

## Representation Policy

This policy sets out the rights and responsibilities that apply to a member when they choose the RTBU to act on their behalf to pursue or defend a matter.

The RTBU will only initiate, or defend, a matter on behalf of a member if there is merit in the matter. This usually requires there to be evidence in support of the claim or a valid defence to counter an allegation. Once commenced, the RTBU:

- will keep a member updated on the progress of the matter (usually by telephone or email);
- will notify a member of offers of settlement;
- will notify a member about the outcome of negotiations; and
- may cease to represent a member if warranted in the circumstances and this will include when:
  - another representative begins to act on the member's behalf;
  - the member becomes un-financial or resigns;
  - the member rejects, or fail to make, a reasonable offer of settlement;
  - the member does not respond to requests or is uncontactable; or
  - further evidence, assessment or analysis of the case indicates that the claim should, in the RTBU's opinion, no longer be progressed.

### Membership

If, at any stage during the conduct of a matter, a member becomes un-financial or resigns, the RTBU will take no further action in relation to any matter on that member's behalf. The RTBU will not waive fees for a member who has a claim underway.

### Reasonable steps

During the conduct of a matter, a member is required to take reasonable steps to try to resolve the matter. These steps may include providing full instructions, assisting with witnesses (if necessary), attending meetings, conciliations and hearings and considering or making reasonable offers of settlement.

### Legal proceedings

If a matter proceeds to court, it is important to understand that the court process can be complex and take time. If a matter includes a claim for a penalty, any penalty amount recovered (at any stage for instance - by settlement or court order) will be paid (in full) to the RTBU only. If the matter proceeds in a costs jurisdiction the RTBU will not pay any penalty or Court ordered costs awarded against the member.

### External Representation

Where the RTBU considers it appropriate they will brief external counsel to assist in specific matters. In considering any brief the RTBU will take into account the best interests of all members of the Union whilst ensuring the member is provided with the best possible representation. The member will comply with all reasonable requests made by external counsel.

The Union reserves its right to withdraw funding of external representation in circumstances where the member either fails to comply with the obligations contained within this document or otherwise acts in a manner that is not consistent with the best interests of the Union.

### Commentary

If the outcome is successful, a member may be requested to participate in media commentary, events or lend their support to RTBU media releases, to ensure members know about our wins and to send a clear message to the PTA that they will be held to account. A member may elect not to participate.

*The RTBU encourages members asking questions about the claims process to call the Union office.*

I \_\_\_\_\_ have read and acknowledged the above.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_