



RTBU

Fair Work Commission
Level 10, Terrace Tower, 80 William Street,
East Sydney, NSW, 2011

sent via email - ros@fwc.gov.au

27 January 2021

RTBU - Notice of rule change

Dear Registrar

The Australian Rail, Tram and Bus Industry Union (RTBU) has recently completed its internal processes for a rule change and provides this Notice within the required 35 day period.

The effect of the rule change is to amalgamate the West Australian Branch and the West Australian PTA Branch to form the Western Australia Branch.

Please find enclosed a Declaration with particulars and associated attachment being the new rule.

Should you wish to discuss please contact me directly on 0447 710 911

Regards

Mark Diamond
National Secretary

Rail, Tram & Bus Union Australia **The Power of Union**

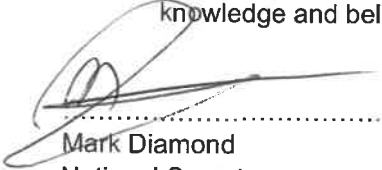
Office: Level 2, Trades Hall, 4-10 Goulburn Street, Sydney NSW 2000

Phone: 02 8203 6099 **Fax:** 02 9319 2096

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 1**.
5. I declare that the alterations particularised in Annexure 1 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:
 - a. On 2 November 2020 I forwarded a Notice of Meeting together with an agenda to each member of the National Executive entitled to attend an Ordinary Meeting of National Executive to be held on 11 November 2020.
 - b. On 11 November 2020 a quorate Ordinary Meeting of the National Executive occurred by video conference. The National Executive resolved to call a Special Meeting of the National Council to, amongst other things, consider the rule alterations particularised in Annexure 1.
 - c. On 23 November 2020 I forwarded a Notice of Meeting together with an agenda to each member of the National Council entitled to attend a Special Meeting of National Council to be held on 23 December 2020.
 - d. On 23 December 2020 a quorate Special Meeting of the National Council occurred by video conference. Amongst other things, the Special Meeting of the National Council resolved in accordance with Rule 87 of the Rules of the ARTBIU to adopt the alterations particularised in Annexure 1 for the purpose of amalgamating the West Australian Branch and the West Australian PTA Branch of the ARTBIU.
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
27 January 2021

Lodged by: Australian Rail, Tram and Bus Industry Union

Telephone: (02) 8203 6099

Level 2, Trades Hall, 4-10 Goulburn Street, Sydney, NSW 2000

Website: rtbu.org.au

Email: mdiamond@rtbu.org.au

ANNEXURE 1

WA MERGER

VERSION 4 – 10 AUGUST 2020

1. Delete current Parts XV and XVI.
2. Insert XV as follows:

PART XV – WESTERN AUSTRALIA BRANCH

172 – APPLICATION

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

173 – DEFINITIONS

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

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

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

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

174 – NAME OF BRANCH

The name of the Branch shall be:

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

175 – BRANCH OFFICE

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

176 – BRANCH MEMBERSHIP

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

177 – BRANCH STRUCTURE AND ORGANISATION

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

178 – SUB BRANCHES

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

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

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

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

- (4) The Branch Council or the Branch Executive shall have the power to dissolve any Sub-Branch where:
 - a. There are insufficient Sub-Branch Committee Members to achieve a quorum; or

 - b. The Sub-Branch has resolved that it should be dissolved.

179 – WORKPLACE DELEGATES

- (1) Each location in a Sub-Branch may appoint Workplace Delegates. The appointment of Workplace Delegates shall be by the majority of members at that location and the term of appointment will be for two (2) years or until the majority of members decide to reappoint their Workplace Delegate.
- (2) The role of the Workplace Delegate is to consult with local management on issues of a local nature, ensure awards and industrial and enterprise agreements are adhered to, ensure compliance of OHS legislation, assist in establishing logs of claims for any new industrial or enterprise agreement, assist in negotiations for any new industrial or enterprise agreement, deal with local member grievances, encourage membership of the Union, assist Sub-Branch Committees in resolving disputes and refer matters to a higher structure within the Branch should assistance be required or the matter is considered greater than a local issue.

180 – COMPOSITION AND ORDINARY MEETINGS OF BRANCH COUNCIL

- (1) The Branch Council shall consist of the Branch President, Branch Vice-President (Freight) who shall be elected by the financial members of the Freight Section, Branch Vice-President (Passenger) who shall be elected by the financial members of the Passenger Section, Branch Secretary, the Sub-Branch Secretaries and one (1) Affirmative Action Councillor who shall be elected by the financial women members of the Branch.
- (2) Each of the members of Branch Council shall be entitled to exercise one vote at Branch Council.
- (3) A resolution of Branch Council shall be carried where a numerical majority of Branch Councillors present and voting, vote in favour.
- (4) The Branch Council shall meet in ordinary session once each year (where possible, before a National Executive or National Council) at such time and place as the Branch Council or, in the absence of a decision by the Branch Council, the Branch President, the Branch Vice Presidents and the Branch Secretary jointly, shall determine.

- (5) In addition to the ordinary meetings of Branch Council, a meeting of the Branch Council shall be convened by the Branch Secretary upon:
- a. The resolution of at least 75% of the Sub-Branches in both Sections; or
 - b. The resolution of all Sub-Branches in either of the Sections

181 - COMPOSITION AND ORDINARY MEETINGS OF THE BRANCH EXECUTIVE

- (1) The Branch Executive shall comprise the Branch President, the Branch Vice-Presidents, the Branch Secretary and the Affirmative Action Councillor.
- (2) The Branch Executive shall meet twice per year as determined by the Branch Council or as the Branch President and Branch Secretary jointly, may determine.

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

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

183 - BRANCH OFFICES

- (1) The Branch Offices are:-
 - Branch President
 - Branch Vice-President (Freight)
 - Branch Vice-President (Passenger)
 - Branch Secretary
 - Sub-Branch Secretaries
 - Affirmative Action Councillor
- (2) The Office of Branch Secretary shall be a paid position.
- (3) All other Branch Offices shall be honorary positions.

184 - DELEGATES TO NATIONAL COUNCIL FROM DIVISIONS

The Branch shall elect delegates to National Council from the National Infrastructure Division, National Rail Operations Division and the National Locomotive Division in accordance with the formula set out in rule 28(3)

185 – REFERRAL OF MATTERS TO NATIONAL COUNCIL

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

- a. The resolution of at least 75% of the Sub-Branches in both Sections; or
- b. The resolution of all Sub-Branches in either of the Sections

186 – TRANSITIONAL RULE

Introduction

- (1) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in these Rules.
- (2) This Rule is intended to enable the merger of the West Australian Branch and the West Australian PTA Branch to form the Western Australia Branch.
- (3) For the purposes of this Rule:
 - (a) “merger date” shall mean the date of the certification of this Rule.
 - (b) “transitional period” shall mean the period commencing on the merger date and ending on the declaration of the ballot for the quadrennial elections in 2022 for officers in the West Australian Branch.
 - (c) “merged Branch” shall mean the Western Australia Branch.
- (4) This Rule shall take effect on the merger date.

Membership

- (5) On the merger date, the West Australian Branch and the West Australian PTA Branch will merge to form the merged Branch.

- (6) On the merger date, all members of the West Australian Branch and the West Australian PTA Branch on the day prior to the merger date shall become members of the merged Branch and shall maintain continuity of membership, retain voting rights in accordance with these Rules and any privileges will be preserved.
- (7) On the merger date, any period of membership and/or financial membership of the Union in the West Australian Branch or the West Australian PTA Branch in accordance with the Union's Rules prior to the merger date shall be deemed to be for all purposes membership and/or financial membership of the Union in the merged Branch. Any period of unfinancial membership in the West Australian Branch or the West Australian PTA Branch in accordance with the Union's Rules prior to the merger date shall be deemed to be for all purposes a period of unfinancial membership in the merged Branch.

Abolition of Offices

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

Branch Property

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

Transitional Branch Structure

- (11) On and from the merger date, the offices set out in column B of the Table below will be held by the persons holding the corresponding office set out in column A immediately preceding the merger date for the transitional period.

| COLUMN A | COLUMN B |
|---|--------------------------------------|
| Branch President, West Australian Branch | Branch President (Freight) |
| Branch Vice President, West Australian Branch | Branch Vice President (Freight) |
| Branch Secretary, West Australian Branch | Branch Secretary (Freight) |
| Affirmative Action Councillor, West Australian Branch | Affirmative Action Officer (Freight) |
| Branch President, West Australian PTA Branch | Branch President (Passenger) |
| Branch Vice President, West Australian PTA Branch | Branch Vice President (Passenger) |
| Branch Secretary, West Australian PTA Branch | Branch Secretary (Passenger) |

Casual Vacancy

- (12) Any casual vacancy that may occur in respect of any office referred to in the Table above during the transitional period shall be filled by election or appointment as determined by the Transitional Committee of Management of the merged Branch.

Transitional Committee of Management

- (13) During the transitional period, the merged Branch shall be governed by a Transitional Committee of Management. The Transitional Committee of Management shall consist of the Branch President (Freight), Branch President (Passenger), Branch Secretary (Freight) and the Branch Secretary (Passenger).
- (14) The Transitional Committee of Management shall meet on a quarterly basis or more often as decided by the Branch Secretary (Freight) and the Branch Secretary (Passenger).
- (15) Should any matter arising within the merged Branch not be capable of resolution by the Transitional Committee of Management in the transitional period, the Transitional Committee of Management shall refer the matter to the National Executive for determination or resolution.

Transitional Sub-Branches

Freight Section

- (16) There shall be a Goldfields Sub-Branch which initially shall consist of all members of the Goldfields Sub-Branch Intrastate Section of the West Australian Branch on the day prior to the merger date.
- (17) There shall be a Metro Sub-Branch which shall initially consist of all members of the Metro Sub-Branch Intrastate Section of the West Australian Branch on the day prior to the merger date.
- (18) There shall be a Mid-West Sub-Branch which shall initially consist of all members of the Mid-West Sub-Branch Intrastate Section of the West Australian Branch on the day prior to the merger date.
- (19) There shall be a South-West Sub-Branch which shall initially consist of all members of the South-West Sub-Branch Intrastate Section of the West Australian Branch on the day prior to the merger date.
- (20) There shall be a Wheatbelt Sub-Branch which shall initially consist of all members of the Wheatbelt Sub-Branch Intrastate Section of the West Australian Branch on the day prior to the merger date.
- (21) There shall be a Metropolitan Sub-Branch which shall initially consist of all members of the Metropolitan Sub-Branch Interstate Section of the West Australian Branch on the day prior to the merger date.
- (22) There shall be a Regional Sub-Branch which shall initially consist of all members of the Regional Sub-Branch Interstate Section of the West Australian Branch on the day prior to the merger date.
- (23) There shall be an Freight Infrastructure Sub-Branch which shall initially consist of all members of the Infrastructure Section of the West Australian Branch on the day prior to the merger date.

Passenger Section

- (23) There shall be a Customer Relations Sub-Branch which shall initially consist of all members of the Customer Relations Sub-Branch of the West Australian PTA Branch on the day prior to the merger date.
- (24) There shall be an Urban Rail Sub-Branch which shall initially consist of all members of the Urban Rail Sub-Branch of the West Australian PTA Branch on the day prior to the merger date.

- (25) There shall be a Security Sub-Branch which shall initially consist of all members of the Security Sub-Branch of the West Australian PTA Branch on the day prior to the merger date.
- (26) There shall be a Network and Infrastructure Sub-Branch which shall initially consist of all members of the Network and Infrastructure Sub-Branch of the West Australian PTA Branch on the day prior to the merger date.
- (27) There shall be a Trans WA Sub-Branch which shall initially consist of all members of the Trans WA Sub-Branch of the West Australian PTA Branch on the day prior to the merger date.

Transitional Sub-Branch Office Holders

- (28) For the transitional period, the office holders of the Transitional Sub-Branches shall be as follows:

| Sub-Branch Name | Office Holders |
|------------------------|---|
| Freight Section | |
| Gold Fields Sub-Branch | President: Walter Rowe Secretary: Mathew Adams Committee Members: Walter Rowe Sarah Potts Carl Bengé Bob Cox David Berlovan Petrus White James Rossiter |
| Metro Sub-Branch | President: Steve Hodges Secretary: Jayson Manners Committee Members: Norman Callaghan Lyndsey Clyne Michael Comer Graeme Filcock Tim Matthiessen Geoffrey Thorpe |
| Mid-West Sub-Branch | President: Mark Testrow Secretary: Mark O'Brien |

| | |
|--------------------------------------|---|
| <p>South West Sub-Branch</p> | <p>President: George Kelly Vice President: Tom Rowe Secretary: Dave Clews Committee Members: David Broadbent Rhett Southerland Adam Watkins George Kelly</p> |
| <p>Wheatbelt Sub-Branch</p> | <p>Vice President: Ace Eddy Secretary: Gregory Montgomery Committee Members: David Mackenzie David Oemcke Craig Svendsen</p> |
| <p>Metropolitan Sub-Branch</p> | <p>Vice President: Wayne Able Secretary: Peter Visentin Committee Members: David Bell Darren Macauley Laura Mickiewicz Aaron Waldock</p> |
| <p>Regional Sub-Branch</p> | <p>Secretary: Brendon Stevenage Committee Members: Tony Biel Steven Boas Greg Heawood Damon Hoskin Chris Hynes Gavin Rayner</p> |
| <p>Passenger Section</p> | |
| <p>Customer Relations Sub-Branch</p> | <p>President: Helen Martin Vice President: Mark Counsel Secretary: Joshua Ayanami Committee Members: Eric Faranda June Wiscombe David Riley Sean Hodgson</p> |

| | |
|--|---|
| | <p>Cedric Edmonds Tracy Widginton</p> |
| <p>Urban Rail Sub-Branch</p> | <p>President: Terry Joy Vice President: Craig Dearth Secretary: Kelley Jenkins Committee Members: John Bray Ron Tully Michael Falk Glen Clingin</p> |
| <p>Security Sub-Branch</p> | <p>President: Piers McCarney Vice President: Michael Ioppolo Secretary: James Reed Committee Members: Mark Byrne Danny Delanty Chad Miles Iain Moynihan Mark Parsons Ryan Sumner Matthias Schnisa</p> |
| <p>Network and Infrastructure Sub-Branch</p> | <p>President: Barry Irvine Vice President: Marco Mitic Committee Members: Aparangi Hemara Dwayne Knight-Hall Harry King Giorden Goodall</p> |
| <p>Trans WA Sub-Branch</p> | <p>President: Dean Harris Vice President: Greg Brennan Secretary: Brendan Curtis Committee Members: John Pilkington Karl King Paul Hopkins Peter Steele William Lovely David Busing</p> |

Casual Vacancy

- (29) Any casual vacancy that may occur in respect of any office in any Sub-Branch during the transitional period shall be filled by election or appointment as determined by the Transitional Committee of Management of the merged Branch.