

## HEALTH SERVICES UNION

### Welfare Fund By-laws & Terms of Reference

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#### Purpose

The HSU will provide a Welfare Fund for the purpose of paying a benefit to any member (or upon the death of a member, to the member's spouse or next of kin) in accordance with the Rules and By-laws of the Union (*Reference: Rule 2 (xxxiii) in the Union Rules*).

#### Definitions

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| Assistant Secretary-Treasurer | The designated Officer in charge of the financial conduct and reporting of the Union and an assistant to the Secretary in regard to the general conduct, administration and business of the Union.      |
| Employees                     | All staff, contractors, consultants and temporary workers of the Health Services Union NSW/ACT/QLD.   |
| Member                        | A financial member of the HSU NSW/ACT/QLD.  |
| Officers                      | The President, Senior Vice-President, Junior Vice-President, Secretary and Assistant Secretary/Treasurer.   |
| President                     | The official head of the Union.   |
| Relative                      | In relation to a person, means the spouse, parent or remoter lineal ancestor, child or remoter issue, or brother or sister of the person.   |
| Secretary                     | The Chief Executive Officer of the Union. The designated Officer in charge of the general conduct, administration and business of the Union.  |
| Trustee                       | A Trustee of the Welfare Fund appointed under Rule 27(A) of the Health Services Union NSW registered rules.   |
| Union                         | Health Services Union NSW trading as Health Services Union NSW/ACT/QLD.   |
| Union Committee               | The Union's committee of management, consisting of the President, the Senior Vice-President, the Junior Vice-President, the Secretary, the Assistant Secretary-Treasurer and five (5) ordinary members. |
| Union Council                 | The supreme governing body of the Union, consisting of the Officers and twenty-four (24) Councillors.   |
| Union Rules                   | Those rules registered under the <i>Industrial Relations Act 1996</i> .   |

#### General Statement

In pursuance of the powers conferred on it by Rule 19(f)(H) of the Union Council of the Health Services Union New South Wales hereby makes the following By-laws and Terms of Reference for the regulation of the Welfare Fund and its Trustees and for the conduct of business of the Welfare Fund.

There shall be seven (7) Trustees of the Welfare Fund. The Trustees shall be as follows:

- (a) Three (3) Trustees elected by and from the members of the Union Council;
- (b) Two (2) Trustees appointed by the Secretary of the Union;
- (c) The President of the Union (or his/her nominee); and
- (d) The Assistant Secretary/Treasurer of the Union.

The President (or his/her nominee) shall be the Chairperson of the Welfare Fund and the trustees.

*(Reference: Rule 27(A) in the Union Rules).*

Any grant or donation received from the Union for the purposes of the Welfare Fund shall be paid into a separate bank account under the control of the trustees of the Welfare Fund *(Reference: Rule 4 in the Union Rules).*

## By-laws

### **i) Application of Contributions by the Health Services Union NSW**

Any amounts granted or donated by the Health Services Union NSW for the purposes of the Welfare Fund shall be held in Trust by the Trustees and shall be applied in accordance with the Rules of the Health Services Union NSW and its By-laws and any grants and donations by the Union to the Welfare Fund shall be applied by the Trustees to provide the benefits under the Rules of the Union and the By-laws.

### **ii) Investments**

Subject to the Rules of the Union and the By-laws, all monies forming part of the Welfare Fund may be invested in any one or more of the forms of investment allowed by the Rules of the Union with power for the Trustees to vary or transpose any such investments so made.

### **iii) Trustees not under Personal Liability**

No Trustee shall be under any personal liability in respect of any loss or breach of trust relating to the Welfare Fund unless due to the personal dishonesty of that Trustee.

### **iv) Appointment and Removal of Trustees**

A Trustee shall cease to hold office if the Trustee:

- a) resigns office by Notice in writing to the Union and any other Trustees;
- b) dies;
- c) becomes of unsound mind;
- d) becomes bankrupt or makes an assignment to or composition with creditors;
- e) is removed from office by the Union on grounds of misconduct or dereliction of duty.

In case of a Trustee vacating their position or being removed pursuant to Rule 23, the remaining Trustees shall continue to oversee the operations of the Welfare Fund until a new appointment be made.

### **v) Eligibility**

Subject to Clause 6, there shall be no entitlement to the benefit payable pursuant to Rule 2 (xxxiii) upon the member:

- i) ceasing to be a financial member, or exempted pursuant to Rule 8 (e); or

ii) the Trustees exercising their discretion under Clause 6 of these By-laws.

**vi) Trustees' Discretion**

Notwithstanding the provisions of Clause 5 of these By-laws, the Trustees may determine at their absolute discretion that a member shall be deemed to be or have been eligible for the benefit payable pursuant to Rule 2(xxxiii) upon consideration of special circumstances, which may include one or more of the following:

- a) the seriousness of any incapacity or illness of the member at the time of becoming non-financial;
- b) the extent of any mental infirmity suffered by the member;
- c) the failure of a member's employer, contrary to an arrangement to deduct or pay the members subscription to the Union;
- d) any other reason in the absolute discretion of the Trustees that reasonably explains the member having become non-financial.

**vii) Entitlement to Benefit**

- a. A member of the Union may apply to receive a benefit payment from the Welfare Fund in the amount to be determined by the Trustees in their absolute discretion in the event that they have experienced hardship arising from the following events:
  - a) storms;
  - b) floods;
  - c) earthquakes;
  - d) bushfires;
  - e) cyclones;
  - f) any other event which in the absolute discretion of the Trustees constitutes a natural disaster.
- b. A member of the Union may apply to receive a benefit payment from the Welfare Fund in the amount to be determined by the Trustees in their absolute discretion in the event that they are in extreme difficulty as a result of an accident, injury or illness to themselves or their dependents.
- c. In the event of the death of a member during the occurrence of any of the events referred to in Clause vii) a. or b. the Trustees may in their absolute discretion pay any benefit from the Welfare Fund to the members spouse or next of kin who were living with the member at the time of their death.
- d. For the purposes of this Clause, "Spouse" shall include a same sex partner, de-facto partner, husband or wife.

**viii) Amount of Benefit**

The amount of benefit payable pursuant to Rule 2(xxxiii) shall be at the absolute discretion of the Trustees of the Welfare Fund but shall not exceed the total sum of \$1,000.

**ix) Payments from the Welfare Fund**

All cheques and written authorisations for the transfer and/or disbursement of funds of the Welfare Fund shall be signed by the Chairman (or his/her nominee) together with two (2) Trustees.

**x) Access by Union Council to Welfare Fund**

The Union Council shall be entitled at any time to request the Trustees of the Welfare Fund to provide the Union Council with such amount as it requires from the Welfare Fund to be utilised for Union purposes only.

**xi) Meetings of the Trustees of the Welfare Fund**

- a. Meetings of the Trustees of the Welfare Fund may be convened by:
  - i) The Chairperson (or his/her nominee) upon providing seven (7) days' written notice (notice by email being sufficient notice) to each Trustee; or
  - ii) Two or more Trustees providing seven (7) days' written notice (notice by email to be sufficient notice) to the other Trustees and the Chairperson (or his/her nominee).
- b. Any meeting convened pursuant to this Clause shall be held at Sydney at the offices for the time being of the Union provided that should it be impractical for any Trustee to attend such meeting personally, attendance may be by telephone, internet or other electronic voice communication.
- c. The Trustees may regulate their meetings as they think fit with a minimum of three (3) as the quorum necessary for the transaction of business. The President of the Union or in the absence of the President, the President's nominee shall act as Chairperson at meetings to regulate conduct of business and shall have a deliberative vote.
- d. Any power or discretion (including the powers, authorities and discretions pursuant to the Rules of the Union or these By-laws vested in the Trustees generally) may be exercised by a majority of the Trustees or in accordance with a resolution of the Trustees passed by a majority of votes at a meeting of the Trustees at which a quorum is present, each Trustee present being entitled to one (1) vote and in the case of an equality of votes the Chairman or his/ her nominee shall have a deliberative vote.
- e. A resolution in writing circulated and signed by all the Trustees shall have the same effect and validity as a resolution of the Trustees passed at a duly convened meeting.
- f. The minutes of any meeting of the Trustees shall be signed by the Chairperson and a copy tabled at the next meeting of the Union Committee following the meeting of Trustees.

### **Procedure for Application**

A Welfare Fund referral can be made via the following means:

- The affected member directly to the Union
- By a HSU Official
- By a member of the HSU Union Committee
- By a member of the HSU Union Council
- By an elected delegate
- By an employee of the HSU

A HSU Welfare Fund claim form, along with appropriate documentation to support the claim will be provided to the HSU Claims Department. Once all documentation has been reviewed and checked by

the HSU Claims Department it will then be provided to the Welfare Fund Trustees at their next meeting for a recommendation to be determined.

Approved Welfare Fund claims will be provided to the HSU Finance Department for payment with minutes from the Welfare Fund Trustees meeting used as evidential support for the payment.

### Disclosure

Disclosure of approved applications will be provided to the Union Council. Individual member names will be withheld to protect member's privacy.

### Confidentiality

The HSU will at all times keep the details of a Welfare Fund application limited to those officials and employees that are required to enable this Fund to apply.

### Version Control

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