

**DECLARATION OF AUTHORISED OFFICER OF ORGANISATION under Regulation 126 of the Fair Work (Registered Organisations) Regulation 2009**

**ALTERATION OF RULES OF AN ORGANISATION under section 159 of the Fair Work (Registered Organisations) Act 2009**

I, Nick McIntosh of Level 2, 380-399 Sussex Street Sydney NSW, declare as follows:

1. I am the National Assistant Secretary of the Transport Workers' Union of Australia (**TWUA**) and, as such, am authorised to give this notice of particulars of alterations to the rules of the Transport Workers' Union of Australia.
2. The alterations were made in accordance with the rules of the Transport Workers' Union of Australia.
3. Rule 85 permits the National Council to amend the rules.
4. On 22 June 2021, the National Secretary sent the NSW, Victorian, South Australian and Western Australian Branch Secretaries a letter via email calling a special meeting of the National Council under sub-rules 46(4)(a) and (b) to deal with urgent business. The letter explained the reason for the proposed rule changes and attached a document setting out the proposed amendments to the rules. Copies of the correspondence to the Branch Secretaries (without the attachment) is annexed hereto and marked "**A**". The attachment to the letters is annexed hereto and marked "**B**". The letters fulfilled the requirements of subrule 852(a).
5. For the purpose of sub-rule 85(a), the Queensland Branch was notified of the special National Council meeting and the proposed rule changes in the letters to the NSW and Victorian Branch Secretaries. The basis of this is set out below:
  - a. On 22 May 2021, the Queensland Branch Secretary voluntarily stepped aside from his duties.
  - b. On 24 May 2021, the National Council directed the Queensland Branch Committee of Management to refrain from certain actions regarding the management of the Queensland Branch and directed the NSW and Victorian Branch Secretaries to manage the Queensland Branch on behalf of the National Council until further notice.
  - c. On 23 July 2021, before the resolution referred to in paragraph 8 below and set out in Annexure "**C**", the National Council disbanded the Queensland Branch, assigned Queensland members to the NSW Branch and renamed the NSW Branch the NSW/Qld (Interim Governance) Branch.
6. On 23 July 2021, the National Council meet via Zoom. Sub rule 46(5) permits National Council meetings to be conducted by video or any other method that allows all National Councillors present at the meeting to communicate clearly and simultaneously with each other, even if not physically present in the same place.
7. Quorum requirements for National Council were satisfied in accordance with rule 50. A list of National Councillors who attended the meeting is annexed hereto and marked "**C**". A Quorum was maintained for the meeting.

8. National Council unanimously resolved under subrule 85(b) to amend the Rules in accordance with the proposed amendments. The particulars of the amendment to the rules are annexed hereto and marked "D".
9. The particulars set out in this notice are true and correct to the best of my knowledge and belief.



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Nick McIntosh  
Assistant National Secretary

Dated: 13 August 2021

# Annexure "A"

## Transport Workers' Union of Australia

### National Office

a. 388-390 Sussex St, Sydney NSW 2000  
t. 02 8114 6500

ABN 18 559 030 246



www.twu.com.au

National Secretary  
**Michael Kaine**

22 June 2021

Ian Smith  
SA/ NT Branch Secretary  
25 Chief Street  
Brompton SA 5007

**By Email:** [ian.smith@twusant.com.au](mailto:ian.smith@twusant.com.au)

### Re: Notice of Special Meeting of National Council

Dear Ian,

I write to formally advise you that I am calling a special meeting of National Council to deal with urgent business. The special meeting is scheduled to be held between 10am and 12pm AEST on Friday 23 July 2021 via zoom link.

The urgent business to be dealt with at the special meeting of National Council is as follows:

- Proposed rule changes as attached to this notice.

In relation to the proposed rule changes, the rationale for these rule changes are to enable the transfer of current VIPA members to membership of the TWU as well as appointing the current VIPA President, John Lyons, to the position of Interim Pilot National Councillor until the next quadrennial elections. The position of Pilot National Councillor will then be created and be elected at the next quadrennial election and take office on 10 January 2023. Finally, the proposed rule changes will enable the National Committee of Management to set an alternate Annual Fee for a particular class of members based on the conditions they face as well as setting out their eligibility to vote and nominate at elections.

Where a paragraph begins with '**Insert**' it is a new rule and where a paragraph begins with '**Amend**' it is amending a current rule with the amendment being underlined.

We will be in touch in the near future with the zoom link.

Regards,

A handwritten signature in black ink, appearing to read 'Michael Kaine'.

**Michael Kaine**  
National Secretary

22 June 2021

John Berger  
Vic/ Tas Branch Secretary  
52-56 Rouse Street  
Port Melbourne Vic 3207

By Email: [jberger@twu.asn.au](mailto:jberger@twu.asn.au)

**Re: Notice of Special Meeting of National Council**

Dear John,

I write to formally advise you that I am calling a special meeting of National Council to deal with urgent business. The special meeting is scheduled to be held between 10am and 12pm AEST on Friday 23 July 2021 via zoom link.

The urgent business to be dealt with at the special meeting of National Council is as follows:

- Proposed rule changes as attached to this notice.

In relation to the proposed rule changes, the rationale for these rule changes are to enable the transfer of current VIPA members to membership of the TWU as well as appointing the current VIPA President, John Lyons, to the position of Interim Pilot National Councillor until the next quadrennial elections. The position of Pilot National Councillor will then be created and be elected at the next quadrennial election and take office on 10 January 2023. Finally, the proposed rule changes will enable the National Committee of Management to set an alternate Annual Fee for a particular class of members based on the conditions they face as well as setting out their eligibility to vote and nominate at elections.

Where a paragraph begins with **'Insert'** it is a new rule and where a paragraph begins with **'Amend'** it is amending a current rule with the amendment being underlined.

We will be in touch in the near future with the zoom link.

Regards,



**Michael Kaine**  
National Secretary

22 June 2021

Richard Olsen  
NSW Branch Secretary  
22 John Hines Avenue  
Minchinbury NSW 2770

**By Email:** [richard.olsen@twunsw.org.au](mailto:richard.olsen@twunsw.org.au)

**Re: Notice of Special Meeting of National Council**

Dear Richard,

I write to formally advise you that I am calling a special meeting of National Council to deal with urgent business. The special meeting is scheduled to be held between 10am and 12pm AEST on Friday 23 July 2021 via zoom link.

The urgent business to be dealt with at the special meeting of National Council is as follows:

- Proposed rule changes as attached to this notice.

In relation to the proposed rule changes, the rationale for these rule changes are to enable the transfer of current VIPA members to membership of the TWU as well as appointing the current VIPA President, John Lyons, to the position of Interim Pilot National Councillor until the next quadrennial elections. The position of Pilot National Councillor will then be created and be elected at the next quadrennial election and take office on 10 January 2023. Finally, the proposed rule changes will enable the National Committee of Management to set an alternate Annual Fee for a particular class of members based on the conditions they face as well as setting out their eligibility to vote and nominate at elections.

Where a paragraph begins with '**Insert**' it is a new rule and where a paragraph begins with '**Amend**' it is amending a current rule with the amendment being underlined.

We will be in touch in the near future with the zoom link.

Regards,



**Michael Kaine**  
National Secretary

22 June 2021

Tim Dawson  
WA Branch Secretary  
143 Chisholm Crescent  
Kewdale WA 6105

By Email: [tim.dawson@twuwa.org.au](mailto:tim.dawson@twuwa.org.au)

**Re: Notice of Special Meeting of National Council**

Dear Tim,

I write to formally advise you that I am calling a special meeting of National Council to deal with urgent business. The special meeting is scheduled to be held between 10am and 12pm AEST on Friday 23 July 2021 via zoom link.

The urgent business to be dealt with at the special meeting of National Council is as follows:

- Proposed rule changes as attached to this notice.

In relation to the proposed rule changes, the rationale for these rule changes are to enable the transfer of current VIPA members to membership of the TWU as well as appointing the current VIPA President, John Lyons, to the position of Interim Pilot National Councillor until the next quadrennial elections. The position of Pilot National Councillor will then be created and be elected at the next quadrennial election and take office on 10 January 2023. Finally, the proposed rule changes will enable the National Committee of Management to set an alternate Annual Fee for a particular class of members based on the conditions they face as well as setting out their eligibility to vote and nominate at elections.

Where a paragraph begins with '**Insert**' it is a new rule and where a paragraph begins with '**Amend**' it is amending a current rule with the amendment being underlined.

We will be in touch in the near future with the zoom link.

Regards,



**Michael Kaine**  
National Secretary

## Annexure 'B'

### New Rule enabling VIPA Members to become TWU Members and establishing an Interim Pilot National Councillor

#### Insert a new Transitional Rule 94

(1) In this rule, the words in column A have the meaning assigned in column B:

<b>A</b>	<b>B</b>
<b>Certification Day</b>	The day on which this transitional rule is certified by the Fair Work Commission
<b>Pilot</b>	A person employed or engaged as a pilot on airline services within, or extending beyond, the Commonwealth of Australia
<b>Pilot Member</b>	A financial VIPA Member admitted to membership of the Union under sub-rule 4
<b>Pilot National Councillor</b>	A Pilot Member elected to the National Council under rule 59B
<b>Inaugural Pilot National Councillor</b>	The first Pilot Member elected to the National Council under rule 59B
<b>Interim Pilot National Councillor</b>	The person appointed under sub-rules 10 or 11
<b>VIPA</b>	Virgin Independent Pilots Association
<b>Financial VIPA Member</b>	A financial VIPA member as at the date that VIPA sends the correspondence in sub-rule 4(a)

(2) The purpose of this transitional rule is to provide for:

- (a) the admission of Financial VIPA Members to the Union; and
- (b) an inaugural election of a Pilot National Councillor.

(3) This rule:

- (a) will commence to operate on, and from, the Certification Day;
- (b) applies notwithstanding any other rule. For the sake of clarity, this rule prevails in the event of an inconsistency with other rules relating to the subject matter of this rule: and
- (c) shall cease to have an effect on and from 10 January 2023.

#### Admission of VIPA Members

(4) Despite rules 5 to 8 and 92 of these rules, after the Certification Day, the following persons will be admitted as members of the Union:

- (a) Financial VIPA Members who received correspondence from VIPA advising:
  - (i) that VIPA seeks to facilitate the member becoming a member of the Union;

- (ii) that VIPA intends to make an application on the member's behalf for membership of the Union on the expiration of 14 days from the provision of the correspondence;
  - (iii) that the member may determine to decline to join the Union within that period of 14 days by advising the VIPA Secretary of that determination;
  - (iv) the obligations of membership of the Union and how that member may resign from the Union; and,
- (b) where the Financial VIPA Member has not declined to join the Union; and
  - (c) VIPA has made an application for membership of the Union to the National Secretary, setting out the information required by Annexure C to these rules on behalf of the Financial VIPA Member.
- (5) Upon a person being admitted to membership under sub-rule (4) of this rule, the National Secretary will notify the admission to the Branch Secretary of the respective Branch in the location where the member ordinarily resides and in which the member will be enrolled.
  - (6) A person being admitted to membership under sub rule (4) of this rule is not required to pay an Entrance Fee.
  - (7) The annual fee to be paid by a member admitted under this rule will be \$1,700 for a Captain and \$1,200 for a First Officer for the period ending 30 June 2022 provided that the amount of the annual fee may be altered by the National Council following the period ending 30 June 2022.
  - (8) The National Council or the National Committee of Management may resolve that an annual fee to be paid by a person admitted under this rule may be paid by instalments, payroll deductions, or another method appropriate to the National Council or the National Committee of Management on such terms and conditions considered appropriate.
  - (9) A person admitted under this rule, if making payment of the annual fee in accordance with sub rule (7) of this rule, is a Financial Member for the period ending 30 June 2022 for the purposes of these rules.
  - (10) A member admitted under this rule will, for the purposes of these rules, be treated as having been continuously a member of the Union for the combined period of their continuous financial membership of VIPA, immediately preceding their admission as a member of the Union and their financial membership of the Union.

#### **Appointment of an Interim Pilot National Councillor**

- (11) Following Certification Day, the National Council shall appoint Mr John Lyons as an Interim Pilot National Councillor to perform the functions and obligations of the Pilot National Councillor until a Pilot National Councillor can be elected under rule 59B providing that Mr Lyons is a Pilot Member on the date of the appointment.
- (12) If on Certification Day Mr John Lyons is not available to take up the position of Interim Pilot National Councillor or has declined to take up that position, then the National Council will, following consultation with Pilot Members, fill the vacancy by appointment of a VIPA member who was an officer of VIPA on the day preceding

Certification Day providing that the VIPA member is a Pilot Member on the date of the appointment.

- (13) The Interim Pilot National Councillor is entitled to attend, propose resolutions, be heard and participate in meetings of the National Council, and be entitled to one vote at a National Council meeting.
- (14) The Interim Pilot National Councillor will, subject to these rules, hold office from their appointment until they are replaced by a Pilot Member elected as the Inaugural Pilot National Councillor at the next quadrennial elections of the Union in accordance with rule 59B.
- (15) Except as otherwise provided for in this rule, this rule may only be altered by resolution of the National Council provided that of the votes cast, seventy-five (75) percent of the total vote are cast in favour of any alteration.

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## **New Rules Establishing the Position of Pilot National Councillor**

**Insert a new Rule 92(aa1) to define a "Pilot" as follows:**

(aa1). "Pilot" means a person employed or engaged as pilots on airline services within, or extending beyond, the Commonwealth of Australia.

**Amend sub-rule 24 by inserting the following into sub-rule 24(1) to create a Pilots National Councillor follows:**

(1) National Council consists of:

...  
(j) a Pilots National Councillor representing members of the Union who are Pilots elected in accordance with rule 59B

**Insert a new Rule 53 (1)(i) giving one vote to Pilot National Councillor**

(1) In meetings and ballots of the National Council, votes must be allocated in the following way:

...  
(i) The Pilot National Councillor elected in accordance with Rule 59B and provided for in Rule 24(1)(j) shall be entitled to one vote.

**Insert a new rule 59B to set out the procedure for electing a Pilot National Councillor at the quadrennial elections as follows:**

59B Special Rule-Election of a Pilot National Councillor

(1) Subject to Rule 94, the Pilot National Councillor will be a Pilot who is a Member of the Union and is elected by Members who are Pilots at the same time and by the same method as rule 59 except for

(a) sub-rule 59(2), which is replaced with the following sub-rule:

i. The National Returning Officer must call for nominations for election to the position of Pilot National Councillor by notifying each Pilot Member in an appropriate manner.

(b) sub-rule 59(24), which is replaced with the following sub-rule:

i. A person declared elected to the position of Pilot National Councillor takes office on:

- a. 10 January 2023; and
- b. 10 January every four years thereafter.

**Insert a new Rule 62A to permit National Council to fill a casual vacancy for a Pilot National Councillor**

62A Manner of filling casual vacancies in the position of Pilot National Councillor

(1) Subject to Rules 59B and 94, a casual vacancy in the position of Pilots National Councillor must be filled in accordance with this rule.

(2) If the expired term of the position is greater than both

(a) 12 months, and

(b) one-quarter of the term of the position

then, an appointment for the casual vacancy must be made by the National Council, providing that the appointee is a financial Pilot Member.

(3) If the expired term of the position is less than

(a) both 12 months, or

(b) one-quarter of the term of the position

then, an election for the casual vacancy must be held in accordance with rule 59B except that:

(c) the National Committee of Management must set alternate dates to those described in rules 59(1),(3),(4),(16),(18), (24), and 59B, the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations;

(d) the election must be complete within 4 months of the casual vacancy occurring:

(e) a person can only fill the casual vacancy if they are a financial Pilot Member: and

(f) a person who fills the casual vacancy in accordance with sub-rule (2) or (3) holds the position for the remainder of the original 4 yer term of the position.

**New Rule enabling the National Committee of Management to set alternate Annual Fee for a particular class of Union members and consequential amendments.**

**Insert a new sub-rule 8(1A) that permits an alternate annual fee as follows:**

8(1A) The National Committee of Management may prescribe an Alternate Annual Fee for particular classes of Union members from time to time.

**Insert a new sub-rule 25(2)(k) to provide a specific power for the National Committee of Management to set alternate membership fees:**

(h) The National Committee of Management may, from time to time, set an alternate Annual Fee for particular classes of members of the Union having regard to matters the National Committee of Management considers relevant, including the average earnings of particular classes of members and circumstances affecting particular classes of members of the Union. The National Committee of Management will prescribe the class of members of the Union to whom any such Alternate Annual Fee applies.

**Insert a new sub rule 92(1)(a1) as follows:**

(a1) "Alternate Annual Fee " means the Annual Fee to be paid by Members to the Union in accordance with rule 8(1A).

**Amend sub rule 92(1)(i) as follows**

(i) "Dues" means any amount due to the Union from a Member as an Annual Fee, Alternate Annual Fee, Entrance Fee, Fine or Levy, or which was so due;

**Amend subrule 92(1)(q) as follows**

(q) "Financial Member", subject to any deeming provision to the contrary, means a Member who has paid:

(i) all Dues due and payable under the Rules, and

(ii) since the commencement of Membership, Annual Fees of at least an amount equivalent to 8/52 of the Annual Fee specified in sub-rule 8(1) or an amount equivalent to 8/52 of the Alternate Annual Fee specified in sub-rule 8(1A).

**Insert a new sub-rule 57(1)(1B) as follows:**

(1B) In addition to sub rule (1) and (1A), if a person is from a class of members of the Union to whom an Alternate Annual Fee applies, the person is only eligible to nominate for, hold or retain a position in the Union, (other than a position identified in sub rule (2) or a Pilot National Councillor) if that person has paid the whole of the Annual Fee continuously for the previous 3 months.

**Insert a new sub-rule 57(2)(2A) as follows:**

- (2A) In addition to sub rule (2), if a person is from a class of members of the Union to whom an Alternate Annual Fee applies, the person is only eligible to nominate for, hold or retain the positions in sub rule (2) if they have paid the whole of the Annual Fee continuously for the previous 3 years.

**Amend sub rule 57(3) as follows:**

- (3) The conditions of eligibility expressed in paragraphs (1A), (1B), (2)(d), (e), (f), (g) (h) and (2A) do not apply to a position in a Branch at the time of the Branch being formed in accordance with rule 17 or within 3 years of it being formed or the election of the Inaugural Pilot Councillor under Rule 59B and sub-rule 94(14).

**Amend Rule 57(7) as follows**

- (7) In addition to the requirements as to the eligibility of persons to nominate for and hold positions in the Union set out in subrules (1), (1A), (1B), (2) and (2A), in the event that more than 1 nomination for election to a position is received and an election is required to be held for the position in accordance with the rules, a person is only eligible to be a candidate in the election if that person remains a continuous Financial Member at all subsequent times during the period of the election.



# Annexure “C”

## Transport Workers’ Union of Australia

### Attendees at the Special National Council Meeting

23 July 2021 via Videolink

#### Attendees:

Michael Kaine	National Office
Nick McIntosh	National Office
Richard Olsen	NSW Branch
Robert Pirc	NSW Branch
Michael Forbes	NSW Branch
Mick Pieri	NSW Branch
Klaus Pinkas	NSW Branch
Ray McMillan	WA Branch
Timothy Dawson	WA Branch
John Davis	WA Branch
Joanne Woodford	WA Branch
John Berger	Vic/ Tas Branch
Chris Fennell	Vic/ Tas Branch
Mike McNess	Vic/ Tas Branch
Dissio Markos	Vic/ Tas Branch
Guillaume Maze	Qld Branch
Cherie Holman	Qld Branch
Terry Russell	Qld Branch
Ian Smith	SA/ NT Branch
Debbie Laycock-Brown	SA/ NT Branch
Peter Brammy	SA/ NT Branch
Corey Colbran	SA/ NT Branch

#### Apologies:

Margaret Harvey	NSW Branch
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#### Observers:

Emily McMillan	National Office
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# Annexure “D”

## **Resolution Endorsing VIPA Rule Changes**

National Council notes the report about the proposed merger with VIPA. National Council notes that it has previously endorsed this merger and the intent was publicly announced at the 2021 National Council.

National Council is of the view that a merger between VIPA, as a professional, experienced and specialised Pilot Union, and the TWU, as the aviation union with its reputation as a powerful, relentless and well-resourced union, is in the best interests of all TWU members, VIPA members and pilots across the country.

On this basis National Council endorses the rule changes as have been previously provided in accordance with the TWU Rules.

## **New Rules enabling VIPA Members to become TWU Members and establishing an Interim Pilot National Councillor**

### ***Insert a new Transitional Rule 94***

- (1) In this rule, the words in column A have the meaning assigned in column B:

<b>A</b>	<b>B</b>
<b>Certification Day</b>	The day on which this transitional rule is certified by the Fair Work Commission
<b>Pilot</b>	A person employed or engaged as a pilot on airline services within, or extending beyond, the Commonwealth of Australia
<b>Pilot Member</b>	A financial VIPA Member admitted to membership of the Union under sub-rule 4
<b>Pilot National Councillor</b>	A Pilot Member elected to the National Council under rule 59B
<b>Inaugural Pilot National Councillor</b>	The first Pilot Member elected to the National Council under rule 59B
<b>Interim Pilot National Councillor</b>	The person appointed under sub-rules 10 or 11
<b>VIPA</b>	Virgin Independent Pilots Association
<b>Financial VIPA Member</b>	A financial VIPA member as at the date that VIPA sends the correspondence in sub-rule 4(a)

- (2) The purpose of this transitional rule is to provide for:
- (a) the admission of Financial VIPA Members to the Union; and
  - (b) an inaugural election of a Pilot National Councillor.

- (3) This rule:
  - (a) will commence to operate on, and from, the Certification Day;
  - (b) applies notwithstanding any other rule. For the sake of clarity, this rule prevails in the event of an inconsistency with other rules relating to the subject matter of this rule: and
  - (c) shall cease to have an effect on and from 10 January 2023.

### **Admission of VIPA Members**

- (4) Despite rules 5 to 8 and 92 of these rules, after the Certification Day, the following persons will be admitted as members of the Union:
  - (a) Financial VIPA Members who received correspondence from VIPA advising:
    - (i) that VIPA seeks to facilitate the member becoming a member of the Union;
    - (ii) that VIPA intends to make an application on the member's behalf for membership of the Union on the expiration of 14 days from the provision of the correspondence;
    - (iii) that the member may determine to decline to join the Union within that period of 14 days by advising the VIPA Secretary of that determination;
    - (iv) the obligations of membership of the Union and how that member may resign from the Union; and,
  - (b) where the Financial VIPA Member has not declined to join the Union; and
  - (c) VIPA has made an application for membership of the Union to the National Secretary, setting out the information required by Annexure C to these rules on behalf of the Financial VIPA Member.
- (5) Upon a person being admitted to membership under sub-rule (4) of this rule, the National Secretary will notify the admission to the Branch Secretary of the respective Branch in the location where the member ordinarily resides and in which the member will be enrolled.
- (6) A person being admitted to membership under sub rule (4) of this rule is not required to pay an Entrance Fee.
- (7) The annual fee to be paid by a member admitted under this rule will be \$1,700 for a Captain and \$1,200 for a First Officer for the period ending 30 June 2022 provided that the amount of the annual fee may be altered by the National Council following the period ending 30 June 2022.
- (8) The National Council or the National Committee of Management may resolve that an annual fee to be paid by a person admitted under this rule may be paid by instalments, payroll deductions, or another method appropriate to the National Council or the National Committee of Management on such terms and conditions considered appropriate.

- (9) A person admitted under this rule, if making payment of the annual fee in accordance with sub rule (7) of this rule, is a Financial Member for the period ending 30 June 2022 for the purposes of these rules.
- (10) A member admitted under this rule will, for the purposes of these rules, be treated as having been continuously a member of the Union for the combined period of their continuous financial membership of VIPA, immediately preceding their admission as a member of the Union and their financial membership of the Union.

### **Appointment of an Interim Pilot National Councillor**

- (11) Following Certification Day, the National Council shall appoint Mr John Lyons as an Interim Pilot National Councillor to perform the functions and obligations of the Pilot National Councillor until a Pilot National Councillor can be elected under rule 59B providing that Mr Lyons is a Pilot Member on the date of the appointment.
- (12) If on Certification Day Mr John Lyons is not available to take up the position of Interim Pilot National Councillor or has declined to take up that position, then the National Council will, following consultation with Pilot Members, fill the vacancy by appointment of a VIPA member who was an officer of VIPA on the day preceding Certification Day providing that the VIPA member is a Pilot Member on the date of the appointment.
- (13) The Interim Pilot National Councillor is entitled to attend, propose resolutions, be heard and participate in meetings of the National Council, and be entitled to one vote at a National Council meeting.
- (14) The Interim Pilot National Councillor will, subject to these rules, hold office from their appointment until they are replaced by a Pilot Member elected as the Inaugural Pilot National Councillor at the next quadrennial elections of the Union in accordance with rule 59B.
- (15) Except as otherwise provided for in this rule, this rule may only be altered by resolution of the National Council provided that of the votes cast, seventy-five (75) percent of the total vote are cast in favour of any alteration.

### **New Rules Establishing the Position of Pilot National Councilor**

#### ***Insert a new Rule 92(aa1) to define a "Pilot" as follows:***

- (aa1). "Pilot" means a person employed or engaged as pilots on airline services within, or extending beyond, the Commonwealth of Australia.

#### ***Amend sub-rule 24 by inserting the following into sub-rule 24(1) to create a Pilots National Councilor follows:***

- (1) National Council consists of:

...

- (j) a Pilots National Councilor representing members of the Union who are Pilots elected in accordance with rule 59B

**Insert a new Rule 53 (1)(i) giving one vote to Pilot National Councillor**

- (1) In meetings and ballots of the National Council, votes must be allocated in the following way:

- ...  
(i) The Pilot National Councillor elected in accordance with Rule 59B and provided for in Rule 24(1)(j) shall be entitled to one vote.

***Insert a new rule 59B to set out the procedure for electing a Pilot National Councillor at the quadrennial elections as follows:***

59B Special Rule-Election of a Pilot National Councillor

- (1) Subject to Rule 94, the Pilot National Councillor will be a Pilot who is a Member of the Union and is elected by Members who are Pilots at the same time and by the same method as rule 59 except for
- (a) sub-rule 59(2), which is replaced with the following sub-rule:
- i. The National Returning Officer must call for nominations for election to the position of Pilot National Councillor by notifying each Pilot Member in an appropriate manner.
- (b) sub-rule 59(24), which is replaced with the following sub-rule:
- i. A person declared elected to the position of Pilot National Councillor takes office on:
- a. 10 January 2023; and
- b. 10 January every four years thereafter.

***Insert a new Rule 62A to permit National Council to fill a casual vacancy for a Pilot National Councilor***

62A Manner of filling casual vacancies in the position of Pilot National Councillor

- (1) Subject to Rules 59B and 94, a casual vacancy in the position of Pilots National Councillor must be filled in accordance with this rule.
- (2) If the expired term of the position is greater than both
- (a) 12 months, and
- (b) one-quarter of the term of the position

then, an appointment for the casual vacancy must be made by the National Council, providing that the appointee is a financial Pilot Member.

(3) If the expired term of the position is less than

- (a) both 12 months, or
- (b) one-quarter of the term of the position

then, an election for the casual vacancy must be held in accordance with rule 59B except that:

- (c) the National Committee of Management must set alternate dates to those described in rules 59(1),(3),(4),(16),(18), (24), and 59B, the roll of voters is to close at 5pm, 7 days before the date set for the opening of nominations;
- (d) the election must be complete within 4 months of the casual vacancy occurring;
- (e) a person can only fill the casual vacancy if they are a financial Pilot Member: and
- (f) a person who fills the casual vacancy in accordance with sub-rule (2) or (3) holds the position for the remainder of the original 4 yer term of the position.

**New Rule enabling the National Committee of Management to set alternate Annual Fee for a particular class of Union members and consequential amendments.**

***Insert a new sub-rule 8(1A) that permits an alternate annual fee as follows:***

- 8(1A) The National Committee of Management may prescribe an Alternate Annual Fee for particular classes of Union members from time to time.

***Insert a new sub-rule 25(2)(k) to provide a specific power for the National Committee of Management to set alternate membership fees:***

- (h) The National Committee of Management may, from time to time, set an alternate Annual Fee for particular classes of members of the Union having regard to matters the National Committee of Management considers relevant, including the average earnings of particular classes of members and circumstances affecting particular classes of members of the Union. The National Committee of Management will prescribe the class of members of the Union to whom any such Alternate Annual Fee applies.

***Insert a new sub rule 92(1)(a1) as follows:***

- (a1) "Alternate Annual Fee " means the Annual Fee to be paid by Members to the Union in accordance with rule 8(1A).

***Amend sub rule 92(1)(i) as follows***

- (i) "Dues" means any amount due to the Union from a Member as an Annual Fee, Alternate Annual Fee, Entrance Fee, Fine or Levy, or which was so due;

***Amend subrule 92(1)(q) as follows***

- (q) "Financial Member", subject to any deeming provision to the contrary, means a Member who has paid:
- (i) all Dues due and payable under the Rules, and
  - (ii) since the commencement of Membership, Annual Fees of at least an amount equivalent to 8/52 of the Annual Fee specified in sub-rule 8(1) or an amount equivalent to 8/52 of the Alternate Annual Fee specified in sub-rule 8(1A).

***Insert a new sub-rule 57(1)(1B) as follows:***

- (1B) In addition to sub rule (1) and (1A), if a person is from a class of members of the Union to whom an Alternate Annual Fee applies, the person is only eligible to nominate for, hold or retain a position in the Union, (other than a position identified in sub rule (2) or a Pilot National Councillor) if that person has paid the whole of the Annual Fee continuously for the previous 3 months.

***Insert a new sub-rule 57(2)(2A) as follows:***

- (2A) In addition to sub rule (2), if a person is from a class of members of the Union to whom an Alternate Annual Fee applies, the person is only eligible to nominate for,

hold or retain the positions in sub rule (2) if they have paid the whole of the Annual Fee continuously for the previous 3 years.

***Amend sub rule 57(3) as follows:***

- (3) The conditions of eligibility expressed in paragraphs (1A), (1B), (2)(d), (e), (f), (g) (h) and (2A) do not apply to a position in a Branch at the time of the Branch being formed in accordance with rule 17 or within 3 years of it being formed or the election of the Inaugural Pilot Councillor under Rule 59B and sub-rule 94(14).

***Amend Rule 57(7) as follows***

- (7) In addition to the requirements as to the eligibility of persons to nominate for and hold positions in the Union set out in subrules (1), (1A), (1B), (2) and (2A), in the event that more than 1 nomination for election to a position is received and an election is required to be held for the position in accordance with the rules, a person is only eligible to be a candidate in the election if that person remains a continuous Financial Member at all subsequent times during the period of the election.

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**Moved:** John Berger

**Seconded:** Richard Olsen

Unanimously carried.

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