number of delegates shall be as follows:-

Branch Districts

ARTC District (but excluding employees in the Northern Territory) - One (1) delegate

Pacific National District (excluding employees in the Northern Territory) - Two (2) delegates, one representing members in the Adelaide Metro region and one representing all other locations in South Australia.

SCT District (excluding employees in the Northern Territory) - One (1) delegate

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ORA District – Two (2) delegates, with one representing members in the Adelaide Metro region and one representing all other locations in South Australia.

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Tram District – One (1) Delegate

Metro Train District – Two (2) Delegates

Northern Territory District – One (1) delegate

Deleted: Rail Commissioner District – Three (3) delegates, one of whom shall be elected by and from employees of Tram Depot/s. ¶

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Where the Branch Council determines that the number of members in a Branch District is too small to warrant a delegate to the Branch Council, the Council may combine such District or part of a District with another District for the purpose of forming an electorate for the election of Council Delegates. Branch Council prior to each election, shall review the number of delegates to be elected from each District on the basis of changes to the number of members in a District or combined District.

(3) The Branch Council shall meet in ordinary session annually at such times and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President and the Branch Secretary jointly, may determine, provided that the Branch Executive may vary the date determined where circumstances so require.

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# **ATTACHMENT 1**

## **Current Rule Rules**

# **PART X - NEW SOUTH WALES BRANCH: SPECIFIC PROVISIONS**

### ***91 - APPLICATION***

This Part applies specifically to the New South Wales Branch of the Australian Rail, Tram & 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.

### ***92 - DEFINITIONS***

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

"Branch" means the Australian Rail, Tram and Bus Industry Union, New South Wales Branch.

"District" means a geographical area within the Branch.

"Metropolitan District" means the District comprising the South Coast Line to Nowra and Port Kembla, the Unanderra-Moss Vale Line but excluding Moss Vale to Maldon on the Main Southern Line, to Lithgow on the Main Western Line, to Gosford on the Main Northern Line and any Branch lines within the boundaries of this District.

"Northern District" means the District commencing at and including Narara and embracing the Main Northern Line to Wallangarra, the North Western Line and Branch lines and the Main North Coast Line to Brisbane and Branch lines.

"North Coast District" means the District from and including Paterson on the Main North Coast Line to Brisbane and Branch lines.

"Western District" means the District commencing at and including Bowenfells and embracing the Main Western Line to Bourke and all Branch lines west of Lithgow including the Binnaway-Werris Creek Line up to and including Turilawa, the Blayney-Harden Line up to and including Burrangong, the Forbes-Stockinbingal Line to Grawlin Plains and the Broken Hill Line.

"Southern District" means the District commencing at and including Picton and embracing the Main Southern Line to Albury and all Branch lines south of Picton including the Harden-Blayney Line up to and including Young, the Stockinbingal-Forbes Line up to and including Garema and the Hillston-Roto Line up to and including the Lowlands.

### **93 - NAME OF BRANCH**

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, New South Wales Branch"

### **94 - BRANCH OFFICE**

The Branch office shall be located at Level 4, 321 Pitt Street Sydney, New South Wales or at such other place as is determined by the Branch Council from time to time.

### **95 - BRANCH DIVISIONAL OFFICES**

The Branch Divisional offices shall be located as specified hereunder or at such other places as are determined by the Branch Council from time to time:-

<u>Branch Division</u>	<u>Branch Divisional Office</u>
Administrative, Supervisory, Technical and Professional	Level 4, 321 Pitt St Sydney 2000.
Infrastructure	Level 4, 321 Pitt St Sydney 2000.
Locomotive	Level 4, 321 Pitt St Sydney 2000.
Rail Operations	Level 4, 321 Pitt St Sydney 2000.
Tram & Bus	83-89 Renwick Street, Redfern, Sydney.
Fleet Manufacture, Overhaul, Maintenance and Service	Level 4, 321 Pitt St Sydney 2000.

### **96 - BRANCH MEMBERSHIP**

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

## **97 - BRANCH STRUCTURE AND ORGANISATION**

(1) The Branch shall be principally organised on a Branch, a Branch Divisional, a Sub-Branch and a Sub-Divisional basis.

(2) The Branch Divisions shall be as follows:-

Administrative, Supervisory, Technical and Professional  
Infrastructure  
Locomotive  
Rail Operations  
Tram & Bus  
Fleet Manufacture, Overhaul, Maintenance and Service

with the scope of each Division being as defined in Rule 6.

## **98 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

~~(1) The Branch Council shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretary, the Presidents of each Branch Division, the Secretaries of each Branch Division, the Branch Organisers (where such positions are established as an Office under the Rules) and the Branch Divisional Organisers (where such positions are established as an Office under the Rules), one affirmative action (woman) from the Tram & Bus Division, one affirmative action (woman) from the Rail Divisions, one delegate from the Administrative, Supervisory, Technical and Professional Division in State Transit Authority and Sydney Ferries Corporation together with Delegates from Branch Divisions determined in accordance with Sub-Rule 98(3).~~

(2) ~~Provided that, on and from the quadrennial elections due in 2014,~~ the Branch Council shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretaries, the Presidents of each Branch Division, the Secretaries of each Branch Division, one affirmative action (woman) from the Tram & Bus Division, one affirmative action (woman) from the Rail Divisions, one delegate from the Administrative, Supervisory, Technical and Professional Division in STA Group together with Delegates from Branch Divisions determined in accordance with Sub-Rule 98(3).

(3) For the purpose of electing Delegates to the Branch Council, each Branch Division, other than the Tram & Bus Division, shall be divided into Districts as provided for in Sub-Clause 98(4). The Branch Tram & Bus Division and each Branch Divisional District as specified in Sub-Clause 98(4) shall, subject to Sub-Clause 98(5), be entitled to one Delegate for each eight hundred members or part thereof. The number of Delegates to which the Branch Tram & Bus Division or a Branch Divisional District is entitled, shall be determined on the basis of the number of financial members within the Branch Division or the Branch Divisional District, as the case may be, at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.

(4) The Branch Divisional Districts for the purpose of electing Delegates to the Branch Council shall be as follows:-

<u>Branch Division</u>	<u>Branch Divisional Districts</u>
Administrative, Supervisory, Technical and Professional	Metropolitan District, Northern District, Western and Southern Districts combined. STA Group.
Infrastructure	Metropolitan District, Northern District other than North Coast District, North Coast District, Western District, Southern District.
Locomotive	Metropolitan District, Northern District, Western District, Southern District.
Rail Operations	Metropolitan District, Northern District, Western District, Southern District.
Fleet Manufacture, Overhaul Maintenance and Service	Metropolitan District, Northern, Western and Southern Districts combined.

(5) Where the Branch Council determines that the number of members in a Divisional District or Districts, other than a Metropolitan District, is too small to warrant a Delegate to the Branch Council, the Council may combine such District or Districts with another non-Metropolitan District or Districts, whether in the same or a different Branch Division, for the purpose of forming an electorate for the election of Council Delegates.

(6) The Branch Council shall meet in Ordinary Session at least twice a year at such time and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President and the Branch Secretary jointly, may determine provided that the Branch Executive may vary the date so determined where circumstances so require.

**99 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretaries, the Presidents of each Branch Division and the Secretaries of each Branch Division.
- (2) The Branch Executive shall meet in Ordinary Session at least six times a year at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, may determine.

**100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES**

- ~~(1) The Branch Divisional Committee shall comprise the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary and Representatives of each Sub-Division within the Division. The Branch Locomotive Divisional Committee shall be referred as the Branch Locomotive Divisional Council, further, the Branch Locomotive Division shall have two Assistant Branch Divisional Secretaries who shall be members of that Branch Divisional Council.~~
- ~~(2) Subject to Rule 59, each Sub-Division shall be entitled to one Representative on the Branch Divisional Committee.~~
- ~~(3) Subject to any restrictions that may be imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee may meet in Ordinary Session with such frequency and at such times and places as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.~~
- ~~(4) The Branch Divisional Committees shall be comprised as follows:~~

~~\_\_\_\_\_ **Tram and Bus Division:**~~

- ~~\_\_\_\_\_ Branch Divisional President~~
- ~~\_\_\_\_\_ Branch Divisional Vice President~~
- ~~\_\_\_\_\_ Branch Divisional Secretary~~

~~\_\_\_\_\_ One Sub-divisional representative from each of the following depots:~~

- ~~\_\_\_\_\_ Mona Vale~~
- ~~\_\_\_\_\_ Brookvale~~
- ~~\_\_\_\_\_ Willoughby~~
- ~~\_\_\_\_\_ North Sydney~~
- ~~\_\_\_\_\_ Kingsgrove~~
- ~~\_\_\_\_\_ Ryde~~

~~Leichhardt~~  
~~Belmont~~  
~~Hamilton~~  
~~Waverley~~  
~~Randwick~~  
~~Port Botany~~  
~~Burwood~~  
~~Pymont (Sydney Light Rail)~~  
~~Tempe~~

~~**Locomotive Division:**~~

~~Branch Divisional President~~  
~~Branch Divisional Vice-President (Freight)~~  
~~Branch Divisional Vice-President (Passenger)~~  
~~Branch Divisional Secretary~~  
~~Assistant Branch Divisional Secretary (Freight)~~  
~~Assistant Branch Divisional Secretary (Passenger)~~

~~The Divisional Executive shall meet in ordinary session up to 4 times per year or more often as determined by the Divisional Executive.~~

~~In addition to the above, the Branch Locomotive Divisional Council shall comprise a Representative from each Sub-Division within the Locomotive Division as set out in the following schedule.~~

~~One representative from each of the following:~~

- ~~• North Coast Group comprising all sub-division members (excluding RailCorp) within the boundaries of Brisbane and Taree.~~
- ~~• Western Group comprising all sub-division members (excluding RailCorp) within the boundaries of Broken Hill, Bathurst, Lithgow and Parkes.~~
- ~~• North West Group comprising all sub-division members (excluding RailCorp) within the boundaries of Narrabri, Werris Creek, Dubbo, Gobar and Gunnedah.~~
- ~~• South West Group comprising all sub-division members (excluding RailCorp) within the boundaries of Griffith, Temora, Junee, Goulburn, Jindabyne, Canberra, Albury and Moss Vale.~~
- ~~• Central Group comprising all sub-division members (excluding RailCorp) within the Boundaries of Hunter Valley, Mudgee, Port Waratah and Newcastle.~~
- ~~• Metropolitan Group 1 comprising all sub-division members (excluding RailCorp) within the boundaries of Sydney, Botany, Wollongong, Pt Kembla and Nowra.~~



- ~~InterCity/RailCorp Group comprising all InterCity sub-divisions.~~
- ~~CountryLink/RailCorp Group comprising all CountryLink sub-divisions.~~
- ~~ETR/RailCorp Group 1 comprising the sub-divisions of Blacktown, Penrith, Richmond and Hemsby.~~
- ~~ETR/RailCorp Group 2 comprising the sub-divisions of Campbelltown, Liverpool, Flemington and Auburn Maintenance Centre (AMF)~~
- ~~ETR/RailCorp Group 3 comprising the sub-divisions of Central and Nth Sydney~~
- ~~ETR RailCorp Group 4 comprising the sub-divisions of Cronulla, Mortdale and Waterfall.~~

~~The Branch Locomotive Divisional Council shall meet in ordinary session up to 4 times per year or more often as determined by the Locomotive Divisional Council or Divisional Executive.~~

#### ~~Locomotive Divisional Sub-Committees~~

~~The following Sub-Committees shall operate within the Locomotive Division: Electric Train Drivers Committee (ETDC); InterCity Drivers Committee (ICDC); CountryLink Drivers Committee (CDC); and Freight Drivers Committee (FDC).~~

~~The ETDC, ICDC and CDC Sub-Committees shall comprise the elected Depot Organisers and Workplace Organisers within the relevant sub-divisions. These Sub-Committee positions shall be automatically filled following the declaration of each election.~~

~~The FDC shall comprise of a Sub-Divisional Representative for each three hundred (300) or part thereof members employed by a freight company and/or geographic group/s as determined by the Branch Locomotive Divisional Council and endorsed by Branch Council prior to each election.~~

~~The Divisional Sub-Committees shall meet in ordinary session up to 3 times per year or more often as determined by the Locomotive Divisional Council.~~

#### ~~Locomotive Division Sub-Divisions~~

~~The Branch Locomotive Divisional Council may establish Sub-Divisions and where formed they shall consist of a Depot Organiser for workplaces of greater than 20 financial members or a Workplace Organiser for workplaces of less than 20 financial members.~~

~~The Branch Locomotive Divisional Council may determine the structure required in each sub-division.~~

~~The Branch Locomotive Sub-Division shall determine the number of committee members to be part of the Sub-Divisional Committee. Sub-Divisional Committee members will be elected by the financial members of the Sub-Division within two calendar months following the declaration of the ballot for the positions of: Depot Organiser for workplaces of greater than 20 financial members. The election for Sub-Divisional Committee members (and a Workplace Organiser for workplaces of less than 20 financial members) shall be conducted by that sub-division.~~

~~\_\_\_\_\_ **Rail Operations Division:**~~

~~\_\_\_\_\_ Branch Divisional President~~

~~\_\_\_\_\_ Branch Divisional Vice President~~

~~\_\_\_\_\_ Branch Divisional Secretary~~

~~\_\_\_\_\_ **Train Guards Sub-Division**~~

~~\_\_\_\_\_ Branch Sub-Division President~~

~~\_\_\_\_\_ Branch Sub-Division Vice President~~

~~\_\_\_\_\_ Branch Sub-Division Secretary~~

~~The Branch Train Guards Sub-Division shall comprise of the Branch Sub-Division President, Branch Sub-Division Vice President, Branch Sub-Division Secretary and one representative from the following depots who will be elected by the financial members of the Sub-Division within two (2) calendar months, following the declaration of the ballot for the Train Guard Sub-Division Executive positions, by a ballot conducted in the workplace.~~

~~\_\_\_\_\_ Blacktown~~

~~\_\_\_\_\_ Campbelltown~~

~~\_\_\_\_\_ Cronulla~~

~~\_\_\_\_\_ Flemington~~

~~\_\_\_\_\_ Gosford~~

~~\_\_\_\_\_ Hornsby~~

~~\_\_\_\_\_ Lithgow~~

~~\_\_\_\_\_ Liverpool~~

~~\_\_\_\_\_ Mortedale~~

~~\_\_\_\_\_ Moss Vale~~

~~\_\_\_\_\_ Mount Victoria~~

~~\_\_\_\_\_ Newcastle~~

~~\_\_\_\_\_ North Sydney~~

~~\_\_\_\_\_ Penrith~~

~~\_\_\_\_\_ Richmond~~

~~\_\_\_\_\_ Sydney/Central~~

~~\_\_\_\_\_ Waterfall~~

~~\_\_\_\_\_ Wollengong~~

~~\_\_\_\_\_ Auburn Maintenance Facility~~

~~Station Wages Staff Sub-Division (excluding Guards)~~

~~Branch Sub-Division President~~

~~Branch Sub-Division Vice-President~~

~~Branch Sub-Division Secretary~~

~~Terminal Operators Sub-Division~~

~~Branch Sub-Division President~~

~~Branch Sub-Division Vice-President~~

~~Branch Sub-Division Secretary~~

~~Signallers Sub-Division~~

~~Branch Sub-Division President~~

~~Branch Sub-Division Vice-President~~

~~Branch Sub-Division Secretary~~

The Branch Signallers Sub-Division shall comprise of the Branch Sub-Division President, Branch Sub-Division Vice-President, Branch Sub-Division Secretary and one representative from the following depots who will be elected by the financial members of the Sub-Division within two (2) calendar months, following the declaration of the ballot for the Signallers Sub-Division Executive positions, by a ballot conducted in the workplace.

~~Sydney~~

~~Sydenham~~

~~Homebush~~

~~Strathfield~~

~~Hornsby~~

~~Blacktown~~

~~Central Coast (Gosford, Wyong, Newcastle)~~

~~Blue Mountains (Lithgow, Mt. Victoria, Katoomba, Springwood)~~

~~Penrith/St Marys~~

~~Wollongong~~

~~Campbelltown~~

~~Granville/Clyde/Auburn~~

~~On-Board Passenger Train Sub-Division~~

~~Branch Sub-Division President~~

~~Branch Sub-Division Vice-President~~

~~Branch Sub-Division Secretary~~

~~Transport Officers Sub-Division~~

~~Branch Sub-Division President~~

~~Branch Sub-Division Vice-President~~

~~Branch Sub-Division Secretary~~

~~A Branch Divisional Committee may establish Sections within the Branch Division or within a Branch Sub-Division in accordance with Rule 60.~~

~~The Secretary of each of the Sub-Divisions shall be represented on the Branch Divisional Committee. In addition each Sub-Division within the Rail Operations Division shall be entitled to a representative on the Branch Divisional Committee as set out in the following schedule.~~

<del>Train Guards Sub-Division</del>	<del>1 Representative</del>
<del>Station Wages Staff Sub-Division (excluding Guards)</del>	<del>2 Representatives</del>
<del>Terminal Operators Sub-Division</del>	<del>1 Representative</del>
<del>Signallers Sub-Division</del>	<del>1 Representative</del>
<del>On-Board Passenger Train Sub-Division</del>	<del>1 Representative</del>
<del>Transport Officers Sub-Division</del>	<del>1 Representative</del>

**~~Infrastructure Division:~~**

~~Branch Divisional President~~  
~~Branch Divisional Vice-President~~  
~~Branch Divisional Secretary~~

~~Each Group within the Branch Infrastructure Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:~~

<del>Metropolitan District Group</del>	<del>4 Per Way Representatives</del>
	<del>1 Signal Representative</del>
	<del>1 Electrical Representative</del>
<del>Northern District Group</del>	<del>1 Representative</del>
<del>North Coast District Group</del>	<del>1 Representative</del>
<del>Western District Group</del>	<del>1 Representative</del>
<del>Southern District Group</del>	<del>1 Representative</del>

**~~Fleet Manufacture, Overhaul, Maintenance and Service Division:~~**

~~Branch Divisional President~~  
~~Branch Divisional Vice-President~~  
~~Branch Divisional Secretary~~

~~Each Group within the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:~~

<del>Metropolitan District Group</del>	<del>4 Representatives</del>
<del>(including One Bus Engineering Representative)</del>	
<del>Northern District Group</del>	<del>1 Representative</del>
<del>Western District Group</del>	<del>1 Representative</del>
<del>Southern District Group</del>	<del>1 Representative</del>

~~Administrative, Supervisory, Technical and Professional Division:~~

~~Branch Divisional President~~

~~Branch Divisional Vice President~~

~~Branch Divisional Secretary~~

~~Each Group within the Branch Administrative, Supervisory, Technical and Professional Division shall be entitled to a Representative or Representatives as set out in the following schedule:~~

~~Metropolitan District Group - 7 Representatives~~

~~Northern District Group - 1 Representative~~

~~Western District Group - 1 Representative~~

~~Southern District Group - 1 Representative~~

~~(5) The Districts referred to in Sub-Rule (4) of this Rule, are those geographic locations as set out in Rule 92 Definitions.~~

~~(6) Where sub-divisions have been formed under this rule they shall meet in ordinary session up to 3 times per year.~~

~~(7) Women's Campaign Committee~~

~~The Women's Campaign Committee shall promote and pursue Affirmative Action policies for the Union and develop and mentor women leaders in the Union and the industry. The Women's Campaign Committee will also publically advocate issues for women in the industry.~~

~~The Women's Campaign Committee shall meet at least annually and shall be comprised of the Affirmative Action (Woman) Delegate to the Council from the Tram and Bus Division, the Affirmative Action (Woman) Delegate to the Council from the Rail Divisions and one delegate from every Division.~~

~~Delegates to the Women's Campaign Committee must be nominated by the respective Divisional Committees. Delegates must also be financial members of the Union.~~

~~(8) Provided that from the quadrennial elections due in 2018:~~

~~(9) The Branch Divisional Committee shall comprise the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary and Representatives of each Sub-Division within the Division. The Branch Locomotive Divisional Committee shall be referred as the Branch Locomotive Divisional Council, further, the Branch Locomotive Division shall have two Assistant Branch Divisional Secretaries who shall be members of that Branch Divisional Council.~~

~~(10) Subject to Rule 59, each Sub-Division shall be entitled to one Representative on the Branch Divisional Committee.~~

- (11) Subject to any restrictions that may be imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee may meet in Ordinary Session with such frequency and at such times and places as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.
- (12) The Branch Divisional Committees shall be comprised as follows:

**Tram and Bus Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

One Sub-divisional representative from each of the following depots:

Mona Vale  
Brookvale  
Willoughby  
North Sydney  
Kingsgrove  
Ryde  
Leichhardt  
Belmont  
Hamilton  
Waverley  
Randwick  
Port Botany  
Burwood  
Pymont (Sydney Light Rail)  
Tempe

**Locomotive Division:**

Branch Divisional President  
Branch Divisional Vice-President (Freight)  
Branch Divisional Vice-President (Passenger)  
Branch Divisional Secretary  
Assistant Branch Divisional Secretary (Freight)  
Assistant Branch Divisional Secretary (Passenger)

The Divisional Executive shall meet in ordinary session up to 4 times per year or more often as determined by the Divisional Executive.

In addition to the above, the Branch Locomotive Divisional Council shall comprise a Representative from each Sub-Division within the Locomotive Division as set out in the following schedule.

One representative from each of the following:

- North Coast Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Brisbane and Taree.
- Western Group comprising all sub-division members (excluding Sydney and NSW Trains) within the boundaries of Broken Hill, Bathurst, Lithgow and Parkes.
- North-West Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Narrabri, Werris Creek, Dubbo, Cobar and Gunnedah.
- South-West Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Griffith, Temora, Junee, Goulburn, Jindabyne, Canberra, Albury and Moss Vale.
- Central Group comprising all sub-division members (excluding NSW Trains) within the Boundaries of Hunter Valley, Mudgee, Port Waratah and Newcastle.
- Metropolitan Group 1 comprising all sub-division members (excluding Sydney and NSW Trains) within the boundaries of Sydney, Botany, Wollongong, Pt Kembla and Nowra.
- NSW Trains/InterCity Group comprising all InterCity sub-divisions which includes the depots of Lithgow, Mt Victoria, Newcastle Interchange, Gosford, Moss Vale, Wollongong and Eveleigh.
- NSW Trains/CountryLink Group comprising all CountryLink sub-divisions which includes the depots of Dubbo, Goulburn, Grafton, Junee, Taree, Werris Creek, Sydney and Canberra.
- Sydney Trains/ETR Group 1 comprising the sub-divisions of Blacktown, Penrith, Richmond and Hornsby.
- Sydney Trains/ETR Group 2 comprising the sub-divisions of Campbelltown, Leppington, Flemington and Auburn Stabling Yard (ASY)
- Sydney Trains/ETR Group 3 comprising the sub-divisions of Central and Nth Sydney
- Sydney Trains/ETR Group 4 comprising the sub-divisions of Cronulla, Mortdale and Waterfall.

The Branch Locomotive Divisional Council shall meet in ordinary session up to 4 times per year or more often as determined by the Locomotive Divisional Council or Divisional Executive.

## **Locomotive Divisional Sub-Committees**

The following Sub-Committees shall operate within the Locomotive Division: Electric Train Drivers Committee (ETDC); InterCity Drivers Committee (ICDC); CountryLink Drivers Committee (CDC); and Freight Drivers Committee (FDC).

The ETDC, ICDC and CDC Sub-Committees shall comprise the elected Depot Organisers and Workplace Organisers within the relevant sub-divisions. These Sub-Committee positions shall be automatically filled following the declaration of each election.

The FDC shall comprise of a Sub-Divisional Representative for each three hundred (300) or part thereof members employed by a freight company and/or geographic group/s as determined by the Branch Locomotive Divisional Council and endorsed by Branch Council prior to each election.

The Divisional Sub-Committees shall meet in ordinary session up to 3 times per year or more often as determined by the Locomotive Divisional Council.

## **Locomotive Division Sub-Divisions**

The Branch Locomotive Divisional Council may establish Sub-Divisions and where formed they shall consist of a Depot Organiser for workplaces of greater than 20 financial members or a Workplace Organiser for workplaces of less than 20 financial members.

The Branch Locomotive Divisional Council may determine the structure required in each sub-division.

The Branch Locomotive Sub-Division shall determine the number of committee members to be part of the Sub-Divisional Committee. Sub-Divisional Committee members will be elected by the financial members of the Sub-Division within two calendar months following the declaration of the ballot for the positions of: Depot Organiser for workplaces of greater than 20 financial members. The election for Sub-Divisional Committee members (and a Workplace Organiser for workplaces of less than 20 financial members) shall be conducted by that sub-division.

### **Rail Operations Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

### **Train Guards Sub Division**

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary



The Branch Train Guards Sub-Division shall comprise of the Branch Sub-Division President, Branch Sub-Division Vice President, Branch Sub-Division Secretary and one Depot Sub Division Secretary from the following depots who will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared

Blacktown  
Campbelltown  
Cronulla  
Flemington Maintenance Centre  
Gosford  
Hornsby Maintenance Centre  
Lithgow  
Leppington  
Mortdale Maintenance Centre  
Moss Vale  
Mount Victoria  
Newcastle Interchange  
North Sydney  
Penrith  
Richmond  
Central  
Sydney Inter-City  
Waterfall  
Wollongong  
Auburn Stabling Yard (ASY)

Apart from the Depot Sub Division Secretary, each Depot Sub Division will elect one Depot Sub Division President and one Depot Sub Division Vice-President who will be elected by the financial members of that Depot Sub-Division within two (2) calendar months following the declaration of the ballot for the Train Guards Sub-Division Executive positions and the Depot Sub Division Secretary positions by a ballot conducted in the workplace.

#### Customer Service Attendants Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Customer Service Attendants Branch Sub Division President, Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

The Customer Service Attendants Sub Division will also have ten (10) Sub Depots. These Sub Depots will represent all members of the Customer Service Attendants Sub Division in the following boundaries:

1. City Circle – The borders will be Redfern and Wynyard.
2. Berowra – The borders will be all stations Milson Point to Berowra via the North Shore Line as well as all stations from North Strathfield to Berowra via the main North Line.
3. Olympic Park – The borders will be all stations from Macdonaldtown to Olympic Park then all stations from Olympic Park to Carlingford, all stations from Carlingford to Carramar and all stations from Carramar to Esrkinville via the Bankstown Line.
4. Waterfall – The borders will be all stations from Tempe to Waterfall; inclusive of the Cronulla Line.
5. Macarthur – The borders will be all stations from Turella to Macarthur, and all stations from Macarthur to Leppington and all stations from Leppington to Merrylands.
6. Emu Plains – The borders will be all Stations from Granville to Richmond and all stations from Richmond to Emu Plains.
7. Lithgow – The borders will be all stations from Lapstone to Lithgow.
8. Moss Vale – The borders will be all stations from Menangle Park to Moss Vale.
9. Bomaderry – The borders will be all stations from Helensburgh to Bomaderry.
10. Scone/Dungog – The borders will be all stations from Cowan to Newcastle Interchange, Scone and Dungog.

A workplace representative will be elected by the financial members of that Depot Sub-Division within Customer Service Attendants Sub-Division by the financial members of that Depot Sub-Division within two (2) calendar months, following the declaration of the ballot for the Customer Service Attendants Sub Division Executive positions.

#### Terminal Operators Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Terminal Operators Branch Sub Division President, Branch Sub Division Vice President and the Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

The Branch Secretary will organise elections in the workplace for workplace delegates if the workplace requests a workplace delegate.

#### Signallers Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Branch Signallers Sub-Division shall comprise of The Branch Signallers Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary, who will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected and one representative from the following depots who will be elected by the financial members of the Sub-Division within two (2) calendar months, following the declaration of the ballot for the Signallers Sub-Division Executive positions, by a ballot conducted in the workplace.

Sydney  
Sydenham  
Homebush  
Strathfield  
Hornsby  
Blacktown  
Central Coast (Gosford, Wyong, Newcastle)  
Blue Mountains (Lithgow, Mt. Victoria, Katoomba, Springwood)  
Penrith/St Marys  
Wollongong  
Campbelltown  
Granville/Clyde/Auburn

#### On-Board Passenger Train Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The On-Board Passenger Train Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

One depot Sub-Division Secretary on the following depots will be elected every four (4) years in accordance with Part VIII of these rules and shall hold office until their successors are declared elected:

Sydney  
Albury  
Dubbo  
Grafton

Transport Officers Sub-Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Transport Officers Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold office until their successors are declared elected.

A Branch Divisional Committee may establish Sections within the Branch Division or within a Branch Sub-Division in accordance with Rule 60.

The Secretary of each of the Sub Divisions shall be represented on the Branch Divisional Committee. In addition each Sub Division within the Rail Operations Division shall be entitled to a representative on the Branch Divisional Committee as set out in the following schedule.

Train Guards Sub Division	-	1 Representative
Customer Service Attendants Sub Division	-	2 Representatives
Terminal Operators Sub Division	-	1 Representative
Signallers Sub Division	-	1 Representative
On-Board Passenger Train Sub Division	-	1 Representative
Transport Officers Sub Division	-	1 Representative

**Infrastructure Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Company mentioned below within the Branch Infrastructure Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:

Sydney Trains	-	10 Representatives
Australian Track Corporation	-	2 Representatives
John Holland Pty Ltd	-	2 Representatives

For the purpose of clarification, the Branch Infrastructure Divisional President, Branch Infrastructure Divisional Vice President and the Branch Infrastructure Divisional Secretary will be included in the above schedule of representative to Branch Infrastructure Divisional Committee.

**Fleet Manufacture, Overhaul, Maintenance and Service Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Group within the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:

Metropolitan District Group- 4 Representatives  
(including One Bus Engineering Representative)  
Northern District Group - 1 Representative  
Western District Group - 1 Representative  
Southern District Group - 1 Representative

**Administrative, Supervisory, Technical and Professional Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Group within the Branch Administrative, Supervisory, Technical and Professional Division shall be entitled to a Representative or Representatives as set out in the following schedule:

Metropolitan District Group - 7 Representatives  
Northern District Group - 1 Representative  
Western District Group - 1 Representative  
Southern District Group - 1 Representative

- (13) The Districts referred to in Sub-Rule (4) of this Rule, are those geographic locations as set out in Rule 92 - Definitions.
- (14) Where sub-divisions have been formed under this rule they shall meet in ordinary session up to 3 times per year.
- (15) Women's Campaign Committee

The Women's Campaign Committee shall promote and pursue Affirmative Action policies for the Union and develop and mentor women leaders in the Union and the industry. The Women's Campaign Committee will also publically advocate issues for women in the industry.

The Women's Campaign Committee shall meet at least annually and shall be comprised of the Affirmative Action (Woman) Delegate to the Council from the Tram and Bus Division, the Affirmative Action (Woman) Delegate to the Council from the Rail Divisions and one delegate from every Division.

Delegates to the Women's Campaign Committee must be nominated by the respective Divisional Committees. Delegates must also be financial members of the Union

## **101 - BRANCH OFFICES**

~~(1) The Branch Offices are:-~~

- ~~\_\_\_\_\_ Branch President~~
- ~~\_\_\_\_\_ Senior Branch Vice President~~
- ~~\_\_\_\_\_ Junior Branch Vice President~~
  
- ~~\_\_\_\_\_ Branch Secretary~~
- ~~\_\_\_\_\_ Assistant Branch Secretary~~
- ~~\_\_\_\_\_ Branch Organisers where such position is established as an Office under the Rules~~
- ~~\_\_\_\_\_ Branch Divisional Presidents~~
- ~~\_\_\_\_\_ Branch Divisional Vice Presidents~~
- ~~\_\_\_\_\_ Senior Branch Divisional Vice President, Locomotive Division~~
- ~~\_\_\_\_\_ Junior Branch Divisional Vice President, Locomotive Division~~
- ~~\_\_\_\_\_ Branch Divisional Secretaries~~
- ~~\_\_\_\_\_ Assistant Branch Divisional Secretary, Locomotive Division~~
- ~~\_\_\_\_\_ Branch Divisional Delegates to the Branch Council~~
- ~~\_\_\_\_\_ Sub-Divisional Representatives on a Branch Divisional Committee~~

~~(2) The Offices of Branch Secretary, Branch Divisional Secretary, Locomotive Division, Branch Divisional President, Tram and Bus Division, Branch Divisional Secretary Tram & Bus Division, and Branch Organisers shall be paid positions.~~

~~\_\_\_\_\_ The elected Branch Organisers positions will cease to exist at the end of the term commencing with the Branch Elections to be held 2014/2015 or at such time as the position/s become vacant.~~

~~\_\_\_\_\_ From the commencement of the Branch Elections to be held 2014/2015, or at such time as the position/s become vacant prior to the Branch Elections to be held 2014/2015, the Branch Organisers will be appointed as employees of the Branch.~~

~~(3) Other Branch Offices as specified in Sub-Rule 101(1) shall be honorary positions~~

~~(4) Provided that, on and from the quadrennial elections due in 2014, the Branch Offices are:-~~

Branch President  
Senior Branch Vice-President  
Junior Branch Vice-President

Branch Secretary  
Assistant Branch Secretaries  
Branch Divisional Presidents  
Branch Divisional Vice-Presidents  
Branch Divisional Vice President (Freight), Locomotive Division  
Branch Divisional Vice President (Passenger), Locomotive Division  
Branch Divisional Secretaries  
Assistant Branch Divisional Secretary (Freight), Locomotive Division  
Assistant Branch Divisional Secretary (Passenger), Locomotive Division  
Branch Divisional Delegates to the Branch Council  
Sub-Divisional Representatives on a Branch Divisional Committee

- (5) The Offices of Branch Secretary, Branch Divisional Secretary, Locomotive Division, Branch Divisional President, Tram and Bus Division, Branch Divisional Secretary Tram & Bus Division, and Branch Organisers shall be paid positions.
- (6) Other Branch Offices as specified in Sub-Rule 101(1) shall be honorary positions

### ***102 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS***

- (1) Except to the extent modified by this Rule and Sub-Rule 101(3), the provisions of Rules 47, 48, 49 and 50 shall apply in relation to Branch Offices and Office Bearers.
- (2) The Senior Branch Vice-President and the Junior Branch Vice-President shall be elected by a secret ballot by and from the members of the Branch Council.
- (3) Branch Divisional Delegates to the Branch Council shall be elected by a secret ballot of all the financial members within each Branch Divisional District forming an electorate pursuant to the provisions of Rule 98.
- (4) The Branch Council Delegate Affirmative Action (woman) from the Tram & Bus Division shall be elected by a secret ballot of all financial women members in the STA Group and Sydney Light Rail.

The Branch Council Delegate Affirmative Action (woman) from the Rail Divisions shall be elected by a secret ballot of all financial women members in the Branch Divisions of Administrative, Supervisory, Technical & Professional, Infrastructure, Locomotive, Rail Operations, Fleet Manufacture, Overhaul Maintenance and Service.

### **103 - BRANCH CONFERENCE**

A Branch Conference may be held at such time and place and for such duration as the Branch Council determines. The Conference shall provide a forum for discussing Branch issues and the Conference shall comprise members of the Branch Council together with such other representatives of the Branch Divisions, Branch Divisional Districts, Branch Sub-Divisions and Sub-Branches as the Branch Council may determine.

### **104 - DUAL OFFICES AND ADDITIONAL DELEGATE**

- (1) ~~A person may simultaneously hold the Office of Branch Divisional Secretary or Branch Divisional President and another paid Branch Office.~~
- (2) Where, and for such period as, a Branch Divisional Secretary or a Branch Divisional President simultaneously holds any other Branch Office which has membership of the Branch Executive, the Vice-President of the relevant Branch Division shall be an additional delegate on the Branch Executive with full membership rights.

### **105 - METHOD OF VOTING**

- ~~(1) Except as provided in Sub-Rule 105(2), the method of voting for Branch Offices in New South Wales shall be optional preferential. Accordingly, voters shall express their preference by placing numbers against the names of the candidates on the ballot paper with the number one indicating the highest preference, the number two indicating the second highest preference and so on. A voter has the option of whether to place a number against the name of each candidate or whether to place a number against the name or names of only some of them. A mark other than a number shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's preference.~~
- ~~(2) The method of voting for Branch Offices which represent members within the Branch Tram and Bus Division only shall be first past the post.~~

### **106 - WORKPLACE DELEGATES**

- (1) Where groups of workers are working there should be a Workplace Representative or Workplace Delegate who must be a member of the Union. The Workplace Delegate will either be elected by members at a meeting called for that purpose or appointed by the Branch Secretary or his nominee, provided that the election or appointment may be subject to the endorsement of the Branch Secretary.



- (2) Workplace Delegates will be elected by the financial members of the workplace within two (2) calendar months, following the declaration of the AEC ballot, by a ballot conducted in the workplace. The Workplace Delegate shall be elected every four years or for a lesser term as determined by the Branch Executive. Provided that the position of the Workplace Delegate is not invalidated by reason of non-compliance with this sub-rule.
- (3) A Workplace Delegate must supply the Secretary with a permanent address and contact details immediately after appointment and upon any subsequent change.

#### Power of Secretary to appoint or dismiss Representatives

- (4) Workplace Delegates must act at all times in compliance with the Rules of the Union.
- (5) The Branch Secretary or his nominee has the power to appoint Workplace Delegates and to dismiss any Workplace Delegate who breaches the Rules or who acts contrary to the policies of the Union, whether appointed by the Branch Secretary or elected by a ballot of members. Provided that any person so dismissed has the right of appeal to the Branch Executive.

#### Return of Union Property

- (6) In the event of any Workplace Delegate leaving the position as Workplace Delegate or leaving the workplace or locality they must communicate with the Branch Secretary and return all Union property in their possession unless they have permission of the Branch Secretary to do otherwise.

#### Duties of Workplace Representatives/Delegates

- (7) A Workplace Delegate shall act as the union representative in their place or area. In conjunction with the Officers of the Union, the duty of a Workplace Delegate is to advance and protect the interests of the Union and the wages, conditions and welfare of its members by the following means:
  - (i) Promoting the Union, its activities and the benefits of membership, including participating in induction sessions for new employees;
  - (ii) Enlisting persons into the Union at the workplace and maintaining a record of financial membership;
  - (iii) Providing assistance to any member of the Union requiring it, including assisting in the resolution of disputes;
  - (iv) Promoting and campaigning for improved conditions of employment in the workplace and/or industry;

- (v) Assisting in negotiating enterprise agreements including by preparing members' claims, representing the Union during negotiations and communicating regularly with members and Officers;
  - (vi) Encouraging and promoting the training of Workplace Delegates and of members in matters affecting their conditions of employment and participating in such training where appropriate;
  - (vii) Identify and rectify any breaches of industrial instruments or Union policy or regulation applying at the workplace and if necessary seek assistance from the relevant union official;
  - (viii) Identifying and pursuing the rectification of occupational health and safety issues in the workplace;
  - (ix) Distributing or disseminating all notices, newsletters, documents and messages sent by the union;
  - (x) Complying with any reasonable request of an Officer of the Union
- (8) At the request of the Branch Secretary or his/her nominee, a Workplace Delegate may be required to provide a report as to:
- (i) The name, address, work location and contact details of members at the workplace, including information regarding members who have commenced or left employment or changed their contact details;
  - (ii) The names and work locations of all persons employed at the workplace who are eligible to be members of the Union but who are not;
  - (iii) Relevant information regarding the employer, including any changes to the legal status, or address of the employer;
  - (iv) Any breach of the industrial instruments, Union policy or other regulation;
  - (v) Any industrial dispute;
  - (vi) Any matter that concerns the Union or its members.

## **ATTACHMENT 2 – PROPOSED RULES**

# **PART X - NEW SOUTH WALES BRANCH: SPECIFIC PROVISIONS**

### **91 - APPLICATION**

This Part applies specifically to the New South Wales Branch of the Australian Rail, Tram & 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.

### **92 - DEFINITIONS**

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

"Branch" means the Australian Rail, Tram and Bus Industry Union, New South Wales Branch.

"District" means a geographical area within the Branch.

"Metropolitan District" means the District comprising the South Coast Line to Nowra and Port Kembla, the Unanderra-Moss Vale Line but excluding Moss Vale to Maldon on the Main Southern Line, to Lithgow on the Main Western Line, to Gosford on the Main Northern Line and any Branch lines within the boundaries of this District.

"Northern District" means the District commencing at and including Narara and embracing the Main Northern Line to Wallangarra, the North Western Line and Branch lines and the Main North Coast Line to Brisbane and Branch lines.

"North Coast District" means the District from and including Paterson on the Main North Coast Line to Brisbane and Branch lines.

"Western District" means the District commencing at and including Bowenfels and embracing the Main Western Line to Bourke and all Branch lines west of Lithgow including the Binnaway-Werris Creek Line up to and including Turilawa, the Blayney-Harden Line up to and including Burrangong, the Forbes-Stockinbingal Line to Grawlin Plains and the Broken Hill Line.

"Southern District" means the District commencing at and including Picton and embracing the Main Southern Line to Albury and all Branch lines south of Picton including the Harden-Blayney Line up to and including Young, the Stockinbingal-Forbes Line up to and including Garema and the Hillston-Roto Line up to and including the Lowlands.

### **93 - NAME OF BRANCH**

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, New South Wales Branch"

### **94 - BRANCH OFFICE**

The Branch office shall be located at Level 4, 321 Pitt Street Sydney, New South Wales or at such other place as is determined by the Branch Council from time to time.

### **95 - BRANCH DIVISIONAL OFFICES**

The Branch Divisional offices shall be located as specified hereunder or at such other places as are determined by the Branch Council from time to time:-

<u>Branch Division</u>	<u>Branch Divisional Office</u>
Administrative, Supervisory, Technical and Professional	Level 4, 321 Pitt St Sydney 2000.
Infrastructure	Level 4, 321 Pitt St Sydney 2000.
Locomotive	Level 4, 321 Pitt St Sydney 2000.
Rail Operations	Level 4, 321 Pitt St Sydney 2000.
Tram & Bus	83-89 Renwick Street, Redfern, Sydney.
Fleet Manufacture, Overhaul, Maintenance and Service	Level 4, 321 Pitt St Sydney 2000.

### **96 - BRANCH MEMBERSHIP**

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

## **97 - BRANCH STRUCTURE AND ORGANISATION**

- (1) The Branch shall be principally organised on a Branch, a Branch Divisional, a Sub-Branch and a Sub-Divisional basis.
- (2) The Branch Divisions shall be as follows:-

Administrative, Supervisory, Technical and Professional  
Infrastructure  
Locomotive  
Rail Operations  
Tram & Bus  
Fleet Manufacture, Overhaul, Maintenance and Service

with the scope of each Division being as defined in Rule 6.

## **98 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

- (1) The Branch Council shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretaries, the Presidents of each Branch Division, the Secretaries of each Branch Division, one affirmative action (woman) from the Tram & Bus Division, one affirmative action (woman) from the Rail Divisions, one delegate from the Administrative, Supervisory, Technical and Professional Division in STA Group together with Delegates from Branch Divisions determined in accordance with Sub-Rule 98(3).
- (3) For the purpose of electing Delegates to the Branch Council, each Branch Division, other than the Tram & Bus Division, shall be divided into Districts as provided for in Sub-Clause 98(4). The Branch Tram & Bus Division and each Branch Divisional District as specified in Sub-Clause 98(4) shall, subject to Sub-Clause 98(5), be entitled to one Delegate for each eight hundred members or part thereof. The number of Delegates to which the Branch Tram & Bus Division or a Branch Divisional District is entitled, shall be determined on the basis of the number of financial members within the Branch Division or the Branch Divisional District, as the case may be, at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.

(4) The Branch Divisional Districts for the purpose of electing Delegates to the Branch Council shall be as follows:-

<u>Branch Division</u>	<u>Branch Divisional Districts</u>
Administrative, Supervisory, Technical and Professional	Metropolitan District, Northern District, Western and Southern Districts combined STA Group.
Infrastructure	Metropolitan District, Northern District other than North Coast District, North Coast District, Western District, Southern District.
Locomotive	Metropolitan District, Northern District, Western District, Southern District.
Rail Operations	Metropolitan District, Northern District, Western District, Southern District.
Fleet Manufacture, Overhaul Maintenance and Service	Metropolitan District, Northern, Western and Southern Districts combined.

- (5) Where the Branch Council determines that the number of members in a Divisional District or Districts, other than a Metropolitan District, is too small to warrant a Delegate to the Branch Council, the Council may combine such District or Districts with another non-Metropolitan District or Districts, whether in the same or a different Branch Division, for the purpose of forming an electorate for the election of Council Delegates.
- (6) The Branch Council shall meet in Ordinary Session at least twice a year at such time and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President and the Branch Secretary jointly, may determine provided that the Branch Executive may vary the date so determined where circumstances so require.

#### ***99 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE***

- (1) The Branch Executive shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretaries, the Presidents of each Branch Division and the Secretaries of each Branch Division.
- (2) The Branch Executive shall meet in Ordinary Session at least six times a year at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, may determine.

**100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH  
DIVISIONAL COMMITTEES**

- (1) The Branch Divisional Committee shall comprise the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary and Representatives of each Sub-Division within the Division. The Branch Locomotive Divisional Committee shall be referred as the Branch Locomotive Divisional Council, further, the Branch Locomotive Division shall have two Assistant Branch Divisional Secretaries who shall be members of that Branch Divisional Council.
- (2) Subject to Rule 59, each Sub-Division shall be entitled to one Representative on the Branch Divisional Committee.
- (3) Subject to any restrictions that may be imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee may meet in Ordinary Session with such frequency and at such times and places as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.
- (4) The Branch Divisional Committees shall be comprised as follows:

**Tram and Bus Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

One Sub-divisional representative from each of the following depots:

Mona Vale  
Brookvale  
Willoughby  
North Sydney  
Kingsgrove  
Ryde  
Leichhardt  
Belmont  
Hamilton  
Waverley  
Randwick  
Port Botany  
Burwood  
Pymont (Sydney Light Rail)  
Tempe

### **Locomotive Division:**

Branch Divisional President  
Branch Divisional Vice-President (Freight)  
Branch Divisional Vice-President (Passenger)  
Branch Divisional Secretary  
Assistant Branch Divisional Secretary (Freight)  
Assistant Branch Divisional Secretary (Passenger)

The Divisional Executive shall meet in ordinary session up to 4 times per year or more often as determined by the Divisional Executive.

In addition to the above, the Branch Locomotive Divisional Council shall comprise a Representative from each Sub-Division within the Locomotive Division as set out in the following schedule.

One representative from each of the following:

- North Coast Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Brisbane and Taree.
- Western Group comprising all sub-division members (excluding Sydney and NSW Trains) within the boundaries of Broken Hill, Bathurst, Lithgow and Parkes.
- North-West Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Narrabri, Werris Creek, Dubbo, Cobar, Gunnedah *Quirindi and Willow Tree*.
- South-West Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Griffith, Temora, Junee, Goulburn, Jindabyne, Canberra, Albury and Moss Vale.
- Central Group comprising all sub-division members (excluding NSW Trains) within the Boundaries of Hunter Valley, Mudgee, Port Waratah and Newcastle.
- Metropolitan Group 1 comprising all sub-division members (excluding Sydney and NSW Trains) within the boundaries of Sydney, Botany, Wollongong, Pt Kembla and Nowra.
- NSW Trains/InterCity Group comprising all InterCity sub-divisions which includes the depots of Lithgow, Mt Victoria, Newcastle Interchange, Gosford, Moss Vale, Wollongong and Eveleigh.
- NSW Trains/CountryLink Group comprising all CountryLink sub-divisions which includes the depots of Dubbo, Goulburn, Grafton, Junee, Taree, Werris Creek, Sydney and Canberra.



- Sydney Trains/ETR Group 1 comprising the sub-divisions of Blacktown, Penrith, Richmond and Hornsby.
- Sydney Trains/ETR Group 2 comprising the sub-divisions of Campbelltown, Leppington, Flemington and Auburn Stabling Yard (ASY)
- Sydney Trains/ETR Group 3 comprising the sub-divisions of Central and Nth Sydney
- Sydney Trains/ETR Group 4 comprising the sub-divisions of Cronulla, Mortdale and Waterfall.

The Branch Locomotive Divisional Council shall meet in ordinary session up to 4 times per year or more often as determined by the Locomotive Divisional Council or Divisional Executive.

#### **Locomotive Divisional Sub-Committees**

The following Sub-Committees shall operate within the Locomotive Division: Electric Train Drivers Committee (ETDC); *Regional Passenger Drivers Committee (RPDC)*; and Freight Drivers Committee (FDC).

The ETDC, and *RPDC* Sub-Committees shall comprise the elected Depot Organisers and Workplace Organisers within the relevant sub-divisions. These Sub-Committee positions shall be automatically filled following the declaration of each election.

The FDC shall comprise of a Sub-Divisional Representative for each three hundred (300) or part thereof members employed by a freight company and/or geographic group/s as determined by the Branch Locomotive Divisional Council and endorsed by Branch Council prior to each election.

The Divisional Sub-Committees shall meet in ordinary session up to 3 times per year or more often as determined by the Locomotive Divisional Council.

#### **Locomotive Division Sub-Divisions**

The Branch Locomotive Divisional Council may establish Sub-Divisions and where formed they shall consist of a Depot Organiser for workplaces of greater than 20 financial members or a Workplace Organiser for workplaces of less than 20 financial members.

The Branch Locomotive Divisional Council may determine the structure required in each sub-division.

The Branch Locomotive Sub-Division shall determine the number of committee members to be part of the Sub-Divisional Committee. Sub-Divisional Committee members will be elected by the financial members of the Sub-Division within two calendar months following the declaration of the ballot for the positions of: Depot Organiser for workplaces of greater than 20 financial members. The election for Sub-Divisional Committee members (and a Workplace Organiser for workplaces of less than 20 financial members) shall be conducted by that sub-division.

**Rail Operations Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

**Train Guards Sub Division**

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Branch Train Guards Sub-Division shall comprise of the Branch Sub-Division President, Branch Sub-Division Vice President, Branch Sub-Division Secretary and one Depot Sub Division Secretary from the following depots who will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared.

Blacktown  
Campbelltown  
Cronulla  
Flemington Maintenance Centre  
Gosford  
Hornsby Maintenance Centre  
Lithgow  
Leppington  
Mortdale Maintenance Centre  
Moss Vale  
Mount Victoria  
Newcastle Interchange  
North Sydney  
Penrith  
Richmond  
Central  
Sydney Inter-City  
Waterfall  
Wollongong  
Auburn Stabling Yard (ASY)

Apart from the Depot Sub Division Secretary, each Depot Sub Division will elect one Depot Sub Division President and one Depot Sub Division Vice-President who will be elected by the financial members of that Depot Sub-Division within two (2) calendar months following the declaration of the ballot for the Train Guards Sub- Division Executive positions and the Depot Sub Division Secretary positions by a ballot conducted in the workplace.

#### Customer Service Attendants Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Customer Service Attendants Branch Sub Division President, Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

The Customer Service Attendants Sub Division will also have ten (10) Sub Depots. These Sub Depots will represent all members of the Customer Service Attendants Sub Division in the following boundaries:

1. City Circle – The borders will be Redfern and Wynyard.
2. Berowra – The borders will be all stations Milson Point to Berowra via the North Shore Line as well as all stations from North Strathfield to Berowra via the main North Line.
3. Olympic Park – The borders will be all stations from Macdonaldtown to Olympic Park then all stations from Olympic Park to Carlingford, all stations from Carlingford to Carramar and all stations from Carramar to Esrkineville via the Bankstown Line.
4. Waterfall – The borders will be all stations from Tempe to Waterfall; inclusive of the Cronulla Line.
5. Macarthur – The borders will be all stations from Turella to Macarthur, and all stations from Macarthur to Leppington and all stations from Leppington to Merrylands.
6. Emu Plains – The borders will be all Stations from Granville to Richmond and all stations from Richmond to Emu Plains.
7. Lithgow – The borders will be all stations from Lapstone to Lithgow.
8. Moss Vale – The borders will be all stations from Menangle Park to Moss Vale.

9. Bomaderry – The borders will be all stations from Helensburgh to Bomaderry.
10. Scone/Dungog – The borders will be all stations from Cowan to Newcastle Interchange, Scone and Dungog.

A workplace representative will be elected by the financial members of that Depot Sub-Division within Customer Service Attendants Sub-Division by the financial members of that Depot Sub-Division within two (2) calendar months, following the declaration of the ballot for the Customer Service Attendants Sub Division Executive positions.

#### Terminal Operators Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Terminal Operators Branch Sub Division President, Branch Sub Division Vice President and the Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

The Branch Secretary will organise elections in the workplace for workplace delegates if the workplace requests a workplace delegate.

#### Signallers Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Branch Signallers Sub-Division shall comprise of The Branch Signallers Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary, who will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected and one representative from the following depots who will be elected by the financial members of the Sub-Division within two (2) calendar months, following the declaration of the ballot for the Signallers Sub-Division Executive positions, by a ballot conducted in the workplace.

Sydney  
Sydenham  
Homebush  
Strathfield  
Hornsby  
Blacktown  
Central Coast (Gosford, Wyong, Newcastle)  
Blue Mountains (Lithgow, Mt. Victoria, Katoomba, Springwood)  
Penrith/St Marys

Wollongong  
Campbelltown  
Granville/Clyde/Auburn

On-Board Passenger Train Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The On-Board Passenger Train Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

One depot Sub-Division Secretary on the following depots will be elected every four (4) years in accordance with Part VIII of these rules and shall hold office until their successors are declared elected:

Sydney  
Albury  
Dubbo  
Grafton

Transport Officers Sub-Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Transport Officers Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold office until their successors are declared elected.

A Branch Divisional Committee may establish Sections within the Branch Division or within a Branch Sub-Division in accordance with Rule 60.

The Secretary of each of the Sub Divisions shall be represented on the Branch Divisional Committee. In addition each Sub Division within the Rail Operations Division shall be entitled to a representative on the Branch Divisional Committee as set out in the following schedule.

Train Guards Sub Division	-	1 Representative
Customer Service Attendants Sub Division	-	2 Representatives
Terminal Operators Sub Division	-	1 Representative
Signallers Sub Division	-	1 Representative
On-Board Passenger Train Sub Division	-	1 Representative
Transport Officers Sub Division	-	1 Representative

### **Infrastructure Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Company mentioned below within the Branch Infrastructure Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:

Sydney Trains	- 10 Representatives
Australian Track Corporation	- 2 Representatives
John Holland Pty Ltd	- 2 Representatives

For the purpose of clarification, the Branch Infrastructure Divisional President, Branch Infrastructure Divisional Vice President and the Branch Infrastructure Divisional Secretary will be included in the above schedule of representative to Branch Infrastructure Divisional Committee.

### **Fleet Manufacture, Overhaul, Maintenance and Service Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Group within the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:

Metropolitan District Group- 4 Representatives (including One Bus Engineering Representative)	
Northern District Group	- 1 Representative
Western District Group	- 1 Representative
Southern District Group	- 1 Representative

### **Administrative, Supervisory, Technical and Professional Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Group within the Branch Administrative, Supervisory, Technical and Professional Division shall be entitled to a Representative or Representatives as set out in the following schedule:

Metropolitan District Group	- 7 Representatives
Northern District Group	- 1 Representative
Western District Group	- 1 Representative
Southern District Group	- 1 Representative

- (5) The Districts referred to in Sub-Rule (4) of this Rule, are those geographic locations as set out in Rule 92 - Definitions.
- (6) Where sub-divisions have been formed under this rule they shall meet in ordinary session up to 3 times per year.
- (7) Women's Campaign Committee

The Women's Campaign Committee shall promote and pursue Affirmative Action policies for the Union and develop and mentor women leaders in the Union and the industry. The Women's Campaign Committee will also publically advocate issues for women in the industry.

The Women's Campaign Committee shall meet at least annually and shall be comprised of the Affirmative Action (Woman) Delegate to the Council from the Tram and Bus Division, the Affirmative Action (Woman) Delegate to the Council from the Rail Divisions and one delegate from every Division.

Delegates to the Women's Campaign Committee must be nominated by the respective Divisional Committees. Delegates must also be financial members of the Union.

#### **101 - BRANCH OFFICES**

- (1) The Branch Offices are:-

Branch President  
Senior Branch Vice-President  
Junior Branch Vice-President

Branch Secretary  
Assistant Branch Secretaries  
Branch Divisional Presidents  
Branch Divisional Vice-Presidents  
Branch Divisional Vice President (Freight), Locomotive Division  
Branch Divisional Vice President (Passenger), Locomotive Division  
Branch Divisional Secretaries  
Assistant Branch Divisional Secretary (Freight), Locomotive Division  
Assistant Branch Divisional Secretary (Passenger), Locomotive Division  
Branch Divisional Delegates to the Branch Council  
Sub-Divisional Representatives on a Branch Divisional Committee

- (2) The Offices of Branch Secretary, Branch Divisional Secretary, Locomotive Division, Branch Divisional President, Tram and Bus Division, Branch Divisional Secretary Tram & Bus Division, and Branch Organisers shall be paid positions.

- (3) Other Branch Offices as specified in Sub-Rule 101(1) shall be honorary positions

### ***102 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS***

- (1) Except to the extent modified by this Rule and Sub-Rule 101(3), the provisions of Rules 47, 48, 49 and 50 shall apply in relation to Branch Offices and Office Bearers.
- (2) The Senior Branch Vice-President and the Junior Branch Vice-President shall be elected by a secret ballot by and from the members of the Branch Council.
- (3) Branch Divisional Delegates to the Branch Council shall be elected by a secret ballot of all the financial members within each Branch Divisional District forming an electorate pursuant to the provisions of Rule 98.
- (4) The Branch Council Delegate Affirmative Action (woman) from the Tram & Bus Division shall be elected by a secret ballot of all financial women members in the STA Group and Sydney Light Rail.

The Branch Council Delegate Affirmative Action (woman) from the Rail Divisions shall be elected by a secret ballot of all financial women members in the Branch Divisions of Administrative, Supervisory, Technical & Professional, Infrastructure, Locomotive, Rail Operations, Fleet Manufacture, Overhaul Maintenance and Service.

### ***103 - BRANCH CONFERENCE***

A Branch Conference may be held at such time and place and for such duration as the Branch Council determines. The Conference shall provide a forum for discussing Branch issues and the Conference shall comprise members of the Branch Council together with such other representatives of the Branch Divisions, Branch Divisional Districts, Branch Sub-Divisions and Sub-Branches as the Branch Council may determine.

### ***104 - DUAL OFFICES AND ADDITIONAL DELEGATE***

Where, and for such period as, a Branch Divisional Secretary or a Branch Divisional President simultaneously holds any other Branch Office which has membership of the Branch Executive, the Vice-President of the relevant Branch Division shall be an additional delegate on the Branch Executive with full membership rights.



## **105 - WORKPLACE DELEGATES**

- (1) Where groups of workers are working there should be a Workplace Representative or Workplace Delegate who must be a member of the Union. The Workplace Delegate will either be elected by members at a meeting called for that purpose or appointed by the Branch Secretary or his nominee, provided that the election or appointment may be subject to the endorsement of the Branch Secretary.
- (2) Workplace Delegates will be elected by the financial members of the workplace within two (2) calendar months, following the declaration of the AEC ballot, by a ballot conducted in the workplace. The Workplace Delegate shall be elected every four years or for a lesser term as determined by the Branch Executive. Provided that the position of the Workplace Delegate is not invalidated by reason of non-compliance with this sub-rule.
- (3) A Workplace Delegate must supply the Secretary with a permanent address and contact details immediately after appointment and upon any subsequent change.

### Power of Secretary to appoint or dismiss Representatives

- (4) Workplace Delegates must act at all times in compliance with the Rules of the Union.
- (5) The Branch Secretary or his nominee has the power to appoint Workplace Delegates and to dismiss any Workplace Delegate who breaches the Rules or who acts contrary to the policies of the Union, whether appointed by the Branch Secretary or elected by a ballot of members. Provided that any person so dismissed has the right of appeal to the Branch Executive.

### Return of Union Property

- (6) In the event of any Workplace Delegate leaving the position as Workplace Delegate or leaving the workplace or locality they must communicate with the Branch Secretary and return all Union property in their possession unless they have permission of the Branch Secretary to do otherwise.

### Duties of Workplace Representatives/Delegates

- (7) A Workplace Delegate shall act as the union representative in their place or area. In conjunction with the Officers of the Union, the duty of a Workplace Delegate is to advance and protect the interests of the Union and the wages, conditions and welfare of its members by the following means:
  - (i) Promoting the Union, its activities and the benefits of membership, including participating in induction sessions for new employees;

- (ii) Enlisting persons into the Union at the workplace and maintaining a record of financial membership;
  - (iii) Providing assistance to any member of the Union requiring it, including assisting in the resolution of disputes;
  - (iv) Promoting and campaigning for improved conditions of employment in the workplace and/or industry;
  - (v) Assisting in negotiating enterprise agreements including by preparing members' claims, representing the Union during negotiations and communicating regularly with members and Officers;
  - (vi) Encouraging and promoting the training of Workplace Delegates and of members in matters affecting their conditions of employment and participating in such training where appropriate;
  - (vii) Identify and rectify any breaches of industrial instruments or Union policy or regulation applying at the workplace and if necessary seek assistance from the relevant union official;
  - (viii) Identifying and pursuing the rectification of occupational health and safety issues in the workplace;
  - (ix) Distributing or disseminating all notices, newsletters, documents and messages sent by the union;
  - (x) Complying with any reasonable request of an Officer of the Union
- (8) At the request of the Branch Secretary or his/her nominee, a Workplace Delegate may be required to provide a report as to:
- (i) The name, address, work location and contact details of members at the workplace, including information regarding members who have commenced or left employment or changed their contact details;
  - (ii) The names and work locations of all persons employed at the workplace who are eligible to be members of the Union but who are not;
  - (iii) Relevant information regarding the employer, including any changes to the legal status, or address of the employer;
  - (iv) Any breach of the industrial instruments, Union policy or other regulation;
  - (v) Any industrial dispute;
  - (vi) Any matter that concerns the Union or its members

## PART XII - SOUTH AUSTRALIAN AND NORTHERN TERRITORY BRANCH: SPECIFIC PROVISIONS

### 125 - DEFINITIONS

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

"Branch" means the Australian Rail, Tram and Bus Industry Union South Australian and Northern Territory Branch.

"A.R.T.C." means Australian Rail Track Corporation.

"Aurizon" means Aurizon

"Bowmans Intermodal" means Bowmans Balco

"Downer - EDI" means Downer - EDI Ltd.

"Journey Beyond G.S.R." means Journey Beyond (Previously Great Southern Railway).

"ORAG-W.A." means One Rail Australia (Previously Genesee Wyoming Australia).

"Pacific National" means Pacific National

"Qube Logistics" means Qube Logistics.

"Rail Commissioner" means Rail Commissioner).

"KDA" means Keolis Downer Adelaide

AMO means Adelaide Metro Operations (Torrens Connect)

"Rail Train" means Rail Train

"SCT Logistics" means SCT Logistics (including Specialised Bulk Rail and Railp-Pro\_Services)

"District" means a geographical area within the Branch.

"A.R.T.C. District" shall incorporate all Members employed by the A.R.T.C., Downder EDI, Engenco and Broadspectrum/Ventia.

"AurizonSCT" District shall incorporate all Members employed by Aurizon, Qube Logistics, Rail Train, Bowmans Intermodal and SCT Logistics (including Specialised Bulk Services and Railp-Pro Services).-

"GWA-ORA District" means all locations in the South Australian and Northern Territory Branch where GWA-ORA employees are employed.

## 129 - BRANCH STRUCTURE AND ORGANIZATION

"Northern Territory District" means all locations in the Northern Territory where employees are employed.

"Pacific National District" shall incorporate all Members employed by Pacific National and GSR Journey Beyond in all locations in the South Australian and Northern Territory Branch.

"Rail CommissionerKDA Metro Trains District" means all locations where Keolis Downer Adelaide and Rail Commissioner (heavy rail) employees are employed.

“~~AMO~~Tram District” means all locations where Adelaide Metro Operations and Rail Commissioner (Trams) employees are employed.

Successorship means any reference to a business or part of a business in this part is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of the business.

(1) The Branch shall be principally organised on a Branch District, Branch Regional SubBranch, Delegate and Shop Committee basis.

(2) Branch Regional Sub-Branches shall be established for:-

Adelaide Metro Region (including Tailem Bend, Balaklava, Balhannah and Bowmans)

South Australia and Northern Territory Region (all locations not included in the Adelaide Metro Region) Eyre Peninsula, Port Augusta, Whyalla and the Northern Territory.

#### 130 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL

(1) The Branch Council shall comprise the Branch President, Branch Vice President, Branch Junior Vice President Metro, Branch Junior Vice President Regional, Branch Vice President (Women), the Branch Secretary, the Branch Organiser (where elected), together with delegates from Branch Districts determined in accordance with Sub-Rule 130(2).

(2) For the purpose of electing delegates to Branch Council, the Branch shall be divided into Districts as provided for in this sub-clause.

The Districts into which the Branch is to be divided for the purpose of electing delegates to the Branch Council and the number of delegates shall be as follows:-

Branch Districts

ARTC District (but excluding employees in the Northern Territory) - One (1) delegate

Pacific National District (excluding employees in the Northern Territory) - Two (2) delegates, one representing members in the Adelaide Metro region and one representing all other locations in South Australia.

~~Aurizon/SCT Logistics~~ District (excluding employees in the Northern Territory) - One (1) delegate

~~GWA-ORA~~ District – Two (2) delegates, with one representing members in the Adelaide Metro region and one representing all other locations in South Australia.

~~Rail Commissioner District – Three (3) delegates, one of whom shall be elected by and from employees of Tram Depot/s.~~

~~AMO-Tram~~ District – One (1) Delegate

~~KDA- Metro Train~~ District – Two (2) Delegates

Northern Territory District – One (1) delegate

Where the Branch Council determines that the number of members in a Branch District is too small to warrant a delegate to the Branch Council, the Council may combine such District or part of a District with another District for the purpose of forming an electorate for the election of Council Delegates. Branch Council prior to each election, shall review the number of delegates to be elected from each District on the basis of changes to the number of members in a District or combined District.

(3) The Branch Council shall meet in ordinary session annually at such times and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President and the Branch Secretary jointly, may determine, provided that the Branch Executive may vary the date determined where circumstances so require.

~~139V: Incorporates alterations of 27 March 2020 [R2020/1]]  
(replaces rulebook dated 26 March 2020 [D2019/1])~~

I CERTIFY under section 161 of the Fair Work (Registered Organisations)  
Act 2009 that the pages herein numbered 1 to 149 both inclusive contain a  
true and correct copy of the registered rules of the Australian Rail, Tram and  
Bus Industry Union.

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may  
be directed to any office of the Fair Work Commission.]

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### 3 - DEFINITIONS

## AUSTRALIAN RAIL, TRAM AND BUS INDUSTRY UNION NATIONAL RULES

### PART I - MEMBERSHIP AND OBJECTS

#### 1 - NAME OF UNION

The name of the Union shall be:-

"Australian Rail, Tram and Bus Industry Union"

#### 2 - REGISTERED OFFICE

The Registered Office which shall be the National Office of the Union shall be at ~~83—89 Renwick Street, Redfern~~ Suite 210, Trades Hall, 4-10 Goulburn Street, Sydney, New South Wales or at such other place as the National Council may from time to time determine.

#### 3 - DEFINITIONS

"Board" means a group of persons who supervise, govern or otherwise have oversight of a corporation, association, or other like body including a Board of Directors.

"Branch" means a Branch of the Union established pursuant to Rule 6.

"Branch Division" means a National Division or combined National Divisions operating within a Branch pursuant to the provisions of Rule 6.

"Branch Divisional Organiser" means an Organiser who has responsibility for servicing a particular Branch Division.

"Branch Offices" means the Offices specified in Parts X to XV.

"Branch Organiser" means an Organiser who has responsibility for servicing more than one Branch Division.

"Branch Sub-Division" is as defined in Sub-Rule 6(15).

"Declared person or body" means

- (i) an Officer of the Union who has disclosed a material personal interest under rule 21  
and
- (ii) the interest relates to, or in the person or the body, and
- (iii) the Officer has not notified the Union that the Officer no longer has the interest.

"Disclosure Period" for the purposes of these Rules means the financial year unless a shorter period is specified.

"Election Year" means a year in which biennial or quadrennial elections are due to be held in accordance with these Rules.

"Ex-Officio", in relation to membership of a Governing Body or Committee means membership by reason of an Office held and such membership shall involve full participation and voting rights.

Commented [EL1]: The alphabetising of these definitions is recommended for ease of use/completeness.  
Amendments to any of the definitions are highlighted.

### 3 - DEFINITIONS

"Financial" and "Unfinancial" are as defined in Rule 13.

"financial duties" includes duties that relate to the financial management of the Union.

"Health Fund Member" is a member who shall be deemed a financial member only for the purposes of retaining ongoing membership of the RTBU Health Fund. Such a member shall be exempt from membership subscriptions and shall not be entitled to cast a ballot in any election of the Union.

"General Manager" means the General Manager of the Fair Work Commission.

"Meeting" in relation to a Governing Body includes a meeting held by telephone conference or video conference where such a conference is provided for in these Rules.

"National Division" means a National Division of the Union established pursuant to Rule 6.

"National Divisional Office Bearers" means the Assistant National Secretaries (Divisional) and the National Divisional Delegates from the Branch to the National Council.

"National Offices" means the Offices specified in Sub-Rule 31(1).

"National Organisation" means the National Governing Bodies of the Union as set out in Sub-Rule 9(2).

"Office" means all positions specified in these Rules as National Offices or Branch Offices.

"Office" means all positions specified in these Rules as National Offices or Branch Offices.

"Office Bearer" means a person holding an Office.

"Officer" means a person who holds an office in the Union.

"peak council" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

"Private Sector" shall mean not of a Federal, State or Local government owned nor controlled enterprise.

"Quarter" means a period of three calendar months commencing on either 1 January, 1 April, 1 July or 1 October.

"related party" has the same meaning as defined by Section 9B of the Fair Work (Registered Organisations)RO Act as if the reference contained therein was a reference to the ordinary meaning of the term.

"relative" in relation to a person means:

- (i) parent, step-parent, child, stepchild, grandparent, grandchild, brother, or sister of the person, or
- (ii) the spouses of the first mentioned person.

"relevant non cash benefits" in relation to an Officer of the Union for a disclosure period means the non cash benefits provided to the Officer of the Union, at any time during the disclosure

### 3 - DEFINITIONS

~~period, in connection with the performance of the Officer's duties as an Office of the Union, or by the Union or by a related party of the Union.~~

~~"relevant remuneration" in relation to an Officer of the Union for a disclosure period is the sum of the following"~~

- ~~(i) any remuneration disclosed to the Union by the Officer under Rule 21 during the disclosure period,~~
- ~~(ii) any remuneration paid during the disclosure period, to the Officer by the Union.~~

~~"remuneration" included pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but does not include~~

- ~~(i) a non cash benefit~~
- ~~(ii) the reimbursement or payment of reasonable expenses for the costs incurred in the course of the Officer carrying out his or her duties.~~

~~"RO Act" means the Fair Work (Registered Organisations) Act 2009 (Cth) or any Act replacing that Act.~~

~~"RO Regulations means the Fair Work (Registered Organisations) Regulations 2009 (Cth) or any Regulations replacing those Regulations.~~

~~"Sub-Branch" is as defined in Sub-Rule 6(169).~~

~~"Sub-Branch Committee" means the Committee for a Sub-Branch.~~

Commented [EL2]: This is not defined

~~"Sub-Divisional Committee" means the Shop Committee for a depot, shed, workplace or location that comprises a Branch Sub-Division.~~

Commented [EL3]: This is not defined

~~"Sub-Divisional Representative" means a representative elected by members within a Sub-Division to represent those members on the Branch Divisional Committee.~~

~~"Union" means the "Australian Rail, Tram and Bus Industry Union" which is an organisation registered under the Fair Work (Registered Organisations) Act 2009 (Cth) or any Act replacing that ActRO Act, and unless the context otherwise indicates, includes all parts of the Union.~~

~~"National Division" means a National Division of the Union established pursuant to Rule 6.~~

~~"National Organisation" means the National Governing Bodies of the Union.~~

~~"National Division" means a National Division of the Union established pursuant to Rule 6.~~

~~"Branch" means a Branch of the Union established pursuant to Rule 6.~~

~~"Branch Division" means a National Division or combined National Divisions operating within a Branch pursuant to the provisions of Rule 6.~~

~~"Branch Sub-Division" is as defined in Sub-Rule 6(8).~~

~~"Sub-Branch" is as defined in Sub-Rule 6(9).~~

~~"Office" means all positions specified in these Rules as National Offices or Branch Offices.~~

~~"Office Bearer" means a person holding an Office.~~

### 3 - DEFINITIONS

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~~"Officer" means a person who holds an office in the Union.~~

~~"National Offices" means the Offices specified in Sub-Rule 31(1).~~

~~"National Divisional Office Bearers" means the Assistant National Secretaries (Divisional) and the National Divisional Delegates from the Branch to the National Council.~~

~~"Branch Offices" means the Offices specified in Parts X to XV.~~



### 3 - DEFINITIONS

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"Vice-President" includes Senior Vice-President and Junior Vice-President unless the context clearly indicates otherwise.

~~"Branch Organiser" means an Organiser who has responsibility for servicing more than one Branch Division.~~

~~"Branch Divisional Organiser" means an Organiser who has responsibility for servicing a particular Branch Division.~~

~~"Sub-Divisional Representative" means a representative elected by members within a Sub-Division to represent those members on the Branch Divisional Committee.~~

~~"Sub-Divisional Committee" means the Shop Committee for a depot, shed, workplace or location that comprises a Branch Sub-Division.~~

~~"Sub-Branch Committee" means the Committee for a Sub-Branch.~~

"Election Year" means a year in which biennial or quadrennial elections are due to be held in accordance with these Rules.

"Meeting" in relation to a Governing Body includes a meeting held by telephone conference or video conference where such a conference is provided for in these Rules.

"Ex-Officio", in relation to membership of a Governing Body or Committee means membership by reason of an Office held and such membership shall involve full participation and voting rights.

"Financial" and "Unfinancial" are as defined in Rule 13.

"financial duties" includes duties that relate to the financial management of the Union.

"General Manager" means the General Manager of the Fair Work Commission.

~~"Board" means a group of persons who supervise, govern or otherwise have oversight of a corporation, association, or other like body including a Board of Directors.~~

"Declared person or body" means

- (i) — an Officer of the Union who has disclosed a material personal interest under rule 21 and
- (ii) — the interest relates to, or in the person or the body, and
- (iii) — the Officer has not notified the Union that the Officer no longer has the interest.

"Disclosure Period" for the purposes of these Rules means the financial year unless a shorter period is specified.

"non-cash benefit" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

~~"relevant non-cash benefits" in relation to an Officer of the Union for a disclosure period means the non-cash benefits provided to the Officer of the Union, at any time during the disclosure period, in connection with the performance of the Officer's duties as an Officer of the Union, or by the Union or by a related party of the Union.~~

### 3 - DEFINITIONS

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~~“relevant remuneration” in relation to an Officer of the Union for a disclosure period is the sum of the following:~~

- ~~— (i) — any remuneration disclosed to the Union by the Officer under Rule 21 during the disclosure period;~~
- ~~— (ii) — any remuneration paid during the disclosure period, to the Officer by the Union.~~

~~“related party” has the same meaning as defined by Section 9B of the Fair Work (Registered Organisations) Act as if the reference contained therein was a reference to the ordinary meaning of the term.~~

~~“remuneration” included pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but does not include~~

- ~~— (i) — a non-cash benefit~~
- ~~— (ii) — the reimbursement or payment of reasonable expenses for the costs incurred in the course of the Officer carrying out his or her duties.~~

~~“relative” in relation to a person means:~~

- ~~— (i) — parent, step-parent, child, stepchild, grandparent, grandchild, brother, or sister of the person; or~~
- ~~— (ii) — the spouses of the first mentioned person.~~

~~“Quarter” means a period of three calendar months commencing on either January 1, April 1, July 1 or October 1.~~

~~“Health Fund Member” is a member who shall be deemed a financial member only for the purposes of retaining ongoing membership of the RTBU Health Fund. Such a member shall be exempt from membership subscriptions and shall not be entitled to cast a ballot in any election of the Union.~~

~~“Private Sector” shall mean not of a Federal, State or Local government owned nor controlled enterprise.~~

~~“peak council” means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.~~

#### 4 - ELIGIBILITY FOR MEMBERSHIP

- (1) The following shall 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 State Transit Authority of New South Wales, the Public Transport Corporation of Victoria, the State Transport Authority of South Australia, the Metropolitan Transport Trust Tasmania, the Brisbane City Council and 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 the States of Victoria, Queensland, Tasmania and 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 States of Queensland, New South Wales, Victoria, South Australia, Western Australia and Tasmania, 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 (iii)(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

#### 4 - ELIGIBILITY FOR MEMBERSHIP

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- (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 Sub-Rules 4(3), 12(3) and 12(4), 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.

- (2) Each of the paragraphs numbered (i) to (iv) in Sub-Rule 4(1) shall be interpreted separately. Accordingly, each paragraph shall neither limit nor be limited by the provisions of any other paragraph.
- (3) Notwithstanding the proviso to Sub-Rule 4(1), a person who is admitted to membership pursuant to the provisions of Rule 10 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.
- (4) Without in any way limiting or being limited by the provisions of sub rules (1), (2) and (3) inclusive, the following persons shall be eligible for membership of the Union:
  - (i) NOT CONSENTED TO ([2020] FWC 1489)
  - (ii) All employees of the State Transit Authority of New South Wales and any successor, assignee or transferee, whether direct or indirect, of the business and/or the roles, functions or responsibilities (or any part thereof) of the State Transit Authority of New South Wales; and
  - (iii) All employees of Keolis Downer Hunter Pty Ltd and any successor, assignee or transferee, whether direct or indirect of the business (or any part thereof) of Keolis Downer Hunter Pty Ltd where such employees are employed in or in connection with the provision of bus services in the area identified as Outer Metropolitan Bus Contract Region 5 – Newcastle otherwise known as State Transit Region 5 Newcastle; and
  - (iv) NOT CONSENTED TO ([2020] FWC 1489)
  - (v) NOT CONSENTED TO ([2020] FWC 1489)
  - (vi) All employees of Transit Systems West Services Pty Ltd and any successor, assignee or transferee, whether direct or indirect of the business (or any part thereof) of Transit Systems West Services Pty Ltd where such employees are employed in or in connection with the provision of bus services in the area identified as Sydney Metropolitan Bus Service Contract 6 otherwise known as State Transit Region 6.

### 5 - OBJECTS

The objects of the Union are:-

- (a) to uphold the rights of combination of labour, to maximise the amount of labour employed within the rail, tram and bus industry and to improve, protect and foster the best interests of its members;
- (b) to take all necessary steps and actions under any relevant legislation or otherwise, for the purpose of securing satisfactory industrial and working conditions without discrimination, in respect of the remuneration of labour, the hours of labour and other conditions in or in relation to employment in the rail, tram and bus industry;
- (c) to provide for the protection and safety of its members and members of the public in the course of or in connection with its members' employment;
- (d) to obtain preferential treatment for its members in all aspects of their employment;
- (e) to improve the social and economic position of its members;
- (f) to assist members or their families in distress;
- (g) to formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business or profession for the provision to members of any special benefits, privileges and advantages and in particular in relation to goods and services;
- (h) to establish and maintain social clubs and other recreational facilities and amenities for the benefit of members and their families;
- (i) to establish, operate and maintain health services;
- (j) to establish sickness and/or accident funds, mortality benefit and/or retirement gratuity funds and any other appropriate funds for the benefit of members, Office Bearers and employees of the Union or any particular class or group of members, Office Bearers and employees of the Union;
- (k) to establish Branches, Sub-Branches, Divisions, Sub-Divisions or other organisational structures of the Union and to establish Governing Bodies and/or Consultative Committees in relation to each organisational level;

## 5 - OBJECTS

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- (l) to assist members by all reasonable and proper means, to address any and all grievances which the members may have, and without limiting the generality of the foregoing -
  - (i) to assist members in enforcing their rights under any law relating to industrial conciliation or arbitration or compensation for illness or injuries or any other statutory enactment;
  - (ii) to provide financial, legal and other assistance for securing, protecting and advancing the rights, privileges, benefits, interests and welfare of members and their families and for the conduct of negotiations or any proceedings for the attainment of this object;
- (m) to establish and/or maintain Official Journals, other journals, newspapers or other publications, or radio, television or other electronic broadcasting facilities and/or to assist in the establishment, operation and maintenance of any such publications or facilities owned by bona fide trade unions or labour organisations or conducted in the interests thereof, including but not limited to the purchase of shares in any corporation carrying on such an activity;
- (n) to provide information on industrial, economic, social, legal and political matters affecting members;
- (o) to organise and/or assist in the training and education of members and without limiting the generality of the foregoing, to assist any movement or institution for the training of members in the skills and duties of their occupation or their rights and duties as members of the working class;
- (p) to encourage, develop and maintain fraternal relations with and to assist kindred organisations and their members and dependants, either in or out of Australia;
- (q) to encourage and support the organisation of industrial unionism by the establishment of one union for all grades and classifications of railway, tram and bus industry employees and the linking up, by amalgamation with unions in other sections of the transport industry or in other industries as the National Council may from time to time determine;
- (r) to co-operate, affiliate, federate, amalgamate, merge with or absorb any association, organisation or union of employees whether registered or not pursuant to any industrial law of the Commonwealth of Australia or of any State or Territory of Australia;
- (s) to assist in the movement for the socialisation of the means of production, distribution and exchange, and for the application of the principles of democracy to industry, and without limiting the generality of the foregoing, to assist, support and/or encourage direct representation in the Federal and State Parliaments and Municipal and Shire Councils with the view to promoting such legislative reforms as will ensure social justice to workers and to actively support by all possible means, the complete nationalisation of all forms of public transport and carriage of freight;
- (t) to affiliate with and/or assist financially or otherwise, any bona fide labour or trade union organisation or association or representative body or council which promotes or protects the cause of labour;

## 6 - STRUCTURE AND ORGANISATION

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- (u) to establish, maintain and/or assist any body, corporation or association concerned with research into industrial, economic, social, legal and political matters affecting members and the trade union movement;
- (v) to resist the introduction or the continuation of bonus, butty gang, piece work and similar pernicious systems of employment;
- (w) to raise funds by contributions, levies, fines, donations, fees, interest on capital, and otherwise for any of the objects of the Union;
- (x) to invest funds;
- (y) to purchase, take on lease or in exchange, hire or otherwise acquire any property, including any land, buildings or easements, for any purpose connected with the conduct of the Union;
- (z) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union;
- (aa) to borrow or raise funds or secure the repayment of funds;
- (bb) to undertake and do all such acts, matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them.

### **PART II - STRUCTURE AND GOVERNMENT**

#### **6 - STRUCTURE AND ORGANISATION**

- (1) The Union shall be organised principally on a National, a Branch, a Sub-Branch, a National Divisional, a Branch Divisional and a Branch Sub-Divisional basis.
- (2) The number and boundaries of each Branch shall be determined from time to time by the National Council having regard to geographical boundaries and/or employer and/or other relevant factors.
- (3) Subject to any subsequent decision by the National Council of the Union, the Union shall have the following Branches:-

New South Wales Branch  
Queensland Branch  
South Australian and Northern Territory Branch  
Tasmanian Branch  
Victorian Branch  
~~Western Australian Branch~~

- (4) The New South Wales Branch shall comprise all members whose usual place of work is located within the State of New South Wales and the Australian Capital Territory together with members employed by the State Rail Authority of New South Wales or its successor.

Commented [EL4]: Subject to approval by FWC of current rule change.

## 6 - STRUCTURE AND ORGANISATION

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- (5) The Queensland Branch shall comprise all members whose usual place of work is located within the State of Queensland other than persons employed by the State Rail Authority of New South Wales or its successor.
- (6) The South Australian and Northern Territory Branch shall comprise all members whose usual place of work is located within the State of South Australia or within the Northern Territory.
- (7) The Tasmanian Branch shall comprise all members whose usual place of work is located within the State of Tasmania.
- (8) The Victorian Branch shall comprise all members whose usual place of work is located within the State of Victoria.
- (9) Members in Western Australia shall be allocated between two branches - the West Australian Branch which shall comprise all members whose usual place of work is located within the State of Western Australia and the West Australian PTA Branch which shall comprise all members employed by the Public Transport Authority of Western Australia or who are employed in or in connection with the activities of the Public Transport Authority.
- (10) Divisions shall be defined primarily by reference to work functions and shall operate at both the National and the Branch level.
- (11) Subject to sub-rule 6(12) the Union shall have the following National Divisions:-

National Administrative, Supervisory, Technical and Professional Division  
National Infrastructure Division  
National Locomotive Division  
National Rail Operations Division  
National Tram and Bus Division  
National Fleet Manufacture, Overhaul, Maintenance and Service Division

with each Division being defined as follows:-

The National Administrative, Supervisory, Technical and Professional Division shall comprise members employed in an administrative, supervisory, technical or professional position or in any clerical or other position which attracts an annual salary but excluding crafts, trades and the driving of trains, buses, trams or other vehicles.

The National Infrastructure Division shall comprise members employed in the construction and maintenance of a permanent way and associated structures, signalling, buildings, bridges, electrical reticulation and related areas.

The National Locomotive Division shall comprise members employed in railway train running including locomotive drivers, electric train drivers, firemen, locomotive assistants, electric helpers, chargemen and cleaners, and rail motor drivers and trainees in these callings and, in Queensland, guards.



## 6 - STRUCTURE AND ORGANISATION

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The National Rail Operations Division shall comprise members employed in all operational aspects of railway services both freight and passenger, other than members in the Locomotive Division or in the Administrative, Supervisory, Technical and Professional Division.

The National Tram and Bus Division shall comprise members employed in the tramway, motor omnibus and/or trolley bus industry including light rail services which are an extension of existing tram routes.

The National Fleet Manufacture, Overhaul, Maintenance and Service Division shall comprise members, other than professional or salaried staff, employed in fleet manufacture, overhaul, maintenance and service.

- (12) The National Council may, with the consent of the National Divisional Committees of the National Divisions affected, vary the number and scope of the National Divisions.
- (13) Each National Division shall be divided into Branches, known as Branch Divisions and the boundaries of such Branch Divisions shall correspond with the Branches of the Union.
- (14) Notwithstanding the provisions of Sub-Rule 6(13), a Branch Council may, with the consent of the Branch Divisional Committees and a majority of the financial members present and voting at a General Meeting, of the Branch Divisions affected, determine that two or more National Divisions established pursuant to Sub-Rules 6(11) and 6(12), should operate as a single Branch Division.
- (15) Branch Sub-Divisions shall comprise groups of members within a Branch Division and shall be defined by reference to depots, sheds or other workplace, or geographical location or any other convenient sub-grouping of a Branch Division.

Subject to any specific designation of Branch Sub-Divisions in Parts X to XVI of these Rules, the establishment and scope of each Branch Sub-Division shall be determined by the relevant Branch Divisional Committee but may be reviewed by the Branch Council and/or the relevant National Divisional Committee. Any disagreement between the National Divisional Committee or the Branch Council and the Branch Divisional Committee in relation to the establishment and scope of Branch Sub-Divisions shall be resolved by the National Council.

- (16) Sub-Branches shall comprise groups of members within the Branch defined by reference to geographical location and comprising some or all members of the Branch within that location.
- (17) In addition to the structure and organisation provided for in this Rule, Branch Conferences or Regional groupings of Sub-Branches, Branch Sub-Divisions or Sections of Branch Sub-Divisions or any other convenient groupings or sub-groupings of members may be established as provided for in these Rules.

### 7 - BRANCH AND SUB-BRANCH MEMBERSHIP

- (1) Each member shall belong to that Branch of the Union within the boundaries of which his/her usual place of work is located.
- (2) Where Sub-Branches are established within a Branch, members shall be allocated to such Sub-Branches.

### 8 - MEMBERSHIP OF DIVISIONS AND SUB-DIVISIONS

- (1) Each member shall be allocated to that National Division which most closely accords with his/her work functions. The principles of allocation shall be determined by the National Council and the allocation shall be undertaken by the relevant Branch Secretary in accordance therewith. Any question or dispute relating to the appropriate allocation of a member or members shall be resolved by the relevant Branch Council, but a member shall have a right to appeal to the National Executive.
- (2) The National Division to which a member is allocated shall determine his/her electorate for the purposes of elections for National Divisional Office Bearers and subject to Sub-Rule 8(3), for Branch Divisional Office Bearers.
- (3) Where the Branch Council has determined that two or more National Divisions shall operate as a single Division at Branch level, then the Branch members of those National Divisions shall be allocated to the single Branch Division for the purposes of Branch operations and Branch elections.
- (4) A member who becomes a paid Office Bearer or an employee of the Union shall retain his/her National and Branch Divisional membership.
- (5) Where Sub-Divisions are established within a Branch Division, members shall be allocated to such Sub-Divisions.

### **8A – ADMISSION TO ASSOCIATE MEMBERSHIP**

- ~~(1) Each associate member is a person who may apply for membership as an associate member of the Union who is otherwise not eligible to be a member pursuant to Rule 4.~~
- ~~(2) An associate member is not entitled to hold Office; attend or vote at meetings; take part in elections; or participate in any business of the Union.~~
- ~~(3) An associate member shall be a non-financial member who does not have the rights of a financial member of the Union.~~
- ~~(4) Membership contributions per annum shall be determined by the National Council.~~
- ~~(5) Any associate member that seeks to bring the Union into disrepute or is involved in actions that seek to injure, vilify or reduce the standing of the Union in any fashion will have their membership cancelled without appeal.~~

Commented [EL5]: This reflects a similar rule recently adopted by the MUA and approved by the FWC. If inserted, it will require a deletion of Rule 12(4).

**9 - GOVERNING BODIES AND OTHER COMMITTEES**

- (1) The Governing Bodies and other Committees within the Union shall be the National Council, the National Executive, National Divisional Committees, Branch Councils, Branch Executives, Branch Divisional Committees, Sub-Branch Committees, Sub-Divisional Committees and such additional bodies as are provided for in Part VI and Parts X to XVI of these Rules.
- (2) The structure and composition of the National Governing Bodies of the Union shall be as follows:-

**National Council:**

Members of the National Executive

National Divisional Delegates from the Branch to the National Council.

**National Executive:**

National President

National Vice-President (Rail)

National Vice-President (Road)

National Vice-President Affirmative Action (Women)

National Secretary

Assistant National Secretary

Assistant National Secretaries (Divisional)

Branch Secretaries

Branch Delegates to the National Executive.

**National Divisional Committees:**

Assistant National Secretary (Divisional)

Branch Divisional Secretaries

National Divisional Delegates from the Branch to the National Council

National President )

National Vice-President (Rail) )

National Vice-President (Road) )

National Vice-President Affirmative Action (Women) ) Ex-officio

National Secretary )

Assistant National Secretary )

## 9 - GOVERNING BODIES AND OTHER COMMITTEES

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- (3) The structure and composition of the Branch Governing Bodies and other Committees shall be as specified in Parts X to XVI of these Rules. Unless otherwise provided for in Parts X to XVI of these Rules the structure and composition shall be as follows:-

**Branch Council:**

Members of the Branch Executive  
Branch Divisional and Regional Delegates to the Branch Council  
Branch Organisers/Branch Divisional Organisers

**Branch Executive:**

Branch President  
Branch Vice-President  
Branch Secretary  
Assistant Branch Secretary  
Branch Divisional Presidents  
Branch Divisional Secretaries  
Branch Organisers/Branch Divisional Organisers

**Branch Divisional Committees:**

Branch Divisional President  
Branch Divisional Vice-President  
Branch Divisional Secretary  
Assistant Branch Divisional Secretary  
Representatives from the Sub-Divisions  
Branch Divisional Organisers  
Branch Secretary (Ex officio)

**Branch Sub-Divisional Committees**

Branch Sub-Divisional President  
Branch Sub-Divisional Vice-President  
Branch Sub-Divisional Secretary  
Committee members

**Sub-Branch Committees**

Sub-Branch President  
Sub-Branch Vice-President  
Sub-Branch Secretary  
Committee members

- (4) **National Women's Campaign Committee**

The National Women's Campaign Committee shall promote and pursue Affirmative Action policies for the RTBU, and develop and mentor women leaders in our union and the industry. The National Women's Campaign Committee will also publicly advocate issues for women in the transport industry.

The National Women's Campaign Committee shall meet at least annually and shall comprise of the National Vice President Affirmative Action, and one delegate from every Branch.

Branch Delegates to the National Women's Campaign Committee must be nominated by respective Branch Executives. Delegates must also be financial members of their Branch.

**PART III – MEMBERSHIP**

**10 - ADMISSION TO MEMBERSHIP**

- (1) All persons eligible for membership of the Union under the provisions of Sub-Rule 4(1) of these Rules shall be entitled to seek membership of the Union by making application to the Branch Secretary of the relevant Branch.
- (2) The form of application for membership shall be as determined from time to time by the National Council or the National Executive.
- (3) Applications for membership shall be accompanied by such entrance fee, if any, as the National Council shall from time to time determine.
- (4) Except as provided for in Sub-Rule 10(5), a person's membership of the Union commences on and from the date on which his/her application for membership is received by the Branch Secretary.
- (5) If the Branch Secretary considers that an applicant for membership is either ineligible for membership of the Union or is of general bad character, the Branch Secretary shall refer the application for consideration by the Branch Executive. The Branch Executive shall decide whether to accept or reject the application and in the event of acceptance, the applicant shall be deemed to be a member from the date that his/her application was received by the Branch Secretary.
- (6) The Branch Secretary shall inform applicants for membership 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.
- (7) No error, omission or want of form in connection with a person's application for membership shall in itself invalidate membership.

**10A - MEMBERSHIP ARRANGEMENTS AND AGREEMENTS**

Where as a result of an arrangement entered into by the union, including any agreement made pursuant to RULE 84 - AGREEMENTS WITH OTHER ORGANISATIONS, it is desired that the union and any other union, association or group of persons, whether members of the union or not, may come together, whether by way of absorption, merger, amalgamation or otherwise, and for that purpose it is desired to:

- (i) Admit any person, persons, or group of persons or any of them to the union; and/or to:
- (ii) Waive any or part of any requirement as to payment of subscriptions in respect of persons who have paid contributions to some other union, association or group of persons; and/or to:
- (iii) Waive restrictions in these Rules as to election or appointment of persons to offices in the union which would require a person or nominator to have been a member or financial member for a period prior to nomination, election, holding of office or similar requirement. The National Council shall decide the extent and nature of any such restrictions as may be deemed applicable.

## 11 - MEMBERSHIP CONTRIBUTIONS

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The National Council may decide that such person, persons or group of persons shall be admitted as members to the union in accordance with the eligibility rule (rule 4) at a time determined by the National Council and that such requirements and restrictions shall not apply for a period as specified up to a maximum of twelve months after their admission to membership.

For the purpose of this sub-Rule the National Council may decide that, notwithstanding the provisions of Rule 10, it shall be sufficient that application in writing be made on behalf of such person, persons or group of persons, by the other union, association or group of persons or by a person authorised by such other union, association or group to make such application.

A person or persons on whose behalf an application for membership has been made pursuant to this Rule shall be informed in writing of:

- (i) The financial obligations arising from membership; and
- (ii) The circumstances, the manner, in which a member may resign from the organisation.

A person on whose behalf an application for membership is made in accordance with this Sub-Rule shall be advised in writing that an application for membership of the Union has been made on their behalf.

Such person shall also be advised in writing that they may decline membership of the Union within the period of one month after the receipt of such advice by advising in writing the Branch Secretary of the relevant Branch. In the event of such an applicant for membership not declining membership within the said period, such person shall be taken to have been a member from the date of the application for membership.

### 11 - MEMBERSHIP CONTRIBUTIONS

- (1) A member shall pay such subscription rates, entrance fees, and National levies as are determined from time to time by the National Council together with such Branch levies as are determined from time to time by the Branch Council of the member's Branch. All monies due shall be paid to the relevant Branch Secretary.
- (2) A member shall pay such fines as may be imposed upon him/her by a Branch Executive or a Branch Divisional Committee pursuant to these Rules.
- (3) The method of payment of entrance fees, levies and fines shall be as determined from time to time by each Branch Council.
- (4) Subject to Sub-Rule 11(5), all subscriptions shall be paid either annually in advance or quarterly in advance at the option of the individual member. Where subscriptions are paid annually, payment shall be made no later than 1 January ~~+~~ in each year and where subscriptions are paid quarterly, then payment shall be made no later than 1 January ~~+~~, 1 April ~~+~~, 1 July ~~+~~ and 1 October ~~+~~ in each year.

## 12 - MEMBERSHIP STATUS

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- (5) Where the Union has entered into an arrangement with an employer or other body providing for the collecting and remitting of subscription payments through regular payroll, bank account or other deductions, then a member may elect to pay his/her subscriptions by means of such deductions. Where a member has so elected, he/she shall sign a deduction authority authorising the periodic deduction of the prescribed subscription rate.
- (6) The employer or other body making the subscription deductions shall be the agent of the member in making those deductions and it shall be the member's responsibility to ensure that deductions are duly made, provided that an advice slip showing that the requisite subscription rate was deducted for a given period shall be conclusive evidence that the member's subscription has been paid for that particular period.
- (7) A member paying his/her subscriptions through periodic deductions shall be financial from the date of the first such deduction provided that he/she owes no prior arrears.
- (8) Notwithstanding the foregoing provisions of this Rule, should any member during any financial year be without pay owing to ill health or to other causes which a Branch Executive regards as warranting special consideration, then the Branch Executive may grant the member exemption from payment of all or any contributions imposed in accordance with the Rules for all or part of the period during which he/she is without pay. During the period of the exemption, the member shall be deemed to be financial.
- (9) Notwithstanding the foregoing provisions of this Rule, if a member is a financial member of another union of employees, approved by the National Council, up until the end of the quarter during which he/she joins the Union, that member shall not be required to pay contributions for that quarter and shall be deemed to be financial up until the end of that quarter.

## 12 - MEMBERSHIP STATUS

- (1) Except as provided in Sub-Rules 12(3) and 12(4), only members who continue to meet the eligibility criteria specified in Sub-Rule 4(1) of these Rules or who fall within the provisions of Sub-Rule 4(3), shall be entitled to remain as members.
- (2) Members no longer entitled to remain as members shall cease to be members once removed from the Register of Members pursuant to Rule 18.
- (3) The National Council, the National Executive, a Branch Council or a Branch Executive may confer Honorary Life Membership on any member who has given meritorious service to the Union and its members. Such Life Membership shall commence on and from that member's retirement, resignation or cessation of eligibility to remain a member.

An Honorary Life Member shall be exempt from payment of subscriptions, fees, fines and levies but he/she shall not be entitled to vote in any election or ballot or at any meeting within the Union, or to nominate for or hold any Office within the Union. Honorary Life Membership shall not be regarded as financial membership for the purposes of these Rules.

### 13 - FINANCIAL STATUS OF MEMBERS

~~(4) The National Council, the National Executive, a Branch Council or a Branch Executive may confer Associate Membership on any member of the Union who ceases to meet one or other of the eligibility criteria specified in Sub-Rule 4(1). Such Associate Membership shall commence on and from the date of the Council's or the Executive's decision.~~

~~An Associate Member shall pay such subscription rates as are determined by the National Council from time to time in relation to Associate Members generally together with such fines, fees and levies as may be imposed by the National Council, the National Executive, a Branch Council, a Branch Executive or a Branch Divisional Committee in accordance with these Rules. An Associate Member shall not be entitled to vote in any election or ballot or at any meeting within the Union nor to nominate for or hold any Office within the Union. Associate Membership shall not be regarded as financial membership for the purposes of these Rules.~~

Commented [EL6]: This may be collapsed into new Rule 8A.

### 13 - FINANCIAL STATUS OF MEMBERS

- (1) A member is unfinancial if he/she is more than thirteen weeks in arrears in his/her subscriptions or in the payment of any fees, fines or levies imposed in accordance with the Rules. Conversely, a member is financial if he/she is not more than thirteen weeks in arrears in his/her subscriptions or in the payment of any fees, fines or levies imposed in accordance with the Rules.
- (2) 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.
- (3) Notwithstanding the provisions of Sub-Rule 13(1), a member who is unfinancial shall not become financial until he/she pays all arrears due.
- (4) Where a member who is 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.



**14 - RESIGNATION FROM MEMBERSHIP**

- (1) A member may resign from membership of the Union by written notice addressed and delivered to the Secretary of his/her Branch.
- (2) A notice of resignation from membership of the Union takes effect:-
  - (a) where the member ceases to be eligible to become a member of the Union:-
    - (i) on the day on which the notice is received by the Union; or
    - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
  - (b) In any other case:-
    - (i) at the end of two weeks; or
    - (ii) on the day specified in the notice;whichever is later.
- (3) Any subscriptions, fees, fines and levies owing but not paid by a former member of the Union in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Union in a Court of competent jurisdiction, as a debt due to the Union.
- (4) A notice delivered to the Branch Secretary shall be deemed to have been received by the Union when it was delivered.
- (5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered to the Branch Secretary.
- (6) A resignation from membership of the Union is valid even if it is not effected in accordance with this Rule, if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.
- (7) If a financial member retires from employment permanently or changes employment to a position not covered under these rules by the union, the member shall be entitled to transfer to the status of Health Fund Member.

### 15 - DUTIES OF MEMBERS

A member of the Union shall not:-

- (i) contravene or fail to observe any of the Rules of the Union;
- (ii) contravene or fail to observe any lawful resolution of the Governing Bodies of the Union;
- (iii) give false or misleading information to the Union on any matter relating to the objects or activities of the Union;
- (iv) divulge any of the confidential business of the Union to someone not entitled to know such information;
- (v) obstruct the Union or its Governing Bodies or its Office Bearers or Committees in the performance of their functions under the Rules;
- (vi) defraud or attempt to defraud the Union;
- (vii) misappropriate any property of the Union;
- (viii) make a false charge against a fellow member;
- (ix) insult or behave in an offensive manner towards any Office Bearer or employee of the Union who is acting in the course of his/her duties;
- (x) violate or attempt to violate the terms of any applicable industrial Award or Agreement or enter into or attempt to enter into any agreement with any employer or an employee thereof contrary to the provisions of an applicable Award or Agreement;
- (xi) fail, without reasonable excuse, to attend any meeting of the Governing Bodies or Committees of the Union when summoned by such a body;

### 16 - DISCIPLINARY ACTION AGAINST MEMBERS

- (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 laying the charge and delivered to the Branch Secretary of the Branch to which the member charged belongs.
- (2) Upon receipt of the charge, the Branch Secretary shall investigate the matter and, unless he/she decides that the matter is without substance, he/she shall determine whether the subject matter of the charge is a matter extending beyond one Branch Division or whether it is a Branch Divisional matter and, in the former case, he/she shall refer the charge to the Branch Executive for determination and, in the latter case, he/she shall refer the matter to the Branch Divisional Committee for determination.

## 16 - DISCIPLINARY ACTION AGAINST MEMBERS

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- (3) The Branch Executive may, where it considers it appropriate in a particular case, delegate its disciplinary powers to a Sub-Branch Committee. A Branch Divisional Committee may, where it considers it appropriate in a particular case, delegate its disciplinary powers to a Branch Sub-Divisional Committee. Any delegation shall not, however, include the power to expel, suspend or fine.
- (4) The Branch Executive or a Branch Divisional Committee or a Sub-Branch Committee or a Branch Sub-Divisional Committee, as the case may be, shall not find a member guilty of a breach of his/her duties as a member unless he/she has been given written notice and particulars of the charge made sent to his/her last known address and has been given twenty one (21) days to present any defence to the charge.
- (5) Subject to Sub-Rule 16(9), the Branch Executive or a Branch Divisional Committee as the case may be, shall have power to expel or suspend from membership or to impose a fine not exceeding \$100.00 or to rebuke or caution any member found guilty of a failure to fulfil his/her duties as a member. A Sub-Branch Committee or Branch Sub-Divisional Committee to which disciplinary powers have been delegated may rebuke or caution any member found guilty of a failure to fulfil his/her duties as a member.
- (6) A member found guilty may appeal in relation to the finding of guilt and/or the severity of the penalty imposed. Where a decision has been made by the Branch Executive or the Branch Divisional Committee an appeal lies to the Branch Council. Where the decision has been made by a Sub-Branch Committee then an appeal lies to the Branch Executive with a further right of appeal to the Branch Council. Where the decision has been made by a Branch Sub-Divisional Committee, then an appeal lies to the Branch Divisional Committee with a further right of appeal to the Branch Council.
- (7) A member shall have a further right of appeal from the Branch Council to the National Executive. The decision of the National Executive shall be final.
- (8) A right of appeal exercised pursuant to Sub-Rules 16(6) and 16(7) shall be exercised by written notice to the Branch Divisional Secretary, the Branch Secretary or the National Secretary, as the case may be, within twenty-eight days of receipt by the member of written advice of the decision of the Sub-Branch Committee, Branch Sub-Divisional Committee, the Branch Divisional Committee or the Branch Executive, as the case may be. Where the member is the Branch Divisional Secretary, the Branch Secretary or the National Secretary, then the Notice of Appeal shall be sent to the Branch Divisional President, the Branch President or the National President, as the case may be.
- (9) 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 these rules.

**17 - REGISTER OF MEMBERS AND OFFICE BEARERS**

- (1) A Register of the names and the postal addresses of members of the Union within each Branch shall be kept by the Secretary of each Branch. The Register shall show the National and the Branch Division and, where applicable, the Sub-Branch, Branch Sub-Division, District or Region to which a member belongs and the membership category and financial status of the member.
- (2) A Register of the names, postal addresses and occupations of all Branch Office Bearers shall be kept by the Secretary of each Branch.
- (3) The National Secretary shall be entitled, on demand, to obtain copies of any or all information on a Branch Register and to inspect such Register at any time.
- (4) A Register of the names, postal addresses and occupations of all National Office Bearers shall be kept by the National Secretary.

**18 - PURGING THE REGISTER AND CESSATION OF MEMBERSHIP**

- (1) The Branch Secretary shall as soon as practicable after a Notice of Resignation takes effect pursuant to the provisions of Rule 14, remove the names and details of the persons who have resigned from the Register of Members.
- (2) The Branch Secretary shall from time to time, as directed by the Branch Executive in accordance with the policies determined from time to time by the National Council, and in accordance with the provisions of Sub-Rule 18(3), remove from the Register of Members, members who are unfinancial and members who have ceased to be entitled to remain as members or have been expelled from membership under these Rules. Removal from the Register shall not in any way waive, reduce or affect a member's liability for any arrears due to the Union.
- (3) The Branch Secretary shall give a member one month's notice in writing to the member's last known address of the intention to remove his/her name from the Register pursuant to the provisions of Sub-Rule 18(2). The notice shall specify the reason or reasons why a member is to be removed from the Register. Where at the expiration of the one month notice period, the member has not provided satisfactory evidence as to why he/she should not be removed from the Register, then he/she shall be so removed and his/her membership shall cease from the date of removal. The Branch Secretary shall advise the member in writing of his/her removal. Any member shall have a right of appeal against his/her removal to the Branch Executive. Such right must be exercised within fourteen (14) days of receipt of the written advice from the Branch Secretary. A member lodging an appeal shall be deemed to continue as a member pending determination of his/her appeal.

### **19 - RECOVERY OF DUES**

The Branch Secretary shall have power to take action in the name of the Union in a Court of competent jurisdiction to recover any subscriptions, fees, fines or levies due from any member and shall take such action when instructed to do so by the Branch Executive.

### **20 - TRANSFER OF MEMBERS BETWEEN BRANCHES**

- (1) Where a member transfers from one Branch to another, he/she shall be provided with a statement by the Branch Secretary of the Branch from which he/she is transferring which shows the member's membership history and financial position. The Branch Secretary shall forward a copy of that statement to the Secretary of the Branch to which the member is transferring.
- (2) The Branch from which the member is transferring shall be entitled to receive all subscriptions, fees, fines or levies up until the date of the member's departure from the Branch. The Branch to which the member is transferring shall be entitled to all subscriptions, fees, fines and levies on and from the date of departure.

## **PART IV – FINANCES**

### **21 - UNION FUNDS**

- (1) The Funds of the Union shall comprise the National Fund, the Branch Funds and the Branch Divisional Funds. Branch Divisional Funds including composite Branch Divisional Funds may be established in relation to all or any Branch Divisions.
- (2) The National Fund shall be managed and controlled by the National Council and the National Executive and shall consist of:-
  - (i) any real or other property of which the National Council and the National Executive by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement would have, the right of custody, control or management;
  - (ii) all amounts due from Branches as capitation fees;
  - (iii) all entrance fees, fines and levies imposed by the National Council or the National Executive in accordance with these Rules;
  - (iv) any interest, rents, dividends or other income derived from the investment or use of the Fund;
  - (v) any superannuation or long service leave or other fund operated or controlled by the National Organisation for the benefit of its Office Bearers or employees;
  - (vi) any sick pay fund, accident pay fund, funeral fund, tool fund or like fund operated or controlled by the National Organisation for the benefit of members;

## 21 - UNION FUNDS

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- (vii) any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and
- (viii) the proceeds of any disposal of part of the Fund;

and shall be used for the administration and management of the National Organisation and for any other purposes that the National Council or the National Executive may from time to time direct for the attainment of any of the objects of the Union.

- (3) The property comprising the National Fund shall be held, registered, deposited, invested, or otherwise dealt with, in the name of the Union.
- (4) A Branch Fund shall be managed and controlled by the Branch Council and Branch Executive and shall consist of:-
  - (i) any real or other property of which the Branch by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement would have, the right of custody, control or management;
  - (ii) the amount of subscriptions received by the Branch less any amount payable to the National Organisation by way of capitation fees.
  - (iii) the amount of any fines or levies imposed by the Branch Council or the Branch Executive;
  - (iv) any interest, rents or dividends derived from the investment or use of the Fund;
  - (v) any superannuation or long service leave or other fund operated or controlled by the Branch for the benefit of its Office Bearers or employees;
  - (vi) any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Branch for the benefit of its members;
  - (vii) any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and
  - (viii) the proceeds of any disposal of part of the Fund;and shall be used for the administration and management of the Branch and for any other purpose that the Branch Council or the Branch Executive may from time to time direct towards the attainment of any of the objects of the Union within the Branch.
- (5) All liabilities arising out of the administration and management of the Branch including those liabilities arising from the control and management of real property within the Branch Fund, shall be the responsibility of the Branch.
- (6) All real property forming part of a Branch Fund shall be held and dealt with in the name of the Union, but shall only be dealt with at the request of and in accordance with the instructions of, the relevant Branch Council or Branch Executive.

## 21 - UNION FUNDS

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- (7) The property, other than real property, comprising the Branch Fund shall be held, deposited, invested or otherwise dealt with in the name of the Branch provided that, where it is necessary or advisable that any such property be held or dealt with by Trustees on behalf of the Branch, then the Branch President and the Branch Secretary shall be joint Trustees.
- (8) Any Branch Divisional Fund shall be managed and controlled by the Branch Divisional Committee and shall consist of:-
- (i) any real or other property of which the Branch Division by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement would have, the right of custody, control or management;
  - (ii) any monies received from the Branch;
  - (iii) any sick pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Branch Division for the benefit of its members;
  - (iv) any interest, rents or dividends derived from the investment or use of the Fund;
  - (v) any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and
  - (vi) the proceeds of any disposal of part of the Fund
- (9) All liabilities arising out of the administration and management of the Branch Division including those liabilities arising from the control and management of real property within the Branch Divisional Fund, shall be the responsibility of the Branch Division.
- (10) Notwithstanding the provisions of Sub-Rules 21(8) and 21(9), where all or part of the expenses of the administration and management of a Branch Division are met from the Branch Fund, the Branch shall be entitled to be reimbursed for such expenditure from any interest, rents or dividends derived from the investment or use of the Branch Divisional Fund of that Branch Division.
- (11) All real property forming part of a Branch Divisional Fund shall be held and dealt with in the name of the Union, but shall only be dealt with at the request of and in accordance with the instructions of, the relevant Branch Divisional Committee as ratified by the Branch Council.

- (12) In addition to the requirements of Rule 21(11), in the case of the Victorian Locomotive Division, all real property forming part of the Branch Divisional Fund of the Victorian Locomotive Division may only be disposed of with the approval of at least 70% of eligible voters of the membership of the Victorian Locomotive Division who vote in a ballot, provided that such approval will be obtained in advance of any disposition in the following manner;
- (i) The Branch Divisional Committee shall appoint a Returning Officer for the ballot, who will conduct the ballot, including by:
- (a) determining the dates for the opening and closing of the ballot,
  - (b) determining the roll of eligible voters (being those financial members of the Victorian Locomotive Division at the last date on which the ballot papers are issued;
  - (c) counting the ballot; and
  - (d) declaring the ballot
- (ii) The ballot will be conducted by pre-paid postal ballot;
- (iii) At least 28 days before the ballot, the ballot will be advertised in the union journal, the Victorian Locomotive Division magazine or through a circular issued to all eligible voters, with a brief explanation of the proposed disposal and details of the method, and dates for voting;
- (iv) Ballot papers will be issued to all eligible voters at least 21 days in advance of the closure of the ballot;
- (v) The Returning Officer will notify members of the Victorian Locomotive Division of the result of the ballot in the union journal, the Victorian Locomotive Division magazine or through a circular issued to all eligible voters as practicable after declaring the result.
- (13) The property, other than real property, comprising a Branch Divisional Fund shall be held, deposited, invested or otherwise dealt with in the name of the Branch Division provided that, where it is necessary or advisable that any property be held or dealt with by Trustees on behalf of a Branch Division then the Branch Divisional President and the Branch Divisional Secretary shall be joint Trustees.
- (14) A Branch Council, with the consent of the relevant Branch Divisional Committees, may establish a composite Branch Divisional Fund embracing two or more Branch Divisions. A composite Branch Divisional Fund may be established only in relation to real property or it may embrace both real property and some or all of the other combined property of the relevant Branch Divisions. The provisions of Sub-Rules 21(8), 21(9), 21(10), 21(11) and 21(12), shall apply in relation to such composite Branch Divisional Funds except that references to the Branch Division shall be read as references to the relevant Branch Divisions jointly and references to the Branch Divisional Committee shall be read as references to the Branch Divisional Committees jointly. Further, where any property is held on trust pursuant to the provisions of Sub-Rule 21(12), the relevant Branch Divisional Presidents and the relevant Branch Divisional Secretaries shall together be joint Trustees.



21 - UNION FUNDS

(15) For the purposes of Sub-Rule 21(13), within the Victorian Branch, a Regional Committee shall be regarded as a Branch Divisional Committee. Further, each Regional Committee may elect a Trustee by and from its members to be a joint Trustee.

(16) NATIONAL/BRANCH POLICIES AND PROCEDURES

The Union and its Branches will develop, implement and retain policies and procedures relating to the expenditure of the union which include:

- (a) A reaffirmation of appropriate values;
- (b) Financial oversight and planning;
- (c) Financial policies and procedures;
- (d) Implementation of policies and procedures;
- (e) Reporting and transparency to members;
- (f) Credit Cards;
- (g) Employment and Remuneration;
- (h) Conflicts of interest;
- (i) Broader aspects of good governance; and
- (j) Training standards and programs.

(17) ~~DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON CASH BENEFITS~~

Commented [EL7]: These rules are no longer required as they are provided for in Ch 9, Part 2A of the RO Act.

~~a) Each officer of the Union and its Branches shall disclose to the union any remuneration paid to the officer:~~

~~i. because the officer is a member of a board, if:~~

~~A. the officer is a member of the board only because the officer is an officer of the Union or its Branches; or~~

~~B. the officer was nominated for the position as a member of the board by the union, a branch of the union, or a peak council; or~~

~~ii. by any related party of the Union or its Branches in connection with the performance of the officer's duties as an officer.~~

Commented [EL8]: s293B RO Act.

~~b) The disclosure required by sub-rule (a) shall be made to the Union and its Branches:~~

~~i. as soon as practicable after the remuneration is paid to the officer; and~~

~~ii. in writing.~~

Commented [EL9]: s293BA RO Act.

~~c) The union shall disclose to the members of the Union and its Branches:~~

~~i. the identity of all officers who hold permanent full-time positions in the union and:~~

~~ii. for each of those officers:~~

~~A. the actual amount of the officer's relevant remuneration for the disclosure period; and~~

~~B. either the value of the officer's relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.~~

Commented [EL10]: s293BC RO Act.

## 21 - UNION FUNDS

- d) For the purposes of sub-rules (c), the disclosure shall be made:
  - i. in relation to each financial year;
  - ii. within six months after the end of the financial year; and
  - iii. in writing.

Commented [EL11]: s293J RO Act.

### (18) DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

- a) Each officer of the Union and its Branches shall disclose to the Union and its Branches any material personal interest in a matter that:
  - i. the officer has or acquires; or
  - ii. a relative of the officer has or acquires; and that relates to the affairs of the Union and its Branches.

- b) The disclosure required by sub-rule (a) shall be made to the Union and its Branches:
  - i. as soon as practicable after the interest is acquired; and
  - ii. in writing.

Commented [EL12]: s293C RO Act.

- c) An officer who provides a disclosure required by sub-rule (a) shall absent themselves from any discussion or vote on a matter related to the material personal interest he or she has disclosed;

Commented [EL13]: s293F RO Act.

- d) The Union and its Branches shall disclose to their members any interests that are disclosed to the Union and Its Branches pursuant to sub-rule (a).

Commented [EL14]: s293C(7) RO Act.

- e) For the purposes of sub-rule (c), the disclosures shall be made:
  - i. in relation to each financial year;
  - ii. within six months after the end of the financial year; and
  - iii. in writing.

### (19) DISCLOSURE BY NATIONAL BRANCH OF PAYMENTS

- a) The Union shall disclose to the members of the Union and its Branches either:
  - i. each payment made by the Union during the disclosure period:
    - A. to a related party of the union or of a branch of the union; or
    - B. to a declared person or body of the union or a branch of the union;
  - or
  - ii. the total of the payments made by the union, during the disclosure period:
    - A. to each related party of the union; or
    - B. to each declared person or body of the union.

- b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union.

- c) For the purposes of sub-rule (a), the disclosures shall be made:
  - i. in relation to each financial year;
  - ii. within six months after the end of the financial year; and
  - iii. in writing.

## 22 - CAPITATION FEES, ENTRANCE FEES AND LEVIES

### Rule for Branches

- a) The branch shall disclose to the members of the branch either:
  - i. each payment made by the branch, during the disclosure period:
    - A. to a related party of the branch; or
    - B. to a declared person or body of the branch; or
  - ii. the total of the payments made by the branch, during the disclosure period:
    - A. to each related party of the branch; or
    - B. to each declared person or body of the branch.
- b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the branch from remuneration payable to officers or employees of the branch.
- c) For the purposes of sub-rule (a), the disclosures shall be made:
  - i. in relation to each financial year;
  - ii. within six months after the end of the financial year; and
  - iii. in writing.

Commented [EL15]: s293G RO Act.

### (20) REQUIREMENTS FOR TRAINING OF OFFICIALS

- a) All officers whose duties include duties that relate to the financial management of the union or a branch, must comply with the following:
  - i. The person must undertake training approved by the General Manager of the Fair Work Commission under section 154C of the *Fair Work Registered Organisations Act 2009* or a successor provision;
  - ii. The training must cover each of the person's financial duties;
  - iii. The training must be completed within 6 months after the person begins to hold the office.

Commented [EL16]: s293K RO Act.

## 22 - CAPITATION FEES, ENTRANCE FEES AND LEVIES

- (1) In addition to setting subscription rates, the National Council may set an entrance fee to be paid by all members upon joining the Union. Further, the National Council may from time to time, strike a levy payable by all members of the Union.
- (2) A Branch Council may from time to time strike a levy payable by all members of the Branch.
- (3) Fourteen and a half (14 ½) per cent of the subscription income received by a Branch or such other percentage as is determined from time to time by the National Council, shall be payable as capitation fees by each Branch to the National Organisation.
- (4) All monies payable by members of the Union by way of entrance fees, subscriptions, levies or fines shall be paid to and collected by the Secretary of the Branch to which the member belongs. Each Branch Secretary shall receive and deal with such monies in accordance with these Rules.

## 23 - DISBURSEMENT OF FUNDS

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- (5) The Secretary of each Branch shall promptly remit all monies due to the National Organisation as capitation fees, entrance fees or National levies. Capitation fees shall be paid in monthly instalments no later than the last day of each month.
- (6) Where a Branch is more than three months in arrears in the payment of any capitation fee instalment or in the remission of entrance fees or National levies, then the rights of the Branch and the Branch representatives to participate in the affairs of the National Organisation, including the right to attend and vote at meetings of National Governing Bodies, shall be suspended until such time as all monies owing are paid.

### 23 - DISBURSEMENT OF FUNDS

- (1) All cheques and written authorisations for the transfer and/or disbursement of funds from the National Union Fund shall be signed by the National Secretary together with the Assistant National Secretary. The National Executive may authorise the Assistant National Secretary to sign in place of the National Secretary in his or her absence together with either the National President, or an authorised Vice-President.
- (2) The funds of the National Union Fund, shall only be disbursed or otherwise dealt with, upon a resolution of the National Council or the National Executive. Provided that for the expenditure of the funds of the Union on general administration of the Union and for purposes reasonably incidental to the general administration of the Union, the prior approval of Council or Executive will not be necessary before such cheques or written authorisation for the transfer and/or disbursement of funds from the Union Fund are signed and accounts paid.
- (3) All cheques and written authorisations for the transfer and/or disbursement of funds from the Branch Union Fund shall be signed by the Secretary together with either the President, Senior Vice-President, Junior Vice-President or Assistant Secretary. The Branch Executive may authorise the Assistant Secretary to sign in place of the Secretary in his or her absence together with either the President, Senior Vice-President or Junior Vice-President.
- (4) The funds of the Branch Union Fund, shall only be disbursed or otherwise dealt with, upon a resolution of the Council or the Executive. Provided that for the expenditure of the funds of the Union on the general administration of the Union and for purposes reasonably incidental to the general administration of the Union, the prior approval of Council or Executive will not be necessary before such cheques or written authorisation for the transfer and/or disbursement of funds from the Union Fund are signed and accounts paid.
- (5) All cheques and written authorisations for the transfer and/or disbursement of funds from a Branch Divisional Fund shall be signed by the Branch Divisional Secretary together with the Branch Divisional President, Branch Divisional Vice President or Branch Divisional Assistant Secretary. The Branch Divisional Executive may authorise the Branch Divisional President to sign in place of the Branch Divisional Secretary in his or her absence together with the Branch Divisional Vice-President and one (1) other member of the Branch Divisional Committee.

## 23 - DISBURSEMENT OF FUNDS

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- (6) The funds of a Branch Divisional Fund, shall only be disbursed or otherwise dealt with, upon a resolution of the Branch Divisional Committee, provided that for the expenditure of the funds of a Division on general administration of the Division and for purposes reasonably incidental to the general administration of the Division, the prior approval of the Branch Divisional Committee will not be necessary before such cheques or written authorisations for the transfer and/or disbursement of funds from a Branch Divisional Fund are signed and accounts paid.
- (7) Any resolution of a Branch Divisional Committee dealing with real property shall be subject to ratification by the Branch Council pursuant to rule 21 of these Rules.
- (8) All cheques and written authorisations for the transfer and/or disbursement of funds from a composite Branch Divisional Fund shall be signed by all relevant Branch Divisional Secretaries. The relevant Branch Divisional Committees may jointly authorise other members of such Branch Divisional Committees to sign in place of the Branch Divisional Secretaries in the absence of one (1) or other of such office bearers.
- (9) The funds of a composite Branch Divisional Fund, shall only be disbursed or otherwise dealt with, upon resolutions of all relevant Branch Divisional Committees. Provided that for the expenditure of the funds of the composite Branch Divisions on the general administration of the composite Branch Divisions and for the purposes reasonably incidental to the General Administration of the composite Branch Divisions, the prior approval of the relevant Branch Divisional Committees will not be necessary before such cheques or written authorisations for the transfer and/or disbursements of funds from the composite Divisional Fund are signed and accounts paid.
- (10) Any resolutions of the relevant Branch Divisional Committees dealing with real property shall be subject to ratification by the Branch Council pursuant to rule 21 of these Rules.
- (11) Where the Branch Executive authorises, officers and/or employees of the Union may be issued with credit cards for the disbursement of funds from the Union Fund, a Divisional Fund or a composite Divisional Fund but only in accordance with any policy or policies of the Union relating to the use of credit cards in force from time to time.

#### 24 - LOANS, GRANTS OR DONATIONS

- (1) No loans, grants or donations shall be made by any Governing Body or other Committee within the Union other than the National Executive or a Branch Executive.
- (2) A loan, grant or donation of an amount exceeding \$1,000.00 shall not be made by the National Executive or a Branch Executive unless the Executive:-
  - (i) has satisfied itself:-
    - (a) that the making of the loan, grant or donation would be in accordance with these Rules; and
    - (b) 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
  - (ii) has approved the making of the loan, grant or donation.

#### 25 - AUDITORS

- (1) The National Council shall appoint biennially, a duly qualified and competent auditor or firm of auditors who shall audit the accounts of the National Organisation and provide a report, audited accounts and such further information and statements as may be required ~~under any~~ **in accordance with the RO Act-relevant legislation**, in relation to each financial year or in relation to any other period that the National Council or the National Executive may determine.
- (2) An auditor or firm of auditors appointed by the National Council may be removed during the term of appointment by resolution of the Council **and in accordance with the RO Act**.
- (3) A Branch Council shall appoint biennially, a duly qualified and competent auditor or firm of auditors who shall audit the Branch accounts (including Branch Divisional accounts) 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 Branch Council or the Branch Executive may determine.
- (4) An auditor or firm of auditors appointed by the Branch Council may be removed during the term of appointment by resolution of the Council.

Commented [EL17]: These amendments are recommended for clarity.

#### 26 - FINANCIAL YEAR

The financial year for the Union shall be the period commencing on January 1 in any year and ending on December 31 in the same year.

## **27 - BOOKS AND ACCOUNTS**

The National Secretary and each Branch Secretary shall ensure that adequate books and accounts are kept and that the provisions of the ~~Fair Work (Registered Organisations) Act 2009~~ RO Act, or any other relevant legislation are complied with in relation to the maintenance, form, lodgement and distribution of financial records. Further, each Branch Secretary shall provide the National Secretary with a copy of the audited Branch Accounts each year.

## **PART V - NATIONAL GOVERNING BODIES AND OFFICE BEARERS**

### **28 - NATIONAL COUNCIL**

- (1) The National Council shall be the highest deliberative body in the Union. Subject to these Rules, the National Council shall have power to do all such things as are within the objects of the Union or incidental thereto including:-
- (i) to authorise the formation of Branches and National Divisions and to determine the boundaries and/or scope thereof;
  - (ii) to dissolve Branches and National Divisions;
  - (iii) to determine the National policy of the Union;
  - (iv) to determine the salaries and conditions of employment of paid Office Bearers;
  - (v) to fix the allowances as provided in Rule 66;
  - (vi) to determine subscription levels, entrance fees and National levies;
  - (vii) to determine Branch capitation fees;
  - (viii) to establish any special fund or funds to achieve any of the objects of the Union;
  - (ix) to settle all disputes between Branches or National Divisions;
  - (x) to intervene in the affairs of a Branch or a Division (including a Branch Division) to ensure compliance with the Rules or the National policy of the Union or decisions of the National Council or the National Executive;
  - (xi) to interpret the Rules and to determine any matter on which the Rules are silent;
  - (xii) to make, alter, amend or rescind these Rules;
  - (xiii) to hear appeals regarding disciplinary action taken against any National Office Bearer;
  - (xiv) to expend monies from the National Fund for any of the objects of the Union;
  - (xv) to appoint and dismiss a National Returning Officer;

- (xvi) to appoint and dismiss a National auditor or firm of auditors.
- (xvii) subject to ratification by a plebiscite of the members, dissolve the Union.
- (2) The National Council shall comprise the National President, National Vice-President (Rail), the National Vice-President (Road), the National Vice-President Affirmative Action (Women), the National Secretary, the Assistant National Secretary, the Assistant National Secretaries (Divisional), the Secretaries of each Branch, the Branch Delegates to National Executive as specified in Sub-Rule 29(2) and the National Divisional Delegates from the Branch to the National Council determined in accordance with Sub-Rule 28(3).
- (3) The members of each National Division within each Branch shall be entitled to elect one Delegate to the National Council for each one thousand (1,000) members or part thereof provided that where the number of members of a National Division within a Branch is less than one hundred (100) there shall be no entitlement to a Delegate. The number of Delegates to which the members of a National Division within a Branch are entitled, shall be determined on the basis of the number of financial members of the National Division within the Branch at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.
- (4) The National Council shall meet in Ordinary Session once every two years at such time and place as the National Council may determine or, in the absence of a decision by the National Council, as the National Executive may determine. A Special Meeting of the National Council may be convened by the National Executive and shall be convened upon receipt of a written request from at least three Branch Executives.
- (5) National Council members or the National Executive or any Branch Council or any Branch Executive or any National Divisional Committee may place a matter on the agenda for a meeting of the National Council.
- (6) Where an Ordinary Meeting of the National Council has been scheduled or a Special Meeting has been called, the National Secretary shall send a Notice of Meeting together with an agenda to each member of the Council entitled to attend, not less than fourteen days prior to the meeting.
- (7) A quorum for a meeting of the National Council shall be a majority of the members of the Council entitled to attend.
- (8) Subject to Sub-Rule 28(9), each member of the National Council shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (9) Where a person, to the extent permitted by these Rules, holds more than one Office on the National Council, he/she shall nonetheless only be entitled to exercise one vote.
- (10) Notwithstanding anything elsewhere contained in these Rules, a meeting of the National Council may be held via telephone conference or video conference.



## 29 - NATIONAL EXECUTIVE

- (1) The National Executive shall be the Committee of Management of the Union. Subject to these Rules, to the policies and decisions of the National Council and to the review of its decisions by the National Council, it shall have the care, control, management and superintendence of the activities of the Union and between meetings of the National Council, it may exercise all or any of the powers and functions of the National 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 National Council and shall not rescind, alter, vary or revoke any such policy or decision. All decisions within the powers of the National Executive shall have full force and effect unless and until disallowed by the National Council.
- (2) The National Executive shall comprise the National President, the National Vice-President (Rail), the National Vice-President (Road), the National Vice-President Affirmative Action (Women), the National Secretary, the Assistant National Secretary, the Assistant National Secretaries (Divisional) and the Secretaries of each Branch within the Union together with Delegates from the Branches as follows:-

New South Wales Branch	- 3 delegates
Queensland Branch	- 2 delegates
Victorian Branch	- 2 delegates
<del>Western Australian Branch</del>	<del>- Nil</del>
<del>West Australian PTA Branch</del>	<del>- Nil</del>
South Australian and	
Northern Territory Branch	- Nil
Tasmanian Branch	- Nil
- (3) The National Executive shall meet in Ordinary Session at least three times in each two year period at such time and place as the National Executive or, in the absence of a decision by the National Executive, the National President and the National Secretary jointly, shall determine. A Special Meeting of the National Executive may be convened by the National President and the National Secretary jointly and a Special Meeting shall be convened upon receipt of a written request from at least three Branch Executives.
- (4) National Executive members or any Branch Executive or any National Divisional Committee may place a matter on the agenda for a meeting of the National Executive.
- (5) Where an Ordinary Meeting of the National Executive has been scheduled or where a Special Meeting has been called, the National Secretary shall forward a Notice of Meeting together with an agenda to each member of the National Executive entitled to attend, not less than seven days prior to the date of a meeting.
- (6) A quorum for a meeting of the National Executive shall be a majority of the members of the National Executive entitled to attend.
- (7) Subject to Sub-Rule 29(8), members of the National Executive shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.

Commented [EL18]: Subject to approval of rule change by FWC.

### 31 - NATIONAL OFFICES

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- (8) Where a person, to the extent permitted by these Rules, holds more than one Office on the National Executive, he/she shall nonetheless only be entitled to exercise one vote.
- (9) Notwithstanding anything elsewhere contained in these Rules, a meeting of the National Executive may be held via telephone conference or video conference.

### **30 - BALLOTS OF THE NATIONAL COUNCIL AND THE NATIONAL EXECUTIVE**

- (1) Between meetings of the National Council or the National Executive, the decision of the Council or the Executive, as the case may be, may be determined by ballot.
- (2) A decision to hold a ballot shall be made by the National President and the National Secretary jointly.
- (3) Where a decision has been made to hold a ballot, the National Secretary shall despatch a ballot paper clearly setting out the matter(s) for decision, together with any relevant material, to each member of the Council or the Executive, as the case may be. The National Secretary shall advise each member of the date by which ballot papers must be returned, such date to be not less than seven days nor more than twenty-one days from the date the ballot papers are despatched. Ballot papers not received by the National Secretary by the date specified shall be disregarded provided that a question shall only be carried if the number of ballot papers returned are sufficient to meet the quorum provisions for meetings of the National Council or the National Executive under these Rules and a majority of the ballot papers returned record a vote in the affirmative.
- (4) The National Secretary shall provide a written report to members of the National Executive or the National Council, as the case may be, as soon as practicable after the completion of the ballot. The National Secretary shall retain all ballot papers for tabling and report at the next meeting of the National Executive or the National Council, as the case may be.

### **31 - NATIONAL OFFICES**

- (1) The National Offices are:-

National President  
National Vice-President (Rail)  
National Vice-President (Road)  
National Vice-President (Affirmative Action - Women)  
National Secretary  
Assistant National Secretary  
Assistant National Secretaries (Divisional)  
Branch Delegates to the National Executive  
National Divisional Delegates from the Branch to the National Council  
Representatives to a National Divisional Committee

- (2) The Office of National Secretary and Assistant National Secretary shall be paid positions. Such Office Bearers shall be elected every four years in accordance with the provisions of Part VIII of these Rules and shall hold office until his/her successor is declared elected.

### 33 - OTHER NATIONAL OFFICE BEARERS

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- (3) National Offices other than those as specified in Sub-Rule 31(2) shall be honorary positions. Such Office Bearers shall be elected every four years in accordance with the provisions of Part VIII of these Rules and shall hold office until their successors are declared elected.

### **32 - NATIONAL SECRETARY, ASSISTANT NATIONAL SECRETARY AND ASSISTANT NATIONAL SECRETARIES (DIVISIONAL)**

- (1) The National Secretary and Assistant National Secretary shall be elected by a secret ballot of all the financial members of the Union.
- (2) There shall be an Assistant National Secretary (Divisional) for each National Division established pursuant to Rule 6. An Assistant National Secretary (Divisional) shall be elected by a secret ballot of all financial members of the relevant National Division.
- (3) To be eligible to nominate for an Office covered by this Rule, a candidate must be a member of the Union and have been continuously financial for a period of not less than six months immediately preceding the date on which nominations open. To be "continuously financial", a candidate must not, at any stage within the six month period, have been an unfinancial member.
- (4) In addition to the requirements specified in Sub-Rule 32(3), a candidate for an Office of Assistant National Secretary (Divisional) must, unless he/she is a candidate seeking re-election, have been employed in the work function represented by the National Division for a period of not less than twelve months immediately preceding the date on which nominations open.

### **33 - OTHER NATIONAL OFFICE BEARERS**

- (1) The National President shall be elected by a secret ballot of all the financial members of the Union. The National Vice-President (Rail) shall be elected by a secret ballot of all the financial members of the Union, with the exception of members from the Bus and Tram Division. The National Vice President (Road) shall be elected by a secret ballot of all the financial members of the Bus and Tram Division only. The National Vice President (Affirmative Action - Women) shall be elected by a secret ballot of all the financial women members of the Union.
- (2) Branch Delegates to the National Executive shall be elected by a secret ballot of all the financial members of the Branch.
- (3) National Divisional Delegates from the Branch to the National Council shall be elected by a secret ballot of all the financial members of the National Division within the Branch.
- (4) To be eligible to nominate for a National Office other than those dealt with in Rule 32, a candidate must be a financial member on the date on which nominations open. In addition, a candidate for the Office of National Divisional Delegate from the Branch to the National Council must be a member of the relevant National Division and the relevant Branch on such date. Further, a candidate for the Office of Branch Delegate to the National Executive must be a member of the relevant Branch on such date.

### 35 - DUAL OFFICES AT DIFFERENT DECISION MAKING LEVELS

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- (5) To be eligible to nominate for the Office of National Vice President (Rail) a candidate must be a financial member of any Division, with the exception of the Bus and Tram Division, on the date on which nominations open.
- (6) To be eligible to nominate for the office of National Vice President (Road) a candidate must be a financial member of the Bus and Tram Division, on the date on which nominations open.
- (7) To be eligible to nominate for the Office of National Vice President (Affirmative Action - Women) a candidate must be a financial woman member on the date on which nominations open.

### 34 - DUAL NATIONAL OFFICES

- (1) Except in the case of an appointment under the provisions of Rules 78 or 79, no person shall simultaneously hold more than one of the National Offices specified in Sub-Rule 31(1) except for the Offices of Branch Delegates to the National Executive, National Divisional Delegates from the Branch to the National Council and Representatives to a National Divisional Committee. Where a person already holding a National Office is elected to another National Office, then he/she is deemed to have resigned from the Office already held.
- (2) Where a person holds a particular National Office and by reason of holding such Office, he/she holds another National Office, he/she shall not be regarded as holding more than one National Office for the purposes of this Rule.

### 35 - DUAL OFFICES AT DIFFERENT DECISION MAKING LEVELS

- (1) Except as provided in Sub-Rule 35(2), nothing in these Rules shall be construed as preventing a person holding a National Office while simultaneously holding a Branch Office.
- (2) Except in the case of an appointment under the provisions of Sub-Rule 78 or 79, and except as provided in Parts X to XVI of these Rules, no person shall simultaneously hold more than one paid Office within the Union. Where a person already holding a paid Office at any level is elected to another paid Office at any level, then he/she is deemed to have resigned from the Office already held.

### **36 - DUTIES OF THE NATIONAL PRESIDENT**

- (1) In addition to any duties specified elsewhere in these Rules, the National President shall preside at all meetings of the National Council and the National 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.
- (2) The National President is empowered to give an interpretation of these Rules and to determine any dispute involving the application or requirements of the Rules and in any such case his/her decision shall be final and conclusive unless over-ruled by the National Council. All rulings made by the National President shall be circulated in writing to members of the National Council as soon as practicable following the ruling. Further, the National Secretary shall maintain a record of all rulings by the National President.
- (3) At all meetings of the Union at which he/she presides, the National President shall have a deliberative but not a casting vote.

### **37 - DUTIES OF NATIONAL VICE-PRESIDENTS**

In addition to any duties specified elsewhere in these Rules, the National Vice-Presidents shall assist the National President in the conduct of his/her duties and, in the absence of the National President, the National Vice-Presidents shall deputise for him/her.

The National Vice President (Affirmative Action - Women) shall promote, and work for the involvement of women members within the Union.

### **38 - DUTIES OF NATIONAL SECRETARY**

The National Secretary shall be the Principal Officer and Treasurer of the Union. Between meetings of the National Council and the National Executive, he/she shall, subject to these Rules and to the policies and decisions of the National Council and the National Executive, conduct and manage 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:-

- (i) discharge all duties assigned to him/her by these Rules, the National Council or the National Executive;
- (ii) summon and attend all meetings of the National Council and the National Executive;
- (iii) attend to all National correspondence;
- (iv) issue or authorise press statements and provide media comment on behalf of the Union.
- (v) be responsible for the safe custody of the Union seal, documents, securities and accumulated funds;

### 38 - DUTIES OF NATIONAL SECRETARY

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- (vi) prepare, keep and/or file or cause to be prepared, kept and/or filed, all documents and records required under the provisions of the ~~Industrial Relations Act 1988~~RO Act and the RO Regulations and any other relevant legislation;
- (vii) receive all monies belonging to the National Fund and deposit same in a bank on behalf of the Union as soon as practicable;
- (viii) disburse National funds in accordance with these Rules;
- (ix) ensure that National financial records are maintained and that National annual accounts are prepared and audited;
- (x) monitor the accounts and other affairs of the Branches and the Divisions and for this purpose have access, whenever requested, to Branch and Divisional documents and financial records;
- (xi) prepare or cause to be prepared all necessary documents for the National Council and the National Executive including the minutes of meetings;
- (xii) prepare or cause to be prepared regular financial statements for the National Council and the National Executive;
- (xiii) prepare or cause to be prepared a yearly report to Branches and Divisions on the activities of the National Organisation;
- (xiv) ensure that Branch Secretaries maintain Registers of Members and Office Bearers and himself/herself maintain National records based thereon;
- (xv) co-ordinate the activities of Branches and National Divisions;
- (xvi) control and supervise the National Office and its staff including the appointment and termination of such staff;
- (xvii) initiate legal, industrial or other proceedings on behalf of the Union before any Court, Commission, Board or Tribunal; and
- (xviii) be an ex-officio member of any National Governing Body and be entitled to attend any meeting of any Branch Governing Body;
- (xix) be responsible to the National Council and the National Executive for the proper performance of his/her duties.

**38A - DUTIES OF ASSISTANT NATIONAL SECRETARY**

- (1) Subject to these Rules and to the policies and decisions of the National Council and National Executive, the Assistant National Secretary shall assist the National Secretary in the conduct of his/her day to day duties. Without limiting the generality of the foregoing he/she shall:
  - (i) With the approval of the National Secretary control, supervise or instruct any Officer or paid employees of the National Office to carry out the (a) day to day affairs and business of the National Office, (b) preparation of documents for presentation to a tribunal and/or (c) conduct of cases before a tribunal.
  - (ii) Keep a correct amount of monies received and expended in the day to day affairs of the National Office, and pay or otherwise appropriate funds of the National Office in accordance with these Rules and with the consultation and approval of the National Secretary.
  - (iii) Prepare or have prepared documents, including notifications of industrial disputes, as are required from time to time by the National Office in order to conduct cases before a Tribunal on behalf of the Union.
  - (iv) Give any other reasonable assistance to the National Secretary as and when required.
- (2) Where the Assistant National Secretary is temporarily required to act in the Office of National Secretary, an Assistant National Secretary (Divisional) – as determined by the National Executive – shall be Acting Assistant National Secretary and, subject to any restrictions that may be imposed by the National Executive or by these Rules, may exercise all the powers of that Office.

**39 - DUTIES OF ASSISTANT NATIONAL SECRETARIES (DIVISIONAL)**

- (1) An Assistant National Secretary (Divisional) shall act in accordance with the directions and instructions of the National Secretary in all matters. In addition to any duties specified elsewhere in these Rules, an Assistant National Secretary (Divisional) shall co-ordinate the activities of the National Division which he/she represents and shall assist the National Secretary in the performance of his/her duties.
- (2) When the National Secretary is temporarily unable to fulfil the duties of his/her Office, the Assistant National Secretary or an Assistant National Secretary (Divisional) as determined by the National Executive, shall be Acting National Secretary and, subject to any restrictions that may be imposed by the National Executive or by these Rules, may exercise all the powers of that Office.

**40 - NATIONAL DIVISIONAL COMMITTEES**

- (1) There shall be a National Divisional Committee for each Division established by the National Council.
- (2) A National Divisional Committee shall comprise the Assistant National Secretary for the National Division, the Branch Divisional Secretaries, and those National Divisional Delegates from the Branch to the National Council which represent that National Division. Where a Branch has combined National Divisions, the combined National Divisional Delegates from the Branch to the National Council shall have the right to attend National Divisional Committee meetings of the Division included in the Branch combined Division. The National President, the National Vice-Presidents, the National Secretary and the Assistant National Secretary shall all be ex-officio members of each National Divisional Committee.
- (3) A National Divisional Committee shall meet biennially on the day immediately preceding the biennial meeting of the National Council. Additional meetings may be held with the approval of the National Executive either immediately preceding meetings of the National Executive or at such other times and places as the National Executive determines. The Assistant National Secretary for the Division shall act as convener and secretary of the Committee. At the commencement of each meeting of the Committee, the Committee shall elect one of its members as Chairperson of the meeting.
- (4) The primary purpose of the National Divisional Committee shall be to provide a forum for National Divisions to develop National Divisional positions for submission to the National Council or the National Executive. A Divisional Committee shall however, subject to Sub-Rules 40(5) and 40(6), have power to make decisions in relation to matters which affect members of the National Division only.
- (5) A National Divisional Committee is bound by these Rules and the policies and decisions of the National Council and the National Executive and any decision in conflict with the Rules or the said policies and decisions shall be void and of no effect.
- (6) Where a National Divisional Committee makes a decision pursuant to its powers under this Rule, then, the National Secretary or, in his/her absence the National President, shall promptly be advised of such decision. The National Secretary or the National President, as the case may be, shall determine whether, in his/her opinion, the decision is one which affects the members of the National Division only. Where the National Secretary or the National President, as the case may be, forms the view that the decision of a National Divisional Committee is not one which affects members of the National Division only, he/she shall refer this issue to the National Executive for determination and, pending such determination, the National Divisional Committee and the members of the Committee shall take no action in relation to that decision.



#### 40 - NATIONAL DIVISIONAL COMMITTEES

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- (7) A Branch Divisional Committee may refer a matter to the relevant National Divisional Committee. The Branch Divisional Secretary shall promptly advise the Branch Secretary that a matter has been so referred. In the event of a disagreement between the Branch Secretary and the Branch Divisional Committee on the issue of whether a matter is more properly dealt with by the Branch or by the National Divisional Committee, the issue shall be referred by the Branch Secretary to the National Executive for determination. Where the matter is referred to the National Executive, the Branch Secretary shall promptly advise the Branch Divisional Secretary. No action shall be taken by the Branch Divisional Committee or the members of the Committee in relation to the matter pending determination by the National Executive.
- (8) Where a meeting of a National Divisional Committee has been scheduled in accordance with the provisions of Sub-Rule 40(3), the Assistant National Secretary (Divisional) shall send a Notice of Meeting, together with an Agenda, to all members of the Committee at least fourteen days prior to the meeting.
- (9) National Divisional Committee members or the National Council or the National Executive or a Branch Council or a Branch Executive or a Branch Divisional Committee may place a matter on the agenda for a meeting of the National Divisional Committee.
- (10) A quorum for a meeting of the National Divisional Committee shall be a majority of the members of the Committee entitled to attend.
- (11) Each member of a National Divisional Committee shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (12) Notwithstanding anything elsewhere contained in these Rules, a meeting of a National Divisional Committee may be held via telephone conference or video conference when a majority of the members of the Committee so agrees or when determined by the National Executive.

**PART VI - BRANCH GOVERNING BODIES AND OFFICE BEARERS**

**41 - APPLICATION**

The provisions of this Part apply to all Branches unless modified by the Branch specific provisions in Parts X to XVI of these Rules.

**42 - BRANCH COUNCIL**

- (1) The Branch Council shall be the highest deliberative body in the Branch. Subject to these Rules and any policies or decisions of the National Council or the National Executive, the Branch Council shall have power to do all things in relation to the Branch which are within the objects of the Union or incidental thereto including, without limiting the generality of the foregoing,:-
  - (i) to implement the objects of the Union within the Branch;
  - (ii) to determine the structure and organisation of the Branch; and
  - (iii) subject to ratification by the National Council, to make rules for the management and operation of the Branch and its Divisions, Sub-Divisions, Sub-Branches and other structures.
  - (iv) to determine the salaries and conditions of employment of paid Branch Office Bearers and persons engaged as Branch employees;
  - (v) to impose a Branch levy;
  - (vi) to establish any special fund or funds to achieve any of the objects of the Union within the Branch;
  - (vii) to settle disputes between Branch Divisions;
  - (viii) to interpret the relevant Branch specific provisions in Parts X to XVI of these Rules;
  - (ix) to hear appeals regarding disciplinary action taken against any member of the Branch or any Branch Office Bearer;
  - (x) to expend such monies as may be necessary to fulfil the objects of the Union within the Branch;
  - (xi) to appoint and dismiss a Branch Returning Officer;
  - (xii) to appoint and dismiss a Branch auditor or a firm of auditors;
- (2) The composition of the Branch Council shall be as specified in Parts X to XVI of these Rules.

#### 43 - BRANCH EXECUTIVE

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- (3) The frequency, time and place of Ordinary Meetings of the Branch Council shall be as specified in Parts X to XVI of these Rules.
- (4) A Special Meeting of the Branch Council may be convened by the Branch Executive and shall be convened on the written request of at least two Branch Divisional Committees.
- (5) Branch Council members or the Branch Executive or any Branch Divisional Committee or any other Branch Governing Body may place a matter on the agenda for a meeting of the Branch Council.
- (6) Where an Ordinary Meeting of the Branch Council has been scheduled or a Special Meeting has been called, the Branch Secretary shall send a notice of meeting together with an agenda to each member of the Council entitled to attend, not less than fourteen days prior to date of the meeting.
- (7) A quorum for a meeting of the Branch Council shall be a majority of the members of the Council entitled to attend.
- (8) Subject to Sub-Rule 42(9), each member of the Branch Council shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (9) Where a person, to the extent permitted by these Rules, holds more than one Office on the Branch Council, he/she shall nonetheless only be entitled to exercise one vote.
- (10) Notwithstanding anything elsewhere contained in these Rules, a meeting of the Branch Council may be held via telephone conference or video conference when a majority of Council members so agrees.

#### 43 - BRANCH EXECUTIVE

- (1) The Branch Executive shall be the Committee of Management of the Branch. Subject to these Rules, to the policies and decisions of the National Council, the National Executive and the Branch Council and to the review of its decisions by the Branch Council, it shall have the care, control, management and superintendence of the activities of the Branch and between meetings of the Branch Council, it may exercise all or any of the powers and functions of the Branch Council other than the power to make, alter or rescind Parts X to XVI of 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 Branch Council. All decisions within the powers of a Branch Executive shall have full force and effect unless and until disallowed by the Branch Council.
- (2) The composition of a Branch Executive shall be as specified in Parts X to XVI of these Rules.
- (3) The frequency, time and place of Ordinary Meetings of the Branch Executive shall be as specified in Parts X to XVI of these Rules.
- (4) A Special Meeting of the Branch Executive may be convened by the Branch Secretary and the Branch President jointly and shall be convened upon receipt of a written request from at least two Branch Divisional Committees.

#### 44 - BALLOTS OF THE BRANCH COUNCIL AND THE BRANCH EXECUTIVE

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- (5) Branch Executive members or any Branch Divisional Committee or any other Branch Governing Body may place a matter on the agenda for a meeting of the Branch Executive.
- (6) Where an Ordinary Meeting of the Branch Executive has been scheduled or a Special Meeting has been called, the Branch Secretary shall forward a Notice of Meeting together with an Agenda to each member of the Branch Executive entitled to attend, not less than seven days prior to the date of the meeting.
- (7) A quorum for a meeting of the Branch Executive shall be a majority of the members of the Executive entitled to attend.
- (8) Subject to Sub-rule 43(9), each member of the Branch Executive shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (9) Where a person, to the extent permitted by these Rules, holds more than one Office on the Branch Executive, he/she shall nonetheless only be entitled to exercise one vote. Notwithstanding this in the Queensland Branch a person shall not hold more than one position on the Branch Executive.
- (10) Notwithstanding anything elsewhere contained in these Rules, a meeting of the Branch Executive may be held via telephone conference or video conference when a majority of Executive members so agrees.

#### **44 - BALLOTS OF THE BRANCH COUNCIL AND THE BRANCH EXECUTIVE**

- (1) Between meetings of the Branch Council or the Branch Executive, the decision of the Council or the Executive, as the case may be, may be determined by ballot.
- (2) A decision to hold a ballot may be made by the Branch President and the Branch Secretary jointly.
- (3) Where a decision has been made to hold a ballot, the Branch Secretary shall despatch a ballot paper clearly setting out the matter(s) for decision, together with any relevant material, to each member of the Branch Council or the Branch Executive, as the case may be. The Branch Secretary shall advise each member of the date by which ballot papers must be returned, such date to be not less than seven days nor more than twenty-one days from the date that the ballot papers are despatched. Ballot papers not received by the Branch Secretary by the date specified, shall be disregarded provided that a question shall only be carried if the number of ballot papers returned are sufficient to meet the quorum provisions for meetings of the Branch Council or the Branch Executive under these Rules and a majority of the ballot papers returned record a vote in the affirmative.
- (4) The Branch Secretary shall provide a written report to members of the Branch Executive or the Branch Council, as the case may be, as soon as practicable after the completion of the ballot. The Branch Secretary shall retain all ballot papers for tabling and report at the next meeting of the Branch Executive or the Branch Council, as the case may be.

#### **45 - NATIONAL MONITORING OF BRANCH DECISIONS**

Where a Branch Council or a Branch Executive makes a decision in relation to the Branch which affects other Branches and/or the National Organisation, the Branch Secretary shall promptly advise the National Secretary or, in his/her absence, the National President, before taking any action to implement the decision. Where the National Secretary or the National President, as the case may be, forms the view that the decision does affect other Branches and/or the National Organisation, the National Secretary or the National President, as the case may be, shall so inform the Branch Secretary, and the Branch Council and the Branch Executive and the Branch Office Bearers shall take no further action on the matter without the authorisation of the National Executive.

#### **46 - INTERVENTION IN BRANCH AND DIVISIONAL AFFAIRS**

- (1) Where a Branch, or a National Division or a Branch Division refuses to comply or fails, within a reasonable time after receipt of a direction from the National Executive, to comply with these Rules or the National Policy of the Union or the decisions of the National Council or the National Executive or, in the case of a Branch Division with Branch policy or decisions of the Branch Council or the Branch Executive, then the National Council may suspend the Governing Bodies of the Branch or the National Division or the Branch Division, as the case may be, for a period of not more than six months and place the administration of such Branch or National Division or Branch Division in the hands of the National Executive. The National Executive may in turn appoint an administrator, answerable to the National Executive, to manage the affairs of the Branch or the National Division or the Branch Division, as the case may be, during the period of suspension.
- (2) At the conclusion of the period of suspension, the members of the Governing Bodies shall resume control of the Branch or the National Division or the Branch Division, as the case may be, unless such members have been removed from office in accordance with these Rules.
- (3) Notwithstanding any provision elsewhere in these Rules, a decision to suspend the Governing Bodies of a Branch or a National Division or a Branch Division, shall only be made by the National Council.

#### **47 - BRANCH OFFICES: ELIGIBILITY AND TERM OF OFFICE**

- (1) The Branch Offices are as specified in Parts X to XVI of these Rules.
- (2) Office Bearers shall be elected every four years in accordance with the provisions of Part VIII of these Rules and shall hold office until their successors are declared elected.
- ~~(3) DELETED.~~
- (4) Where a Branch Office is a paid position, the Branch Council shall determine from time to time whether it is a full-time or a part-time or a casual position, provided that the Branch Council shall not alter the full-time or part-time or casual nature of an Office during the term of that Office without the consent of the Office Bearer.

#### 47 - BRANCH OFFICES: ELIGIBILITY AND TERM OF OFFICE

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- (5) Where a Branch Office is a paid position, to be eligible to nominate for office, a candidate must be a member of the Branch on the date on which nominations open and must have been continuously financial for a period of not less than twelve months immediately preceding the date on which nominations open.

To be "continuously financial", a candidate must not at any time within the twelve month period have been an unfinancial member.

- (6) Where a Branch Office is an honorary position, to be eligible to nominate for office, a candidate must be a member of the Branch and a financial member of the Union on the date on which nominations open.
- (7) In addition to the requirements specified in Sub-Rules 47(5) and 47(6):-
- (i) a candidate for the Offices of Branch Divisional President, Branch Divisional Secretary, Assistant Branch Divisional Secretary, Branch Divisional Organiser, Senior Branch Divisional Vice-President, Junior Branch Divisional Vice-President, Branch Divisional Vice-President, Branch Divisional Delegate to the Branch Council or any other Office within a Branch Division must be a member of the relevant Branch Division on the date on which nominations open; further, but subject to sub-rule 162(8) in the case of the Victorian Branch, a candidate for the Offices of Branch Divisional Secretary or Assistant Branch Divisional Secretary or Branch Divisional Organiser must, unless he/she is a candidate seeking re-election, have been employed for a period of not less than twelve months immediately prior to the date on which nominations open in the work function represented by the Branch Division;
  - (ii) a candidate for the Office of Sub-Divisional Representative on a Branch Divisional Committee must in addition to complying with the requirements specified in paragraph (i) of this Sub-Rule 47(7), be -a member of the Sub-Division that the Office represents on the date on which nominations open;
  - (iii) a candidate for an Office, other than the Office of Branch Organiser, which represents a Sub-Branch or other geographical area within a Branch must, unless it is a paid Office and he/she is a candidate seeking re-election, have his/her usual place of employment located within the geographical area on the date on which nominations open;
  - (iv) a candidate for an Office which represents a geographical area within a Branch Division must meet the requirements of both paragraphs (i) and (iii) of this Sub-Rule 47(7).

**48 - BRANCH SECRETARY AND ASSISTANT BRANCH SECRETARY**

- (1) The Office of Branch Secretary shall be a paid position.
- (2) A Branch Secretary shall be elected by a secret ballot of all the financial members of the Branch.
- (3) Where the Branch Rules in Parts X to XVI provide for the Office of Assistant Branch Secretary then the provisions of Sub-Rules 48(1) and (2) shall also apply to that Office excepting the Tasmanian, Victorian and New South Wales Branches, where an Office of Assistant Branch Secretary is an unpaid position.
- (4) The New South Wales Branch shall have two (2) Assistant Branch Secretaries. The Assistant Branch Secretary (Rail), who shall be elected by a secret ballot of all the financial members of the New South Wales Branch, with the exception of members from the New South Wales Branch Tram and Bus Division. The Assistant Branch Secretary (Road), who shall be elected by a secret ballot of all the financial members of the New South Wales Tram and Bus Division only.

**49 - BRANCH ORGANISERS AND BRANCH DIVISIONAL ORGANISERS**

- (1) A Branch Council shall, from time to time, determine the number of Organisers and the geographical area or Division or Divisions within the Branch which each Organiser is to service.  
  
In N.S.W and in Queensland the respective Branch Council shall, from time to time, determine whether such positions of Branch Organiser and Branch Divisional Organiser are to be filled as an Office under the Rules or to be filled by the engagement of persons as Branch employees.
- (2) The Offices of Branch Organiser and Branch Divisional Organiser shall be paid positions.
- (3) A Branch Organiser and a Branch Divisional Organiser, where established as an Office under the Rules, shall be elected by secret ballot of all the financial members within the geographical area or Division or Divisions serviced by the Organiser.
- (4) For the avoidance of doubt, and except and unless where expressly stated to the contrary elsewhere in these Rules, any part of these Rules which have application in Victoria and which refers to Branch Divisional Organiser shall be taken to include a reference to Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions).
- (5) The reference to Branch Divisional Organiser in sub-rule 49(1) does not include a reference to the Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) of the Victorian Branch.

#### 50 - OTHER BRANCH OFFICE BEARERS: ELECTORATE

- (1) A Branch President shall be elected by a secret ballot of all the financial members of the Branch.
- (2) A Senior Branch Vice-President, Junior Branch Vice-President or Branch Vice-President shall be elected by a secret ballot of all the financial members of the Branch or through a collegiate election by and from the members of the Branch Council. In the case of a collegiate election, the elections shall take place at the first meeting of the Branch Council following biennial elections.
- (3) A Branch Divisional President, a Branch Divisional Vice- President, a Branch Divisional Secretary, an Assistant Branch Divisional Secretary and a Branch Divisional Delegate to the Branch Council or the Branch Executive shall be elected by a secret ballot of all the financial members within the relevant Branch Division.

Provided that, ~~from the quadrennial elections due in 2014~~, the following provision shall apply in the case of the NSW Branch Locomotive Division: a Branch Divisional Vice-President (Freight) an Assistant Branch Divisional Secretary (Freight) will be elected by all Freight financial members of the NSW Branch Locomotive Division. A Branch Divisional Vice-President (Passenger) and Assistant Branch Divisional Secretary (Passenger) will be elected by all Passenger financial members of the NSW Branch Locomotive Division.

- (4) A Sub-Divisional Representative on a Branch Divisional Committee shall be elected by a secret ballot of all financial members within the Sub-Division or Sub-Divisions that the Office is to represent.
- (5) Other Branch Office Bearers not specified in Rules 48 or 49 or in this Rule, shall be elected in the manner provided for in Parts X to XVI of these Rules. Where a collegiate election is specified, the election shall take place at the first meeting of the Governing Body forming the electoral college following biennial elections.

#### 51 - DUAL BRANCH OFFICES

- (1) Except in the case of an Office which is filled by a collegiate election or in the case of appointment under the provisions of Rules 78 or 79 and except as provided in Sub-Rule 51(2) and in Parts X to XVI of these Rules, no person shall be eligible to simultaneously hold more than one of the Branch Offices specified for a particular Branch in Parts X to XVI of these Rules. Where a person already holding a Branch Office is elected to another Branch Office, then he/she is deemed to have resigned from the Office already held.
- (2) A person may simultaneously hold the Office of Branch Divisional Secretary or the Office of Branch Divisional President or the office of Branch Divisional Delegate to Branch Council and another Branch Office provided that to do so would not infringe Sub-Rule 35(2).
- (3) Where a person holds a particular Branch Office and, by reason of holding such Office, he/she holds another Branch Office, he/she shall not be regarded as holding more than one Branch Office for the purposes of this Rule.



**52 - DUTIES OF BRANCH PRESIDENT**

- (1) In addition to any duties specified elsewhere in these Rules, a Branch President shall preside at all meetings of the Branch Council and the Branch 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 and the Branch are adhered to.
- (2) A Branch President is empowered to give an interpretation in relation to that Part of Parts X to XVI of these Rules which has application to his/her Branch or to determine any dispute involving the application or requirements of such Part and his/her decision in such manner shall be final and conclusive unless over-ruled by the Branch Council or the National Council. All rulings made by the Branch President shall be circulated in writing to members of the Branch Council as soon as practicable following the ruling. Further, the Branch Secretary shall maintain a record of all rulings by the Branch President.
- (3) At all meetings of the Branch, at which he/she presides, the Branch President shall have a deliberative but not a casting vote.
- (4) A Branch President shall be an ex officio member of all Branch Governing Bodies and Committees.

**53 - DUTIES OF BRANCH VICE-PRESIDENT**

In addition to any duties specified elsewhere in these Rules, a Branch Vice-President shall assist the Branch President in the conduct of his/her formal duties and in the absence of the Branch President, the Branch Vice-President or where there is more than one Branch Vice-President, the Senior Branch Vice-President, shall deputise for him/her and in the absence of both of them, the Junior Branch Vice-President shall so deputise for the Branch President. Where a Branch has more than one Junior Vice-President, the Junior Branch Vice-President who is to so deputise, shall be determined by the Branch Executive.

#### 54 - DUTIES OF BRANCH SECRETARY

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

- (i) discharge all duties assigned to him/her by these Rules, the Branch Council or the Branch Executive;
- (ii) summon and attend all meetings of the Branch Council and the Branch Executive;
- (iii) attend all meetings of the National Council and the National Executive;
- (iv) consult with the Branch President and the Assistant Branch Secretary (where such Office exists) and relevant Branch Divisional Secretaries on any urgent matters which require a decision between meetings of the Branch Executive;
- (v) attend to all Branch correspondence;
- (vi) authorise and release press statements and provide media comment on behalf of the Branch;
- (vii) be responsible for the safe custody of the Branch Seal (if any), and Branch documents, securities and accumulated funds;
- (viii) prepare, keep and/or file or cause to be prepared, kept and/or filed, all Branch documents and records required under the provisions of the ~~Industrial Relations Act 1988~~RO Act and the RO Regulations or any other relevant legislation;
- (ix) receive all monies belonging to the Branch Fund and deposit same in a Bank on behalf of the Branch as soon as practicable;
- (x) disburse all Branch funds in accordance with the Rules;
- (xi) ensure that Branch financial records are maintained and that annual accounts are prepared and audited;
- (xii) monitor the accounts and other affairs of the Branch Divisions, Sub-Divisions and Sub-Branches and for this purpose to have access, whenever requested, to relevant documents and financial records;
- (xiii) prepare or cause to be prepared, all necessary documents for the Branch Council and the Branch Executive including the minutes of meetings;
- (xiv) prepare or cause to be prepared, regular financial statements for the Branch Council and the Branch Executive;

## 56 - DUTIES OF ORGANISERS

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- (xv) prepare or cause to be prepared a statement showing Branch membership by category and financial status as at December 31 of each year and a statement of Branch income and expenditure and a balance sheet as at December 31 of each year and forward such statements to the National Secretary no later than March 31 of each year.
- (xvi) maintain Registers of Members of the Branch and Branch Office Bearers.
- (xvii) co-ordinate the activities of Branch Divisions;
- (xviii) control and supervise the Branch Office and its staff including the appointment and termination of such staff;
- (xix) initiate legal, industrial or other proceedings on behalf of the Branch before any Court, Commission, Board or Tribunal;
- (xx) be an ex-officio member of all Branch Governing Bodies and Committees;
- (xxi) be responsible to the Branch Council and the Branch Executive to the proper performance of his/her duties;

## 55 - DUTIES OF ASSISTANT BRANCH SECRETARY

- (1) In addition to any duties specified elsewhere in these Rules, the Assistant Branch Secretary (where such Office is provided for in Parts X to XVI of these Rules) shall assist the Branch Secretary and act in accordance with his/her directions and instructions.
- (2) When the Branch Secretary is temporarily unable to fulfil his/her duties, the Assistant Branch Secretary, or where such Office does not exist within a Branch, a member of the Branch Executive as determined by the Branch Executive, shall be Acting Branch Secretary and, subject to any restrictions that may be imposed by the Branch Executive or by these Rules, may exercise all the powers of that Office. Where a Branch has more than one Assistant Branch Secretary, the Branch Executive shall nominate one of them to be Acting Branch Secretary.

## 56 - DUTIES OF ORGANISERS

- (1) A Branch Organiser shall be under the direction of the Branch Secretary and, in addition to any duties specified elsewhere in these Rules, shall discharge all duties assigned to him/her by the Branch Secretary, the Branch Council and the Branch Executive.
- (2) A Branch Divisional Organiser shall be under the direction of the Branch Divisional Secretary and, in addition to any duties specified elsewhere in these Rules, shall discharge all duties assigned to him/her by the Branch Divisional Secretary or the Branch Divisional Committee.

**57 - SUB-BRANCHES**

- (1) A Branch Council may establish Sub-Branches within a particular geographical region comprising some or all members of the Branch within that region. The Branch Council shall determine the scope, role and operation of any Sub-Branch including the manner of electing representatives to the Sub-Branch Committee.
- (2) A Sub-Branch shall have a Sub-Branch Committee elected by the financial members within the Sub-Branch and comprising a Sub-Branch President, a Sub-Branch Vice-President, a Sub-Branch Secretary and up to seven Committee members. The Committee may meet up to six times per year.
- (3) A candidate for a position of Sub-Branch President, Sub-Branch Vice-President, Sub-Branch Secretary or Committee member must be a financial member of the Union and a member of the Sub-Branch on the date on which nominations open.

**58 - BRANCH DIVISIONAL COMMITTEES**

- (1) Each Branch Division shall have a Branch Divisional Committee. Subject to these Rules and the policies and decisions of the National Council, the National Executive, the Branch Council and the Branch Executive, the Branch Divisional Committee shall have management of those aspects of the Branch's operations which affect members of the Branch Division only.
- (2) Subject to Sub-Rule 40(7), a Branch Divisional Committee may refer a matter to the relevant National Divisional Committee.
- (3) The composition of a Branch Divisional Committee shall be as specified in Parts X to XVI of these Rules.
- (4) The frequency, time and place of Ordinary Meetings of a Branch Divisional Committee shall be as specified in Parts X to XVI of these Rules.
- (5) A Special Meeting of the Branch Divisional Committee may be convened by the Branch Divisional Secretary and the Branch Divisional President jointly, and shall be convened upon receipt of a written request from Sub-Divisions representing at least ten (10) per centum of the members of the Branch Division.
- (6) Branch Divisional Committee members or any Sub-Divisional Committee or any financial member of the Branch Division may place a matter on the agenda for a meeting of the Branch Divisional Committee.
- (7) Where an Ordinary Meeting of the Branch Divisional Committee has been scheduled or a Special Meeting has been called, the Branch Divisional Secretary shall provide a Notice of Meeting and together with an agenda to each member of the Committee entitled to attend, not less than seven days prior to the date of the meeting.

## 59 - BRANCH SUB-DIVISIONS

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- (8) A quorum for a meeting of the Branch Divisional Committee shall be a majority of the members of the Committee entitled to attend.
- (9) Each member of the Branch Divisional Committee shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (10) Between meetings of the Branch Divisional Committee, decisions may be made by ballot conducted in accordance with the procedures specified in Rule 44.
- (11) Notwithstanding anything elsewhere contained in these Rules a meeting of the Branch Divisional Committee may be held by telephone conference or video conference when a majority of the members of the Committee so agrees.

### 59 - BRANCH SUB-DIVISIONS

- (1) A Branch Divisional Committee may establish Branch Sub-Divisions based on depots, sheds or other workplaces or on geographical location or any other convenient sub-grouping of members within a Branch Division and shall determine the scope, role and operation of any Branch Sub-Division including the manner of electing representatives to the Sub-Divisional Committee.
- (2) Each Branch Locomotive Division except in New South Wales shall have a Sub-Divisional Committee Structure and each Branch Tram and Bus Division shall have a Sub-Divisional structure whilst other Branch Divisions, including the New South Wales Locomotive Division, may have a Sub-Divisional Committee or Sub-Divisional Representative/s.

In the case of a Branch Locomotive Sub-Division the Sub-Divisional Committee shall comprise a Branch Sub-Divisional President, a Branch Sub-Divisional Vice-President, a Branch Sub-Divisional Secretary and, except for the NSW Locomotive Division, up to seven committee members. The Tram and Bus Sub-Division shall comprise one representative, except in South Australia where the Division shall have a Sub-Divisional Committee comprising a Sub-Divisional President, a Sub-Divisional Vice-President and a Sub-Divisional Secretary.

A Sub-Divisional representative or committee shall be elected by the financial members with the depot, shed, workplace or geographical location comprising the Sub-Division. The functions of a Branch Sub-Divisional Committee or representative shall include the policing of relevant awards, determinations or other provisions relating to the welfare of members and the initial handling of local grievances.

- (3) A candidate for a position of Branch Sub-Divisional President, Branch Sub-Divisional Vice-President, Branch Sub-Divisional Secretary or Committee member or representative must be a financial member of the Union and a member of the Sub-Division on the date on which nominations open.

#### 63 - DUTIES OF BRANCH DIVISIONAL VICE-PRESIDENT

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- (4) The Branch Divisional Committee shall determine the number of representatives on the Branch Divisional Committee to which a Branch Sub-Division is entitled. Where a Branch Divisional Committee determines that the number of members within a particular Branch Sub-Division is too small to warrant individual representation on the Branch Divisional Committee, then the Branch Divisional Committee may combine one or more Branch Sub-Divisions to form a single electorate for the purpose of electing a representative.

#### 60 - SECTIONS WITHIN BRANCH DIVISIONS AND SUB-DIVISIONS

A Branch Divisional Committee may establish Sections within the Branch Division or within a Branch Sub-Division. A Section shall comprise a proportion of the membership of the Branch Division or a Branch Sub-Division and may have a work function, workplace and/or a geographical basis. The Branch Divisional Committee shall determine the scope, role and operation of such Sections.

#### 61 - REGIONAL BRANCH DIVISIONS

A Branch Divisional Committee may establish a Regional Branch Division embracing the members of two or more Sub-Divisions within a particular geographical region. The Branch Divisional Committee shall determine the scope, role and operation of such Regional Branch Divisions.

#### 62 - DUTIES OF BRANCH DIVISIONAL PRESIDENT

- (1) In addition to any duties specified elsewhere in these Rules, a Branch Divisional President shall preside at all meetings of the Branch Divisional Committee and shall preserve order and decorum at such meetings and shall confirm the minutes thereof. He/she shall ensure that the Rules and the policies of the Union and the Branch are adhered to.
- (2) At all meetings of the Branch Division at which he/she presides, a Branch Divisional President shall have a deliberative but not a casting vote.

#### 63 - DUTIES OF BRANCH DIVISIONAL VICE-PRESIDENT

In addition to any duties specified elsewhere in these Rules, a Branch Divisional Vice-President shall assist the Branch Divisional President in the conduct of his/her duties and in the absence of the Branch Divisional President, the Branch Divisional Vice-President, or where there is more than one Branch Divisional Vice-President, the Senior Branch Divisional Vice-President, shall deputise for him/her and in the absence of both of them, the Junior Branch Divisional Vice-President shall so deputise for the Branch Divisional President. Where a Branch Division has more than one Junior Branch Divisional Vice-President, the Junior Branch Divisional Vice-President who is to so deputise, shall be determined by the Branch Divisional Committee.

Provided that, ~~from the quadrennial elections due in 2014~~, the following provision shall apply to the NSW Branch Locomotive Division: in the absence of the Branch Divisional President, the Branch Divisional Committee shall determine which of the two Branch Divisional Vice-Presidents shall deputise for the Branch Divisional President in his/her absence.

#### **64 - DUTIES OF BRANCH DIVISIONAL SECRETARY**

A Branch Divisional Secretary shall be the Principal Officer and Treasurer of the Branch Division and shall, subject to the Rules and the policies and decisions of the National Council, the National Executive, the Branch Council, the Branch Executive and the Branch Divisional Committee, oversee the affairs of the Branch Division. In addition to any duties specified elsewhere in the Rules, he/she shall ensure that minutes of Branch Divisional Committee Meetings are kept, that financial records are maintained, that Branch Divisional funds are properly expended and that meetings are duly convened. In addition a Branch Divisional Secretary shall provide a monthly financial report to the Branch Executive and a periodic financial report to each meeting of the Branch Council and shall promptly inform the Branch Secretary of all decisions made by the Branch Divisional Committee.

A Branch Divisional Assistant Secretary shall assist the Branch Divisional Secretary and act in accordance with his/her directions and instructions.

When the Branch Divisional Secretary is temporarily unable to fulfil his/her duties, the Branch Divisional Assistant Secretary shall be Acting Branch Divisional Secretary and, subject to any restrictions that may be imposed by the Branch Divisional Committee or by these rules, may exercise all the powers of that office.

Provided that, ~~from the quadrennial elections due in 2014~~, the following provision shall apply to the NSW Branch Locomotive Division: when the Branch Divisional Secretary is temporarily unable to fulfil his/her duties, the Branch Divisional Committee shall determine which of the two Branch Divisional Assistant Secretaries shall be the Acting Branch Divisional Secretary.

#### **65 - BRANCH MONITORING OF BRANCH DIVISIONAL DECISIONS**

Where a Branch Divisional Committee makes a decision in relation to the Branch Division, which affects other Branch Divisions and/or the Branch generally, the Branch Divisional Secretary shall promptly advise the Branch Secretary or, in his/her absence, the Branch President, before taking any action to implement the decision. Where the Branch Secretary or the Branch President, as the case may be, forms the view that the decision does effect other Branch Divisions and/or the Branch generally, the Branch Secretary or the Branch President, as the case may be, shall so inform the Branch Divisional Secretary, and the Branch Divisional Committee and the Branch Divisional Office Bearers shall take no further action on the matter without the authorisation of the Branch Executive.

**PART VII - EXPENSES, PROXIES, ELIGIBILITY FOR  
OFFICE AND MISCONDUCT**

**66 - EXPENSES OF OFFICE BEARERS AND MEMBERS**

- (1) National and Branch Office Bearers shall be entitled to be compensated for any travel, accommodation or other out-of-pocket expenses incurred as a result of attendance at meetings of the Union's Governing Bodies or by engagement on authorised Union business. Members engaged on authorised Union business shall have a similar entitlement. The amount of such entitlement shall be determined from time to time by the National Council or the National Executive.
- (2) National and Branch Office Bearers shall be entitled to be compensated for loss of pay incurred as a result of attendance at meetings of the Union's Governing Bodies or by engagement on authorised Union business.

Members engaged on authorised Union business shall have a similar entitlement. The amount of such entitlement shall, in the case of National Office Bearers, be determined by the National Council or the National Executive and, in the case of Branch Office Bearers and members, by the Branch Council or the Branch Executive.

**67 - PROXIES**

- (1) Any member of a Governing Body within the Union who is unable to attend all or part of a meeting of such Governing Body, may be represented by another person as a proxy delegate appointed in accordance with and subject to the restrictions imposed by this Rule.
- (2) A person appointed as a proxy delegate shall be a financial member of the Union. Further, where a member represents a particular Branch, National Division, Branch Division, Sub-Division or geographical area, then the proxy delegate shall come from the same Branch, National Division, Branch Division, Sub-Division or geographical area, as the case may be.



- (3) Proxies for National Office Bearers shall be as follows:-
- (i) A proxy for the National President or the National Secretary shall be determined in accordance with the provisions of Rules 37 and 39 respectively.
  - (ii) A proxy for the National Vice-President shall be appointed by the National Executive.
  - (iii) A proxy for an Assistant National Secretary (Divisional) shall be appointed by the relevant National Divisional Committee.
  - (iv) A proxy for a Branch Delegate to the National Executive shall be appointed by the Branch Executive.
  - (v) A proxy for a National Divisional Delegate from the Branch to the National Council shall be appointed by the relevant Branch Divisional Committee.
  - (vi) A proxy for a representative to a National Divisional Committee shall be appointed by the relevant Branch Council.
- (4) Subject to any contrary or additional provisions in Parts X to XVI of these Rules, proxies for Branch Office Bearers shall be as follows:-
- (i) A proxy for the Branch President or the Branch Secretary shall be determined in accordance with the provisions of Rules 53 and 55 respectively.
  - (ii) A proxy for a Senior Branch Vice-President, a Junior Vice-President, a Branch Vice-President, an Assistant Branch Secretary or a Branch Organiser shall be appointed by the Branch Executive.
  - (iii) A proxy for a Branch Divisional Organiser shall be appointed by the relevant Branch Divisional Committee.
  - (iv) A proxy for a Branch Divisional President shall be determined in accordance with the provisions of Rule 63.
  - (v) A proxy for a Senior Branch Divisional Vice-President, a Junior Branch Divisional Vice-President, a Branch Divisional Vice-President or a Branch Divisional Secretary shall be appointed by the Branch Divisional Committee.
  - (vi) A proxy for a Branch Divisional Delegate to the Branch Council or the Branch Executive, shall be appointed by the relevant Branch Divisional Committee.
  - (vii) A proxy for a Sub-Divisional Representative on a Branch Divisional Committee shall be appointed by the Sub-Divisional Committee or, where a Representative represents more than one Branch Sub-Division, by the relevant Sub-Divisional Committees jointly.

**68 - ELIGIBILITY FOR OFFICE**

- (1) Notwithstanding any provisions elsewhere in these Rules, a person is ineligible to nominate for any Office or to continue to hold any Office within the Union if:-
- (i) he/she is not a member or resigns from membership;
  - (ii) he/she is not, or ceases to be, entitled to remain as a member of the Union; or
  - (iii) he/she is or becomes employed principally in an industry or calling falling outside the scope of Rule 4;
  - (iv) he/she is or becomes an Honorary Life Member or an Associate Member;
  - (v) in the case of an Office which represents a National Division or a Branch Division, he/she is not, or ceases to be, a member of the National Division or the Branch Division, as the case may be; or
  - (vi) in the case of a Branch Office or a National Office which represents a Branch, he/she is not, or ceases to be, a member of the Branch; or
  - (vii) in the case of an Office, other than the Office of Branch Organiser, which represents a Sub-Branch or other geographical area within a Branch, his/her usual place of employment is not, or ceases to be, located within that area; or
  - (viii) in the case of an Office which represents a Sub-Division, he/she is not, or ceases to be, a member of the Sub-Division; or
  - (ix) subject to Sub-Rule 68(3), he/she is or becomes unfinancial.
- (2) Where an Office Bearer within the Union ceases to be eligible to continue to hold office under the provisions of paragraphs (i) to (viii) inclusive of Sub-Rule 68(1) then the National Secretary in the case of National Office Bearers, and the Branch Secretary in the case of Branch Office Bearers, shall write to the Office Bearer advising him/her that he/she is ineligible to continue to hold his/her Office and the reasons therefor. That advice shall invite the Office Bearer to submit any material he/she wishes to so submit within the fourteen 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 National Executive in the case of National Office Bearers or the Branch Executive in the case of Branch Office Bearers. The National Executive or the Branch Executive, as the case may be, shall consider the material submitted and if satisfied that the Office Bearer is ineligible to continue to hold Office under the provisions of this Rule, it shall remove the person from Office with effect from the date of the Executive's decision.

69 - GENERAL OBLIGATIONS OF OFFICE BEARERS AND ACTION IN RELATION TO MISCONDUCT

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- (3) Where an Office Bearer within the Union becomes unfinancial, then he/she shall be deemed to be suspended from his/her Office and from all the rights and privileges attached to that Office on and from the date on which he/she becomes unfinancial and until he/she becomes financial again. The Office Bearer shall be advised by the National Secretary, in the case of National Office Bearers and the Branch Secretary in the case of Branch Office Bearers, and the written advice shall state that the Office Bearer will be removed from office unless he/she becomes financial within fourteen days of the date of the letter. Where an Office Bearer fails to become financial within the fourteen day period, then the National Executive in the case of National Office Bearers, or the Branch Executive, in the case of Branch Office Bearers, shall remove the person from Office with effect from the date of the Executive's decision.
- (4) Where the Office Bearer who has ceased to be eligible to hold office is the National Secretary or the Branch Secretary, then the processes prescribed in Sub-Rules 68(2) and 68(3) shall be carried out by the National President or the Branch President, as the case may be.
- (5) Where a person holds an Office which is filled through a collegiate election and the term of that collegiate Office expires after the term of the Office within the electoral college which that person also holds and which qualified him/her to nominate for the collegiate Office, he/she shall not cease to hold that collegiate Office by reason only of him/her ceasing to hold the qualifying Office due to the expiration of the term of that Office.

**69 - GENERAL OBLIGATIONS OF OFFICE BEARERS AND ACTION IN RELATION TO MISCONDUCT**

- (1) A person holding an Office within the Union shall carry out his/her role in an honest, competent and diligent manner. He/she shall abide by these Rules and the policies and decisions of the Governing Bodies of the Union.
- (2) A person holding an Office who has been found guilty in accordance with the procedures set out in this Rule of a breach of his/her obligations as an Office Bearer may be reprimanded, warned, temporarily suspended from office for a period of not more than twelve months, fined an amount not exceeding \$100.00 or, subject to Sub-Rule 69(3), removed from office.
- (3) A person holding an Office within the Union may be removed from office, only if he/she has been found guilty in accordance with this Rule, of a misappropriation of the funds of the Union, a substantial breach of these Rules or gross misbehaviour, or gross neglect of duty or has otherwise ceased to be eligible to continue to hold Office under these Rules. For the purposes of this Rule, a "substantial breach of these Rules" includes a persistent refusal or failure to abide by the obligations imposed by these Rules including those obligations imposed by Sub-Rule 69(1).

69 - GENERAL OBLIGATIONS OF OFFICE BEARERS AND ACTION IN RELATION TO MISCONDUCT

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- (4) Any member, including an Office Bearer, wishing to invoke the preceding Sub-Rules against a person holding an Office, shall detail in writing the conduct or circumstances alleged to justify disciplinary action and forward that written charge to the National Secretary in the case of National Office Bearers and to the Branch Secretary in the case of Branch Office Bearers, who shall forward a copy to the person against whom the charge is made. When the National Secretary or the Branch Secretary, as the case may be, forwards the written charge to the Office Bearer, that Office Bearer shall be requested to advise the National Secretary or the Branch Secretary, as the case may be, within seven days whether he/she admits to or denies the charge and/or whether he/she wishes to make any comment thereon.
- (5) Where the National Secretary or the Branch Secretary is the person against whom the charge is made, then the charge shall be forwarded to the National President or the Branch President, as the case may be, who shall take the actions that would otherwise be taken by the National Secretary or the Branch Secretary under this Rule.
- (6) At the next Ordinary or Special Meeting of the National Executive in the case of National Office Bearers and the Branch Executive in the case of Branch Office Bearers, the charge and any reply made by the person against whom the charge is made, shall be considered and the Executive may resolve:-
  - (i) that the person charged shall be called upon to show cause to the Executive why he/she should not be disciplined; or
  - (ii) that no further action be taken.
- (7) If the charge is to be proceeded with, the person charged shall be called upon to attend before the National Executive or the Branch Executive, as the case may be, at a stated time and place to show cause why he/she should not be disciplined. The person charged shall be given at least twenty-one days' notice of the time and place of the hearing. At least fourteen days before the hearing, the person laying the charge shall provide the Office Bearer with particulars of the charge reasonably sufficient to enable him/her to know the nature of the allegations made against him/her and the circumstances alleged to justify disciplinary action.
- (8) An Office Bearer who has been charged may, by resolution of the National Executive or the Branch Executive, as the case may be, be directed not to carry out some or all of the duties of his/her Office pending the hearing and determination of the charge.
- (9) At the hearing, the person laying the charge and the person charged:
  - (i) shall be heard in person if he/she or they so desire;
  - (ii) may submit a written statement;
  - (iii) may call witnesses;
  - (iv) may examine and cross-examine witnesses;
  - (v) may present evidence relevant to the charge.

## 70 - ELECTIONS FOR OFFICES

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- (10) 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 National Executive or the Branch Executive, as the case may be, and any witnesses called, provided that any witnesses called may only be present while such witness's evidence is being taken. No person other than members of the National Executive or the Branch Executive, as the case may be, shall be present after the hearing of the charge while the Executive is deliberating upon its decision in relation to that charge.
- (11) Where the member laying the charge or the person charged is a member of the National Executive or the Branch Executive, as the case may be, then that person shall take no part in the deliberations of the Executive and shall absent himself/herself during the Executive's deliberations.
- (12) The National Executive or the Branch Executive, as the case may be, shall determine whether or not the charge has been proven and subject to Sub-Rule 69(3), determine the appropriate penalty.
- (13) An Office Bearer who is found guilty pursuant to this Rule, shall have a right of appeal to the National Council in the case of a decision by the National Executive and to the Branch Council in the case of a decision by the Branch Executive. The appeal may be against the finding of guilt and/or the penalty imposed.
- (14) An appeal right shall be exercised within fourteen days of receipt of written advice of the decision of the Executive by notice in writing to the National Secretary or the Branch Secretary, as the case may be, or, where the National Secretary or the Branch Secretary is the person charged, to the National President or the Branch President, as the case may be. In hearing such appeal, the Council shall follow the same proceedings and accord the Office Bearer the same rights as are provided for in this Rule in relation to the hearing of the matter by the Executive.
- (15) A Branch Office Bearer shall have a further right of appeal from the Branch Council to the National Executive, whose decision shall be final.

### **PART VIII – ELECTIONS**

## **70 - ELECTIONS FOR OFFICES**

Elections for all Offices within the Union shall take place in accordance with the provisions of this Part.

**71 - ELECTION TIMETABLE AND ASSUMPTION OF OFFICE**

- (1) Except as provided in Sub-Rule 71(3), the timetable for elections within the Union, other than elections to fill a casual vacancy, shall be as follows:-
  - (i) nominations shall open at 9.00am on the first Monday in July of an election year and shall close at 5.00pm on the fourth Monday in July in that year.
  - (ii) where a ballot is necessary, the ballot shall commence at 9.00am on the first Monday in September of an election year and shall conclude at 5.00pm on the fourth Monday in September of that year.

Provided that the National Executive may, in the case of elections for National Offices, and a Branch Council may, in the case of elections for Branch Offices, vary this timetable in exceptional circumstances.

- (2) The ballot shall be declared as soon as practicable after the counting of the votes. Successful candidates shall take office on and from the declaration of the ballot.
- (3) Where an Office is to be filled through a collegiate election under these Rules, the election shall take place at the first meeting of the electoral college following elections for the members of the college. The ballot shall be declared at that meeting and the successful candidate shall take office forthwith.
- (4) For the election of the President, Vice President and Junior Vice President of the Tram and Bus Division of the Queensland Branch, the nominations will be called one week from the declaration of the poll for Sub Divisional Representatives. Nominations will close one week after they are called. One week will be allowed for withdrawal of nominations and a ballot will occur within fourteen (14) days after withdrawal of nominations closing.

**72 - RETURNING OFFICERS**

- (1) The National Council shall appoint a National Returning Officer who shall, subject to any statutory provision regarding the conduct of elections, conduct all National elections and ballots.
- (2) The National Council may appoint an Assistant Returning Officer or Officers to assist the National Returning Officer.
- (3) A Branch Council shall appoint a Branch Returning Officer who shall, subject to any statutory provision regarding the conduct of elections, conduct all Branch elections and ballots.
- (4) A Branch Council shall appoint an Assistant Branch Returning Officer or Officers to assist the Branch Returning Officer.
- (5) The National and the Branch Returning Officers and Assistant Returning Officers shall not be Office Bearers within or employees of the Union.

### 73 - ELECTION PROCEDURES

Except where otherwise provided in these Rules, elections within the Union shall be conducted in accordance with the following procedures:-

- (i) The Returning Officer shall call for nominations at least three weeks before the date on which nominations open by a notice published in a union journal or by circulars addressed to members or by the insertion of an advertisement in a newspaper or newspapers circulating throughout the electorate. Such notices shall specify the date on which nominations will open and will close, the dates upon which the ballot will open and will close, the manner in which nominations can be made and the eligibility requirements for nomination. Where the office or offices for which elections are held are paid positions, the notice shall specify the location, duties and responsibilities of the Office.
- (ii) Nominations shall be in writing and shall be signed by the nominee.
- (iii) If the Returning Officer finds that a nomination is defective, he/she shall, before rejecting the nomination, notify the person concerned of the defect and where it is practicable to do so, give him or her the opportunity of remedying the defect within not less than seven days but not more than ten days after he or she has been notified.
- (iv) A member nominating for any office may withdraw his/her nomination by advising the Returning Officer in writing at any time after the opening date for receipt of nominations but not later than ten days after the closing date for the receipt of nominations.
- (v) A candidate in any election shall be entitled to appoint, by notice in writing to the Returning Officer, another person to act at his/her own expense as a scrutineer on his/her behalf. Such scrutineer shall be entitled to be present at all stages of the ballot and may draw the attention of the Returning Officer to any complaint which he/she has regarding the ballot, but he/she shall not interfere in the counting of the ballot or handle any ballot paper or ballot envelope without the permission of the Returning Officer. The Returning Officer shall, if requested by any scrutineer, inform the scrutineer of the times and places at which the various stages of the ballot will be conducted.
- (vi) Except in the case of Offices which represent members in the Tram and Bus Division only, a candidate in an election shall be entitled to support his/her candidature in National and Branch Journals and may submit articles for this purpose.
- (vii) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominee(s) duly elected. Nominees declared duly elected shall not, however, take Office until the day following the date on which a ballot would have concluded pursuant to the provisions of Rule 71.
- (viii) If the number of nominations exceeds the number of vacancies, a secret postal ballot of all financial members within the relevant electorate, shall be held.

- (ix) Where a ballot is necessary, the Returning Officer shall cause to be printed ballot papers which are oblong in shape and show the name, classification and work location of each candidate. All ballot papers shall be printed bearing the signature of the Returning Officer imposed on a facsimile of the Union's Seal. No vote shall be valid unless the ballot paper bears the signature of the Returning Officer imposed upon a facsimile of the Union's Seal. The names of the candidates shall appear on the ballot paper as decided by lot. One ballot paper may contain provision for voting in respect of more than one election.
- (x) The Returning Officer shall also cause to be printed declaration envelopes marked "Ballot Paper" and other prepaid envelopes bearing the address of the Returning Officer. Both the declaration envelopes and the prepaid envelopes shall comply with the forms prescribed by the ~~Workplace Relations (Registration and Accountability of Organisations) Regulations 2003~~ **RO Regulations**. In addition, the removable flap or label shall also have printed on it a number corresponding to a number appearing opposite the financial member's name on the list of voters.
- (xi) The Returning Officer shall prepare or cause to be prepared a voters' roll containing the name and last known postal address including postcode of each and every member within the electorate, who is a financial member on the day the roll of voters closes. The voters' roll shall close seven (7) days before the date the nominations open. The closing of the roll of voters is not to be taken to prevent the correction of errors in the roll after that day up to but not extending beyond a date seven days prior to the commencing date for the conduct of the ballot.
- (xii) The Returning Officer shall keep a record of the number of ballot papers printed, the number issued by him/her and the number used and unused and, in his/her written declaration of the poll, shall account for every ballot paper printed.
- (xiii) The Returning Officer shall issue by pre-paid post to each financial member within the electorate, a Ballot Paper as specified, together with a declaration envelope marked "Ballot Paper" suitable for containing the Ballot Paper and supply therewith to each voter a pre-paid envelope addressed to the Returning Officer.
- (xiv) The Returning Officer shall arrange for a post office box to which ballot papers may be forwarded and shall arrange, so far as is possible, that such post office box is not able to be accessed by persons other than himself/herself (post office staff excepted).
- (xv) The Returning Officer shall instruct each voter in the manner in which a vote is to be recorded on the ballot paper.
- (xvi) The voter shall, on receipt of the ballot paper, record his/her vote, enclose the ballot paper in the envelope marked "Ballot Paper", seal the envelope, sign the declaration on the removable flap or label in the place provided and insert it in the prepaid envelope bearing the address of the Returning Officer and thereafter forward it by post to the Returning Officer.



## 74 - METHOD OF VOTING

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- (xvii) The Returning Officer shall, after the closing date for the ballot, collect the envelopes containing the ballot papers from the post office box. He/she shall check the details and declaration on the removable flap or label with the voters' roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to. He/she shall then remove the declaration envelopes marked "Ballot Paper" from the outside envelopes.
- (xviii) The Returning Officer shall remove the removable flap or label from the declaration envelope marked "Ballot Paper" before removing the ballot papers. He/she shall admit the ballot papers properly marked and count those ballot papers.
- (xix) Where more than one candidate receive the same number of votes, the Returning Officer shall determine the successful candidate by lot provided that the candidates agree. In the event that the candidates do not agree then a further ballot shall be held in accordance with these Rules.
- (xx) When the counting of the ballot is completed, the Returning Officer shall cause all envelopes, ballot papers, lists and other documents relating to the election to be filed and preserved at the registered office of the Union or the office of the Branch, as the case may be, for a period of one year after completion of the election.
- (xxi) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.
- (xxii) The Returning Officer shall have the power to call fresh elections in the event of irregularities being discovered in relation to the ballot or for any other reason which affects the legality of the election result.
- (xxiii) Where no nominations are received for any position the Returning Officer shall by notice in writing to the members call for nominations for that position within 7 days of the declaration of the ballot. A further election shall be held for that position and as far as is practicable the provisions of this Rule shall apply.
- (xxiv) If no nominations are received again then the Returning Officer shall by notice to the members call for nominations for that position 12 months after the declaration of the initial Recall Ballot. A further election ("Further Recall Ballot") shall be held for that position and as far as practicable the provisions of this Rule shall apply. A person elected to office at a further Recall Ballot in accordance with this sub-rule shall hold office for the remainder of the term of the office.

## 74 - METHOD OF VOTING

Except as provided Parts X to XVI of these Rules, the method of voting for National and Branch Offices shall be first past the post. Accordingly, voters shall place a cross in each square of the ballot paper opposite the name(s) of the candidate(s) of his/her choice up to but not exceeding the number of candidates required to be elected. A mark other than a cross shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's intention. Where the number of candidates to be elected exceeds one, a vote shall be valid notwithstanding that the voter does not exercise his/her right to cast his/her vote for the total number of candidates to be elected.

**75 - ELECTION PROCEDURES: TRAM AND BUS DIVISION**

- (1) All voting for National or Branch Offices which represent members within the Tram and Bus Division only, shall be by attendance ballot.
- (2) Elections for National or Branch Offices which represent members within the Tram and Bus Division only, shall be conducted in accordance with the timetable specified in Rule 71 with the necessary changes being made and be conducted by the National or Branch Returning Officers appointed pursuant to Rule 72. In addition, the provisions of Rule 73, with the exception of paragraphs (viii), (x), (xiii), (xiv), (xvi), (xvii) and (xviii), shall apply to such elections.

Members shall be notified by printed circulars setting out all positions for which an election is to be conducted by the Returning Officer. Such circulars to be posted in all work centres e.g. Depots, Sheds, Offices, Departments etc. where the Division members are employed. These circulars shall be displayed for at least three weeks prior to the closing of nominations.

- (3) If the number of nominations exceeds the number of vacancies, the Returning Officer shall arrange for a secret ballot to be held of all financial members within the relevant electorate. Such ballot shall be conducted by the Returning Officer over two days within the State of Victoria and over one day within other States within the ballot period specified in Rule 71 and the Returning Officer shall ensure that all members are advised of the time and place at which they may cast their votes.

The ballot of financial members of the Division shall be held on the same day/days. Where the ballot is held on one day the ballot must be held on the Thursday of the third full week in September. Where the ballot is held over two days the ballot must be held on the Wednesday and Thursday of the third full week of September. The time(s) for polling shall be 7.00 a.m. to 4.30 p.m. on the day(s) of the ballot. Members shall be notified by printed circular of the time and date(s) of polling, circulars to be posted in all work centres.

- (4) Any member who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provision and processing of such postal ballot shall be in accordance with paragraphs (x), (xiii), (xiv), (xv), (xvi), (xvii) and (xviii) of Rule 73.

- (5) Except in the case of absent voting pursuant to the provisions of Sub-Rule 75(5), ballots covered by this Rule shall be in accordance with the following provisions:-
- (i) Ballots shall be conducted in a room or marquee or other suitable place that will ensure suitable voter privacy;
  - (ii) An Assistant Returning Officer appointed pursuant to Rule 72 shall be in attendance at such polling place and shall ensure that members entitled to vote are afforded an adequate opportunity of voting without intimidation;
  - (iii) A voter's roll shall be provided at each polling place and the Assistant Returning Officer shall ensure that a record of each member voting is duly made on the roll.

As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall deliver to each Assistant Returning Officer sufficient ballot papers for each person whose name appears on the roll of voters for the relevant work centre.

At the end of each day's voting the Returning Officer shall check with the Assistant Returning Officer the number of ballot papers issued with the voters roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to;

- (iv) Sealed and locked ballot boxes must be used at the conclusion of the ballot and all boxes must be transported personally by the Assistant Returning Officer in charge of the particular booth to the custody of the Returning Officer;
- (v) Once a voter has marked his/her ballot paper, he/she shall deposit such ballot paper in the ballot box in the presence of the Assistant Returning Officer;
- (vi) The Returning Officer shall after the closing of the ballot, collect the envelopes containing the absentee ballot papers from the post office box in time for them to be counted together with the votes cast at the various work centres. Each Assistant Returning Officer shall provide the Returning Officer with a Declaration which will show:-
  - (a) the number of ballot papers received;
  - (b) the number of ballot papers issued (other than duplicate ballot papers); and
  - (c) the number of duplicate ballot papers issued.

Upon return of the ballot boxes to the Returning Officer, the Returning Officer shall supervise and monitor the removal of the ballot papers from the ballot box, the admission of those ballot papers which are properly marked and the counting of those ballot papers by the Assistant Returning Officers;

- (vii) The Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.

**76 - COLLEGIATE ELECTIONS**

- (1) Collegiate elections shall be conducted by the National or Branch Returning Officer and shall be by secret ballot undertaken at a meeting of the relevant Governing Body which constitutes the electoral college.
- (2) The following provisions shall apply to collegiate elections:-
  - (i) Nominations shall be called by notice sent by the Returning Officer to the postal address of each member of the Governing Body eligible to nominate, at least thirty days prior to the meeting at which the ballot is to occur;
  - (ii) Nominations shall close at 12.00 noon on the first day of the scheduled meeting of the Governing Body;
  - (iii) The provisions of paragraphs (ii) and (iii) of Rule 73 shall apply to nominations for collegiate elections;
  - (iv) Any member nominating may withdraw his/her nomination by advising the Returning Officer in writing at any time up to the close of nominations;
  - ~~(v) deleted~~
  - (vi) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominees duly elected;
  - (vii) If the number of nominations exceeds the number of vacancies, a secret ballot of the members, or the proxy of a member as per Rule 67, of the Governing Body entitled to vote shall be held during the course of the afternoon on the first day of the meeting of such Governing Body;
  - (viii) The method of voting shall be as prescribed in Rule 74;
  - (ix) In addition to the provisions specified elsewhere in this Rule, the provisions of paragraphs (v), (xix), (xx), (xxi) and (xxii) of Rule 73 shall apply to collegiate elections.

### **77 - NOMINATION FOR MORE THAN ONE OFFICE**

Where two Offices cannot be held simultaneously under these Rules then a person may not nominate for both Offices. Where a person does so nominate, he/she shall be required by the Returning Officer to elect which of the Offices he/she wishes to nominate for. Where a person declines or otherwise fails to so elect, then he/she shall be deemed to have nominated for that

Office having the highest ranking in the order of preference shown in Sub-Rule 31(1) and in the Rules specifying Branch Offices in Parts X to XVI of these Rules, with National Offices ranking ahead of Branch Offices.

### **78 - CASUAL VACANCIES**

- (1) A casual vacancy occurs when an Office Bearer dies, resigns or is removed from office or ceases to hold office in accordance with these Rules.
- (2) Where a casual vacancy occurs in relation to any Office within the Union it shall be filled by an ordinary election held in accordance with the provisions of this part if the unexpired portion of the term exceeds 3 years.
- (3) Where an election is to be held pursuant to the provisions of Sub-Rule 78(2), the National Council in the case of a National Office or the Branch Council in the case of a Branch Office, may appoint a person to fill the vacant Office pending the declaration of the ballot.
- (4) Except as provided in sub-rule (2), the National Council, in the case of National Office Bearers and the Branch Council in the case of Branch Office Bearers may appoint a person to fill a casual vacancy.
- (5) Where a person is elected under Sub-Rule 78(2) or appointed under Sub-Rule 78(4) to fill a casual vacancy, then he/she shall hold office for the unexpired portion of the term.
- (6) Notwithstanding anything elsewhere contained in this Rule, where an appointment is made pursuant to the provisions of Sub-Rules 78(3) or (4) in relation to an Office which, under these Rules, is to be filled on the basis of an order of seniority, then any appointment to a casual vacancy shall be in accordance with that order of seniority.

**79 - TEMPORARY APPOINTMENTS**

- (1) Subject to Sub-Rule 79(2) and (3), 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 six weeks, then the National Executive in the case of National Office Bearers and the Branch Executive in the case of Branch Office Bearers, may appoint an Office Bearer to act in the Office for the duration of the absence with such appointee having all the rights and duties of the particular Office.
- (2) In the case of the National President and the National Secretary, a National Vice- President and the Assistant National Secretary or an Assistant National Secretary (Divisional) respectively shall act in the Office pursuant to the provisions of Rules 37 and 38A. In the case of the Branch President and the Branch Secretary, a Branch Vice-President and the Assistant Branch Secretary respectively, shall act in the Office pursuant to the provisions of Rule 53 and 55.
- (3) In the case of the Assistant National Secretary, an Assistant National Secretary (Divisional) shall act in the office pursuant to the provisions of Rule 38A.

**PART IX – GENERAL**

**80 - IRREGULARITIES**

- (1) Any Governing Body within the Union may continue to function notwithstanding any vacancy thereon provided that the requisite quorum is present.
- (2) No failure to give notice or other defect in the calling of any meeting of any Governing Body within the Union shall invalidate the proceedings thereof unless such failure or defect results in the non-attendance of some member or members otherwise able and willing to attend. Provided that any such failure or defect may be waived by such member or members.
- (3) All communications sent to members or Office Bearers pursuant to the provisions of any of these Rules, may be sent to such member or Office Bearer at the last address notified by him/her to the Union.
- (4) Except where the Rules provide for a specific form of communication, all communications to members or Office Bearers may be sent by post, telegraph, telex, facsimile transmission or other like means and shall be deemed to have been received by such member or Office Bearer in the ordinary course of post, telegraph, telex, facsimile transmission or like means, as the case may be.
- (5) Except in the case of disciplinary proceedings under Rule 69, no decision or proceeding of any Governing Body provided for under these Rules shall be invalidated by the presence at or participation of any person not entitled to be present or to participate therein if, apart from such person, the requisite quorum was present and the vote of such a person did not determine the decision or the result of the proceedings.

**81 - SEAL AND EXECUTION OF DOCUMENTS**

- (1) The Union shall have a common seal which shall be kept in the custody of the National Secretary. The seal shall be affixed to any document required to be under seal, by the National President and the National Secretary or by such other member or members of the National Council as may be determined by the Council.
- (2) A Branch of the Union may have a common seal and, where it does so, such seal shall be kept in the custody of the Branch Secretary. A Branch seal shall be affixed to any document required to be under seal by the Branch President and the Branch Secretary or by such other member or members of the Branch Council as may be determined by the Council.
- (3) National documents not required to be under seal shall be executed on behalf of the Union by the National Secretary or in his/her absence by the National President, whose signature shall be attested to by one other member of the National Executive.
- (4) Branch documents not required to be under seal shall be executed on behalf of the Branch by the Branch Secretary or in his/her absence by the Branch President, whose signature shall be attested to by one other member of the Branch Executive.

**82 - PRESS RELEASES AND MEDIA COMMENT**

- (1) The National Secretary shall be the Office Bearer to issue all press releases and make all media comment on behalf of the Union and no other Office Bearer or member shall issue such releases or make such comment without the express authorisation of the National Secretary.
- (2) Notwithstanding the provisions of Sub-Rule 82(1) and subject to the provisions of Parts X to XVI, the Branch Secretary may issue press releases and make media comment in relation to matters affecting the Branch only and no other Branch Office Bearer or member shall issue such releases or make such comment on behalf of the Branch without the express authorisation of the Branch Secretary.

### 83 - ARBITRATION PROCEEDINGS

- (1) The National Executive may determine that an industrial dispute or matter be submitted to the ~~Australian Industrial Relations~~Fair Work Commission or other proper body.
- (2) In between meetings of the National Executive, the National Secretary shall have the power to determine that disputes or matters be submitted to the ~~Australian Industrial Relations~~Fair Work Commission or other proper body provided that any actions taken are reported to the next meeting of the National Executive.
- (3) The Union may be represented before the ~~Industrial Relations~~Fair Work Commission or other Tribunal by such Office Bearers or employees or agents as the National Executive or, in the case of matters submitted pursuant to Sub-Rule 83(2), the National Secretary, determines.
- (4) Where the Union, or a Branch of the Union participates in a State Industrial system, then the Branch Executive may determine that an industrial dispute or matter be submitted to the State Industrial Relations Commission or other proper body. In between meetings of the Branch Executive, the Branch Secretary shall have power to submit disputes or matters to such Commission or other body. The Union or the Branch may be represented before such Commission or other body by such Office Bearers or employees or agents as the Branch Executive or, in the case of disputes or matters submitted by the Branch Secretary, as the Branch Secretary may determine.

### 84 - AGREEMENTS WITH OTHER ORGANISATIONS

The Union may, by resolution of the National Council or the National Executive, enter into any agreement that is not contrary to law with any registered or unregistered trade union, industrial union or organisation, peak council, employer, employer body or like organisation and, without limiting the generality of the foregoing, may enter into agreements pursuant to the provisions of Section ~~202-151~~ of the ~~Industrial Relations Act 1988~~RO Act or any statutory provision amending, replacing or supplementing that provision.



**85 - GENERAL MEETINGS OF MEMBERS AND MEETINGS OF COMMITTEES**

(1) The Branch and each Branch Division may hold an Annual General Meeting in July of each year. The Branch Council or the Branch Divisional Committee, as the case may be, shall present a report on the business of the preceding year at such Annual General Meetings.

(2) A Special General Meeting of members of the Branch may be called by the Branch Council and shall be called by the Council upon receipt of a requisition signed by at least ten per cent of the financial members of the Branch.

A Special General Meeting of members of the Branch may be called by the Branch Council and shall be called by the Council upon receipt of a requisition signed by at least ten per cent of the financial members of the Branch.

(2a) A Special General Meeting of members of the Branch shall be called by the Branch Secretary where the meeting is requisitioned to consider the auditor's report, the general purpose financial report, and the operating report in relation to the Branch, by at least 5% of the members of the Branch.

(2b) Upon receipt of a written request signed by no less than 5% of the whole membership of the union calling for a general meeting for the purpose of considering the auditor's report, the general purpose financial report and the operating report, the National Secretary shall summon a meeting of the members of the union by giving 21 days notice to the members of the union of the meeting. Such meeting may be held with the use of video or similar technology, or in a series of meetings held in major metropolitan and regional areas where members are employed. The result of such series of meetings is to be aggregated.

(3) A Special General Meeting of members of a Branch Division may be called by a Branch Divisional Committee and shall be called by the Committee upon receipt of a requisition signed by at least ten per cent of the financial members of the Branch Division concerned.

(4) A resolution of a duly convened meeting of members of a Branch Tram and Bus Division at which no less than ten per cent of the financial members of the Branch Division are in attendance shall be binding on the Branch Divisional Committee.

(5) A Special General Meeting of members of a Sub-Branch or a Branch Sub-Division may be called by a Sub-Branch or Sub-Divisional Committee, as the case may be, and shall be called by the Committee upon receipt of a requisition signed by at least ten per cent of the financial members of the Sub-Branch or the Branch Sub-Division, as the case may be.

(6) A Branch Secretary, a Branch Divisional Secretary, a Sub-Branch Secretary or a Sub-Divisional Secretary, as the case may be, shall give members not less than seven days notice of the time, place and business of a General Meeting.

(7) No business shall be transacted at a Special General Meeting of members other than that stated in the notice convening the meeting.

- (8) Unless specific provision is made elsewhere in these Rules, a meeting of any committee of the Union shall be summoned by the relevant secretary or, if no such Office exists in relation to the committee, the chairperson of that committee sending a notice to all members of the committee, not less than seven days prior to the date of the meeting.

**86 - PLEBISCITES: CONTROL OF GOVERNING BODIES**

- (1) A plebiscite of members shall be held to review a decision of a Governing Body of the Union if:-
- (i) in the case of a decision of the National Council or the National Executive, such a plebiscite is called for by any four Branch Councils or by Special Meetings of members of Branches, which Branches together represent more than half the Branches of the Union and more than half of the membership of the Union;
  - (ii) in the case of a decision of a Branch Council or a Branch Executive, such a plebiscite is called for by more than half of the Branch Divisional Committees or by Special Meetings of members of Branch Divisions, which Branch Divisions together represent more than half of the Divisions of the Branch and more than half of the membership of the Branch.
  - (iii) in the case of a decision of a Branch Divisional Committee, a plebiscite is called for by more than half of the Branch Sub-Divisional Committees or by Special Meetings of members of the Branch Sub-Divisions, which Branch Sub-Divisions together represent more than half of the Sub-Divisions of the Branch Division and more than half of the membership of the Branch Division.
- (2) A plebiscite shall be held within three months of the receipt by the National Secretary, in the case of a plebiscite to review a decision of the National Council or the National Executive, or the Branch Secretary in the case of a plebiscite to review a decision of the Branch Council, the Branch Executive or a Branch Divisional Committee, of advice that the requirements specified in Sub-Rule 86(1) have been met.
- (3) A plebiscite shall be conducted by the National Returning Officer in the case of a plebiscite to review a decision of the National Council or the National Executive and by the Branch Returning Officer in the case of a plebiscite to review a decision of the Branch Council, the Branch Executive or a Branch Divisional Committee.
- (4) The subject matter of a plebiscite shall be that a decision or resolution of the Governing Body be set aside.
- (5) The electorate in relation to a plebiscite called pursuant to this Rule shall be:-
- (i) in the case of a decision of the National Council or the National Executive, the entire financial membership of the Union;
  - (ii) in the case of a decision of a Branch Council or the Branch Executive, the entire financial membership of the Branch;
  - (iii) in the case of a decision of a Branch Divisional Committee, the entire financial membership of the Branch Division.

## 87 - AMENDMENT TO RULES

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- (6) A plebiscite shall be conducted by a secret postal ballot and the provisions of Rule 73 shall apply in relation to the ballot, except to the extent that they are clearly inapplicable.
- (7) A plebiscite is carried if a majority of members voting vote in favour.
- (8) A decision of the members by plebiscite is binding on a Governing Body whose decision was the subject of the plebiscite.

## 87 - AMENDMENT TO RULES

- (1) Except as provided in this Rule, the National Council shall have power to rescind, alter or amend these Rules in accordance with the procedure set out in Sub-Rule 87(2).
- (2) Any rescission, alteration or amendment to these Rules shall be of no effect unless it complies with the following provisions:-
  - (i) the National Secretary shall forward all members of the National Council written notice of the proposed rescission, alteration or amendment which sets out the proposal in full;
  - (ii) such notice shall specify the time and place of the National Council meeting which is to consider the proposal or the details of the ballot which is to determine the matter, which meeting or ballot shall be not less than one month after the date of the notice;
  - (iii) the voting meets the requirements of these Rules for carriage of a resolution at a meeting or ballot of the National Council.
- (3) Any rescission, alteration or amendment to Sub-Rules 6(5) and 6(7) or to Sub-Rules 21(4) 21(6), 21(8) and 21(11) or to Sub-Rules 87(1), 87(3) and 87(4), shall be of no effect unless, in addition to complying with Sub-Rule 87(2), it is ratified by at least four (4) Branch Councils.
- (4) Any rescission, alteration or amendment to any provisions of these Rules which relate to National Divisions or Branch Divisions, including this Sub-Rule 87(4), shall be of no effect unless, in addition to complying with Sub-Rule 87(2), it is ratified by the National Divisional Committees and the Branch Divisional Committees of the National or Branch Division(s) affected.
- (5) Subject to Sub-Rule 87(6), the relevant Branch Council shall have power to rescind, alter or amend the Branch Rules contained within Parts X to XVI of these Rules in accordance with the procedure set out in Sub-Rule 87(2), but with the reference to the National Secretary becoming a reference to the Branch Secretary and the reference to the National Council becoming a reference to the Branch Council.
- (6) Any rescission, alteration or amendment to Branch Rules shall be of no effect unless and until it is ratified by the National Council.

**88 - INTERPRETATION OF RULES**

- (1) The National Council shall have power to interpret any of these Rules and to determine any matter relating to the Union on which the Rules are silent.
- (2) Any interpretation of these Rules by the National Council shall be regarded as definitive and shall bind the Union, its Office Bearers and its members.
- (3) Every interpretation of the Rules or declaration on matters on which the Rules are silent shall be recorded in the Minutes of the National Council and no such interpretation or declaration shall have any affect unless it is so recorded.
- (4) A Branch Council shall have power to interpret the relevant Branch specific provisions in Parts X to XVI of these Rules. Any such interpretation shall be recorded in the minutes of the Branch Council and shall have no effect unless it is so recorded. Further, any such interpretation is subject to the over-riding authority of the National Council as specified in Sub-Rule 88(1).

**89 - INCONSISTENCY OF RULES**

In the event of any inconsistency between Parts I to V, VII to IX and XVI of these Rules, the interpretation of these Parts of the Rules or any declaration in relation to matters on which these Rules are silent and the Rules of any Branch in Parts X to XV of these Rules, the former shall prevail.

**90 - STANDING ORDERS AND RULES OF DEBATE**

- (1) The following order of procedure shall be adhered to as far as practicable at all meetings within the Union:-
  - (i) The Chairperson shall take the chair for the meeting and upon ascertaining that a quorum is present shall then declare the meeting open for the transaction of business.
  - (ii) Attendance and apologies.
  - (iii) Receipt of Minutes of Previous Meeting.
  - (iv) Adoption of Minutes of Previous Meeting.
  - (v) Business arising from the Minutes.
  - (vi) Correspondence.
  - (vii) Financial statements and accounts.
  - (viii) Reports.
  - (ix) General business.

90 - STANDING ORDERS AND RULES OF DEBATE

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- (2) Except as provided in Sub-Rule 90(3), the following Rules of Debate shall be observed at all meetings within the Union:-
- (i) No motion or amendment shall be entertained or discussed until it has been seconded and one amendment only shall be entertained at the one time but all amendments shall be considered and be put before the original motion. Amendments shall be considered in the order they are received by the Chair.
  - (ii) On the adoption of any amendment it shall be held to have quashed the original motion and, for all purposes of subsequent discussion, the amendments so carried shall be acted upon as the original motion.
  - (iii) No amendment shall be received by the Chairperson which is a direct negative to a motion which has been moved and seconded or does not preserve the substance of such motion.
  - (iv) In the event of the voting on any motion or amendment being equal, it shall be deemed to have been decided in the negative and shall be declared lost.
  - (v) At any meeting, five of the members present shall have the power to demand a division on any question.
  - (vi) Notices of Motion for debate shall be signed and handed to the Chairperson during the meeting. The member making such shall read it aloud and the Chairperson shall consider whether it is in order. A Notice of Motion shall not be proceeded with in the absence of the mover unless some other member present and duly authorised in writing which has been submitted to the Chairperson, takes up the motion in his/her absence.
  - (vii) To rescind any resolution previously passed and confirmed, a month's notice must be given.
  - (viii) Any resolution may be recommitted during the period of the meeting at which it was passed on the affirmative votes of two-thirds of those present at such meeting.
  - (ix) No member shall be allowed to speak more than once on any motion except strictly in explanation of or in contradiction of a mis-statement excepting the mover of the original motion, who shall have the right to reply and be allowed ten (10) minutes to open and five (5) minutes to reply. No other speaker shall occupy a longer period than five (5) minutes. The meeting may however by resolution put by the Chairperson on the proposition of two members and without debate, grant an extension of the time prescribed under this paragraph for a member to speak.
  - (x) No further discussion shall take place nor shall questions be allowed after the mover has replied. When a motion is moved, the mover and the seconder shall have the right to speak. If no-one rises to speak in opposition, the motion shall be put but should debate ensue, the order shall thereafter be alternately one for and one against.

- (xi) On any member rising to a point of order during a discussion, the speaker shall sit down and a person on rising shall state the point of order upon which the Chairperson shall rule which ruling shall be final provided it is not disagreed with by the majority of members present.
- (xii) Every member who proposes or seconds any motion or amendment or who takes part in any discussion or puts replies to any question or makes any statement or any address or observation at any meeting shall while doing so, stand up, (unless prevented by bodily infirmity) and shall address himself/herself to the Chairperson of the meeting. Every member attending any such meeting shall conduct himself/herself in an orderly manner.
- (xiii) Any member acting contrary to any of the rules of debate or using improper language shall be called to order and should he/she persist he/she shall be asked to withdraw from the meeting.
- (xiv) Voting at all meetings shall be by a show of hands, or by a division if called pursuant to paragraph (v).
- (xv) When a motion of dissent from the Chairperson's ruling is moved and formally seconded, only the mover of such motion shall be heard in support of it after which the Chairperson shall be heard in reply and the motion shall then be put to the vote.
- (xvi) No subject or matter shall occupy the meeting for a longer period than sixty (60) minutes, unless an extension is agreed to by a majority of members present at such meeting.
- (xvii) The adjournment of the debate upon any matter under discussion may be moved for a given time after the question has been debated for any period up to twenty minutes but upon any motion being so determined, the subsequent time taken in debate shall not exceed the period set down in paragraph (xvi).
- (xviii) Members in their addresses shall not refer to individual members by name (this is to prevent points of order or personal explanations).
- (xix) A motion may be superseded at any time by another motion "that it be discharged from the Agenda paper" or that "the next business be proceeded with" being resolved in the affirmative.
- (xx) Any member who has not previously spoken in the debate shall have the right to move "that the question be now put" at any time during the course of debate. Such motion if seconded shall be put to the meeting without discussion and if carried, the motion before the meeting shall be put without further discussion, after the mover of the original motion has been given the opportunity of closing the debate.
- (xxi) Any member desiring to correct an alleged mis-statement during any debate shall not be permitted to do so until the speaker has resumed his/her seat.
- (xxii) A motion to suspend standing orders or rules of debate in order to deal with any matter may be moved at any time during the currency of the meeting.

## 92 - DEFINITIONS

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- (3) Where a meeting of a Governing Body is held via telephone conference or video conference in accordance with these Rules, then the provisions of Sub-Rule 90(2) shall only apply to the extent practicable.

### **90A -- TRANSITIONAL RULE**

~~The alterations to Rules 6, 31, 47 and 78 made by the National Council in October 2001 shall not come into effect until the 2002 Australian Rail, Tram and Bus Industry Union general election.~~

### **90B -- TRANSITIONAL RULE**

~~The alterations to Rule 47(3) shall not come into effect until the 2006 Australian Rail, Tram and Bus Industry Union general election.~~

## **PART X - NEW SOUTH WALES BRANCH: SPECIFIC PROVISIONS**

### **91 - APPLICATION**

This Part applies specifically to the New South Wales Branch of the Australian Rail, Tram & 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.

### **92 - DEFINITIONS**

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

"Branch" means the Australian Rail, Tram and Bus Industry Union, New South Wales Branch.

"District" means a geographical area within the Branch.

"Metropolitan District" means the District comprising the South Coast Line to Nowra and Port Kembla, the Unanderra-Moss Vale Line but excluding Moss Vale to Maldon on the Main Southern Line, to Lithgow on the Main Western Line, to Gosford on the Main Northern Line and any Branch lines within the boundaries of this District.

"North Coast District" means the District from and including Paterson on the Main North Coast Line to Brisbane and Branch lines.

"Northern District" means the District commencing at and including Narara and embracing the Main Northern Line to Wallangarra, the North Western Line and Branch lines and the Main North Coast Line to Brisbane and Branch lines.

~~"North Coast District" means the District from and including Paterson on the Main North Coast Line to Brisbane and Branch lines.~~

"Southern District" means the District commencing at and including Picton and embracing the Main Southern Line to Albury and all Branch lines south of Picton including the Harden-Blayney Line up to and including Young, the Stockinbingal-Forbes Line up to and including Garema and the Hillston-Roto Line up to and including the Lowlands.

## 92 - DEFINITIONS

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"Western District" means the District commencing at and including Bowenfells and embracing the Main Western Line to Bourke and all Branch lines west of Lithgow including the Binnaway-Werris Creek Line up to and including Turilawa, the Blayney-Harden Line up to and including Burrangong, the Forbes-Stockinbingal Line to Grawlin Plains and the Broken Hill Line.



## 96 - BRANCH MEMBERSHIP

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~~"Southern District" means the District commencing at and including Picton and embracing the Main Southern Line to Albury and all Branch lines south of Picton including the Harden-Blayney Line up to and including Young, the Stockinbingal-Forbes Line up to and including Garema and the Hillston-Roto Line up to and including the Lowlands.~~

### 93 - NAME OF BRANCH

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, New South Wales Branch"

### 94 - BRANCH OFFICE

The Branch office shall be located at Level 4, 321 Pitt Street, Sydney, New South Wales or at such other place as is determined by the Branch Council from time to time.

### 95 - BRANCH DIVISIONAL OFFICES

The Branch Divisional offices shall be located as specified hereunder or at such other places as are determined by the Branch Council from time to time:-

<u>Branch Division</u>	<u>Branch Divisional Office</u>
Administrative, Supervisory, Technical and Professional	Level 4, 321 Pitt St Sydney 2000.
Infrastructure	Level 4, 321 Pitt St Sydney 2000.
Locomotive	Level 4, 321 Pitt St Sydney 2000.
Rail Operations	Level 4, 321 Pitt St Sydney 2000.
Tram & Bus	83-89 Renwick Street, Redfern, Sydney.
Fleet Manufacture, Overhaul, Maintenance and Service	Level 4, 321 Pitt St Sydney 2000.

### 96 - BRANCH MEMBERSHIP

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

### 97 - BRANCH STRUCTURE AND ORGANISATION

(1) The Branch shall be principally organised on a Branch, a Branch Divisional, a Sub-Branch and a Sub-Divisional basis.

(2) The Branch Divisions shall be as follows:-

Administrative, Supervisory, Technical and Professional

Infrastructure

Locomotive

Rail Operations

Tram & Bus

Fleet Manufacture, Overhaul, Maintenance and Service

with the scope of each Division being as defined in Rule 6.

### 98 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL

~~(1) The Branch Council shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretary, the Presidents of each Branch Division, the Secretaries of each Branch Division, the Branch Organisers (where such positions are established as an Office under the Rules) and the Branch Divisional Organisers (where such positions are established as an Office under the Rules), one affirmative action (woman) from the Tram & Bus Division, one affirmative action (woman) from the Rail Divisions, one delegate from the Administrative, Supervisory, Technical and Professional Division in State Transit Authority and Sydney Ferries Corporation together with Delegates from Branch Divisions determined in accordance with Sub-Rule 98(3).~~

~~(12) Provided that, on and from the quadrennial elections due in 2014, t~~The Branch Council shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretaries, the Presidents of each Branch Division, the Secretaries of each Branch Division, one affirmative action (woman) from the Tram & Bus Division, one affirmative action (woman) from the Rail Divisions, one delegate from the Administrative, Supervisory, Technical and Professional Division in STA Group together with Delegates from Branch Divisions determined in accordance with Sub-Rule 98(23).

~~(23)~~ For the purpose of electing Delegates to the Branch Council, each Branch Division, other than the Tram & Bus Division, shall be divided into Districts as provided for in Sub-Clause 98(34). The Branch Tram & Bus Division and each Branch Divisional District as specified in Sub-Clause 98(34) shall, subject to Sub-Clause 98(45), be entitled to one Delegate for each eight hundred members or part thereof. The number of Delegates to which the Branch Tram & Bus Division or a Branch Divisional District is entitled, shall be determined on the basis of the number of financial members within the Branch Division or the Branch Divisional District, as the case may be, at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.

99 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE

- (34) The Branch Divisional Districts for the purpose of electing Delegates to the Branch Council shall be as follows:-

<u>Branch Division</u>	<u>Branch Divisional Districts</u>
Administrative, Supervisory, Technical and Professional	Metropolitan District, Northern District, Western and Southern Districts combined. STA Group.
Infrastructure	Metropolitan District, Northern District other than North Coast District, North Coast District, Western District, Southern District.
Locomotive	Metropolitan District, Northern District, Western District, Southern District.
Rail Operations	Metropolitan District, Northern District, Western District, Southern District.
Fleet Manufacture, Overhaul Maintenance and Service	Metropolitan District, Northern, Western and Southern Districts combined.

- (45) Where the Branch Council determines that the number of members in a Divisional District or Districts, other than a Metropolitan District, is too small to warrant a Delegate to the Branch Council, the Council may combine such District or Districts with another non-Metropolitan District or Districts, whether in the same or a different Branch Division, for the purpose of forming an electorate for the election of Council Delegates.

- (56) The Branch Council shall meet in Ordinary Session at least twice a year at such time and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President and the Branch Secretary jointly, may determine provided that the Branch Executive may vary the date so determined where circumstances so require.

**99 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretaries, the Presidents of each Branch Division and the Secretaries of each Branch Division.
- (2) The Branch Executive shall meet in Ordinary Session at least six times a year at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, may determine.

**100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES**

- ~~(1) The Branch Divisional Committee shall comprise the Branch Divisional President, the Branch Divisional Vice President, the Branch Divisional Secretary and Representatives of each Sub-Division within the Division. The Branch Locomotive Divisional Committee shall be referred as the Branch Locomotive Divisional Council, further, the Branch Locomotive Division shall have two Assistant Branch Divisional Secretaries who shall be members of that Branch Divisional Council.~~
- ~~(2) Subject to Rule 59, each Sub-Division shall be entitled to one Representative on the Branch Divisional Committee.~~
- ~~(3) Subject to any restrictions that may be imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee may meet in Ordinary Session with such frequency and at such times and places as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.~~
- ~~(4) The Branch Divisional Committees shall be comprised as follows:~~

~~————— **Tram and Bus Division:**~~

- ~~————— Branch Divisional President~~  
~~————— Branch Divisional Vice President~~  
~~————— Branch Divisional Secretary~~

~~————— One Sub-divisional representative from each of the following depots:~~

- ~~————— Mona Vale~~  
~~————— Brookvale~~  
~~————— Willoughby~~  
~~————— North Sydney~~  
~~————— Kingsgrove~~  
~~————— Ryde~~  
~~————— Leichhardt~~  
~~————— Belmont~~  
~~————— Hamilton~~  
~~————— Waverley~~  
~~————— Randwick~~  
~~————— Port Botany~~  
~~————— Burwood~~  
~~————— Pyrmont (Sydney Light Rail)~~  
~~————— Tempe~~  
~~—————~~

~~—————~~ **Locomotive Division:**

- ~~—————~~ Branch Divisional President
- ~~—————~~ Branch Divisional Vice-President (Freight)
- ~~—————~~ Branch Divisional Vice-President (Passenger)
- ~~—————~~ Branch Divisional Secretary
- ~~—————~~ Assistant Branch Divisional Secretary (Freight)
- ~~—————~~ Assistant Branch Divisional Secretary (Passenger)

~~The Divisional Executive shall meet in ordinary session up to 4 times per year or more often as determined by the Divisional Executive. ———~~

~~In addition to the above, the Branch Locomotive Divisional Council shall comprise a Representative from each Sub-Division within the Locomotive Division as set out in the following schedule.~~

~~One representative from each of the following:~~

- ~~● North Coast Group comprising all sub-division members (excluding RailCorp) within the boundaries of Brisbane and Taree.~~
- ~~● Western Group comprising all sub-division members (excluding RailCorp) within the boundaries of Broken Hill, Bathurst, Lithgow and Parkes.~~
- ~~● North West Group comprising all sub-division members (excluding RailCorp) within the boundaries of Narrabri, Werris Creek, Dubbo, Cobar and Gunnedah.~~
- ~~● South West Group comprising all sub-division members (excluding RailCorp) within the boundaries of Griffith, Temora, Junee, Goulburn, Jindabyne, Canberra, Albury and Moss Vale.~~
- ~~● Central Group comprising all sub-division members (excluding RailCorp) within the boundaries of Hunter Valley, Mudgee, Port Waratah and Newcastle.~~
- ~~● Metropolitan Group 1 comprising all sub-division members (excluding RailCorp) within the boundaries of Sydney, Botany, Wollongong, Pt Kembla and Nowra.~~
- ~~● InterCity/RailCorp Group comprising all InterCity sub-divisions.~~
- ~~● CountryLink/RailCorp Group comprising all CountryLink sub-divisions.~~
- ~~● ETR/RailCorp Group 1 comprising the sub-divisions of Blacktown, Penrith, Richmond and Hornsby.~~
- ~~● ETR/RailCorp Group 2 comprising the sub-divisions of Campbelltown, Liverpool, Flemington and Auburn Maintenance Centre (AMF)~~
- ~~● ETR/RailCorp Group 3 comprising the sub-divisions of Central and Nth Sydney~~
- ~~● ETR RailCorp Group 4 comprising the sub-divisions of Cronulla, Mortdale and Waterfall.~~

## 100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

The Branch Locomotive Divisional Council shall meet in ordinary session up to 4 times per year or more often as determined by the Locomotive Divisional Council or Divisional Executive.

### Locomotive Divisional Sub-Committees

The following Sub-Committees shall operate within the Locomotive Division: Electric Train Drivers Committee (ETDC); InterCity Drivers Committee (ICDC); CountryLink Drivers Committee (CDC); and Freight Drivers Committee (FDC).

The ETDC, ICDC and CDC Sub-Committees shall comprise the elected Depot Organisers and Workplace Organisers within the relevant sub-divisions. These Sub-Committee positions shall be automatically filled following the declaration of each election.

The FDC shall comprise of a Sub-Divisional Representative for each three hundred (300) or part thereof members employed by a freight company and/or geographic group/s as determined by the Branch Locomotive Divisional Council and endorsed by Branch Council prior to each election.

The Divisional Sub-Committees shall meet in ordinary session up to 3 times per year or more often as determined by the Locomotive Divisional Council.

### Locomotive Division Sub-Divisions

The Branch Locomotive Divisional Council may establish Sub-Divisions and where formed they shall consist of a Depot Organiser for workplaces of greater than 20 financial members or a Workplace Organiser for workplaces of less than 20 financial members.

The Branch Locomotive Divisional Council may determine the structure required in each sub-division.

The Branch Locomotive Sub-Division shall determine the number of committee members to be part of the Sub-Divisional Committee. Sub-Divisional Committee members will be elected by the financial members of the Sub-Division within two calendar months following the declaration of the ballot for the positions of: Depot Organiser for workplaces of greater than 20 financial members. The election for Sub-Divisional Committee members (and a Workplace Organiser for workplaces of less than 20 financial members) shall be conducted by that sub-division.

#### Rail Operations Division:

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

#### Train Guards Sub-Division

Branch Sub-Division President  
Branch Sub-Division Vice President  
Branch Sub-Division Secretary

100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

The Branch Train Guards Sub-Division shall comprise of the Branch Sub-Division President, Branch Sub-Division Vice President, Branch Sub-Division Secretary and one representative from the following depots who will be elected by the financial members of the Sub-Division within two (2) calendar months, following the declaration of the ballot for the Train-Guard Sub-Division Executive positions, by a ballot conducted in the workplace.

- \_\_\_\_\_ Blacktown
- \_\_\_\_\_ Campbelltown
- \_\_\_\_\_ Cronulla
- \_\_\_\_\_ Flemington
- \_\_\_\_\_ Gosford
- \_\_\_\_\_ Hornsby
- \_\_\_\_\_ Lithgow
- \_\_\_\_\_ Liverpool
- \_\_\_\_\_ Mortdale
- \_\_\_\_\_ Moss Vale
- \_\_\_\_\_ Mount Victoria
- \_\_\_\_\_ Newcastle
- \_\_\_\_\_ North Sydney
- \_\_\_\_\_ Penrith
- \_\_\_\_\_ Richmond
- \_\_\_\_\_ Sydney/Central
- \_\_\_\_\_ Waterfall
- \_\_\_\_\_ Wollongong
- \_\_\_\_\_ Auburn Maintenance Facility

\_\_\_\_\_ Station Wages Staff Sub Division (excluding Guards)

- \_\_\_\_\_ Branch Sub-Division President
- \_\_\_\_\_ Branch Sub-Division Vice President
- \_\_\_\_\_ Branch Sub-Division Secretary

\_\_\_\_\_ Terminal Operators Sub Division

- \_\_\_\_\_ Branch Sub-Division President
- \_\_\_\_\_ Branch Sub-Division Vice President
- \_\_\_\_\_ Branch Sub-Division Secretary

\_\_\_\_\_ Signallers Sub Division

- \_\_\_\_\_ Branch Sub-Division President
- \_\_\_\_\_ Branch Sub-Division Vice President
- \_\_\_\_\_ Branch Sub-Division Secretary

100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

The Branch Signallers Sub-Division shall comprise of the Branch Sub-Division President, Branch Sub-Division Vice-President, Branch Sub-Division Secretary and one representative from the following depots who will be elected by the financial members of the Sub-Division within two (2) calendar months, following the declaration of the ballot for the Signallers Sub-Division Executive positions, by a ballot conducted in the workplace.

- \_\_\_\_\_ Sydney
- \_\_\_\_\_ Sydenham
- \_\_\_\_\_ Homebush
- \_\_\_\_\_ Strathfield
- \_\_\_\_\_ Hornsby
- \_\_\_\_\_ Blacktown
- \_\_\_\_\_ Central Coast (Gosford, Wyong, Newcastle)
- \_\_\_\_\_ Blue Mountains (Lithgow, Mt. Victoria, Katoomba, Springwood)
- \_\_\_\_\_ Penrith/St Marys
- \_\_\_\_\_ Wollongong
- \_\_\_\_\_ Campbelltown
- \_\_\_\_\_ Granville/Clyde/Auburn

\_\_\_\_\_ On Board Passenger Train Sub-Division

- \_\_\_\_\_ Branch Sub-Division President
- \_\_\_\_\_ Branch Sub-Division Vice-President
- \_\_\_\_\_ Branch Sub-Division Secretary

\_\_\_\_\_ Transport Officers Sub-Division

- \_\_\_\_\_ Branch Sub-Division President
- \_\_\_\_\_ Branch Sub-Division Vice-President
- \_\_\_\_\_ Branch Sub-Division Secretary

\_\_\_\_\_ A Branch Divisional Committee may establish Sections within the Branch Division or within a Branch Sub-Division in accordance with Rule 60.

\_\_\_\_\_ The Secretary of each of the Sub-Divisions shall be represented on the Branch Divisional Committee. In addition each Sub-Division within the Rail Operations Division shall be entitled to a representative on the Branch Divisional Committee as set out in the following schedule.

- \_\_\_\_\_ Train Guards Sub-Division \_\_\_\_\_ 1 Representative
- \_\_\_\_\_ Station Wages Staff Sub-Division \_\_\_\_\_ 2 Representatives  
(excluding Guards)
- \_\_\_\_\_ Terminal Operators Sub-Division \_\_\_\_\_ 1 Representative
- \_\_\_\_\_ Signallers Sub-Division \_\_\_\_\_ 1 Representative
- \_\_\_\_\_ On-Board Passenger Train Sub-Division \_\_\_\_\_ 1 Representative
- \_\_\_\_\_ Transport Officers Sub-Division \_\_\_\_\_ 1 Representative



100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

**Infrastructure Division:**

- Branch Divisional President
- Branch Divisional Vice President
- Branch Divisional Secretary

Each Group within the Branch Infrastructure Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:

- Metropolitan District Group — 4 Per-Way Representatives
  - 1 Signal Representative
  - 1 Electrical Representative
- Northern District Group — 1 Representative
- North Coast District Group — 1 Representative
- Western District Group — 1 Representative
- Southern District Group — 1 Representative

**Fleet Manufacture, Overhaul, Maintenance and Service Division:**

- Branch Divisional President
- Branch Divisional Vice President
- Branch Divisional Secretary

Each Group within the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:

- Metropolitan District Group — 4 Representatives  
(including One Bus Engineering Representative)
- Northern District Group — 1 Representative
- Western District Group — 1 Representative
- Southern District Group — 1 Representative

**Administrative, Supervisory, Technical and Professional Division:**

- Branch Divisional President
- Branch Divisional Vice President
- Branch Divisional Secretary

Each Group within the Branch Administrative, Supervisory, Technical and Professional Division shall be entitled to a Representative or Representatives as set out in the following schedule:

- Metropolitan District Group — 7 Representatives
- Northern District Group — 1 Representative
- Western District Group — 1 Representative
- Southern District Group — 1 Representative

(5) The Districts referred to in Sub-Rule (4) of this Rule, are those geographic locations as set out in Rule 92—Definitions.

100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

~~(6) — Where sub-divisions have been formed under this rule they shall meet in ordinary session up to 3 times per year.~~

~~(7) — Women's Campaign Committee~~

~~— The Women's Campaign Committee shall promote and pursue Affirmative Action policies for the Union and develop and mentor women leaders in the Union and the industry. The Women's Campaign Committee will also publically advocate issues for women in the industry.~~

~~— The Women's Campaign Committee shall meet at least annually and shall be comprised of the Affirmative Action (Woman) Delegate to the Council from the Tram and Bus Division, the Affirmative Action (Woman) Delegate to the Council from the Rail Divisions and one delegate from every Division.~~

~~— Delegates to the Women's Campaign Committee must be nominated by the respective Divisional Committees. Delegates must also be financial members of the Union.~~

~~(8) — Provided that from the quadrennial elections due in 2018:~~

~~(19) — The Branch Divisional Committee shall comprise the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary and Representatives of each Sub-Division within the Division. The Branch Locomotive Divisional Committee shall be referred as the Branch Locomotive Divisional Council, further, the Branch Locomotive Division shall have two Assistant Branch Divisional Secretaries who shall be members of that Branch Divisional Council.~~

~~(24) Subject to Rule 59, each Sub-Division shall be entitled to one Representative on the Branch Divisional Committee.~~

~~(34) Subject to any restrictions that may be imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee may meet in Ordinary Session with such frequency and at such times and places as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.~~

~~(42) The Branch Divisional Committees shall be comprised as follows:~~

**Tram and Bus Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

One Sub-divisional representative from each of the following depots:

Mona Vale  
Brookvale  
Willoughby

North Sydney  
Kingsgrove  
Ryde  
Leichhardt  
Belmont  
Hamilton  
Waverley  
Randwick  
Port Botany  
Burwood  
Pymont (Sydney Light Rail)  
Tempe

**Locomotive Division:**

Branch Divisional President  
Branch Divisional Vice-President (Freight)  
Branch Divisional Vice-President (Passenger)  
Branch Divisional Secretary  
Assistant Branch Divisional Secretary (Freight)  
Assistant Branch Divisional Secretary (Passenger)

The Divisional Executive shall meet in ordinary session up to 4 times per year or more often as determined by the Divisional Executive.

In addition to the above, the Branch Locomotive Divisional Council shall comprise a Representative from each Sub-Division within the Locomotive Division as set out in the following schedule.

One representative from each of the following:

- North Coast Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Brisbane and Taree.
- Western Group comprising all sub-division members (excluding Sydney and NSW Trains) within the boundaries of Broken Hill, Bathurst, Lithgow and Parkes.
- North-West Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Narrabri, Werris Creek, Dubbo, Cobar and Gunnedah.
- South-West Group comprising all sub-division members (excluding NSW Trains) within the boundaries of Griffith, Temora, Junee, Goulburn, Jindabyne, Canberra, Albury and Moss Vale.
- Central Group comprising all sub-division members (excluding NSW Trains) within the Boundaries of Hunter Valley, Mudgee, Port Waratah and Newcastle.
- Metropolitan Group 1 comprising all sub-division members (excluding Sydney and NSW Trains) within the boundaries of Sydney, Botany, Wollongong, Pt Kembla and Nowra.

#### 100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

- NSW Trains/InterCity Group comprising all InterCity sub-divisions which includes the depots of Lithgow, Mt Victoria, Newcastle Interchange, Gosford, Moss Vale, Wollongong and Eveleigh.
- NSW Trains/CountryLink Group comprising all CountryLink sub-divisions which includes the depots of Dubbo, Goulburn, Grafton, Junee, Taree, Werris Creek, Sydney and Canberra.
- Sydney Trains/ETR Group 1 comprising the sub-divisions of Blacktown, Penrith, Richmond and Hornsby.
- Sydney Trains/ETR Group 2 comprising the sub-divisions of Campbelltown, Leppington, Flemington and Auburn Stabling Yard (ASY)
- Sydney Trains/ETR Group 3 comprising the sub-divisions of Central and Nth Sydney
- Sydney Trains/ETR Group 4 comprising the sub-divisions of Cronulla, Mortdale and Waterfall.

The Branch Locomotive Divisional Council shall meet in ordinary session up to 4 times per year or more often as determined by the Locomotive Divisional Council or Divisional Executive.

#### Locomotive Divisional Sub-Committees

The following Sub-Committees shall operate within the Locomotive Division: Electric Train Drivers Committee (ETDC); InterCity Drivers Committee (ICDC); CountryLink Drivers Committee (CDC); and Freight Drivers Committee (FDC).

The ETDC, ICDC and CDC Sub-Committees shall comprise the elected Depot Organisers and Workplace Organisers within the relevant sub-divisions. These Sub-Committee positions shall be automatically filled following the declaration of each election.

The FDC shall comprise of a Sub-Divisional Representative for each three hundred (300) or part thereof members employed by a freight company and/or geographic group/s as determined by the Branch Locomotive Divisional Council and endorsed by Branch Council prior to each election.

The Divisional Sub-Committees shall meet in ordinary session up to 3 times per year or more often as determined by the Locomotive Divisional Council.

#### Locomotive Division Sub-Divisions

The Branch Locomotive Divisional Council may establish Sub-Divisions and where formed they shall consist of a Depot Organiser for workplaces of greater than 20 financial members or a Workplace Organiser for workplaces of less than 20 financial members.

The Branch Locomotive Divisional Council may determine the structure required in each sub-division.

The Branch Locomotive Sub-Division shall determine the number of committee members to be part of the Sub-Divisional Committee. Sub-Divisional Committee members will be elected by the financial members of the Sub-Division within two calendar months following the declaration of the ballot for the positions of: Depot Organiser for workplaces of greater than 20 financial

100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

members. The election for Sub-Divisional Committee members (and a Workplace Organiser for workplaces of less than 20 financial members) shall be conducted by that sub-division.

**Rail Operations Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Train Guards Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Branch Train Guards Sub-Division shall comprise of the Branch Sub-Division President, Branch Sub-Division Vice President, Branch Sub-Division Secretary and one Depot Sub Division Secretary from the following depots who will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared

Blacktown  
Campbelltown  
Cronulla  
Flemington Maintenance Centre  
Gosford  
Hornsby Maintenance Centre  
Lithgow  
Leppington  
Mortdale Maintenance Centre  
Moss Vale  
Mount Victoria  
Newcastle Interchange  
North Sydney  
Penrith  
Richmond  
Central  
Sydney Inter-City  
Waterfall  
Wollongong  
Auburn Stabling Yard (ASY)

Apart from the Depot Sub Division Secretary, each Depot Sub Division will elect one Depot Sub Division President and one Depot Sub Division Vice-President who will be elected by the financial members of that Depot Sub-Division within two (2) calendar months following the declaration of the ballot for the Train Guards Sub-Division Executive positions and the Depot Sub Division Secretary positions by a ballot conducted in the workplace.

Customer Service Attendants Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Customer Service Attendants Branch Sub Division President, Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

The Customer Service Attendants Sub Division will also have ten (10) Sub Depots. These Sub Depots will represent all members of the Customer Service Attendants Sub Division in the following boundaries:

1. City Circle – The borders will be Redfern and Wynyard.
2. Berowra – The borders will be all stations Milson Point to Berowra via the North Shore Line as well as all stations from North Strathfield to Berowra via the main North Line.
3. Olympic Park – The borders will be all stations from Macdonaldtown to Olympic Park then all stations from Olympic Park to Carlingford, all stations from Carlingford to Carramar and all stations from Carramar to Esrkineville via the Bankstown Line.
4. Waterfall – The borders will be all stations from Tempe to Waterfall; inclusive of the Cronulla Line.
5. Macarthur – The borders will be all stations from Turella to Macarthur, and all stations from Macarthur to Leppington and all stations from Leppington to Merrylands.
6. Emu Plains – The borders will be all Stations from Granville to Richmond and all stations from Richmond to Emu Plains.
7. Lithgow – The borders will be all stations from Lapstone to Lithgow.
8. Moss Vale – The borders will be all stations from Menangle Park to Moss Vale.
9. Bomaderry – The borders will be all stations from Helensburgh to Bomaderry.
10. Scone/Dungog – The borders will be all stations from Cowan to Newcastle Interchange, Scone and Dungog.

A workplace representative will be elected by the financial members of that Depot Sub-Division within Customer Service Attendants Sub-Division by the financial members of that Depot Sub-Division within two (2) calendar months, following the declaration of the ballot for the Customer Service Attendants Sub Division Executive positions.

Terminal Operators Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Terminal Operators Branch Sub Division President, Branch Sub Division Vice President and the Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

The Branch Secretary will organise elections in the workplace for workplace delegates if the workplace requests a workplace delegate.

Signallers Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Branch Signallers Sub-Division shall comprise of The Branch Signallers Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary, who will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected and one representative from the following depots who will be elected by the financial members of the Sub-Division within two (2) calendar months, following the declaration of the ballot for the Signallers Sub-Division Executive positions, by a ballot conducted in the workplace.

Sydney  
Sydenham  
Homebush  
Strathfield  
Hornsby  
Blacktown  
Central Coast (Gosford, Wyong, Newcastle)  
Blue Mountains (Lithgow, Mt. Victoria, Katoomba, Springwood)  
Penrith/St Marys  
Wollongong  
Campbelltown  
Granville/Clyde/Auburn

On-Board Passenger Train Sub Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The On-Board Passenger Train Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold Office until their successors are declared elected.

## 100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

One depot Sub-Division Secretary on the following depots will be elected every four (4) years in accordance with Part VIII of these rules and shall hold office until their successors are declared elected:

Sydney  
Albury  
Dubbo  
Grafton

### Transport Officers Sub-Division

Branch Sub Division President  
Branch Sub Division Vice President  
Branch Sub Division Secretary

The Transport Officers Branch Sub Division President, Branch Sub Division Vice President and Branch Sub Division Secretary will be elected every four years in accordance with Part VIII of these Rules and shall hold office until their successors are declared elected.

A Branch Divisional Committee may establish Sections within the Branch Division or within a Branch Sub-Division in accordance with Rule 60.

The Secretary of each of the Sub Divisions shall be represented on the Branch Divisional Committee. In addition each Sub Division within the Rail Operations Division shall be entitled to a representative on the Branch Divisional Committee as set out in the following schedule.

Train Guards Sub Division	-	1 Representative
Customer Service Attendants Sub Division	-	2 Representatives
Terminal Operators Sub Division	-	1 Representative
Signallers Sub Division	-	1 Representative
On-Board Passenger Train Sub Division	-	1 Representative
Transport Officers Sub Division		1 Representative

### **Infrastructure Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Company mentioned below within the Branch Infrastructure Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:

Sydney Trains	-	10 Representatives
Australian Track Corporation	-	2 Representatives
John Holland Pty Ltd	-	2 Representatives



100 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

For the purpose of clarification, the Branch Infrastructure Divisional President, Branch Infrastructure Divisional Vice President and the Branch Infrastructure Divisional Secretary will be included in the above schedule of representative to Branch Infrastructure Divisional Committee.

**Fleet Manufacture, Overhaul, Maintenance and Service Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Group within the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division shall be entitled to a Representative or Representatives on the Branch Divisional Committee as set out in the following schedule:

Metropolitan District Group - 4 Representatives  
(including One Bus Engineering Representative)  
Northern District Group - 1 Representative  
Western District Group - 1 Representative  
Southern District Group - 1 Representative

**Administrative, Supervisory, Technical and Professional Division:**

Branch Divisional President  
Branch Divisional Vice President  
Branch Divisional Secretary

Each Group within the Branch Administrative, Supervisory, Technical and Professional Division shall be entitled to a Representative or Representatives as set out in the following schedule:

Metropolitan District Group - 7 Representatives  
Northern District Group - 1 Representative  
Western District Group - 1 Representative  
Southern District Group - 1 Representative

(513) The Districts referred to in Sub-Rule (4) of this Rule, are those geographic locations as set out in Rule 92 - Definitions.

101 - BRANCH OFFICES

~~(614)~~ Where sub-divisions have been formed under this rule they shall meet in ordinary session up to 3 times per year.

~~(715)~~ Women's Campaign Committee

The Women's Campaign Committee shall promote and pursue Affirmative Action policies for the Union and develop and mentor women leaders in the Union and the industry. The Women's Campaign Committee will also ~~publically~~publicly advocate issues for women in the industry.

The Women's Campaign Committee shall meet at least annually and shall be comprised of the Affirmative Action (Woman) Delegate to the Council from the Tram and Bus Division, the Affirmative Action (Woman) Delegate to the Council from the Rail Divisions and one delegate from every Division.

Delegates to the Women's Campaign Committee must be nominated by the respective Divisional Committees. Delegates must also be financial members of the Union

101 - BRANCH OFFICES

~~(1) — The Branch Offices are:-~~

- ~~———— Branch President~~
- ~~———— Senior Branch Vice-President~~
- ~~———— Junior Branch Vice-President~~
  
- ~~———— Branch Secretary~~
- ~~———— Assistant Branch Secretary~~
- ~~———— Branch Organisers — where such position is established as an Office under the Rules~~
- ~~———— Branch Divisional Presidents~~
- ~~———— Branch Divisional Vice Presidents~~
- ~~———— Senior Branch Divisional Vice President, Locomotive Division~~
- ~~———— Junior Branch Divisional Vice President, Locomotive Division~~
- ~~———— Branch Divisional Secretaries~~
- ~~———— Assistant Branch Divisional Secretary, Locomotive Division~~
- ~~———— Branch Divisional Delegates to the Branch Council~~
- ~~———— Sub-Divisional Representatives on a Branch Divisional Committee~~

~~(2) — The Offices of Branch Secretary, Branch Divisional Secretary, Locomotive Division, Branch Divisional President, Tram and Bus Division, Branch Divisional Secretary Tram & Bus Division, and Branch Organisers shall be paid positions.~~

~~———— The elected Branch Organisers positions will cease to exist at the end of the term commencing with the Branch Elections to be held 2014/2015 or at such time as the position/s become vacant.~~

~~———— From the commencement of the Branch Elections to be held 2014/2015, or at such time as the position/s become vacant prior to the Branch Elections to be held 2014/2015, the Branch Organisers will be appointed as employees of the Branch.~~

102 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS

~~(3) — Other Branch Offices as specified in Sub-Rule 101(1) shall be honorary positions~~

(14) ~~Provided that, on and from the quadrennial elections due in 2014, t~~The Branch Offices are:-

Branch President  
Senior Branch Vice-President  
Junior Branch Vice-President

Branch Secretary  
Assistant Branch Secretaries  
Branch Divisional Presidents  
Branch Divisional Vice-Presidents  
Branch Divisional Vice President (Freight), Locomotive Division  
Branch Divisional Vice President (Passenger), Locomotive Division  
Branch Divisional Secretaries  
Assistant Branch Divisional Secretary (Freight), Locomotive Division  
Assistant Branch Divisional Secretary (Passenger), Locomotive Division  
Branch Divisional Delegates to the Branch Council  
Sub-Divisional Representatives on a Branch Divisional Committee

(25) The Offices of Branch Secretary, Branch Divisional Secretary, Locomotive Division, Branch Divisional President, Tram and Bus Division, Branch Divisional Secretary Tram & Bus Division, and Branch Organisers shall be paid positions.

(36) Other Branch Offices as specified in Sub-Rule 101(1) shall be honorary positions

**102 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS**

- (1) Except to the extent modified by this Rule and Sub-Rule 101(3), the provisions of Rules 47, 48, 49 and 50 shall apply in relation to Branch Offices and Office Bearers.
- (2) The Senior Branch Vice-President and the Junior Branch Vice-President shall be elected by a secret ballot by and from the members of the Branch Council.
- (3) Branch Divisional Delegates to the Branch Council shall be elected by a secret ballot of all the financial members within each Branch Divisional District forming an electorate pursuant to the provisions of Rule 98.
- (4) The Branch Council Delegate Affirmative Action (woman) from the Tram & Bus Division shall be elected by a secret ballot of all financial women members in the STA Group and Sydney Light Rail.

The Branch Council Delegate Affirmative Action (woman) from the Rail Divisions shall be elected by a secret ballot of all financial women members in the Branch Divisions of Administrative, Supervisory, Technical & Professional, Infrastructure, Locomotive, Rail Operations, Fleet Manufacture, Overhaul Maintenance and Service.

### **103 - BRANCH CONFERENCE**

A Branch Conference may be held at such time and place and for such duration as the Branch Council determines. The Conference shall provide a forum for discussing Branch issues and the Conference shall comprise members of the Branch Council together with such other representatives of the Branch Divisions, Branch Divisional Districts, Branch Sub-Divisions and Sub-Branched as the Branch Council may determine.

### **104 - DUAL OFFICES AND ADDITIONAL DELEGATE**

- (1) A person may simultaneously hold the Office of Branch Divisional Secretary or Branch Divisional President and another paid Branch Office.
- (2) Where, and for such period as, a Branch Divisional Secretary or a Branch Divisional President simultaneously holds any other Branch Office which has membership of the Branch Executive, the Vice-President of the relevant Branch Division shall be an additional delegate on the Branch Executive with full membership rights.

### **105 - METHOD OF VOTING**

- (1) Except as provided in Sub-Rule 105(2), the method of voting for Branch Offices in New South Wales shall be optional preferential. Accordingly, voters shall express their preference by placing numbers against the names of the candidates on the ballot paper with the number one indicating the highest preference, the number two indicating the second highest preference and so on. A voter has the option of whether to place a number against the name of each candidate or whether to place a number against the name or names of only some of them. A mark other than a number shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voter's preference.
- (2) The method of voting for Branch Offices which represent members within the Branch Tram and Bus Division only shall be first past the post.

### **106 - WORKPLACE DELEGATES**

- (1) Where groups of workers are working there should be a Workplace Representative or Workplace Delegate who must be a member of the Union. The Workplace Delegate will either be elected by members at a meeting called for that purpose or appointed by the Branch Secretary or his nominee, provided that the election or appointment may be subject to the endorsement of the Branch Secretary.
- (2) Workplace Delegates will be elected by the financial members of the workplace within two (2) calendar months, following the declaration of the AEC ballot, by a ballot conducted in the workplace. The Workplace Delegate shall be elected every four years or for a lesser term as determined by the Branch Executive. Provided that the position of the Workplace Delegate is not invalidated by reason of non-compliance with this sub-rule.

- (3) A Workplace Delegate must supply the Secretary with a permanent address and contact details immediately after appointment and upon any subsequent change.

Power of Secretary to appoint or dismiss Representatives

- (4) Workplace Delegates must act at all times in compliance with the Rules of the Union.
- (5) The Branch Secretary or his nominee has the power to appoint Workplace Delegates and to dismiss any Workplace Delegate who breaches the Rules or who acts contrary to the policies of the Union, whether appointed by the Branch Secretary or elected by a ballot of members. Provided that any person so dismissed has the right of appeal to the Branch Executive.

Return of Union Property

- (6) In the event of any Workplace Delegate leaving the position as Workplace Delegate or leaving the workplace or locality they must communicate with the Branch Secretary and return all Union property in their possession unless they have permission of the Branch Secretary to do otherwise.

Duties of Workplace Representatives/Delegates

- (7) A Workplace Delegate shall act as the union representative in their place or area. In conjunction with the Officers of the Union, the duty of a Workplace Delegate is to advance and protect the interests of the Union and the wages, conditions and welfare of its members by the following means:
- (i) Promoting the Union, its activities and the benefits of membership, including participating in induction sessions for new employees;
  - (ii) Enlisting persons into the Union at the workplace and maintaining a record of financial membership;
  - (iii) Providing assistance to any member of the Union requiring it, including assisting in the resolution of disputes;
  - (iv) Promoting and campaigning for improved conditions of employment in the workplace and/or industry;
  - (v) Assisting in negotiating enterprise agreements including by preparing members' claims, representing the Union during negotiations and communicating regularly with members and Officers;
  - (vi) Encouraging and promoting the training of Workplace Delegates and of members in matters affecting their conditions of employment and participating in such training where appropriate;
  - (vii) Identify and rectify any breaches of industrial instruments or Union policy or regulation applying at the workplace and if necessary seek assistance from the relevant union official;

- (viii) Identifying and pursuing the rectification of occupational health and safety issues in the workplace;
  - (ix) Distributing or disseminating all notices, newsletters, documents and messages sent by the union;
  - (x) Complying with any reasonable request of an Officer of the Union
- (8) At the request of the Branch Secretary or his/her nominee, a Workplace Delegate may be required to provide a report as to:
- (i) The name, address, work location and contact details of members at the workplace, including information regarding members who have commenced or left employment or changed their contact details;
  - (ii) The names and work locations of all persons employed at the workplace who are eligible to be members of the Union but who are not;
  - (iii) Relevant information regarding the employer, including any changes to the legal status, or address of the employer;
  - (iv) Any breach of the industrial instruments, Union policy or other regulation;
  - (v) Any industrial dispute;
  - (vi) Any matter that concerns the Union or its members.

**PART XI - QUEENSLAND BRANCH: SPECIFIC PROVISIONS**

**107 - APPLICATION**

This Part applies specifically to the Queensland 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.

**108 - DEFINITIONS**

"Branch" means the Australian Rail, Tram and Bus Industry Union, Queensland Branch.

~~"Designated Organising Area Unit" is a geographic unit where a sub-branch does not exist and is outside the geographical area of any Sub branch.~~

"District" means a geographical area within the Branch.

"Region" means a geographical area within a District or Districts.

~~"Designated Organising Area Unit" is a geographic unit where a sub-branch does not exist and is outside the geographical area of any Sub branch.~~

**109 - NAME OF BRANCH**

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, Queensland Branch"

**110 - BRANCH OFFICE**

The Branch office shall be located at 457 Upper Edward Street, Brisbane, Queensland or at such other place as is determined by the Branch Council from time to time.

**111 - BRANCH MEMBERSHIP**

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

**112 - MEMBERSHIP OF SUB-BRANCHES, DISTRICTS AND REGIONS**

- (1) Each member of the Branch shall be a member of that Sub-Branch or a Designated Organising Area Unit which covers the geographical area in which his/her usual place of employment is located.

### 113 - BRANCH STRUCTURE AND ORGANISATION

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- (2) Each member of a Sub-Branch or “Designated Organising Area Unit” shall also be a member of the District and/or Region in which his/her Sub-Branch or “Designated Organising Area Unit” is located.

#### 113 - BRANCH STRUCTURE AND ORGANISATION

- (1) The Branch shall be principally organised on a Branch, a Branch Divisional, a District, a Regional, a Sub-Branch or Designated Organising Area Unit and a Sub-Divisional basis.
- (2) The Branch Divisions shall be as follows:-

Administrative, Supervisory, Technical and Professional  
Infrastructure  
Locomotive  
Rail Operations  
Tram and Bus  
Fleet Manufacture, Overhaul, Maintenance and Service

with the scope of each Division being as defined in Rule 6.

- (3) (a) Sub-Branches shall be established in relation to the following areas:-

Townsville  
Bowen  
Cairns  
Cloncurry  
Hughenden  
Mt. Isa  
Rockhampton  
Bluff  
Bundaberg  
Coppabella  
Emerald  
Gladstone  
Mackay/Jilalan  
Brisbane & South East  
Maryborough and  
Toowoomba



(b) Unless otherwise determined by Branch Council:

- Townsville Sub-Branch covers all work locations south of Cairns, north of Bowen and east of Hughenden.
- Hughenden Sub-Branch covers work locations in Hughenden and west to Nonda.
- Cloncurry Sub-Branch covers work locations in Cloncurry and west to Mt Isa.
- Mt Isa Sub-Branch covers all work locations in or around Mt Isa.
- Cairns Sub-Branch covers all work locations in and around Cairns, including work locations west of Cairns including Normanton.
- Bowen Sub-Branch covers all work locations in around Bowen and west to Glenden.
- Mackay/Jilalan Sub-Branch covers all work locations in and around Mackay, west to and including Nebo/Waitara, north to and including Proserpine, South to and including Sarina, Yukan and Jilalan.
- Toowoomba Sub-Branch covers all work locations in and around Toowoomba.
- Rockhampton Sub-Branch covers all work locations in and around Rockhampton, north of Gladstone, south of Sarina/Yukan and east of Bluff.
- Bluff Sub-Branch covers all work locations in and around Bluff and west to and including, Blackwater.
- Emerald Sub-Branch covers all work locations in and around Emerald and all work locations between Emerald and Blackwater.
- Bundaberg Sub-Branch covers all work locations in and around Bundaberg.
- Maryborough Sub-Branch covers all work locations in and around Maryborough.
- Brisbane & South East Sub-Branch covers all work locations in and around Brisbane, South to and including the Gold Coast, east of Toowoomba and south of Maryborough.
- Gladstone Sub-Branch covers all work locations in and around Gladstone and south to Miriam Vale.
- Coppabella Sub-Branch covers all work locations in and around Coppabella and west to and including Moranbah and Dysart.
- The Central Queensland Designated Organising Area Unit covers all work locations in Central Queensland west of Emerald to, and including, Winton.
- The South West Queensland Designated Organising Area Unit covers all work locations in Southern Queensland west and south-west of Toowoomba.
- The Northern Queensland Designated Organising Area Unit covers all work locations in north and west of Cairns.

- (4) The Branch shall be divided into three geographical Districts as follows:-

The Northern District shall comprise the Townsville, Bowen, Cairns, Cloncurry, Hughenden and Mt. Isa Sub-Branched and the Northern Queensland Designated Organising Area Unit;

The Central District shall comprise the Rockhampton, Bluff, Coppabella, Emerald, Gladstone and Mackay/Jilalan Sub-Branched and the Central Queensland Designated Organising Area Unit;

The Southern District shall comprise the Brisbane, Bundaberg, Maryborough, and Toowoomba Sub-Branched and the South West Queensland Designated Organising Area Unit.

- (5) There shall be five geographical Regions within the Branch as follows:-

The North West Region shall comprise the Cloncurry, Hughenden and Mt. Isa Sub-Branched;

The Central West Region shall comprise the Emerald and Bluff Sub-Branched and the Central West Queensland Designated Organising Area Unit;

The Wide Bay Region shall comprise the Maryborough and Bundaberg Sub-Branched;

The South West Region shall comprise the Toowoomba Sub-Branch and the South West Queensland Designated Organising Area Unit.

The South East Region shall comprise the Brisbane & South East Sub-Branch.

(6) The Queensland Locomotive Division shall be divided into Sub-Divisional Committees as follows,

- Coal
- Freight
- Passenger

Membership of the Locomotive Sub-Divisions will be determined as per rule 6 (15) and rule 8

- Locomotive Sub-Division Coal

1 Member representing Coal Depots in the Northern District  
1 Member representing Coal Depots in the Blackwater and Moura Systems  
2 Member's representing Coal Depots in the Goonyella System Coal Depots  
1 Member representing Coal Depots in the Southern District

- Locomotive Sub-Division Freight

1 Member representing Freight Depots Charters Towers to Mount Isa  
2 Member's representing Freight Depots Mackay to Cairns  
1 Member representing Freight Depots Rockhampton to Winton  
1 Member representing Freight Depots in the Southern District

- Locomotive Sub-Division Passenger

Suburban Passenger Depot Mayne

1 Driver Representative  
1 Guard Representative

Suburban Passenger Out Depots (Nambour, Caboolture, Petrie, Shorncliffe, Manly, Beenleigh, Robina, Redbank, Gympie, Doomben, Ferny Grove, Richlands and Ipswich)

1 Driver Representative  
1 Guard Representative

1 Member representing Passenger Regional Depots Cairns, Bundaberg and Townsville

**114 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

- (1) The Branch Council shall comprise the Branch President, the Senior Branch Vice-President, the three Junior Branch Vice-Presidents, the Branch Secretary, the Assistant Branch Secretary, together with the following delegates from Branch Divisions and Regions:-

The Branch Divisional President, Tram & Bus Division  
The Branch Divisional Vice-President, Tram & Bus Division  
The Branch Divisional Junior Vice President Tram and Bus Division  
The Branch Locomotive Sub-Divisional Committee Coal Secretary  
The Branch Locomotive Sub-Divisional Committee Passenger Secretary  
The Branch Locomotive Sub-Divisional Committee Freight Secretary  
A Delegate of the Tram and Bus Division  
A Delegate of the Rail Operations Division from the Northern District  
A Delegate of the Rail Operations Division from the Central District  
A Delegate of the Rail Operations Division from the Southern District  
A Delegate of the Infrastructure Division from the Northern District  
A Delegate of the Infrastructure Division from the Central District  
A Delegate of the Infrastructure Division from the Southern District  
A Delegate of the Fleet Manufacture, Overhaul, Maintenance and Service Division from the Northern District  
A Delegate of the Fleet Manufacture, Overhaul, Maintenance and Service Division from the Central District  
A Delegate of the Fleet Manufacture, Overhaul, Maintenance and Service Division from the Southern District  
The Branch Divisional Secretary, Administrative Supervisory, Technical and Professional Division  
A Delegate from the North West Region  
A Delegate from the Central West Region  
A Delegate from the South West Region  
A female delegate from the Southern District (All Divisions)  
A female delegate from the Central and Northern Districts (All Divisions)  
A delegate of the Operations Division from the Private Sector  
The Branch Divisional President, Administrative, Supervisory, Technical and Professional Division  
The Branch Organiser for the Tram and Bus Division whilst so ever that that position is an elected position

- (2) The Branch Council shall meet in Ordinary Session once a year at such time and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President and the Branch Secretary jointly, may determine.

**115 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall comprise the Branch President, the Senior Branch Vice-President, the three Junior Branch Vice-Presidents, the Branch Secretary and the Assistant Branch Secretary.
- (2) The Branch Executive shall meet in Ordinary Session not less than three times a year at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, may determine.

**116 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES**

- (1) The Branch Divisional Committees shall be comprised as follows:-

Tram and Bus Division:

Branch Divisional Secretary  
Branch Divisional Organiser assigned to the Tram and Bus Division  
Branch Executive Officer  
Junior Vice President for the Tram and Bus Division  
Sub-Divisional Representative from the Carina Bus Depot  
Sub-Divisional Representative from the Toowong Bus Depot  
Sub-Divisional Representative from the Bowen Hills Bus Depot  
Sub-Divisional Representative from the Virginia Bus Depot  
Sub-Divisional Representative from the Garden City Bus Depot  
Sub-Divisional Representative from the Richlands Bus Depot  
Sub-Divisional Representative from Larapinta Bus Depot  
Sub-Divisional Representative from Willawong Bus Depot  
Sub-Divisional Representative from Brisbane Tram Depot  
Sub-Divisional Representative from Gold Coast Tram Depot  
Sub-Divisional Representative from Sherwood Bus Depot  
Sub-Divisional Representative from Trade Coast Bus Depot

Should an existing depot cease to operate then that Sub-Divisional Representative position is retired.

Locomotive Division:

Branch Divisional Secretary  
The Branch Locomotive Sub - Divisional Committee Coal President  
The Branch Locomotive Sub - Divisional Committee Coal Secretary  
The Branch Locomotive Sub - Divisional Committee Passenger President  
The Branch Locomotive Sub - Divisional Committee Passenger Secretary  
The Branch Locomotive Sub-Divisional Committee Freight President  
The Branch Locomotive Sub-Divisional Committee Freight Secretary

Rail Operations Division:

Branch Divisional Secretary  
The Branch Council Delegate from the Northern District  
The Branch Council Delegate from the Central District  
The Branch Council Delegate from the Southern District  
A Representative from the Wide Bay Region  
A Representative from the South West Region  
A Representative from the South East Region  
A Representative from the Private Sector

Infrastructure Division:

Branch Divisional Secretary  
The Branch Council Delegate from the Northern District  
The Branch Council Delegate from the Central District  
The Branch Council Delegate from the Southern District  
A Representative from the Wide Bay Region  
A Representative from the South West Region  
A Representative from the South East Region

Fleet Manufacture, Overhaul, Maintenance and Service Division:

Branch Divisional Secretary  
The Branch Council Delegate from the Northern District  
The Branch Council Delegate from the Central District  
The Branch Council Delegate from the Southern District  
A Representative from the South West Region  
A Representative from the South East Region

Administrative, Supervisory, Technical and Professional Division:

Branch Divisional Secretary  
A Representative from the Northern District  
A Representative from the Central District  
A Representative from the Southern District  
A Representative from the South East Region

- (2) Subject to any restrictions imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee shall meet, in Ordinary Session at least twice a year, or at such time and place on a needs basis as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and/or the Branch Divisional Secretary, may determine.

**117 – DELETED**

**118 - BRANCH OFFICES**

- (1) The Branch Offices are:-
- Branch President
  - Senior Branch Vice-President
  - Junior Branch Vice-Presidents
  - Branch Secretary
  - Assistant Branch Secretaries
  - Branch Divisional Presidents
  - Branch Divisional Vice-Presidents
  - Branch Divisional Secretaries
  - Branch Divisional Delegates to the Branch Council
  - Regional Delegates to the Branch Council
  - Sub-Divisional, District or Regional Representatives on Branch Divisional Committees
  - District Executive Presidents
  - District Executive Vice-Presidents
  - Female Delegates to the Branch Council
- (2) The Offices of ~~Branch President~~, Branch Secretary, Assistant Branch Secretary, and Branch Organiser, shall be paid positions. ~~Provided that the position of Branch President shall convert to an honorary position for the 2002 election.~~
- (3) Branch Offices, other than those specified in Sub-Rule 118(2), shall be honorary positions.

**119 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS  
AND BRANCH COMMITTEES**

- (1) Except to the extent modified by this Rule, the provisions of rules 47, 48, 49 and 50 shall apply in relation to Branch Offices and Office Bearers.
- (2) There shall be an Assistant Branch Secretary. The Assistant Branch Secretary shall be elected by a secret ballot of all the financial members of the Branch Tram and Bus Division. The Assistant Branch Secretary elected by the members of the Tram and Bus Division shall be the Branch Divisional Secretary of that Division.
- (3) To be eligible to nominate for an Office of Assistant Branch Secretary, a candidate must, in addition to meeting the requirements specified in Rule 47, unless he/she is a candidate seeking re-election, have been employed in the work function represented Branch Tram and Bus Division prior to the date on which nominations open.
- (4) The Senior Branch Vice-President shall be elected by a secret ballot of all the financial members of the Branch.
- (5) There shall be three Junior Branch Vice-Presidents. One Junior Branch Vice-President shall be elected by a secret ballot of all the financial members of the Tram and Bus Division and two Junior Branch Vice-Presidents shall be elected by all the financial members of the Branch.

119 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS AND BRANCH COMMITTEES

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- (6) To be eligible to nominate for an Office of Branch Vice-President, a candidate must, in addition to meeting the requirements specified in Rule 47, be a member of the Branch Division or Divisions which the Office represents on the date on which nominations open.
- (7) Delegates to Branch Council representing the members of a Branch Division within a particular District shall be elected by a secret ballot of all the financial members of that Branch Division within that District.
- (8) Delegates to Branch Council representing a particular Region shall be elected by a secret ballot all the financial members of the Branch within that Region.
- (9) Except where otherwise provided within Branch Divisions, the Branch Divisional President, Branch Divisional Secretary and the Branch Divisional Vice-President shall be elected by a secret ballot by and from the members of the Branch Divisional Committee.
  - a. The President, Vice President and Junior Vice President of the Tram and Bus Division shall be elected from the Sub Divisional Representatives of the Tram and Bus Division by the members of the Tram and Bus Division.
  - b. If a person ceases to be a Sub Divisional Representative of the Tram and Bus Division whilst holding the Office of President, Vice President, or Junior Vice President, they no longer hold those positions.
- (10) Regional or Sub-Branch or Designated Organising Area Unit Representatives on Branch Divisional Committees shall be elected by a secret ballot of all the financial members of the relevant Branch Division within the Region or Sub-Branch(es) and Designated Organising Area Units.
- (11) District Representatives on Branch Divisional Committees, shall be elected by a secret ballot of all the financial members of the relevant Division within the District.
- (12) A candidate for an Office having membership of a District Executive must be a member of a Sub-Branch or Designated Organising Area Unit under the control of the District Executive on the date on which nominations open.
- ~~(13) Deleted~~
- (14) A female delegate from the Southern District (All Divisions) shall be elected by a ballot of financial female members from within the Southern District (All Divisions). A female delegate from the Central and Northern District (All Divisions) shall be elected by a ballot of financial female members from within the Central and Northern District (All Divisions).



119 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS AND BRANCH COMMITTEES

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(15) Queensland Branch Affirmative Action Women's Campaign Committee

15.1 The Queensland Branch Affirmative Action Women's Campaign Committee shall consist of:

- (a) 2 Affirmative Action (Women) Southern District Delegates
- (b) 1 Affirmative Action (Woman) Central District Delegate
- (c) 1 Affirmative Action (Woman) Northern District Delegate
- (d) 1 Affirmative Action (Woman) Tram & Bus Division Delegate; and
- (e) 2 Affirmative Action Branch Councillors.

15.2 In addition to the committee members listed any female member of Branch Council may attend meetings of the Queensland Branch Affirmative Action Women's Campaign Committee in an ex-officio capacity. Such Women's Committee ex officio members can participate in committee proceedings but will not be entitled to move or second a resolution or vote.

15.3 Election process:

- (a) Two (2) Affirmative Action Women's Campaign Committee Southern District Delegates (excluding Tram and Bus Division members) elected by and from financial women union members within the Southern District (excluding Tram and Bus Division)
- (b) One (1) Affirmative Action Women's Campaign Committee Central District Delegate elected by and from financial women union members within the Central District
- (c) One (1) Affirmative Action Women's Campaign Committee Northern District Delegate elected by and from financial women union members within the Northern District
- (d) One (1) Affirmative Action Women's Campaign Committee Tram & Bus Division Delegate elected by and from financial women union members within the Tram and Bus Division.

15.4 The Affirmative Action Women's Campaign Committee President and Affirmative Action Women's Campaign Committee Secretary shall be elected in a secret ballot by and from the members of the Affirmative Action Women's Campaign Committee.

## 120 - ORGANISERS

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- (16) Locomotive Sub-Divisional Committee Representatives shall be elected by a secret ballot of all the financial members of that Locomotive Sub-Division within that Area/Location.
- 16.1 Within Branch Locomotive Sub-Divisions, the Sub-Divisional President, Sub-Divisional Secretary and the Sub-Divisional Vice-President will be elected by a secret ballot by and from the Sub-Divisional Committee.
- 16.2 Representation from the Locomotive Sub-Divisional Committees to the Locomotive Divisional Committee will be the Sub -Divisional President and Sub -Divisional Secretary.
- 16.3 Representation to Branch Council from the Locomotive Division will be the Locomotive Sub-Divisional Secretaries.

### 120 - ORGANISERS

- (1)(a) The Branch Council has authority to increase or reduce the number of Organisers or alter their areas and responsibilities.
- (1)(b) Branch Organisers must be financial members of the Union prior to seeking appointment/election to the position.
- (1)(c) Branch Organisers responsible for Rail Divisions will be appointed or elected by a process determined, from time to time, by Branch Council. Such process shall include a requirement that for any appointment to occur, it must be endorsed by Branch Council.
- (1)(d) There will be a Branch Organisers based in Townsville, Mackay, Rockhampton and Brisbane unless otherwise determined by Branch Council. Rail Branch Organisers' areas of responsibility will be designated by Branch Council.
- ~~(1)(e) Deleted~~
- ~~(1)(f) Deleted~~
- (1)(eg) The Tram and Bus Division will be supported and assisted by a Branch Organiser.
- (1)(fh) An Organiser or another employee shall be appointed under this rule to support a Rail Division of the Branch by the Branch Secretary in consultation with the relevant Division.
- (1)(gi) Organisers employed under this rule may be required to undertake other responsibilities and duties as determined by the Branch Secretary.
- (1)(hj) All Branch Organisers shall be ex-officio members of the Branch Council but will not have voting rights.

## 121 - ACTING BRANCH SECRETARY

(1)(ik) There will be a Branch Organiser working with the Tram & Bus Division. The position is created on the same basis as other Branch Organisers under this rule and the continued existence of this position will remain at the discretion of the Queensland Branch Council.

Unless Branch Council determines an alternative method of selection or determines to remove this position, this Branch Organiser position will be subject to an election by members of the Tram & Bus Division every four years at the same time as Branch Officers elections.

The elected position of Branch Organiser cannot be determined by the Branch Council to cease from a date within the current four year term of the elected Branch Organiser position without the agreement of the Branch Tram & Bus Divisional Committee.

(1)(jl) Any grievance over the operation of this sub-clause shall be notified to the Branch Secretary in the first instance. The Branch Secretary shall deal with the matter as expeditiously as possible. Should the aggrieved member be dissatisfied with the decision of the Branch Secretary, the matter may be remitted to the Branch Executive or Branch Council.

~~(1)(m) There will be an election of four Rail Division Branch organisers in 2006.~~

~~— One Branch Organiser will be elected from and by members in the Sub Branches contained in 120(1)(d)~~

~~— One Branch Organiser will be elected from and by members in the Sub Branches contained in 120(1)(e)~~

~~— Two Branch Organisers will be elected from and by members in the Sub Branches contained in 120(1)(f)~~

~~(1)(n) The elected Branch Organisers positions will cease to exist from 1 January 2007, with the exception of the Tram and Bus Division which is governed by Rule 1(k).~~

(2) Regardless of any other sub-rules to the contrary and/or inconsistencies with other rules in Part XI, sub-rule 120(1) shall prevail.

**120A – DELETED**

## 121 - ACTING BRANCH SECRETARY

When the Branch Secretary is temporarily unable to fulfil his/her duties by reason of illness, absence on leave or other reason, the Branch Executive shall appoint a Branch Office Bearer to act in the Office for the duration of the absence with such appointee having all the rights and duties of the Office of Branch Secretary.

### **122 - PROXIES**

In addition to the provisions of Rule 67, the following provisions shall apply in relation to proxies:-

- (i) A proxy for a Branch Divisional Representative on a District Executive shall be appointed by the relevant Branch Divisional Committee.
- (ii) A proxy for a Branch Organiser for a particular District shall be appointed by the District Executive.
- (iii) A proxy for a Regional Delegate to the Branch Council shall be appointed by the relevant District Committee.
- (iv) A proxy for a District or Regional Representative on a Branch Divisional Committee shall be appointed by the Branch Divisional Committee.
- (v) Where an Office Bearer for whom a proxy is to be appointed is a member of more than one Branch Governing Body, then, subject to this Rule and Rule 67, a different person may be appointed as proxy in relation to different Governing Bodies.

### **123 - NOMINATION FOR MORE THAN ONE OFFICE**

In any ordinary election, no person shall be eligible to nominate for more than one position having membership of the Branch Council or more than one position having membership of the Branch Executive or more than one position having membership of a Branch Divisional Committee or more than one position having membership of a District Executive or more than one position having membership of a Sub-Branch Committee or more than one position having membership of a Sub-Divisional Committee.

**PART XII - SOUTH AUSTRALIAN AND NORTHERN TERRITORY BRANCH:  
SPECIFIC PROVISIONS**

**124 - APPLICATION**

This Part applies specifically to the South Australian and Northern Territory 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.

**125 - DEFINITIONS**

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

"Branch" means the Australian Rail, Tram and Bus Industry Union South Australian and Northern Territory Branch.

"A.R.T.C." means Australian Rail Track Corporation.

"A.R.T.C. District" shall incorporate all Members employed by the A.R.T.C., Downer EDI, Engenco and Broadspectrum.

"Aurizon" shall incorporate all Members employed by Aurizon, Qube Logistics, Rail Train, Bowmans Intermodal and SCT Logistics (including Specialised Bulk Services and Rail Pro Services).

~~"Aurizon" means Aurizon~~

"Bowmans Intermodal" means Bowmans Balco

"District" means a geographical area within the Branch.

"Downer - EDI" means Downer - EDI Ltd.

"G.S.R." means Great Southern Railway.

"G.W.A." means Genesee Wyoming Australia.

"GWA District" means all locations in the South Australian and Northern Territory Branch where GWA employees are employed.

"Pacific National" means Pacific National

"Qube Logistics" means Qube Logistics.

"Rail Commissioner" means Rail Commissioner.

"Rail Train" means Rail Train

"SCT Logistics" means SCT Logistics (including Specialised Bulk Rail and Rail ProServices)

~~"District" means a geographical area within the Branch.~~

## 125 - DEFINITIONS

~~“A.R.T.C. District” shall incorporate all Members employed by the A.R.T.C., Downer EDI, Engenco and Broadspectrum.~~

~~“Aurizon” shall incorporate all Members employed by Aurizon, Qube Logistics, Rail Train, Bowmans Intermodal and SCT Logistics (including Specialised Bulk Services and Rail Pro Services).~~

~~“GWA District” means all locations in the South Australian and Northern Territory Branch where GWA employees are employed.~~

## 129 - BRANCH STRUCTURE AND ORGANIZATION

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“Northern Territory District” means all locations in the Northern Territory where employees are employed.

“Pacific National District” shall incorporate all Members employed by Pacific National and GSR in all locations in the South Australian and Northern Territory Branch.

"Rail Commissioner District" means all locations where Rail Commissioner employees are employed.

Successorship means any reference to a business or part of a business in this part is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of the business.

### 126 - NAME OF BRANCH

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, South Australian and Northern Territory Branch"

### 127 - BRANCH OFFICE

The Branch office shall be located at 63, Ledger Road, Beverly, South Australia, 5009 or at such other place as is determined by the Branch Council from time to time.

### 128 - BRANCH MEMBERSHIP

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

### 129 - BRANCH STRUCTURE AND ORGANIZATION

- (1) The Branch shall be principally organised on a Branch District, Branch Regional Sub-Branch, Delegate and Shop Committee basis.
- (2) Branch Regional Sub-Branches shall be established for:-
  - Adelaide Metro Region (including Tailem Bend, Balaklava, Balhannah and Bowmans)
  - South Australia and Northern Territory Region (all locations not included in the Adelaide Metro Region) Eyre Peninsula, Port Augusta, Whyalla and the Northern Territory.

**130 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

- (1) The Branch Council shall comprise the Branch President, Branch Vice President, Branch Junior Vice President Metro, Branch Junior Vice President Regional, Branch Vice President (Women), the Branch Secretary, the Branch Organiser (where elected), together with delegates from Branch Districts determined in accordance with Sub-Rule 130(2).
- (2) For the purpose of electing delegates to Branch Council, the Branch shall be divided into Districts as provided for in this sub-clause.

The Districts into which the Branch is to be divided for the purpose of electing delegates to the Branch Council and the number of delegates shall be as follows:-

Branch Districts

ARTC District (but excluding employees in the Northern Territory) - One (1) delegate

Pacific National District (excluding employees in the Northern Territory) - Two (2) delegates, one representing members in the Adelaide Metro region and one representing all other locations in South Australia.

Aurizon/ SCT Logistics District (excluding employees in the Northern Territory) - One (1) delegate

GWA District – Two (2) delegates, with one representing members in the Adelaide Metro region and one representing all other locations in South Australia.

Rail Commissioner District – Three (3) delegates, one of whom shall be elected by and from employees of Tram Depot/s.

Northern Territory District – One (1) delegate

Where the Branch Council determines that the number of members in a Branch District is too small to warrant a delegate to the Branch Council, the Council may combine such District or part of a District with another District for the purpose of forming an electorate for the election of Council Delegates. Branch Council prior to each election, shall review the number of delegates to be elected from each District on the basis of changes to the number of members in a District or combined District.

- (3) The Branch Council shall meet in ordinary session annually at such times and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President and the Branch Secretary jointly, may determine, provided that the Branch Executive may vary the date determined where circumstances so require.



**131 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall comprise the Branch President, the Branch Vice President, the Branch Deputy Vice-President Metro, the Branch Deputy Vice President Regional, the Branch Vice-President (Women), the Branch Secretary, and the Branch Organiser (where elected).
- (2) The Branch Executive shall meet in Ordinary Session in the months of March, June, September and December (excepting if a Branch Council meets during the same month), at such times and places as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly may determine.

**132 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH REGIONAL COMMITTEES**

- (1) A Branch Regional Sub-Branch Committee shall comprise the Branch Regional Sub-Branch President, the Branch Regional Sub-Branch Vice-President and the Branch Regional Sub-Branch Secretary. A candidate for a position of Branch Regional Sub-Branch President, Vice-President or Secretary must be a financial member of the Union and a member of the Branch Regional Sub-Branch on the date on which nominations open.
- (2) Branch Council or Branch Executive shall determine when Regional Branch Sub-Branch Committees meet in ordinary session and at such times and location. Branch Council shall determine the scope, role and operation of Branch Regional Sub-Branches.

**133 - BRANCH OFFICES**

- (1) The Branch Offices are:-
  - Branch President
  - Branch Vice-President
  - Branch Vice President (Women)
  - Branch Deputy Vice President Metro
  - Branch Deputy Vice President Regional
  - Branch Secretary
  - Branch Organiser (where elected)
  - Branch District Delegates to the Branch Council
  - Branch Regional Sub-Branch Committee members
- (2) The Office of Branch Secretary shall be a paid position.
- (3) The position of Branch Organiser shall be either a full-time or part-time, paid position.
- (4) Other Branch Offices as specified in Sub-Rule 133(1) shall be honorary positions.

**134 - SPECIFIC PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS**

- (1) Except to the extent modified by this Rule, the provisions of Rules 47, 48, 49, 50 and 51 shall apply in relation to Branch Offices and Office Bearers.
- (2) There shall be a Branch Vice-President (Women) who shall be elected by a secret ballot of all the women financial members of the Branch. To be eligible to nominate for the Office a candidate must be a financial member on the date on which nominations open. The duties of the Branch Vice-President (Women) shall be to promote and work for the involvement of women members within the Branch.
- (3) Branch Organiser: Branch Council shall determine from time to time whether the Branch Organiser is to be a full time or part time position and if full time whether it is to be elected by members or appointed by Branch Council. A part time Branch Organiser shall be appointed by Branch Council.
- (4) Notwithstanding the provisions of Rule 47(3), the terms of Office of honorary positions in the Branch shall be every 4 years.
- (5) Proxies: in addition to the provisions of Rule 67 the following shall apply. A proxy for a Branch District delegate to Branch Council shall be appointed by the Branch Executive. A proxy for Branch Vice-President (Women) shall be appointed by the Branch Executive from among the women members of the Branch.

#### 137 - BRANCH FUNDS

- (6) Branch District Delegates to the Branch Council shall be elected by a secret ballot of all the financial members within each Branch District forming an electorate in accordance with Rule 130.

#### **135 - DELETED**

#### **136 – DELEGATES AND SHOP COMMITTEES**

- (1) In any workshop, depot, station, shunting yard, terminal, infrastructure gang, control centre or office etc where the majority of members so decide those members may appoint a Delegate/s and a Deputy Delegate/s in the months of February/March of each year. In the event of a position of Delegate and/or Deputy Delegate falling vacant or where a petition, presented to the Branch Secretary, signed by at least 50% of financial members of the workplace calling for a new appointment to the position of Delegate and/or Deputy Delegate, the members in the workplace may by majority decision appoint a replacement. All appointments shall be ratified by the Branch Executive.

The duties of Delegates shall be to interview local management representatives for the purposes of securing an adjustment of members' grievances, ensure all awards and enterprise agreements are enforced and to see that company regulations and instructions relating to the welfare of members are observed. Delegates shall notify the Branch Secretary of any matter concerning members at their work location.

- (2) A Shop Committee of not less than three members may be appointed in the month of December for another date so decided by the majority of eligible Members each year where not less than fifteen members are located and where the majority of members so decide. A Shop Committee may have a work function, workplace and/or geographical basis. The appointment of a Shop Committee shall be ratified by the Branch Executive.

The role of such Shop Committee shall be to interview local management representatives for the purpose of securing an adjustment of members' grievances, to ensure all awards and enterprise agreements are enforced and to see that company regulations and instructions relating to the welfare of members are observed. Only matters of a local nature shall be presented to local management representatives, all other being referred to the Branch Secretary.

#### **137 - BRANCH FUNDS**

Without limiting the generality of the foregoing, the following real property shall form part of the South Australian and Northern Territory Branch Funds:-

The property of 63 Ledger Road, Beverley SA;

Any such property, or financial accounts as determined from time to time by the Branch Council.

**~~137A - TRANSITIONAL RULE~~**

~~The alterations to rules 125, 130, 131 and 136 endorsed by the Branch Council in June 2017 and certified by the Registrar shall not come into effect until the 2018 Australian Rail, Tram and Bus Industry Union general elections.~~

**PART XIII - TASMANIAN BRANCH: SPECIFIC PROVISIONS**

**138 - APPLICATION**

This Part applies specifically to the Tasmanian 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.

**139 - DEFINITIONS**

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

"Branch" means the Australian, Rail, Tram and Bus Industry Union, Tasmanian Branch.

"Honorary" means an unpaid position.

"North West Coast Region" means that geographical region having the telephone prefix 0364.

"Northern Region" means that geographical region having the telephone prefix 0363.

"Southern Region" means that geographical region having the telephone prefix 0362.

**140 - NAME OF BRANCH**

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, Tasmanian Branch"

**141 - BRANCH OFFICE AND REGIONAL OFFICE**

The Branch office shall be located at Suite 5/113 Main Road, Moonah Tasmania or at such other place as is determined by the Branch Council from time to time.

#### 142 - BRANCH MEMBERSHIP

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

#### 143 - BRANCH STRUCTURE AND ORGANISATION

(1) The Branch shall be principally organised on a Branch, a Branch Divisional, a Regional Branch Divisional and a Branch Sub-Divisional basis.

(2) The Branch Divisions shall be as follows:-

Rail  
Tram and Bus

with the scope of each Branch Division being as defined in Rule 6 of these Rules but with the Branch Rail Division, combining the Infrastructure, Fleet Manufacture, Overhaul, Maintenance and Service Division, the Administrative, Supervisory, Technical and Professional Division, the National Locomotive Division and the National Rail Operations Division.

(3) Within the Branch Tram & Bus Division there shall be the following Sub-Divisions:-

Springfield, Launceston, Burnie and Administration/Supervisory.

(4) (a) Due to industry depot rationalisation the Sub-Divisions of City and Mornington will cease to operate in 1995 and the members affected transferred to the Sub-Division of Springfield. Within three months of the closing of the Sub-Divisions of City and Mornington, a ballot be commenced under Rule 75 - Election procedures: Tram and Bus Division to elect a Sub-Division representative to the Branch Divisional Committee from the Sub-Division at Springfield.

(b) The term of office for the Sub-Division representatives from the Sub-Divisions of City, Mornington and Springfield elected at the 1994 election shall expire at the conclusion of the ballot as per Rule 143(4)(a) to be held under Rule 75 - Election Procedures: Tram and Bus Division to elect a Sub-Division representative from the Sub-Division of Springfield whose term expires at the conclusion of the election to be held in 1996.

**144 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

- (1) The Branch Council shall comprise the Branch President, the Branch Secretary, the Assistant Branch Secretary, the Presidents of each Branch Division, the Secretaries of each Branch Division and Branch Divisional Delegates determined in accordance with Sub-Rule 144(2).
- (2) Each Branch Division shall be entitled to one Delegate to the Branch Council for each one hundred members or part thereof. The number of Delegates to which a Branch Division is entitled, shall be determined on the basis of the number of financial members within the Branch Division at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.
- (3) The Branch Council shall meet in Ordinary Session twice a year at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, shall determine.

**145 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall comprise the Branch President, the Branch Secretary, the Assistant Branch Secretary, the Presidents of each Branch Division and the Secretaries of each Branch Division.
- (2) The Branch Executive shall meet in Ordinary Session at least three times each year at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, shall determine.

**146 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES**

- (1) The Branch Divisional Committee for the Branch Rail Division shall comprise the Branch Divisional President, the Branch Divisional Secretary, one representative of the North West Coast Region, one representative of the Northern Region and one representative of the Southern Region.
- (2) The Branch Divisional Committee for the Tram and Bus Division shall comprise the Branch Divisional President, two Branch Divisional Vice-Presidents, the Branch Divisional Secretary, and a representative from each Sub-Division within the Branch Tram and Bus Division.
- (3) The Branch Divisional Committee for the Branch Rail Division shall meet in Ordinary Session twice a year at such times and places as the Branch Divisional Committee or, in the absence of a decision by the Committee, the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.
- (4) The Branch Divisional Committee for the Tram and Bus Division shall meet in ordinary session four times a year at such times and places as the Branch Divisional Committee or, in the absence of a decision by the Branch Divisional Committee, the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.

**147 - BRANCH OFFICES**

- (1) The Branch Offices are:-
- Branch President
  - Branch Vice-President
  - Branch Secretary
  - Assistant Branch Secretary
  - Branch Divisional Presidents
  - Branch Divisional Vice-Presidents
  - Branch Divisional Secretaries
  - Branch Divisional Delegates to the Branch Council
  - Sub-Divisional Representatives on a Branch Divisional Committee
  - Regional Representatives on a Branch Divisional Committee
- (2) Subject to Sub-Rule 147(4), the Office of Branch Secretary shall be a paid, casual position.
- (3) Other Branch Offices as specified in Sub-Rule 147(1) shall be honorary positions.
- (4) Where a Branch Office is a paid position the Branch Council shall from time to time determine the amount of casual work that will be undertaken by the Branch Secretary.
- (5) The Branch Divisional Secretary of the Division not providing the Branch Secretary shall be ex-officio Assistant Branch Secretary.
- (6) The Assistant Branch Secretary shall relieve the Branch Secretary where and when appropriate as decided by the Branch Executive.

**148 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS**

- (1) Except to the extent modified by this Rule, the provisions of Rules 47, 48 and 50 shall apply in relation to Branch Offices and Office Bearers.
- (2) The Branch Vice-President shall be elected by secret ballot of all the financial members of the Branch.
- (3) Within the Branch Tram and Bus Division, one Divisional Vice-President shall be elected by a secret ballot of the financial members of the Branch Sub-Divisions within the Northern and the North West Coast Regions while the other Divisional Vice-President shall be elected by a secret ballot of all the financial members of the Branch Sub-Divisions within the Southern Region.
- (4) Regional Representatives on a Branch Divisional Committee shall be elected by a secret ballot of all the financial members of the Branch Division within the relevant Region.
- ~~(5) The alterations to rules 147 and 148 made by the Branch Council on 1st September 2001 shall not come into effect until the 2002 Australian Rail, Tram and Bus Industry Union general elections.~~

#### **149 - PROXIES**

In addition to the provisions of Rule 67, the following provisions shall apply in relation to proxies:-

- (i) A proxy for the Branch Divisional President of the Branch Tram & Bus Division shall be appointed by the Branch Divisional Committee from the two Branch Divisional Vice-Presidents.
- (ii) A proxy for a Regional Representative on a Branch Divisional Committee shall be appointed by the Branch Divisional Committee.

#### **PART XIV - VICTORIAN BRANCH: SPECIFIC PROVISIONS**

#### **150 - APPLICATION**

This Part applies specifically to the Victorian 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.

#### **151 - DEFINITIONS**

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

"Branch" means the Australian Rail, Tram and Bus Industry Union, Victorian Branch.

~~"Region" means a geographical area within the Branch or within a Branch Division or Divisions.~~

"Metropolitan Area" in relation to representatives on or Delegates to Branch Governing Bodies means the Melbourne Metropolitan Area.

~~"Region" means a geographical area within the Branch or within a Branch Division or Divisions.~~

#### **152 - NAME OF BRANCH**

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, Victorian Branch"

#### **153 - BRANCH OFFICE**

The Branch Office shall be located at Level 2, 365 Queen Street Melbourne or at such other place as is determined by the Branch Council from time to time.

#### **154 - BRANCH DIVISIONAL OFFICES**



154 - BRANCH DIVISIONAL OFFICES

The Branch Divisional Offices shall be located at Level 2, 365 Queen Street Melbourne. The Locomotive Division is located at L6, 1-5 Elizabeth Street Melbourne or at such other places as are determined by the Branch Council from time to time.

### 155 - BRANCH MEMBERSHIP

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

### 156 - BRANCH STRUCTURE AND ORGANISATION

(1) The Branch shall be principally organised on a Branch, a Branch Divisional, a Sub-Branch and a Sub-Divisional basis.

(2) The Branch Divisions shall be as follows:-

Administrative, Supervisory, Technical and Professional  
Infrastructure  
Locomotive  
Rail Operations  
Tram and Bus  
Fleet Manufacture, Overhaul, Maintenance and Service

with the scope of each Division being as defined in Rule 6.

(3) Each Branch Division shall be divided into Sub-Divisions with each Sub-Division being organised on the basis of depots, sheds or other workplace or geographical location or any other convenient sub-grouping of members within a Branch Division.

(i) Within the Branch Locomotive Division there shall be the following Sub-Divisions:-

Metropolitan (incorporating Epping, Ringwood, Dandenong, Frankston, Broadmeadows, Sydenham and Newport Outstations)

#### V/LINE PASSENGER

V/Line Passenger Southern Cross  
V/Line Passenger Traralgon/Sale  
V/Line Passenger Ballarat  
V/Line Passenger Seymour (incorporating Wodonga Passenger)  
V/Line Passenger Bendigo (incorporating Kyneton Passenger)  
V/Line Passenger Geelong

#### PACIFIC NATIONAL VICTORIAN GENERAL FREIGHT, BULK RAIL AND AURIZON AND GRAIN

Pacific National Central (incorporating Qube Logistics, Aurizon and SCT)  
Pacific National Maryborough (incorporating Bendigo, Mildura and Ouyen)  
Pacific National Dimboola  
Pacific National Geelong

PACIFIC NATIONAL (INTERMODAL)

Pacific National - Wimmera

Pacific National - Melbourne

The Sub-Divisions shall be grouped according to rule 159(4) for the purpose of establishing the Branch Divisional Committee.

- (ii) Within the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division there shall be the following Sub-Divisions:-

Metro

EDI - Workshops

Miscellaneous (comprising members of the Division employed by a business or part of a business which does not otherwise form a Sub-Division in this sub-rule.)

- (iii) Within the Branch Rail Operations Division there shall be the following Sub-Divisions:-

Metro

Pacific National

V/Line Passenger

V/Line Network and Access (Operations)

- (iv) Within the Branch Rail Operations Sub-Divisions there shall be the following sections as required:-

Station Assistants

Conductors

Shunters/Yard Persons

Authorised Officers

Signallers

Metrol

Centrol

Each section shall comprise up to 10 members as determined by the Branch Rail Operations Divisional Committee of Management from time to time.

- (v) Within the Branch Administrative, Supervisory, Technical and Professional Division there shall be the following Sub-Divisions:-

Metro Fleet Manufacture, Overhaul, Maintenance and Service

Metro Infrastructure

Metro Rail Operations

V/Line Passenger

V/Line Passenger Infrastructure

Miscellaneous (comprising members of the Division employed by a business or part of a business which does not otherwise form a Sub-Division in this sub-rule.)

- (vi) Within the Branch Infrastructure Division there shall be the following Sub-Divisions:-

EDI Downer Works  
Metro  
V/Line Passenger Infrastructure  
Miscellaneous (comprising members of the Division employed by a business or part of a business which does not otherwise form a Sub-Division in this sub-rule.)

- (vii) Within the Branch Tram and Bus Division there shall be the following Sub-Divisions:-

Brunswick  
Camberwell  
Essendon  
Glenhuntly  
Kew  
Malvern  
Preston  
Southbank  
Bendigo Trams  
Tram Hub  
Authorised Officers  
Preston Workshops  
Tram Infrastructure  
Tram Maintenance

- (viii) Any reference to a business or part of a business in this sub-rule is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of a business.

- (4) The Branch Council may establish Sub-Branches within particular geographical regions with each Sub-Branch comprising some or all members of the Branch within a particular region.
- (5) Regional Sub-Branches shall be established combining members within the Branch Administrative, Supervisory, Technical and Professional Division, the Branch Infrastructure Division, the Branch Rail Operations Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division employed within the following areas:-

Western/South Western Region

Ararat/Stawell  
Mildura/Ouyen  
Ballarat  
Hamilton/Portland  
Dimboola/Murtoa/Horsham  
Geelong/Gheringhap  
Warrnambool/Camperdown  
Colac

157 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL

Northern Region

Bendigo/Castlemaine/Woodend  
Echuca/Korongvaley/Swan Hill  
Shepparton/Seymour/Numurkah  
Benalla/Wangaratta  
Wodonga

Southern Region

Bairnsdale  
Traralgon/Morwell  
Warragul/Korumburra.

**157 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL**

- (1) The Branch Council shall comprise the Branch President, the Branch Senior Vice-President, the Branch Junior Vice-President, the Branch Secretary, the Assistant Branch Secretary, the Secretaries of each Branch Division, the Branch Divisional Assistant Secretary Tram and Bus Division, the Branch Organisers (if any), and the Branch Divisional Organisers (if any) together with the Delegates from Branch Divisions and Regional Sub-Branches determined in accordance with Sub-Rules 157(2) and 157(3).
- (2) The Branch Divisions shall be entitled to Delegates to the Branch Council determined in accordance with the following schedule:-

<u>Number of Members within Branch Division</u>	<u>Number of Delegates</u>
For the first 375 or part thereof	1 Delegate
For 376 to 625	2 Delegates
For 626 to 875	3 Delegates
For 876 to 1,125	4 Delegates
For 1,126 to 1,375	5 Delegates
For 1,376 to 1,625	6 Delegates

The number of Delegates shall be determined on the basis of the number of financial members within the Branch Division at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.

The Delegate entitlement of the Branch Tram and Bus Division and the Branch Locomotive Division shall be filled by the elected Office Bearers of the Branch Divisional Committees in accordance with the following order of seniority:-

158 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE

Branch Divisional President  
Branch Divisional Vice-President  
Sub-Divisional Representatives on the Branch Divisional Committee ranked in accordance with the number of financial members within the Sub-Division.

provided that, should one of the Office Bearers otherwise entitled to be a Delegate to the Branch Council in accordance with the foregoing, already be a member of the Branch Council by reason of the fact that he/she holds another Office having membership of the Branch Council, then his/her entitlement to be a Delegate shall pass to the next highest ranking Office Bearer.

The delegate entitlement of the members within the Metropolitan Areas of the Branch Administrative, Supervisory, Technical and Professional Division, the Branch Infrastructure Division, the Branch Rail Operations Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division shall be directly elected according to the provisions of rule 71.

- (3) The delegate entitlement of the Regional Sub-Branches shall be the Sub-Branch President and Sub-Branch Secretary.
- (4) The Branch Council shall meet in Ordinary Session at least once 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 and the Branch Secretary jointly, shall from time to time determine.

**158 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall comprise the Branch President, the Senior Branch Vice-President, the Junior Branch Vice-President, the Branch Secretary, the Assistant Branch Secretary, the Branch Organisers (if any), the Branch Divisional Organisers (if any), the Secretaries of each Branch Division, and the Branch Divisional Assistant Secretary Tram and Bus Division together with Delegates to the Branch Executive from the Branch Divisions.
- (2) The number of Delegates to the Branch Executive to which a Branch Division is entitled shall be determined in accordance with the following schedule:-

<u>Number of Members within the Branch Division</u>	<u>Number of Delegates</u>
For the first 1,400 or part thereof	1 Delegate
For 1,401 to 2,400	2 Delegates
For 2,401 to 3,400	3 Delegates

The number of Delegates shall be determined on the basis of the number of financial members within the relevant Branch Division and/or areas as specified in Sub-Rule 158(3) at the end of the quarter immediately preceding the date for the opening of nominations for the election of Delegates.

- (3) The Branch shall be divided as follows for the purposes of determining Branch Divisional Delegates to the Branch Executive:-

The Branch Tram and Bus Division  
The Branch Locomotive Division  
The Branch Administrative, Supervisory, Technical and Professional Division  
The Branch Infrastructure Division  
The Branch Rail Operations Division  
The Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.

- (3)(a) Delegates to which the Branch Tram and Bus Division, and the Branch Administrative, Supervisory, Technical and Professional Division, the Branch Infrastructure Division, the Branch Rail Operations Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division are entitled, shall be filled by the elected Office Bearers of the respective Branch Divisional Committees in accordance with the following order of seniority:-

Branch Divisional President  
Branch Divisional Vice-President  
Sub-Divisional Representatives on the Branch Divisional Committee ranked in accordance with the number of financial members within the Branch Sub-Division

provided that, should one of the Office Bearers otherwise entitled to be a Delegate to the Branch Executive in accordance with the foregoing, already be a member of the Branch Executive by reason of the fact that he/she holds another office having membership of the Branch Executive, then his/her entitlement to be a Delegate shall pass to the next highest ranking Office Bearer.

- (3)(b) Delegates to which the Branch Locomotive Division are entitled shall be filled by the elected Office Bearers of the Branch Divisional Committee in accordance with the following order of seniority:-

Branch Divisional President  
Branch Divisional Vice-President  
Branch Divisional Assistant Secretary  
Sub- Divisional Representatives on the Branch Divisional Committee ranked in accordance with the number of financial members within the Branch Sub-Division

Provided that should one of the Office Bearers otherwise entitled to be a Delegate to the Branch Executive in accordance with the foregoing, already be a member of the Branch Executive by reason of the fact that he/she holds another office having membership of the Branch Executive, then his/her entitlement to be a Delegate shall pass to the next highest ranking Office Bearer.

- (4) The Branch Executive shall meet in Ordinary Session once a month at such time and place as the Branch Executive or, in the absence of a decision by the Branch Executive, the Branch President and the Branch Secretary jointly, may determine.

**159 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES**

- (1) Each Branch Division shall have a Divisional Committee.
- (2) A Branch Divisional Committee shall comprise the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary and the Branch Divisional Organiser (if any) together with representatives of the Sub-Divisions within the Branch Divisions. Except in the case of the Branch Tram and Bus Division and the Branch Locomotive Division, the representation to which a Sub-Division is entitled shall be as determined by the Branch Divisional Committee pursuant to Rule 59. No Branch Divisional Committee shall exceed twenty-one (21) members.
- (3) The Branch Divisional Committee for the Tram and Bus Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary, the Branch Divisional Assistant Secretary, and the Branch Divisional Organiser (if any) comprise one representative from each of the following Sub-Divisions:-

Brunswick Sub-Division  
Camberwell Sub-Division  
Essendon Sub-Division  
Glenhuntly Sub-Division  
Kew Sub-Division  
Malvern Sub-Division  
Preston Sub-Division  
Southbank Sub-Division  
Bendigo Trams  
Tram Hub  
Preston Workshops Sub-Division  
Tram Infrastructure  
Tram Maintenance  
Authorised Officers

- (4) The Branch Divisional Committee for the Locomotive Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice-President, the Branch Divisional Secretary, the Branch Divisional Assistant Secretary and the Branch Divisional Organiser (if any) comprise Sub-Divisional Representatives determined in accordance with this Sub-Clause 159(4).

Each Region within the Branch Division as specified hereunder shall be entitled to a Representative or Representatives on the Branch Divisional Committee. The number of Representatives shall be determined in accordance with the following schedule:-

Metropolitan	(4 representatives)
Pacific National Victorian General Freight, Bulk Rail and Grain (incorporating Qube Logistics, Aurizon and SCT)	(1 representative)
V/Line Passenger	(2 representative)
Pacific National Intermodal	(1 representative)



159 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH DIVISIONAL COMMITTEES

- (5) The Branch Divisional Committee for the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice-President and the Branch Divisional Secretary include the following Sub Divisional representatives:-

EDI - Workshops	(2 Representatives)
Metro	(3 Representatives)
Miscellaneous Sub-Division	(1 Representative)

- (6) The Branch Divisional Committee for the Branch Rail Operations Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice President and the Branch Divisional Secretary include the following Sub Divisional representatives:

Pacific National	(1 Representative)
V/Line Passenger	(2 Representatives)
V/Line Network and Access (Operations)	(1 Representative)
Metro	(5 Representatives)

- (7) The Branch Divisional Committee for the Branch Infrastructure Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice President and the Branch Divisional Secretary include the following Sub Divisional representatives:

EDI Downer Works	(1 Representative)
Metro	(6 Representatives)
V/Line Passenger Infrastructure	(2 Representatives)
Miscellaneous	(1 Representative)

- (8) The Branch Divisional Committee for the Branch Administrative, Supervisory, Technical and Professional Division shall, in addition to the Branch Divisional President, the Branch Divisional Vice-President and the Branch Divisional Secretary include the following Sub Divisional representatives:-

V/Line Passenger Sub-Division	(1 Representatives)
Metro Fleet Manufacture, Overhaul, Maintenance & Service Sub-Division	(1 Representative)
Metro Infrastructure Sub-Division	(1 Representative)
Metro Rail Operations Sub-Division	(4 Representatives)
V/Line Passenger Infrastructure Sub-Division	(1 Representative)
Miscellaneous Sub-Division	(1 Representative)

- (9) Subject to any restrictions imposed by the Branch Council or the Branch Executive, a Branch Divisional Committee may meet in Ordinary Session with such frequency and at such times and places as the Committee or, in the absence of a decision by the Committee, as the Branch Divisional President and the Branch Divisional Secretary jointly, may determine.
- (10) Any reference to a business or part of a business in this rule is taken to include a reference to any successor, transmittee or assignee of the relevant business or part of a business.

### 160 - REGIONAL COMMITTEES

Regional Sub Branch Committees shall be established in relation to the Regions specified in Sub-Rule 156(5). Such Committees shall have management of the affairs of the Branch Administrative, Supervisory, Technical and Professional Division, the Branch Infrastructure Division, the Branch Rail Operations Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Divisions within a Region and shall each comprise a Sub Branch President, Senior Sub-Branch Vice-President, Junior Sub-Branch Vice-President, a Sub-Branch Secretary and four Sub Branch Representatives. Regional Sub Branch Committee shall meet in Ordinary Session at least once a year at such times and places as the Committee may determine.

### 161 - BRANCH OFFICES

(1) The Branch Offices are:-

Branch President  
Senior Branch Vice-President  
Junior Branch Vice-President  
Branch Secretary  
Assistant Branch Secretary  
Branch Organisers (if any)  
Branch Divisional Organisers (if any)  
Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) ~~as from the 2010 Branch elections~~  
Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions)  
Branch Divisional Presidents  
Branch Divisional Vice-Presidents  
Branch Divisional Secretaries  
Branch Divisional Assistant Secretary - Tram and Bus  
Branch Divisional Assistant Secretary - Locomotive  
Branch Divisional Delegates to the Branch Council  
Sub-Branch Delegates to the Branch Council  
Branch Divisional Delegates to the Branch Executive  
Sub-Divisional Representatives on a Branch Divisional Committee  
Sub-Branch Presidents  
Senior Sub-Branch Vice-Presidents  
Junior Sub-Branch Vice-Presidents  
Sub-Branch Secretaries

(2) The office of Branch Secretary, Branch Divisional Secretary, (except for Branch Divisional Secretary, Branch Infrastructure Division; Branch Divisional Secretary, Branch Administrative, Supervisory, Technical and Professional Division; Branch Divisional Secretary, Branch Fleet Manufacture Division) Branch Divisional Assistant Secretary Tram & Bus, Branch Divisional Assistant Secretary – Locomotive, Branch Organiser (if any) and Branch Divisional Organiser (if any) shall be paid positions.

## 162 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS

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(2A) The office of Assistant Branch Secretary shall be a paid position until one of the following occurs:

- (i) the expiry of the current term of office of the person who holds the office on 1 February, 2000 (“the incumbent”); or
- (ii) the incumbent dies, resigns or is deemed to have resigned by operation of these Rules;

and thereupon the Office shall be an honorary office.

(3) Prior to a quadrennial election being held pursuant to these rules Branch Council shall determine the number of Branch Organisers (if any) and the number of Branch Divisional Organisers (if any) for which nominations are to be called.

(4) Subject to Sub-Rule(3) above the Branch Offices, other than those specified in Sub-Rule 161(2) shall be honorary positions.

The Office of the Branch Divisional Assistant Secretary - Locomotive may be a full time or part-time paid position.

(5) For the purposes of Sub-Rule 161(1), Sub-Branch President, Sub-Branch Vice-President, and Sub-Branch Secretary means such Sub-Branch Offices within Sub-Branches referred to in Sub-Rule 156(5).

## **162 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS**

(1) The Senior Branch Vice-President and the Junior Branch Vice-President shall be elected by a secret ballot of all the financial members of the Branch.

(2) The Branch Divisional Presidents, the Branch Divisional Vice-Presidents and the Branch Divisional Secretaries, Branch Divisional Assistant Secretary Tram and Bus and the Branch Divisional Assistant Secretary - Locomotive shall be elected by a secret ballot of all the financial members of the respective Branch Division(s).

(3) In addition to meeting the requirements of Sub-Rules 47(5) or 47(6), a candidate for the Offices of Branch Divisional President or Branch Divisional Vice-President Branch Divisional Secretary or Branch Divisional Assistant Secretary Tram and Bus and Branch Divisional Assistant Secretary - Locomotive must, on the date on which nominations open, be a member of the Branch Division in which they seek election. Further, a candidate for an Office of Branch Divisional Secretary and Branch Divisional Assistant Secretary Tram and Bus and Branch Divisional Assistant Secretary - Locomotive must, unless he/she is a candidate seeking re-election, have been employed for a period of not less than twelve months immediately prior to the date on which nominations open, in a work function represented by the Branch Division in which they seek election.

(4) Regional Representatives to the Branch Divisional Committee of the Branch Locomotive Division shall be elected by a secret ballot of all the financial members within the region that the Officer is to represent.

162 - SPECIAL PROVISIONS RELATING TO BRANCH OFFICES AND OFFICE BEARERS

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- (5) Sub-Branch Presidents, Sub-Branch Vice-Presidents, Sub-Branch Secretaries and the four Sub-Branch Representatives within the Sub-Branches specified in Sub-Rule 156(5) shall be elected by a secret ballot of all the financial members within the Sub-Branch.
- (6) The Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) shall be elected by all members who are entitled to vote in Branch elections and who are also members of either the Branch Infrastructure Division or the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.
- (6A) ~~At and from the 2010 Branch elections, t~~The Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) shall be elected by all members who are entitled to vote in Branch elections and who are also members of either the Branch Administrative, Supervisory, Technical and Professional Division or the Branch Rail Operations Division.
- (7) The Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) shall service the industrial interests of Branch members in the Branch Infrastructure Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.

The Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) shall be under the direction of both the Branch Divisional Secretary - Infrastructure Division and the Branch Divisional Secretary - Fleet Manufacture, Overhaul, Maintenance and Service Division, and, in addition to any duties specified elsewhere in these Rules, shall discharge all duties assigned to him/her by both those Branch Divisional Secretaries or the respective Branch Divisional Committees. In the event of a disagreement about what duties the Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) should perform, the Branch Secretary shall resolve the disagreement as he or she sees fit.

- (7A) ~~As from the declaration of the results of the 2010 Branch elections, t~~The Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) shall service the industrial interests of Branch members in the Branch Administrative, Supervisory, Technical and Professional Division and the Branch Rail Operations Division. The Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) shall be under the direction of both the Branch Divisional Secretary - Administrative, Supervisory, Technical and Professional Division and the Branch Divisional Secretary - Rail Operations Division, and in addition to any duties specified elsewhere in these Rules, shall discharge all duties assigned to him/her by both those Branch Divisional Secretaries or the respective Branch Divisional Committees. In the event of a disagreement about what duties the Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) should perform, the Branch Secretary shall resolve the disagreement as he or she sees fit.

## 167 - CO-OPERATION BETWEEN BRANCH SUB-DIVISIONS

- (8) ~~At and from the 2010 Branch elections, i~~n addition to meeting the requirements of Sub-Rules 47(5) or 47(6), a candidate for the office of Branch Divisional Organiser (Infrastructure/Fleet Manufacture Divisions) must, on the date on which nominations open, be a member of either the Branch Infrastructure Division or the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division, and must, unless he/she is a candidate seeking re-election, have been employed for a period of not less than twelve months immediately prior to the date on which nominations open, in a work function represented by either of those Branch Divisions.
- (8A) ~~At and from the 2010 Branch elections, i~~n addition to meeting the requirements of Sub-Rules 47(5) or 47(6), a candidate for the office of Branch Divisional Organiser (Administrative, Supervisory, Technical and Professional Division/Rail Operations Division) must, on the date on which nominations open, be a member of either the Branch Administrative, Supervisory, Technical and Professional Division or the Rail Operations Division, and must, unless he/she is a candidate seeking re-election, have been employed for a period of not less than twelve months immediately prior to the date on which nominations open, in a work function represented by either of those Branch Divisions.

~~163 - DELETED~~

~~164 - DELETED~~

## 165 - DUAL BRANCH OFFICES

Except as provided in Sub-Rule 35(2), more than one of the Branch Offices specified in Rule 161 may be held simultaneously.

## 166 - SUB-BRANCH COMMITTEES

A Sub-Branch Committee within the Victorian Branch may have up to ten (10) committee members.

## 167 - CO-OPERATION BETWEEN BRANCH SUB-DIVISIONS

By agreement between the relevant Branch Divisional Committees, two or more Branch Sub-Divisions within a particular depot, shed, workplace or geographical area may operate in unison in relation to that particular area.

**168 - SHOP COMMITTEES AND DELEGATES**

- (1) Sub Rules 168(1), 168(2), and 168(3) apply in relation to the Branch Administrative, Supervisory, Technical and Professional Division, the Branch Infrastructure Division, the Branch Rail Operations Division and the Branch Fleet Manufacture, Overhaul, Maintenance and Service Division.
- (2) A Shop Committee of not less than three members may be appointed in the month of December in each year by the members in any workshops, depot, station, shed, shunting yard, special gang etc. where not less than fifteen members are located. The role of such Shop Committee shall be to interview local departmental officers for the purpose of securing an adjustment of members' grievances, to police all awards and determinations to see that the provisions of same are not evaded, to see that departmental regulations, decisions and instructions relating to the welfare of members are observed and to exhaust every local channel for securing redress before referring grievances to a higher body of the Union. Only matters of a local nature shall be presented to local departmental officers, all other matters shall be referred to a higher body of the Union.
- (3) In workplaces where the majority of members so decide, those members may appoint a Job Delegate and a Deputy Job Delegate in the months of February/March each year. In the event of a position of Job Delegate and or Deputy Job Delegate falling vacant the members in the workplace may, by majority decision, appoint a replacement. Members at such workplaces shall, prior to the appointment of such Delegates, make application to the appropriate Branch Divisional Committee, Sub-Branch Committee or Shop Committee.

Upon the application being approved and the Job Delegate and Deputy Job Delegate being appointed, the appointment shall be ratified by the Branch Executive on the recommendation of the Divisional Committee, the Sub-Branch Committee or the Shop Committee, as the case may be.

The duties of the Job Delegates shall be to interview local departmental officers for the purposes of securing an adjustment of members' grievances, to police all awards and determinations and see that the provisions of same are not evaded and to see that departmental regulations, decisions and instructions relating to the welfare of members are observed. Delegates shall notify the appropriate Divisional Committee or Sub-Branch Committee or Shop Committee of any matter concerning members at their work location.

- (4) This sub rule applies in relation to the Branch Locomotive Division.
  - (i) Where the number of members in any depot does not exceed twenty five (25), and the majority of members so decide, those members may appoint a Job Delegate and a Deputy Job Delegate in each election term. In the event of a position of Job Delegate and/or Deputy Job Delegate falling vacant, the members in the workplace may, by majority decision, appoint a replacement. Only matters of a local nature shall be dealt with by a Job Delegate or Deputy Job Delegate. All other matters shall be referred to a higher body of the Union.
  - (ii) An appointment under sub rule 168(4)(i) shall not take effect unless and until it is approved by the Branch Locomotive Divisional Committee.

**169 - PROXIES**

In addition to the provisions of Rule 67, the following provisions shall apply:-

- (i) A proxy for a Regional Sub-Branch President or a Sub-Branch Secretary to the Branch Council shall be appointed by the relevant Sub-Branch Committee.
- (ii) A proxy for a Regional Representative on a Branch Divisional Committee shall be appointed by the Branch Divisional Committee.
- (iii) A proxy for a Representative on a Sub-Branch Committee shall be appointed by the Sub-Branch Committee.
- (iv) A proxy for a Sub-Branch President, a Senior Sub-Branch Vice-President, a Junior Sub-Branch Vice-President a Sub-Branch Secretary or a Sub-Branch Committee member shall be appointed by the Sub-Branch Committee.

**170 - BRANCH DELEGATES TO EXTERNAL BODIES**

- (1) Branch Delegates to the Australian Council of Trade Unions Congress, the Victorian Trades Hall Council and conferences of the Australian Labor Party shall, subject to Sub-Rule 170(2) be elected by and from the Branch Council.
- (2) The Branch President, the Branch Secretary and the Assistant Branch Secretary shall be delegates to the Australian Council of Trade Unions Congress and the Victorian Trades Hall Council and, provided that they meet the eligibility requirements for attendance at Australian Labor Party Conferences, they shall be delegates to such Conferences.

**171 - PRESS RELEASES AND MEDIA COMMENT**

Subject to Rule 82, the Branch Secretary, the Assistant Branch Secretary and the Branch President shall be the Branch Office Bearers to issue all press releases and make all media comment in relation to matters affecting the Branch and no other Office Bearer or member shall issue such releases or make such comment on behalf of the Branch without the express authorisation of the Branch Secretary.

**~~171A – SPECIAL RULE – TRAM AND BUS DIVISION~~**

- ~~(1) The provisions of this Rule shall apply notwithstanding anything else contained in these Rules.~~
- ~~(2) On the date of the certification of this Rule, the office of Operation Centre Sub-Division Representative on the Tram and Bus Division Divisional Committee is abolished.~~
- ~~(3) Immediately following the date of the certification of this Rule, the Branch Secretary shall lodge with the Fair Work Commission the prescribed information for an election to be conducted by Australian Electoral Commission for the office of Tram Hub Sub-Division Representative on the Tram and Bus Division Divisional Committee. Such an election shall be conducted in accordance with Rule 75 with the necessary changes being made.~~
- ~~(4) A person elected to the office of Tram Hub Sub-Division Representative in accordance with sub-rule (3) shall hold office until the quadrennial elections due in 2018.~~

**PART XV - WEST AUSTRALIAN BRANCH**

**172 - APPLICATION**

This part applies specifically to the West Australian 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, West Australian Branch.

"West Australian PTA Branch" means the Branch comprised of the members of the union in the employ of the Public Transport Authority of Western Australia or who are employed in or in connection with the activities of the Public Transport Authority, including employed in or in connection with Security, Urban Rail, Customer Relations, Administrative Technical and Supervisory, TransWA, Delron & Goldfields Buses, and Miscellaneous Infrastructure.

"Intrastate Section" means the Section comprised of the members of the Branch in the employ of the Australian Railroad Group.

"Interstate Section" means the Section comprised of the members of the Branch in the employ of Pacific National and S.C.T. Logistics.

"Infrastructure Section" means the Section comprised of the members of the Branch in the employ of John Holland, and Westnet Rail.

"Administrative, Technical and Supervisory Section" shall consist of Administrative, Technical and Supervisory employees employed by all employers in the industries covered by the Branch.

Commented [EL19]: Parts XV and XVI have not been amended pending application to merge two branches currently before the FWC.



## 179 - SUB-BRANCHES

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A reference to any firm or organisation in these definitions shall be taken to include any successor in business or transferee of those firms or organisations.

### 174 - NAME OF BRANCH

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, West Australian Branch"

### 175 - BRANCH OFFICE

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

### 176 - BRANCH MEMBERSHIP

The Branch shall comprise all members of the Union whose usual place of work is located within the boundaries of the West Australian Branch as determined from time to time by the National Council pursuant to Rule 6 but shall not include the members of the West Australian PTA Branch.

### 177 - BRANCH STRUCTURE AND ORGANISATION

The Branch shall be organised on the basis of three Sections, namely, the Intrastate Section, the Interstate Section and the Infrastructure Section, and within those Sections, Sub-Branches. Should the Branch Council decide, an additional Section known as the "Administrative, Technical and Supervisory Section" shall be constituted and consist of Administrative, Technical and Supervisory employees employed by all employers in the industries covered by the Branch.

### 178 - THE SECTIONS

- (1) The Intrastate Section, the Interstate Section and the Infrastructure Section, shall be Sections comprised of the members of the union employed in or in connection with the activities of the employers in each division.
- (2) Each Section shall have primary responsibility for the industrial affairs of the members in the Section.
- (3) Each Section shall be governed by its Sectional Executive.

### 179 - SUB-BRANCHES

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

- (1) The Intrastate Section shall consist of the Australian Railroad Group and shall be organised into metropolitan and regional sub-branches as determined by the Branch council.

#### 181 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL

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- (2) The Interstate Section shall consist of the Pacific National and S.C.T. Logistics sub-branches and, where decided, shall be organised into metropolitan and regional sub-branches as determined by the Branch council.
- (3) The Infrastructure Section shall consist of the John Holland, and Westnet Rail sub-branches.
- (4) The Administrative, Technical and Supervisory Section (if created) shall consist of such sub-branches (if any) as the Branch Executive may decide.

#### 179A

Each location in a Sub-Branch may appoint Workplace Delegates, the appointment of Workplace Delegates will be by the majority of members at that location and the term of appointment will be for two years or until the majority of members decide to reappoint their Workplace Delegate.

The role of the Delegate is to consult with local management on issues of a local nature, ensure industrial agreements are adhered to, ensure compliance of OSH legislation, assist in establishing log of claims for any new Industrial Agreement, assist in negotiations of a new Industrial 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 - SECTIONAL EXECUTIVES

- (1) There shall be a Sectional Executive which shall advise and assist the Branch Executive and Branch Council regarding the conduct and control of industrial affairs of the members in the Section.
- (2) The Sectional Executive shall consist of representatives of the Sectional sub-branches, and the Branch Secretary, the Branch President and the Branch Vice-President (ex officio).

#### 181 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH COUNCIL

- (1) The Branch Council shall comprise the Branch President, Branch Vice-President, Branch Secretary, and representatives of each section as determined in sub-rule (2), and one (1) affirmative action councillor, elected by the whole branch membership from the women members of the Branch.
- (2) Each section shall be entitled to at least one representative on the Branch Council and an additional representative as follows:- 300-600 members - 1 additional representative; 600-900 members - 1 additional representative; over 900 members - 1 additional representative (or their proxies). The representatives shall be referred to as Branch Councillors.

### 183 - COMPOSITION AND ORDINARY MEETINGS OF THE SECTIONS

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- (3) Each of the members of Branch Council shall be entitled to exercise a vote at Branch Council based on the financial membership of the Branch in accordance with the following formula:
  - (a) Each Branch Councillor shall be entitled to exercise a vote equal to 70% of the financial members of the section in the case of a single Councillor from the section, or where there is more than one councillor the total number of votes to which the section is entitled divided by the number of councillors.
  - (b) Each of the Branch President, Branch Vice President, and Branch Secretary shall be entitled to exercise a vote equal to one third of 30% of the financial members of the Branch.
- (4) A resolution of Branch Council shall be carried where a numerical majority of Branch councillors as represented in (a) and (b) above, present and voting, vote in favour. For the purposes of the formula in sub-rule 3(a) and (b) the number of financial members of the Branch shall be determined at the end of the quarter immediately preceding the date for the opening of nominations for each biennial election.
- (5) The Branch Council shall meet in ordinary session at least annually at such time and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President, Branch Vice President and the Branch Secretary jointly, shall determine.

### 182 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE

- (1) The Branch Executive shall comprise the Branch President, Branch Vice-President, and Branch Secretary.
- (2) The Branch Executive will meet on a needs basis between Branch Council meetings as determined by the Branch Council or as the Branch President and Branch Secretary jointly, may determine.

### 183 - COMPOSITION AND ORDINARY MEETINGS OF THE SECTIONS

- (1) Each Section shall have a Committee composed of at least one representative from each sub branch within the Section. Any additional representatives shall be determined by the Branch Executive in consultation with the Section.
- (2) A Sectional Committee shall meet at least twice a year. The Branch President and/or Secretary jointly may determine, in the absence of a decision by the Sectional Committee, to call meetings between the ordinary half yearly meetings provided that members of the sectional committee are consulted.

**184 - COMPOSITION AND ORDINARY MEETINGS OF THE SUB-BRANCH COMMITTEES**

- (1) Each Sub-Branch shall have a Sub-Branch Committee as provided for in Rule 57(2).
- (2) A Sub-Branch Committee shall meet at least once each quarter and at least four weeks prior to any ordinary Branch Council meeting. The Sub-Branch President and the Sub-Branch Secretary jointly may determine, in the absence of a decision by the Sub-Branch Committee, to call meetings between the ordinary quarterly meetings.

**185 - OTHER SECTIONAL COMMITTEE MEETINGS**

Joint Sectional Committee meetings to discuss issues of mutual interest shall be held twice a year at a time and place determined by the Branch Executive.

**186 - BRANCH OFFICES**

- (1) The Branch Offices are:-
  - Branch President
  - Branch Vice-President
  - Branch Secretary
  - Branch Councillors
- (2) The Offices of Branch Secretary shall be a paid position.
- (3) Other Branch Offices shall be honorary positions.

**186A - DELEGATES TO NATIONAL COUNCIL FROM DIVISIONS**

The Branch shall elect delegates to National Council to the National Infrastructure Division, National Rail Operations Division and the National Locomotive Division in accordance with the formula set out in rule 28(3)

**PART XVI - WEST AUSTRALIAN PTA BRANCH**

**187 - APPLICATION**

This part applies specifically to the West Australian PTA 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.

**188 - DEFINITIONS**

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

"Branch" means the Australian Rail, Tram and Bus Industry Union, West Australian PTA Branch.

"Branch Executive" shall mean the PTA Branch Executive.

"PTA Branch" means the Branch comprised of the members of the union in the employ of the Public Transport Authority of Western Australia or who are employed in or in connection with the activities of the Public Transport Authority, including employed in or in connection with Security, Urban Rail, Customer Relations, Administrative Technical and Supervisory, TransWA, Delron & Goldfields Buses, and Miscellaneous Infrastructure.

A reference to the Public Transport Authority of Western Australia in these rules shall be taken to include any successor in business or transferee of that organisation.

**189 - NAME OF BRANCH**

The name of the Branch shall be:-

"Australian Rail, Tram and Bus Industry Union, West Australian PTA Branch"

**190 - BRANCH OFFICE**

The Branch office shall be located at Unit 2/10 Nash Street, Perth or at such other place as is determined by the PTA Branch Executive from time to time.

**191 - BRANCH MEMBERSHIP**

The Branch shall comprise all members of the Union in the employ of the Public Transport Authority of Western Australia or who are employed in or in connection with the activities of the Public Transport Authority, including employed in or in connection with Security, Urban Rail, Customer Relations, Administrative Technical and Supervisory, TransWA, Delron & Goldfields Buses, and Miscellaneous Infrastructure.

Commented [EL20]: Parts XV and XVI have not been amended pending application to merge two branches currently before the FWC.

#### **192 - THE PTA BRANCH**

- (1) The PTA Branch shall have responsibility for the industrial affairs of the members in the Branch.
- (2) The PTA Branch shall be governed by the PTA Branch Executive.
- (3) To avoid any doubt, the PTA Branch shall be autonomous subject to the rules and the supervision of the National Executive and National Council.

#### **193 - SUB-BRANCHES**

- (1) The PTA Branch shall be organised into Sub-Branches as follows:- the Security, Urban Rail, Customer Relations, TransWA, Delron & Goldfields Buses, and such other sub-branches as the Branch Executive may determine.
- (2) The Sub-Branches shall advise and assist the Executive.
- (3) Each Sub-Branch shall have a Sub-Branch Committee in accordance with sub-rule 57(2).

#### **194 - BRANCH EXECUTIVE**

- (1) There shall be a Branch Executive which shall have responsibility for the conduct and control of the affairs of the members in the PTA Branch. The Branch Executive shall have the care, control, management and superintendence of the activities of the PTA Branch. All decisions within the powers of the Branch Executive shall have full force and effect.
- (2) The PTA Branch Executive shall consist of the Branch Secretary, the Branch President and the Branch Vice-President (to be elected by and from the members employed by the PTA) and one representative from each sub-branch within the Branch.

#### **195 - MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch 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 a needs basis. As far as practicable, seven days' notice of any meeting shall be given provided that the Executive may agree to waive any notice requirement.
- (2) Between meetings of the Executive, a meeting of the Executive may be had by a postal or electronic ballot or by a meeting convened by teleconference, videoconference or similar means ("Urgent Executive Meeting"). A decision to hold an Urgent Executive Meeting is to be made by the President and the Secretary jointly. Where a decision has been made to hold an Urgent 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.

#### **196 - deleted**

**197 - MEETINGS OF THE SUB-BRANCH COMMITTEES**

- (1) A Sub-Branch Committee shall meet at least once each quarter. The Sub-Branch President and the Sub-Branch Secretary jointly may determine, in the absence of a decision by the Sub-Branch Committee, to call meetings between the ordinary quarterly meetings.
- (2) The Branch President and the Branch Secretary jointly may determine, in the absence of a decision by the Sub-Branch Committee, to call meetings of the Sub-Branch Committee between the ordinary quarterly meetings.

**198 - BRANCH OFFICES**

- (1) The Branch Offices are:-  
Branch President  
Branch Vice-President  
Branch Secretary  
Sub-Branch representatives
- (2) The Offices of Branch Secretary shall be a paid position.
- (3) Other Branch Offices shall be honorary positions.

**198A - DELEGATES TO NATIONAL COUNCIL FROM DIVISIONS**

The Branch shall elect delegates to National Council to the National Rail Operations Division and the National Locomotive Division in accordance with the formula set out in rule 28(3)

**199 - TRANSITIONAL RULES**

- (1) Notwithstanding anything else in these rules, when the rules establishing a Western Australian PTA Branch [Part XVI - West Australian PTA Branch] are adopted by the National Council, the following transitional provisions set out in this rule will apply.
- (2) NOT CERTIFIED
- (3) Persons elected to the Branch Executive of the West Australian PTA Branch shall be elected for a term commencing upon the date of declaration of the election until their successors are declared elected at the next scheduled election for offices for all positions within the RTBU nationally in accordance with Rule 47 [i.e. November 2014] provided that the PTA Branch Secretary shall, in and from the election to be conducted in September 2014, be elected for a term of office of 4 years.
- (4) West Australian PTA Branch shall commence operations as a separate and autonomous branch of the union on and from the declaration of the election of the PTA Branch Executive.

\*\*\* END OF RULES \*\*\*