

THE PHLEBOTOMISTS
COUNCIL OF
AUSTRALIA



PROFESSIONAL
ASSOCIATION & PEAK
BODY FOR
PATHOLOGY WORKERS

Constitution and Rules of the Phlebotomists Council of Australia (PCA)

Article 1: Name and Objectives

1.1 The name of the organisation shall be the *Phlebotomists Council of Australia* (hereafter "the PCA").

1.2 The PCA meets the requirements of the *Fair Work (Registered Organisations) Act 2009* and exists to:

- a) protect and advance the industrial, professional, and workplace rights of phlebotomists and pathology workers;
- b) promote members' professional development and training;
- c) negotiate and secure fair wages, equitable working conditions, and safe workplaces;
- d) act as the peak body representing pathology workers nationally;
- e) advocate for inclusivity, equality, and human rights in the workplace.

Article 2: Membership

2.1 Eligibility: Membership is open to all persons employed, in the fields of pathology, including but not limited to phlebotomists, pathology collectors, scientists, laboratory technicians, couriers, swabbers, specimen reception, and pre-analytical staff.

2.2 Sectors: Membership is open to workers in both the public and private pathology sectors.

2.3 Application: Persons seeking membership must complete the prescribed membership application, verification documents and pay the membership fees as determined under these Rules.

2.4 Rights of Members:

- a) Financial members shall have the right to vote in elections, stand for office, participate in meetings, and receive representation in accordance with these Rules.

- b) Members may nominate for election to the Member Council and/or the Executive Council
- c) Members shall be entitled to fair and equal treatment and to access grievance procedures established under these Rules.

2.5 Cessation: Membership benefits are not accessible to unfinancial members; Membership ceases when a member resigns in writing and this membership is accepted and processed by PCA, fails to pay membership dues for a period exceeding three (3) months, or is expelled in accordance with these Rules.

Article 3: Governance

3.1 The governing body of the PCA shall be the Member Executive Council, consisting of:

- CEO
- President
- Vice President
- Secretary
- Treasurer
- Up to four (4) ordinary members elected by financial members.

3.2 Elections shall be conducted in accordance with the *Registered Organisations Act* and any regulations made thereunder, ensuring a fair, secret ballot process.

3.3 Duties:

- a) The Council shall oversee finances, membership, and compliance with the Act.
- b) The Council shall supervise collective bargaining, industrial campaigns, and representation of members.
- c) Officers must exercise their duties in good faith, for a proper purpose, and in the interests of the membership as a whole.

3.4 Access to Records: Requests for financial or operational information must be submitted in writing to the Member Council. Such requests will be considered at the next General Meeting, subject to any confidentiality obligations under law.

Article 4: Meetings

4.1 The PCA shall hold at least four (4) General Meetings annually.

4.2 Special General Meetings may be convened by the Council or upon written request of at least 10% of financial members.

4.3 Members may attend in person or by approved electronic means.

4.4 Notice of meetings shall be given at least 14 days in advance.

Article 5: Finance and Audit

5.1 Membership fees shall be determined by the Council and approved at a General Meeting.

5.2 The PCA shall maintain accurate financial records and cause them to be audited annually in accordance with the *Registered Organisations Act*.

5.3 Financial reports and auditor's statements shall be provided to members in accordance with the Act.

5.4 The CEO shall be financially responsible for the accounting of the PCA Association. A registered Bookkeeper and chartered accountant will be engaged to ensure that all regulatory financial reporting and payment requirements are met.

Article 6: Collective Bargaining and Advocacy

6.1 The PCA may act as a bargaining representative in enterprise negotiations under the *Fair Work Act 2009*.

6.2 The PCA may engage in campaigns, lobbying, and advocacy to promote the interests of members.

6.3 All offers and bargaining positions must be communicated to all relevant members in a transparent manner.

Article 7: Conflict of Interest

7.1 Officers and representatives must avoid conflicts between personal interests and their duties to members.

7.2 Any potential conflict must be declared to the Council and appropriately managed.

7.3 The duty of all representatives is to act in the best interests of members collectively.

Article 8: Grievances and Dispute Resolution

8.1 The PCA shall establish procedures to resolve grievances raised by members.

8.2 Disputes shall be handled fairly, impartially, and in compliance with the *Registered Organisations Act*.

8.3 No member shall suffer detriment for raising a legitimate grievance.

Article 9: Amendments

9.1 Amendments to these Rules may be proposed by the Council or by written request of at least 5% of financial members.

9.2 Amendments must be approved by a two-thirds majority of members voting at a General Meeting.

Article 10: Dissolution

10.1 The PCA shall not be dissolved so long as there are at least 100 financial members and a functioning Member Council.

10.2 Upon dissolution, surplus assets shall be distributed to another registered organisation or not-for-profit body with similar objectives, as determined by members. Current Memberships may be sold onto another registered organisation that provides similar services to pay any outstanding debts.

Article 11: Membership Fees

11.1 Amount of Fees

a) Annual membership fees shall be determined by the Member Council and approved at a General Meeting of financial members.

b) Fees may be structured in categories (e.g. employed, associate, retired) provided the categories are reasonable and consistent with the Act.

c) The fee structure shall be published and notified to all members.

11.2 Payment of Fees

a) Fees are payable annually in advance, unless otherwise determined by the Council.

b) The Council may authorise payment by instalments, direct debit, or other approved method.

c) Fees shall be receipted and recorded in accordance with accounting standards and the *Registered Organisations Act*.

11.3 Non-Payment of Fees

a) Where a member is in arrears, the Council may suspend their membership rights until payment is made.

b) If fees remain unpaid for three (3) months, membership shall be deemed to have lapsed.

c) Lapsed members may re-apply for membership on payment of outstanding fees, subject to Council approval.

11.4 Hardship Provisions

a) The Council may grant temporary fee relief or deferral of fees in cases of financial hardship.

b) All hardship applications must be made in writing and decided fairly and consistently.

Article 12: Representation

12.1 Entitlement to Representation

a) Only financial members are entitled to representation in industrial or workplace matters.

b) Representation includes enterprise bargaining, Individual workplace matters, dispute resolution, disciplinary processes, and advocacy before tribunals or courts, where permitted by law.

c) To be covered for Individual Workplace Advice and Representation for Workplace Matters, a person must be a financial member of the PCA at the time the workplace event occurs in the workplace.

d) The Council shall determine how representation resources are allocated, ensuring fairness and consistency across members.

e) Upon approval of the Industrial Team, a recently joined member may be represented in an industrial or workplace matter upon payment of a yearly membership in advance.

f) Individual Workplace Representation that requires representation at the Fair Work Commission level requires a PCA member to have been a financial member of the PCA for a minimum of 6 months.

12.2 Appointment of Bargaining Representatives

a) Members may nominate the PCA as their bargaining representative in enterprise negotiations in accordance with the *Fair Work Act 2009*.

b) Such appointments must be made in writing using the prescribed form.

c) The PCA may withdraw as a bargaining representative where the member ceases to be financial.

12.3 Withdrawal of Representation

The PCA reserves the right to discontinue representation where:

- i. the member provides false or misleading information;
 - ii. the matter involves unlawful conduct by the member; or
 - iii. continued representation would create a serious conflict of interest for the PCA.
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Article 13: Cessation and Refund of Fees

13.1 Resignation

- a) A member may resign at any time by written notice to the CEO.
- b) Eligible resignations require a minimum of 14 days notice for processing or a later date specified by the member.

13.2 Refunds

- a) Membership fees are non-refundable, except in cases of administrative error or overpayment.

Document Control

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Approved: Bec Luxton, CEO