

Proposed Resolution for Meeting of Divisional Executive on 7 August 2024

Introduction

The Divisional Executive notes the following:

- a. Various allegations have been made in the media relating to the operations of the Victoria-Tasmania Divisional Branch.
- b. On 15 July 2024, the Divisional Executive made a resolution concerning the Victoria-Tasmania Divisional Branch which required Zach Smith to report back to the Divisional Executive at the next scheduled meeting on 7-8 August 2024.
- c. On 7 August 2024, Zach Smith reported to the Divisional Executive about the steps taken since 15 July 2024.
- d. The General Manager of the Fair Work Commission has advised the Union that he is considering making an application under s 323 of the *Fair Work (Registered Organisations) Act 2009* (Cth) in respect of some part of the Union, which requires the Court to be satisfied that, among other things, that part has ceased to exist or function effectively.

The Divisional Executive notes further the following:

- e. It supports the actions taken by the Divisional Secretary since 15 July 2024 and wishes to convey that by formally adopting those actions as its own as a show of its support.
- f. It seeks to do so by resolution provided with notice to the Divisional Branch so that any member of the Divisional Branch who agrees or disagrees may be heard, such that if the resolution is passed the Divisional Branch as a whole can convey its support for the actions that have been taken and the actions still to be taken.

In addition to any other matters discussed at the meeting at which this resolution is passed, the Divisional Executive resolves accordingly.

Resolution

The Divisional Executive resolves that in order to secure the satisfactory working of the Victoria-Tasmania Divisional Branch, the Divisional Executive:

1. Confirms the appointment of Zach Smith to investigate and take any such action as he considers may be necessary to resolve, in accordance with the Rules, any and all matters arising out of, or in connection, with the allegations that have been published in the media since 15 July 2024 about the Victoria-Tasmania Divisional Branch including any matters raised with him and/or the Division by

the General Manager of the Fair Work Commission connected directly or indirectly with those allegations.

2. Confirms the appointment of:
 - a. Geoffery Watson SC to conduct an independent investigation and provide a report to Maurice Blackburn Lawyers as set out in the letter of appointment dated 24 July 2024.
 - b. Susan Halliday AM and Michael Paynter to conduct a governance review of the Victoria-Tasmania Divisional Branch as set out in the letters of appointment dated 30 July 2024.
3. Confirms that Zach Smith shall have such powers as necessary to discharge his appointment under paragraph 1 within the limits of the Rules, including for the avoidance of doubt the power to appoint, control and dismiss the staff of the Victoria-Tasmania Divisional Branch.
4. Directs each member of the Divisional Branch Management Committee of the Victoria-Tasmania Divisional Branch to do all things necessary to give effect to any directions given or decisions or recommendations made by Zach Smith in the performance of his appointment under paragraph 1 within the limits of the Rules.
5. Confirms for the avoidance of doubt that it is the intention of the Divisional Executive that the above Resolution be operative to the fullest extent permitted by the Rules and that it should be read down and/or severed if and to the extent that it is found to be invalid so as to preserve the valid operation of the remainder of the resolution.

Moved:

Seconded: