

Notice setting out Particulars of Alteration of Rules (other than eligibility rules) of an Organisation – s.159

FWC Matter No.:

[Insert FWA matter number]

APPLICATION (No Specific Form Provided)

NOTICE/APPLICATION FOR CERTIFICATION OF ALTERATION OF RULES (OTHER THAN ELIGIBILITY RULES)

Fair Work (Registered Organisations) Act 2009—s.159

Fair Work (Registered Organisations) Regulations 2009—regulation 126

Applicant Association

Name:	The Australian Workers' Union		
	ABN:	28853022982	
Address:	Level 1, 16 – 20 Good Street		
Suburb:	State:	NSW	Postcode: 2142
Contact person:	Daniel Walton		
Title:	Mr		
Telephone:	02 8005 3333	Mobile:	0413 232 018
Facsimile:	02 8005 3300	Email:	daniel.walton@nat.awu.net.au

The Applicant applies to the Fair Work Commission for certification of an alteration to the Rules of the Organisation (“Rules”). This document will be referred to as “this Notice” herein.

Attached to this Notice, and marked “Attachment 1”, is a Declaration by an Authorised Officer of the Applicant that provides the particulars of the making of changes to the Rules of the Applicant. The Declaration states:

1. that the alteration was made in accordance with the Rules of the Organisation,
2. the action taken under those Rules to make the alteration, and
3. that the particulars of the Rules alterations set out in this Notice and the Declaration are true and correct to the best of the knowledge and belief of the Authorised Officer.

This Notice is given to certify alterations made to the Rules of The Australian Workers' Union (AWU) as follows:

1. Delete the existing rule 33(7)(b) and insert the following:

(b) From 1 September 2016 to 30 June 2017 in the case of the New South Wales Branch there will be a Branch Executive as outlined in Rule 61.

From 1 July 2017 in the case of the New South Wales Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- Three Branch Assistant Secretaries (full time)
- Three Branch Senior Vice-Presidents (full time)
- Three Branch Vice-Presidents (full time)
- Two Branch Vice-Presidents (honorary)
- Twenty One Branch Executive Committee Members (honorary)

2. Delete the existing rule 33(7)(j) and insert the following:

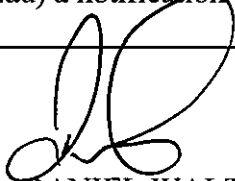
(j) In the case of the Victorian Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- One Branch Assistant Secretary (full time)
- One Branch Vice President (full time)
- One Branch Vice President (honorary)
- Five Branch Organisers - Branch Executive Committee Members (full time)
- Fifteen Branch Executive Committee Members (honorary)

At the time of drafting this Notice, the Applicant is in the process of publishing on its web site (www.awu.net.au) a notification that this Notice for certification has been lodged.

Date:

Signature:



9/9/2014

DANIEL WALTON
NATIONAL SECRETARY
THE AUSTRALIAN WORKERS' UNION

DECLARATION BY AUTHORISED OFFICER

I, Daniel Walton, National Secretary, of Level 1, 16 – 20 Good Street, Granville NSW 2142, do solemnly and sincerely declare:

1. I am the National Secretary of The Australian Workers' Union ('the AWU'). I am authorised to make this Declaration on behalf of the AWU.
2. The Notice for Certification of Alteration of Rules ('the Notice') to which this Declaration is attached is for an alteration to the AWU Rules ('the Rules').
3. This Declaration supports the alterations to Rules 33(7)(b) and 33(7)(j). Particulars of the changes are included in the Notice to which this Declaration is attached.
4. The alterations are made consistent with the requirements of section 159 of the *Fair Work (Registered Organisations) Act 2009* ('FW (RO) Act') in that they:
 - a. comply with and are not contrary to the FW (RO) Act; the *Fair Work Act 2009*, modern awards and enterprise agreements;
 - b. are not otherwise contrary to law; and
 - c. are made under the Rules.

Actions taken under the AWU Rules to make the alterations to the Rules

NSW Branch Executive change

5. Pursuant to Rule 25, specifically paragraph 25(1)(o) of the Rules, the National Executive may make, vary and rescind the Rules when National Conference is not sitting.
6. The AWU National Executive met on 6 and 7 August 2019 in Granville. In accordance with Rule 24, these dates were set by the National Secretary and National President and National Executive members were notified of the meeting on 16 May 2019.
7. Fourteen of the then 16 National Executive members were present at the meetings on 6 and 7 August 2019. All 14 members present at the meeting on 7 August 2019 voted in support of the variation to Rule 33(7)(b) identified in the Notice. Minutes of the meeting are attached to this declaration and marked "**DW 1**".
8. This means the rule change was approved in accordance with:



ATTACHMENT 1

- a. sub-Rule 25 (1) (o) as the resolutions were affirmed by no less than two-thirds of the total number of votes allowed to members of the National Executive; and
- b. Rule 28 as a quorum existed for the National Executive because a majority of the delegates eligible to vote did vote and this majority included delegates representing a majority of the Branches.

VIC Branch Executive change

9. Pursuant to Rule 25, specifically paragraph 25(1)(o) of the Rules, the National Executive may make, vary and rescind the Rules when National Conference is not sitting. This can include via a postal ballot of National Executive members in accordance with Rule 30.
10. On 21 August 2019, a letter was sent to National Executive members by the National Secretary and Assistant National Secretary concerning a postal ballot process for the variation to Rule 33(7)(j) identified in the Notice. A copy of the correspondence is attached and marked "DW 2".
11. Fifteen of the 16 National Executive members voted in the postal ballot and all 15 voted in support of the variation to Rule 33(7)(j).
12. This means the rule change was approved in accordance with:
 - a. sub-Rule 25 (1) (o) as the resolutions were affirmed by no less than two-thirds of the total number of votes allowed to members of the National Executive; and
 - b. Rule 28 as a quorum existed for the National Executive because a majority of the delegates eligible to vote did vote and this majority included delegates representing a majority of the Branches.

Both changes approved

13. For the reasons set out in this Declaration, the alteration to Rules 33(7)(b) and 33(7)(j) have been made and properly authorised in accordance with the Rules.

Website

14. The Notice and Declaration will be posted on the AWU's website as soon as practicable after filing.

Particulars

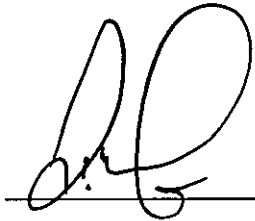
ATTACHMENT 1

15. The particulars set out in this Declaration and the particulars set out in the Notice to which this Declaration is attached are true and correct to the best of my knowledge and belief.

AND I MAKE this solemn declaration by virtue of the Statutory Declarations Act 1959 and subject to the penalties provided by that Act for the making of false statements in Statutory Declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

DECLARED ON: 9 September 2009

AT: Granville NSW



DANIEL WALTON

BEFORE ME:

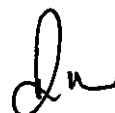


Name: Debra Bushell

Qualification:

Justice of the Peace

No. 147585



MINUTES OF MEETING OF THE NATIONAL EXECUTIVE
OF THE AUSTRALIAN WORKERS' UNION
HELD AT THE AWU NSW BRANCH BOARDROOM
16-20 GOOD STREET GRANVILLE NSW
6-7 AUGUST 2019

DAY 2 - 7 AUGUST 2019

MINUTES EXTRACT

NEW SOUTH WALES BRANCH
RE: RULE CHANGE TO RULE 33

Moved G. Henderson, seconded P. Noack

"Rule 33 (7) (a) – Branches and Divisions of the Union, be varied as follows:

"By deleting the existing Rule 33 (7) (b) and inserting the following in lieu thereof:

(b) From 1 September 2016 to 30 June 2017 in the case of the New South Wales Branch there will be a Branch Executive as outlined in Rule 61.

From 1 July 2017 in the case of the New South Wales Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- Three Branch Assistant Secretaries (full time)
- Three Branch Senior Vice-Presidents (full time)
- Three Branch Vice-Presidents (full time)
- Two Branch Vice-Presidents (honorary)
- Twenty One Branch Executive Committee Members (honorary)

CARRIED

Moved P. Farrow, seconded B. Davis:

"The National Executive authorises the National Secretary or his nominated Officer to do all things necessary to make the necessary application for approval of the rule change to the Fair Work Commission including correcting any typographical error/s."

CARRIED

21 August 2019

Circular 83/2019

"DW 2"

CIRCULAR LETTER TO MEMBERS OF THE NATIONAL EXECUTIVE POSTAL BALLOT

Dear Colleagues

Re: Rule Change - Rule 33 - Branches and Divisions of the Union

The Australian Workers' Union, Victorian Branch Executive has recently endorsed some amendments to its composition as specified in Rule 33 (7) (j) of the AWU Rules.

"Rule 33 (7) (a) – Branches and Divisions of the Union, be varied as follows:

"By deleting the existing Rule 33 (7) (j) and inserting the following in lieu thereof:

- (j) In the case of the Victorian Branch there is to be a Branch Executive comprising the following:
- One Branch Secretary (full time)
 - One Branch President (honorary)
 - One Branch Assistant Secretary (full time)
 - One Branch Vice President (full time)
 - One Branch Vice President (honorary)
 - Five Branch Organisers - Branch Executive Committee Members (full time)
 - Fifteen Branch Executive Committee Members (honorary)

"The National Executive authorises the National Secretary or his nominated Officer to do all things necessary to make the necessary application for approval of the rule change to the Fair Work Commission including correcting any typographical errors."

As it is both inconvenient and costly to call a meeting of the National Executive to decide this matter, we consider it advisable to submit this matter to the National Executive for determination by way of a postal ballot.

Please complete, sign and return the Postal Ballot Resolution, using any of the following options by **12.00pm (EST) Tuesday 27 August 2019**. Please complete, sign and return the Postal Ballot Resolution, by

1. Sign and scan the Postal Ballot page and email to debra.bushell@nat.awu.net.au;
2. Indicate your response to the Postal Ballot Resolutions in an email to debra.bushell@nat.awu.net.au;

If option 2 is your preferred choice, the following text should be included in the email response:-

"I agree/disagree to pass the Postal Ballot Resolution provided to me on 21 August 2019 in regard to the approval of variation to Rule 33 (j) Branch and Divisions of the Union, Victorian Branch. This email constitutes my signature on that document as at the date of this email."

Yours fraternally



Daniel Walton
NATIONAL SECRETARY



Misha Zelinsky
ASSISTANT NATIONAL SECRETARY



**AWU NATIONAL EXECUTIVE BALLOT PAPER
SUBMISSION OF A MATTER TO A VOTE OF
NATIONAL EXECUTIVE MEMBERS BY A BALLOT**

RULE 33 – THE BRANCHES AND DIVISIONS OF THE UNION

The National Executive of The Australian Workers' Union resolves the following:

“Rule 33 (7) (a) – Branches and Divisions of the Union, be varied as follows:

“By deleting the existing Rule 33 (7) (j) and inserting the following in lieu thereof:

- (j) In the case of the Victorian Branch there is to be a Branch Executive comprising the following:
 - One Branch Secretary (full time)
 - One Branch President (honorary)
 - One Branch Assistant Secretary (full time)
 - One Branch Vice President (full time)
 - One Branch Vice President (honorary)
 - Five Branch Organisers - Branch Executive Committee Members (full time)
 - Fifteen Branch Executive Committee Members (honorary)

“The National Executive authorises the National Secretary or his nominated Officer to do all things necessary to make the necessary application for approval of the rule change to the Fair Work Commission including correcting any typographical error/s.”

I AM IN FAVOUR OF THE ABOVE RESOLUTIONS

Signed

Print Name

Date

I AM NOT IN FAVOUR OF THE ABOVE RESOLUTIONS

Signed

Print Name

Date

Postal Ballot closes 12.00pm (EST) Tuesday 27 August 2019