

MEAA Western Australia Branch – Rule Changes Summary (November 2022)

Rule	Rule Title	Change (Y/N)	Variation Description
	INDEX	Y	Amendments and deletions to rules 9, 10A, 25, 25A, 26, 31, 39, 40 and 60
1	Name (of union)	N	
2	Objects	N	
3	Industry	N	
4	Eligibility of Membership	N	
5	Definitions	Y	<ul style="list-style-type: none"> Delete 'Paid Officer' and 'Honorary Officer'. The Union no longer permits the appointment of paid officer (i.e. elected persons) in its national rules. Honorary Officer makes a redundant distinction between paid officers and those officers who are not paid. Add 'Regional Director' to reflect current senior staff arrangements across the union. Add 'Counterpart Federal Body' to clarify this means the federally registered union. Add 'Federal Council' to recognise that decision-making body throughout the rules.
6	Registered Office	Y	<ul style="list-style-type: none"> Update current union head office address and delete reference to 'Secretary'. Impose duty on Regional Director to notify changes of union office address.
7	Admission to Membership	Y	<ul style="list-style-type: none"> In (b), provide that membership application form is to be appropriately examined but remove reference to the role Branch Council is to play in assessing membership applications. Membership applications have been assessed centrally by the union for many years. Branch Councils (in any State or Territory) do not perform a vetting function. Set out new standalone (c) to clarify that minor errors shall not invalidate admission to membership. (This language forms part of current rule 7(b).)

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			<ul style="list-style-type: none"> • In (f) and (g), remove references to ‘entrance fees’. These fees are no longer charged by the Association or the union federally. • In (g), remove reference to ‘the Association’ as the matters in (g)(i) and (g)(ii) are advised by the federally registered union.
8	Temporary / International Membership	Y	<ul style="list-style-type: none"> • Amend (a) to reflect agreement with the Counterpart Federal Body is required to create categories of temporary membership.
9	Entrance Fees	Y	<ul style="list-style-type: none"> • Delete rule. These fees are no longer charged by the Association or the union federally.
10	Subscriptions	Y	<ul style="list-style-type: none"> • Amend (a) to reflect that membership subscription levels are determined at the national level by the Counterpart Federal Body. • Delete (b), which refers to redundant caps on subscription rates and prescribes periods in which subscription payments are to be made. • In (c), substitute ‘Secretary’ with ‘Regional Director’ as person able to make subscription deduction arrangements and for such payments to be made to the federal union, not the Association. • In (d)/(c) and (f)/(e), delete references to ‘Council’ to reflect that subscription rates are determined by the Counterpart Federal Body. In addition, delete text ‘to the Association’ to reflect that payments are not made to the Association. • Delete paragraph (g). Paragraph (g) refers to entrance fees and duplicates paragraph (k)/(i) with respect to members’ duty to pay subscriptions. • Delete reference to ‘Secretary’ in para (h) / (f) and assign discretionary power to modify fee payments to the ‘Council.’ • Reorder paragraph lettering as required.
10A	Entrance Fees and Subscriptions	Y	<ul style="list-style-type: none"> • Delete rule. Rule duplicates provisions in rule 10(h) / (f).

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11	Rights of Members	Y	In (c), replace ‘Secretary’ with ‘Regional Director’ as the person to whom notice of inspection of books must be given.
12	Duties of Members	Y	<ul style="list-style-type: none"> Amend paragraph (e) to reflect that debt may accrue to the Association or to the federal MEAA. Replace reference to ‘Secretary’ in para (e) with ‘Regional Director’ re: demands for payment of outstanding membership fees. In (f), extend members’ duty to cooperate with authorised representatives of the Association and delete redundant reference to ‘workplace delegates’. <i>See also rule 31.</i> In (g), members changing address to notify ‘Regional Director’ in place of ‘Secretary’.
13	Membership Honours Previously Granted	N	
14	Unfinancial Members	Y	<ul style="list-style-type: none"> In (c)(i), assign responsibility for making a declaration that an unfinancial member is financial to the ‘Senior President’ in place of the ‘Secretary’. In (c)(ii), delete reference to entrance fees as these are no longer charged by the union. In (c)(v), impose duty of notifying member on ‘Senior President or their delegate’ in place of ‘Secretary’.
15	Temporary Suspension of Membership	Y	<ul style="list-style-type: none"> In (a), transfer decision-making discretion to ‘Council’ in place of ‘Secretary’. In (b), delete words ‘a Branch’. These words are superfluous.
16	Termination of Membership	Y	<ul style="list-style-type: none"> In (b), provide that members may notify resignation by email. Clarify that notices of resignation are to be sent to the Regional Director or Counterpart Federal Body.
17	Removal from Roll of Members	N	
18	Offices	Y	<ul style="list-style-type: none"> Delete confusing terminology about the Counterpart Federal Body. Add sentence clarifying that Association elections are not required where offices are elected under the Counterpart Federal Body’s rules. (This reflects the status quo.)

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19	Council	Y	<ul style="list-style-type: none"> • In (a), delete reference to frequency of council meetings as this provision duplicates that in rule 21(b). • In (b) to (c), alter the composition to Council to reflect the provisions in the rules of the Counterpart Federal Body. • In (d), relocate from (a) how meetings of Council are to be convened and transfer the power to convene meetings from 'the Secretary or President' to the 'Senior President, or 'whenever determined by Council'.
20	Powers and Duties of Council	Y	<ul style="list-style-type: none"> • Delete paragraph (f), which refers to 'entrance fees, payments and contributions to be paid by members'. This power is exercised by the Counterpart Federal Body at the national level. • In (i), remove reference to Council's capacity to determine conditions of employment for officers and employees, due to officers being unable to be employed by the Association and employee employment conditions being determined by the Counterpart Federal Body. • In (k), simplify the language used to refer to general financial powers but remove reference to Council's ability to 'secure mortgages or similar arrangements'. MEAA Branches do not have the capacity to enter into mortgages in their own stead. Such arrangements must be authorised by the Counterpart Federal Body. • In (l), alter Council's power of delegation to 'an Officer' in place of 'the Secretary'. • In (r), replace reference to 'Workplace Agreements Act' with a generalised reference to 'industrial legislation'. • Consequential reordering of paragraph lettering as required.
21	Meetings of the Council	Y	<ul style="list-style-type: none"> • In (a), amend provisions as to which officer may preside over Council meetings to a 'Senior President, a President or Vice President as the case may be'.

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			<ul style="list-style-type: none"> In (b), substitute the ‘Secretary’ as the officer responsible for convening meetings with the ‘Senior President’.
22	Control of the Council by Members	Y	<ul style="list-style-type: none"> In (h), substitute ‘Secretary’ with ‘Senior President’ as the officer responsible for submitting Returning Officer reports to Council.
23	Banking of Income	N	
24	General Duties of Financial Officials	Y	<ul style="list-style-type: none"> In (a), substitute ‘Secretary’ with ‘Regional Director’ as the person responsible for providing the Association’s officers with information about their legislative responsibilities with respect to duties and accounting records. In (b), clarify that the Association’s financial officials are all persons (officers) elected to Council. In (f), delete reference to an officer’s ‘employment’. An officer cannot be an employee of the Association under rule 52(b). In (f)(2)(ii), correct clause numbering errors. In (h), delete requirement for financial officials to declare all pecuniary interests each year. This rule is considered onerous and its application to unpaid honorary officers is unnecessary.
25	Duties of President	Y	<ul style="list-style-type: none"> Amend title of rule 25 to ‘Senior President’. Replace ‘President’ with ‘Senior President’ to ensure that the Association has a nominal head and registered officer. In (e), delete / Alter reference to ‘Secretary’.
25A	Duties of Senior President	<i>New Rule</i>	<ul style="list-style-type: none"> New rule prescribing powers and duties of the ‘Senior President’, a new position. New rule makes clear that the Senior President is the Association’s registered officer. This proposed rule combines elements of the powers and duties of both the President in current rule 25, the Secretary in current rule 26, and the Secretary’s ability to authorise prosecutions under rule 39. Where relevant, the term ‘President’ has been replaced with the term ‘Senior President’.

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			<ul style="list-style-type: none"> Add (p), based in part on current rule 25A (Duties of Vice Presidents). This provision clarifies which officer may take the chair in Association forums where the Senior President is not in the chair.
25A	Duties of Vice Presidents	Y	<ul style="list-style-type: none"> Delete rule. Current rule 25A(a) is incompatible with amended rule 19 (Offices) with respect to the Association having three Vice Presidents. It is possible under revised rule 19 (and MEAA's federal rules), that the Association will not have Vice Presidents – see proposed rule 19(c)(2)(ii) for example. The question of which officer assumes the chair when the Senior President is not in the chair is resolved in new rule 25A(p). Where relevant and feasible, the obligations in current rule 25A(b) to (f) have been relocated to other rules.
26	Powers and Duties of the Secretary	Y	<ul style="list-style-type: none"> Change title of rule to 'Powers and Duties of The Regional Director' Substantial revisions to reflect the substitution (nationally, throughout the MEAA) of elected Branch Secretaries with Regional Directors. In (a)(i), the provision has been deleted as Regional Directors are employed persons and therefore unable to satisfy the definition of 'Office' in the WA IR Act 1979. Revised rule 25A designates the Senior President as the Association's Registered Officer. In (a)(i) and (ii), the officer empowered to act on behalf of the Association and to sue and be sued is to be the Senior President in proposed rule 25A. In (c), deletion is proposed to reflect that the Regional Director will not receive members' fees, levies or fines.

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			<ul style="list-style-type: none"> • In (g) and (l), deletion is proposed to reflect that MEAA's finances are centrally managed by the union's national office and subject to federal regulation and review. • In (h), deletion is proposed as an unelected Regional Director cannot be an ex officio member of sections and committees. • In (n), deletion is proposed due to redundancy – i.e. the Association will not have a person able to exercise 'Secretarial' functions and duties. • In (p), deletion is proposed; this power is to be exercised by the Senior President in proposed rule 25A(d). • In (q), deletion is proposed as these functions are performed by the union's national office and subject to federal regulation. • In (s), (t) and (u), delete the term 'Secretary'. These powers and duties will be exercised by the Regional Director. • Reorder paragraph lettering as required.
27	Duties of Councillors	Y	<ul style="list-style-type: none"> • In (b), delete vague and unnecessary Councillors' duty to inform the Secretary or other full-time officer of matters of workplace interest.
28	Deleted	N/A	
29	General Meetings	Y	<ul style="list-style-type: none"> • In (c), transfer duty to call a general meeting from 'Secretary' to 'Senior President'. • In (f), deletion is proposed as annual reports and associated comprehensive financial statements are prepared centrally by the union's national office and subject to federal regulation. • Delete (h) as this provision's operation is linked to Annual General Meetings held in accordance with 29(f). • General meetings may still be called under rule 29(b)(i) and (b)(ii).
30	Roll of Membership	N	
31	Workplace Representatives	Y	<ul style="list-style-type: none"> • Delete rule. The Association no longer has a dedicated or defined system of workplace representation. In addition, there

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			is no equivalent provision in the rules of the Association's Federal Counterpart Body (MEAA Federal Body).
32	Protection of Sectional Professional Interests	N	
33	Sections	Y	<ul style="list-style-type: none"> In (c), replace 'shall' with 'may'. Primary responsibility for issuing charters rests with the union's Federal Council under federal rule 34(b). In (d), remove reference to rule 75(d). This rule does not exist. In (e), impose duty to consult on 'Senior President' in place of 'Secretary'.
34	Sectional Committees	N	
35	General Powers and Duties of Sectional Committees	Y	<ul style="list-style-type: none"> In (b), substitute 'Secretary' with 'Senior President' in respect of consideration of urgent issues between Council meetings.
36	Meetings of Sectional Committees	Y	<ul style="list-style-type: none"> In (b), substitute 'Secretary' with 'Senior President' in respect of which officer shall convene sectional committee meetings.
36A	Sectional Plebiscites	Y	<ul style="list-style-type: none"> In (d), substitute 'Secretary' with 'Senior President' in respect of the officer to whom requests for a plebiscite must be made. In (h), delete reference to the 'Secretary' as the officer responsible for submitting Returning Officer reports to Council. Replace with Regional Director.
37	Industrial Awards and Agreements	Y	<ul style="list-style-type: none"> In (a), substitute 'Secretary' with 'Senior President' or alternate presidential officer in respect of attestation of industrial awards and agreements.
38	Notification of Industrial Disputes to the Industrial Relations Commission	Y	<ul style="list-style-type: none"> In (b), substitute 'Secretary' with 'Senior President or as authorised by Council' in respect of which Association officer may notify an industrial dispute to the WA IRC.
39	Prosecution on Behalf of the Association	Y	<ul style="list-style-type: none"> Deletion of rule. These functions have been transferred to proposed rule 25A, which sets out the powers and duties of the Senior President.
40	Employees of the Association	Y	<ul style="list-style-type: none"> Deletion of rule proposed. While employees in Western Australia are practically accountable to the Association, all employees are engaged by the Counterpart Federal Body and

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			answerable to the federal body's Chief Executive. The rule is also considered inoperative due to the absence of a Secretary.
41	Seal and Execution of Documents	Y	<ul style="list-style-type: none"> Substitute 'Secretary' with 'Senior President' in respect of the duty to keep and attest to the fixing of the union's seal.
42	Auditor	N	
43	Financial Year	N	
44	Property and Funds of the Association	Y	<ul style="list-style-type: none"> Delete (a). A General Fund has not been maintained by the Association. The date upon which such a Fund fell into disuse – or whether it existed - is not known. In new (a), provide that the funds of the Association are 'administered by Council' and banked in the Association's name. In new (b), substitute reference to 'Secretary' and 'Assistant Secretary' with 'Senior President, Presidents or Vice Presidents' with respect to signatories for withdrawing funds from a financial institution. Reorder paragraph lettering as required.
45	Offences and Complaints	Y	<ul style="list-style-type: none"> Delete (a)(vi). The clause is vaguely worded and outdated.
46	Removal from Office	N	
47	Charges Against Members	Y	<ul style="list-style-type: none"> In (b), (c), (d), (i), (j), (k), and (l), substitute 'Secretary' with 'Regional Director' in respect of a range of administrative and other duties to be carried out where charges have been laid against a member. In (m), permit Council to initiate proceedings against a member instead of Council instructing the Secretary.
48	Appeal from a Decision of the Disciplinary Committee Decision	Y	<ul style="list-style-type: none"> In (a), substitute 'Secretary' with 'Senior President' in respect of the officer to whom written notice of appeal must be notified. In (c), replace 'Secretary' with 'Regional Director' as the person bearing the duty to refer the appeal to Council to give parties' notice of the referral and the time and place of the Council meeting at which the appeal will be considered.

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49	New Rules and Alterations of Rules	Y	<ul style="list-style-type: none"> • In (a), substitute ‘Secretary’ with ‘Senior President’ as the officer to receive proposed alterations to the Association’s rules and objections thereto. • Delete (c). Any member may propose alterations to the Association’s rules. It is unnecessary to specify that sectional committees have this right. • Reorder paragraph lettering as required, noting the absence of (b) in the current rules.
50	Interpretation of Rules	N	
51	Affiliation and Representation	N	
52	Terms of Office	Y	<ul style="list-style-type: none"> • In (a), amend rule to clarify that the terms for all Office holders is two (2) years - the same as in the rules of the Counterpart Federal Body. • In (a), delete reference to ‘Secretary (and Assistant Secretary)’ and ‘4 years Honorary Officers’ as these positions are no longer provided for in the rules of the Counterpart Federal Body. • In (c), delete the word ‘honorary’. <i>See related changes to rules 5(g) and 5(h).</i>
53	Elections	Y	<ul style="list-style-type: none"> • Amend requirement to conduct elections in each ‘uneven-numbered year[s]’ to a requirement that elections be held ‘every two years’ and ensure that preparatory steps for such elections are taken ‘no less than six months before the expiry of terms of office’. • In (b)(i), amendments are proposed to ensure the (revised) rules are compatible with proposed rule 52 (terms of office), when elections are to be arranged (53(a)), and the composition of Council in rule 19 (Council). • In (b)(ii), clarify that an election notice shall stipulate that a member cannot nominate for more than one Council position, rather than more than one of the positions in existing rule 52(a).

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			<ul style="list-style-type: none"> In (m), substitute 'Secretary' with 'Senior President' in respect of the officer to whom a Returning Officer is to report interferences or irregularities in scrutineering. In (o), clarify that the 'Senior President' bears the duty to declare election results.
54	Formula for Election of Sectional Delegates to Council	Y	<ul style="list-style-type: none"> In (a)(i), delete reference to entrance fees.
55	Avoidance of Irregularities	N	
56	Officers Illegally Elected	N	
57	Members' Right to Vote in Ballot	N	
58	Dissolution of the Association	N	
59	Deleted	N/A	
60	Rights of Members	Y	<ul style="list-style-type: none"> Delete rule. This rule is now redundant. The amalgamation referred to in the rule occurred in 1995. Membership rights are provided for in rule 14.