



Western Australian Shire Councils, Municipal Road Boards,
Health Boards, Parks, Cemeteries and Racecourse,
Public Authorities Water Boards Union
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**NOTICE TO MEMBERS – ALTERATIONS AND AMENDMENTS TO
RULES OF THE WESTERN AUSTRALIAN SHIRE
COUNCILS, MUNICIPAL ROAD BOARDS, HEALTH BOARDS, PARKS
CEMETERIES AND RACECOURSE , PUBLIC AUTHORITIES WATER
BOARDS UNION**

**THE ORGANISATION HAS LODGED IN THE FAIR WORK
COMMISSION THE FOLLOWING AUTHORISED AND APPROVED
THE FOLLOWING AMENDMENTS AND ALTERATIONS TO RULES OF
THE ORGANISATION.**

***PLEASE SEE BELOW THE RULE AMENDMENTS AND
ALTERATIONS**



*The LGRCEU acknowledges the Whadjak people of the Nyoongar Nation, as the Traditional Custodians
the lands on which our head office is situated today, and pay our respect to Elders past, present and future.*

IN UNITY

SCHEDULE A

PROPOSED RULES TO BE CHANGED(GENERAL RULE CHANGES):

A. AMENDMENTS TO RULES TITLES INDEX

- **BY INSERTING NEW RULE TITLE “RULE 41B- HOLDING OVER OF OFFICE” in RULE TITLES OF PART ONE- UNION GENERAL RULES”.**
- **BY DELETING EXISTING RULE TITLES 42-87 IN THEIR ENTIRETY AND BY DELETING PART REFERENCE “PART TWO “IN ITS ENTIRETY.**
- **BY INSERTING NEW RULE TITLE”11A- ASSOCIATE MEMBERSHIP” IN RULE TITLES- WESTERN AUSTRALIAN DIVISION GENERAL RULES**
- **BY DELETING EXISTING RULE TITLE “16- ENTRANCE FEES AND SUBSCRIPTIONS” AND INSERT IN ITS PLACE THE FOLLOWING NEW RULE TITLE:”16-MEMBERSHIP FEES” IN RULE TITLES WESTERN AUSTRALIAN DIVISION GENERAL RULES”**
- **BY DELETING EXISTING RULE TITLE “RULE 47 – TRANSITIONAL PROVISION - VACANCIES UPON REGISTRATION”, AND INSERT IN ITS PLACE FOLLOWING NEW RULE TITLE “47- TRANSITIONAL RULE- OFFICE HOLDERS” IN RULE TITLES WESTERN AUSTRALIAN DIVISION GENERAL RULES”**

B. AMENDMENTS TO PART ONE-UNION GENERAL RULES

RULE 6- “REGISTERED OFFICE OF UNION”

By deleting existing sub rule (1) and insert in its entirety and inserting in its place the following new sub rule:

“ (1) The registered Office of the Union shall be Unit 209/396 Scarborough Beach Road, OSBORNE PARK, WA 6017, or such place the Union Executive shall determine from time to time.”

<p>Justification: as of August 2018, the Organisation commenced ownership and occupation of premises located at Unit 209/396 Scarborough Beach Road, OSBORNE PARK WA 6017 and ceased ownership and occupation of 112 Charles Street, WEST PERTH WA 6005.</p>

RULE 17- "ELECTION OF UNION EXECUTIVE"

" By deleting existing sub-rule (1) in its entirety and insert in its place the following new sub-rule:

"(1) At the Annual General meeting held in the election year in which Union Councillors have been elected in accordance Rule 25 of the Western Australian Division Rules, the Union Council shall elect from its Councillors a Union President, a Union Vice President, a Union Treasurer and two (2) Union Trustees. The terms of the office holder shall be for a period of one years."

Justification: to align as far as practicable the Office Holder Positions of the Union Executive with the Western Australian Division Office Holders. In respect of the proposal to reduce the number of Trustee Offices from three to two, the Organisation has only filled one of those positions at the Annual elections held since the union's inception in 2002.

"By inserting a new sub-rule (4) as follows:

"(4) Members of the Union Executive elected pursuant to Rule17(1) of the existing Rules and prior to approval of the Rule change to Rule17(1) shall continue to hold office for the balance of the term for which they were elected.

(a) When the term of office expires at the next occurring Annual General Meeting, the Annual General Meeting shall elect the Union Executive to hold office until the Annual General Meeting in 2025.

(b) From 2025 onwards, the Annual General Meeting shall elect the Union Executive for a term of four years, or for a term that expires at the Annual General meeting four years later.

Justification: the aligning of the Office Holders terms in the Federal Council and Executive with those Offices Holders of the Western Australian Division.

RULE 21- "UNION SECRETARY"

" By deleting existing sub-rule (8) in its entirety and inserting in it place the following new sub-rule:

"(8) The Union shall publish the Returning Officer's return on the Union's Website and/or by such other approved method directed by the Council."

Justification: the proposed change reflects and acknowledges the technological changes in mass communication that allow for more efficient communication to members. This change is consistent with directions received from the ROC in relation to communications with Union Members,

- **RULE 23-“UNION TRUSTEES”**

“ By deleting in sub-rule (1) in the third line after the word “ members” and before the word “Union” the existing word “three” and inserting in their place the following word,

“...two...”

Justification: to align as far as practicable the Office Holder Positions of the Union Executive with the Western Australian Division Office Holders. In respect of the proposal to reduce the number of Trustee Offices from three to two, the Organisation has only filled one of those positions at the Annual elections held since the union’s inception in 2002.

- **By inserting the following new Rule:**

“ **RULE 41B- HOLDING OVER OF OFFICE”**

“(1) In the event of any delay for any reason in the conduct of election of any Office as prescribed in PARTS ONE, and TWO of the Rules of Organisation, and in the WESTERN AUSTRALIAN DIVISION GENERAL RULES ,in these Rules, the existing Office holder shall continue to hold office and perform the role of the Office in full until the dater of the Declaration of Election is issued by the Returning Officer in respect of those elections.”

Justification: proposed change reflects limitation that arise from time to time with Returning Officers ability to conduct election on time, and protects governance of the organisation in the interregnum period

C.AMENDMENTS TO PART TWO – RULES FOR THE ADMINISTRATION OF A DIVISION

By deleting “PART TWO – RULES FOR THE ADMINISTRATION OF A DIVISION” and all accompanying rules in that part (rules 42-87) in their entirety.

Justification: the organisation since legal inception by order of the Federal court on the 19th of November 2002 only operated with one Division- the Western Australian Division. the organisation has no legal or industrial intention to expand into other States or Territories of the Commonwealth of Australia. Further the existing Rules ‘WESTERN AUSTRALIAN DIVISION’ already provide for the proper running of the Western Australian Division and this part as it exists create unnecessary confusion for members and authorities alike.

D. AMENDMENTS TO WESTERN AUSTRALIAN DIVISION GENERAL RULES

RULE 5- “REGISTERED OFFICE OF DIVISION”

By existing sub rule (1) and inserting in its place the following new sub rule:

“ (1) The registered Office of the Division shall be Unit 209/396 Scarborough Beach Road, OSBORNE PARK, WA 6017, or such place the Division Executive shall determine from time to time.”

<p>Justification: as of August 2018, the Organisation commenced ownership and occupation of premises located at Unit 209/396 Scarborough Beach Road, OSBORNE PARK WA 6017 and ceased ownership and occupation of 112 Charles Street, WEST PERTH WA 6005.</p>
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RULE 7- “ZONES OF THE DIVISION”

By deleting existing sub-rule (1) in its entirety, and inserting in its place the following new sub-rule:

(1) For the purpose of election of delegates to Conference and such other purposes as permitted by these rules, each Member shall be allocated to one of the Zones provided for in sub rule (2) based on the definitions of the Zones in sub rule (3):

(2) The Zones of the Union shall be:

- 2.1 Metropolitan Zone
- 2.2 Rural Zone
- 2.3 General Zone

(3) The Zones shall be defined as follows:

3.1 Metropolitan Zone:

All Local Government entities constituted under the Local Government Act 1995 whose boundaries fall within the outer boundaries of the City of Wanneroo, City of Swan ,Shire of Mundaring, City of Kalamunda ,City of Kwinana, and City of Rockingham. The number of delegates to be elected from this Zone shall be one (1).

3.2 Rural Zone:

All Local Government entities constituted under the Local Government Act 1995 whose boundaries fall outside the Metropolitan Zone. The number of delegates to be elected from this Zone shall be four (4).

3.3 General Zone:

All other Members who are not employed by a Local Government entity as constituted under the Local Government Act 1995. The number of delegates to be elected from this Zone shall be one (1).

4. A Member who has more than one employer that entitles that member to Membership and who could be allocated to more than one Zone, is to be allocated to a Zone on the basis of the predominant employer.

5. The Conference has the power to change the Zone allocation from Metropolitan to Rural Zone for any Member where changes to the boundaries or structure of an existing Local Government within the Metropolitan Zone change for any reason including (but not limited to) amalgamation resulting in part of the new entity falling partly outside the Metropolitan Zone-only if majority new entity's land falls outside the boundaries of the Metropolitan Zone.

6. The Conference has the power to change the Zone allocation from Rural to Metropolitan Zone for any Member where changes to the boundaries or structure of an existing Local Government within the Rural Zone change for any reason including (but not limited to) amalgamation resulting in part of the new entity falling partly inside the Metropolitan Zone-only if majority new entity's land falls within the boundaries of the Metropolitan Zone.

Justification: the proposed changes simplify the structure of the Conference, make election to positions on Conference less complicated for members and give Regional members a wider electorate in which to secure election. The Organisation has experienced difficulty in the past three (3) full elections in fully filling these offices and believe the rule change will assist. In the past two elections no Zonal positions have been filled. The proposed rule change will increase the number of non-Executive Committee of Management positions thereby increasing membership participation at Conference Level.

RULE 16 – ENTRANCE FEES AND SUBSCRIPTIONS

By deleting the existing Rule 16 in its entirety and inserting the following new rule:

“ RULE 16 -MEMBERSHIP FEES

- (1) Each member shall pay either an annual or periodic subscription.**
- (2) The Union Executive shall from time to time set the amount of the annual and periodic subscriptions.**
- (3) The Annual Subscription in Rule 16(1) may be paid:**
 - a. As a lump sum annually, half yearly, or quarterly at the discretion of the member.**
 - b. The payment falls due on the first day of the period covered by the subscription.**
 - c. Payment may be made by way of electronic funds transfer; cash; money order; credit card (where such facility to receive exists) into the Union's Nominated Financial Institution Account.**
 - d. payments not made by the due date become outstanding and are recoverable in accordance with these Rules as a debt owing to the Union.**
- (4) Periodic Subscriptions may be paid by instalments by arrangement between the Union and employing authority (as defined in Rule 3 of these rules) of the member and or by direct debit arrangement between the Union and the Member.**

- (5) Provided that any instalment not deducted or otherwise outstanding, at any time, shall continue to be due and payable in accordance with these Rules.

Justification: modernises the rule, simplifies and aligns member obligations under the rule consistent with the day to day running of the organisation.

RULE 23 DIVISION EXECUTIVE

By inserting in sub -rule (1) after the words "...the Division Secretary..." before the words "...and six..." the following new words:

"...The Division Trustees (2)..."

Justification: aligns with similar proposed rule change to the organisation's State counterpart, including giving the office of Trustee voting rights on Executive as already exists for the counterpart State counterpart offices of Trustee.

RULE 24- "ELECTION OF EXECUTIVE"

By deleting existing sub-rule (4) in its entirety and inserting in its place the following new sub-rule

- (4) Election requests to the Registered Organisations Commission shall be made no later than three (3) months prior to the nominal expiry of the terms of office of the holders in the year in which the elections are required to be held. The Union shall advertise calls for nominations for Office on the Union's website or by such other approved method.

By deleting existing sub-rule (9), paragraph (j) in its entirety and inserting in its place the following new sub-rule

" (j) The Union shall publish the Returning Officer's return on the Union's Website and/or by such other approved method as directed by Conference."

Justification: the proposed change reflects and acknowledges the technological changes in mass communication that allow for more efficient communication to members. The change is consistent with directions received from the ROC in relation to communication with Union Members

RULE 35- " MEETINGS OF DIVISION EXECUTIVE"

By inserting the following new sub-rule:

"(4) Where any member of Executive cannot attend a meeting in person, they may attend by way of telephonic or video link or any other such method as approved by the Executive, provided that Executive Officers shall have all papers necessary to carry out the duties properly. Further, where voting is conducted using telephonic and or video link or other such approved method a proper attainable record shall be maintained of the voting".

Justification: the proposed change reflects geographic restraints on Office holders, external events that may affect in person attendance, and modern practises by both Government and Corporation to ensure that governance can continue to be effective.

RULE 35A- “ MEETING OF DIVISION ”

“By deleting the number “...30...” in line two of sub-rule (1) an inserting in its place the following new number

“...21...”

Justification: proposed number change aligns the notice requirement with provisions of the Fair Work (Registered Organisations) Act 2009 as amended. in respect of minimum notice to members of meetings to deal with financial reports.
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PROPOSED RULES TO BE CHANGED(CHANGE OF NAME)

A) PART ONE GENERAL RULES:

- **RULE 1 NAME OF THE UNION**

By deleting the existing wording and insert in it place the following wording
“The name of the Union shall be the Local Government, Racing and Cemeteries Employees Union.”

- **RULE 2 “DEFINITIONS AND INTERPRETATION”**

By deleting the existing wording definition for “Union” and inserting in its place the following wording definition:

“Union” shall mean the Local Government, Racing and Cemeteries Employees Union.”

- **RULE 9- FUNDS OF THE UNION**

By deleting in existing sub rule 6 (a) all words after the word ”of” in line three an inserting in their place the following words:

“...the Local Government, Racing and Cemeteries Employees Union Trading Account”

By deleting in existing sub rule (7)(a) all words after the word “the” in line one and before the word “shall” in line three and inserting the following words in their place,
“...Local Government, Racing and Cemeteries Employees Union Trading Account...”

B) WESTERN AUSTRALIAN DIVISION GENERAL RULES

- **RULE 1- NAME OF THE DIVISION**

By deleting the existing wording and insert in its place the following wording:

“The name of the Union shall be the Local Government, Racing and Cemeteries Employees Union, Western Australian Division”.

- **RULE 2 - “DEFINITIONS AND INTERPRETATION”**

By deleting the existing wording definition for “Division” and inserting in its place the following wording definition:

“Division” shall mean the Local Government, Racing and Cemeteries Employees Union Western Australian Division.”

By deleting the existing wording definition for “Union” and inserting in its place the following wording definition:

“Union” shall mean the Local Government, Racing and Cemeteries Employees Union.”

- **RULE 3 – “CONSTITUTION OF DIVISION”**

By deleting the existing wording in its entirety and inserting in its place the following wording:

“The Division shall consist of persons covered by Rule 4 Eligibility for Membership of the Rules of the Local Government, Racing and Cemeteries Employees Union.”

PROPOSED RULES TO BE CHANGED(ELIGIBILITY)

By inserting the following new Rule:

” RULE 11A – ASSOCIATE MEMBERSHIP

- (1) An Associate Member is a person who may apply for membership of a Division who is otherwise not eligible to be a member pursuant to Rule 4 of PART ONE UNION GENERAL RULES. A person may apply for and be admitted to Associate Membership of the Union if they are not eligible to become a financial member of the Union pursuant to Rule 4 of PART ONE- UNION GENERAL RULES.
- (2) The benefits of membership to which an Associate Member is entitled shall be determined by the Union Executive provided that an Associate Member is not entitled to hold Office, vote at meetings, or take part in any election in any capacity,
- (3) An Associate Member may be permitted to attend meetings as a non-speaking guest where invited by an Office holder as defined in these Rules.
- (4) An associate member shall be a non-financial member who does not have the rights of a financial member of a Division.
- (5) Membership contributions per annum shall be determined by Division Executive.
- (6) Any associate member who seeks to or does bring the Union into disrepute or is involved in actions that seek to or do injure, vilify the standing of Union shall have their membership cancelled without appeal by the Division Executive.”

Justification: similar rule changes have been proposed and certified by the Fair Work Commission in respect of Unions registered and operating in the Federal jurisdiction. The rule change reflects more adequately the nature of union participation and involvement in the community in 21st century and provides a vehicle for engagement by the community with the Union and or retired and members having left the Industries in which the organisation has rules coverage to continue to have involvement and use non -industrial services of the Union such as it holidays cottages, discount services scheme and legal access.

RULE 13 “LIFE MEMBERSHIP”

By deleting the words in sub rule (1) that occur after the word “than” and before the word “years” in line two and insert in their place the following new word:

“...twenty...”

Justification: a similar rule change has been proposed and put forward to the Western Australian Industrial Relations Commission in respect to the same rule of the State Counterpart Union. The rule change reflects more adequately the nature of employment and membership commitment in the 21st century.