

ARTBIU Representation Policy

This policy sets out the rights and responsibilities that apply to a member when they choose the Australian Rail Tram and Bus Union, Western Australia Branch 'ARTBIU' to act on their behalf to pursue or defend a matter.

The ARTBIU will only consider initiating, defending, or funding a matter on behalf of a member if there is merit in the matter. Membership with the ARTBIU does not qualify for automatic representation in every matter. The ARTBIU will assess each matter and consider representation based on the ARTBIU's opinion of:

- the evidence in support of the claim or a valid defence to counter an allegation;
- whether the claim is vexatious, frivolous & unreasonable;
- the interests of the membership as whole;
- the limited resources of the ARTBIU; and
- any reasonable prospect of success.

Once commenced, the ARTBIU:

- 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 ARTBIU'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 ARTBIU will take no further action in relation to any matter on that member's behalf. The ARTBIU 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 ARTBIU only. If the matter proceeds in a costs jurisdiction the ARTBIU will not pay any penalty or Court ordered costs awarded against the member.

External Representation

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

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 ARTBIU media releases, to ensure members know about our wins and to send a clear message to employers that they will be held to account. A member may elect not to participate.

Dispute Resolution

Any dispute under this policy shall be referred to the Branch Secretary to review and determine.

The ARTBIU encourages members asking questions about this policy to call the Union office.

I _____ have read and acknowledged the above.

Signature:

Date: