



REPORT TO MEMBER COUNCIL

Annexure 1

Rule Alteration – Inaugural National Convention

22 February 2021

Tim Kennedy – National Secretary

Recommendation

That in accordance with Rules 86 and 66 of Schedule 5, the Member Council resolves to alter the Rules of the United Workers' Union as follows:

By deleting Rule 38 of Schedule 5 and inserting in lieu the following:

“38. The Inaugural Convention will meet no later than 31 December 2021.”

Executive Summary

Currently the Rules require that the Inaugural National Convention of the Union be held no later than 30 June 2021. Member Council will recall that last year the Rule was amended in order to allow the National Convention to be held at a later date in light of the COVID-19 pandemic.

The National Executive at its meeting held on 18 February 2021, received a report on the timing of the National Convention and determined that it would most suitable and safe to hold the meeting on 16 and 17 September 2021. The venue remains unchanged.

The Member Council is again asked to consider approving an alteration to the Union's rules so as to ensure that we are not acting contrary to our current obligations.

Budget / Financial Implications

There are no known additional costs associated with the rescheduling of the National Convention

Risk

Whilst it is possible that failing to hold the Convention prior to 30 June 2021 in accordance with the current Rules would be defensible it is desirable to put the question of a rescheduled date for the Convention beyond doubt whilst acknowledging the public health obligations the Union has to our delegates, staff and the general public.

The alteration proposed removes any risk of charge or allegation that the Union failed to act in accord with its rules.

Attachments

Attached is a summary of the procedure to be adopted by the Member Council when considering an alteration to the Union's rules. The method of considering the alteration is by means of an out of session determination.

Attachment - Process for Altering Rules

The Member Council, has the power to alter the rules of the United Workers Union [Rule 86].

Alterations to the rules may be proposed by the National Secretary or the National President [Rule 86(a)].

The Member Council may consider rule alterations:

- At an ordinary meeting of the Member Council [Rule 86(a)(i)];
- At a special meeting of the Member Council [Rule 86(a)(ii)]; or
- By an out of session ballot [Rule 86(a)(iii)];

Where an out of session ballot is to be conducted the Member Council must be given a copy of the proposed alteration to the rules, with the request for an out of session ballot [Rule 86(b)].

Where the alteration concerns a transitional rule it requires two thirds approval by members of the Council [Rule 66 of Schedule 5].

Where the alteration is to be considered by an out of session ballot the period of time for receiving completed ballots is to be no less than 14 days [Rule 86(c)].

An out of session determination may be conducted by post, email, text, other electronic communication or a mixture [Rule 43(d)].

RULE 86(a)(iii) – ALTERATION TO RULES OF THE UNITED WORKERS’ UNION

OUT OF SESSION DETERMINATION BY MEMBER COUNCIL

Please complete your ballot by either:

- Marking the box of your choice below and returning your completed ballot in the stamped addressed envelope provided (for those Councillors without email access) or
- Marking the box of your choice and then scanning a completed copy of this ballot to Paul Richardson – paul.richardson@unitedworkers.org.au or;
- Replying by email to Paul Richardson – paul.richardson@unitedworkers.org.au indicating “yes” or “no” in your email.

Regardless of the method of voting you use, please return your ballot by no later than Wednesday 10th March 2021.

Determination

That in accordance with Rules 86 and 66 of Schedule 5, the Member Council resolves to alter the Rules of the United Workers’ Union as follows:

By deleting Rule 38 of Schedule 5 and inserting in lieu the following:

“38. The Inaugural Convention will meet no later than 31 December 2021.”

Yes

No

Name: _____

Signature: _____

Date: _____