

**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**

<b>Name:</b>	The Australian Workers' Union				
	<b>ABN:</b>	28 853 022 982			
<b>Address:</b>	Level 1, 16 – 20 Good Street				
<b>Suburb:</b>	<b>Granville</b>	<b>State:</b>	<b>NSW</b>	<b>Postcode:</b>	<b>2142</b>
<b>Contact person:</b>	Stephen Crawford				
<b>Title:</b>	Mr				
<b>Telephone:</b>	02 8863 8900	<b>Mobile:</b>	0425 303 265		
<b>Facsimile:</b>	N/A	<b>Email:</b>	<a href="mailto:stephen.crawford@nat.awu.net.au">stephen.crawford@nat.awu.net.au</a>		

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. Insert the following as a new AWU Rule 20(1)(A):

Due to the COVID-19 pandemic, the National Conference scheduled to occur between 1 July 2020 and 30 June 2021 will be postponed. The next National Conference meeting will be held at a time and place to be determined by the National Executive. Any necessary adjustments to the timing of subsequent National Conferences will be discussed at the next National Conference.

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

Date: 1/9/20

Signature:



DANIEL WALTON  
NATIONAL SECRETARY  
THE AUSTRALIAN WORKERS' UNION

# "ATTACHMENT 1"

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## **Statutory Declaration**

**Fair Work (Registered Organisations) Act 2009  
Fair Work (Registered Organisations) Regulations 2009—  
paragraph 125B(1)(a)**

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 ("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 insertion of a new Rule 20(1)(A). 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**

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 20 August 2020 via Zoom. In accordance with Rule 24, this date was set by the National Secretary and National President via a written Circular dated 6 February 2020.
7. All 17 National Executive members were present at the meeting on 20 August 2020. All 17 members present on 20 August 2020 voted in support of the variation to insert Rule 20(1)(A) as 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:

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- 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.

9. For the reasons set out in this Declaration, the insertion of Rule 20(1)(A) has been made and properly authorised in accordance with the Rules.

**Website**

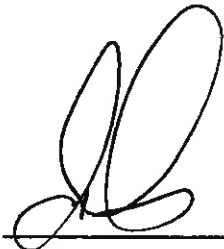
10. The Notice and Declaration will be posted on the AWU's website as soon as practicable after filing.

**Particulars**

11. 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: 1 SEPTEMBER 2020  
AT: GRAVILLÉ



DANIEL WALTON

BEFORE ME:



Name: STEPHEN CRAWFORD

Qualification: SOLICITOR

"JWI"

**MINUTES EXTRACT**

**MINUTES OF MEETING OF THE NATIONAL EXECUTIVE  
OF THE AUSTRALIAN WORKERS' UNION  
HELD VIA ZOOM  
THURSDAY 20 AUGUST 2020**

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**RESOLUTION 1  
POSTPONEMENT OF THE AWU 2021 NATIONAL CONFERENCE**

**Moved/seconded:**

**"AWU National Executive notes with concern the ongoing health and safety crisis relating to the COVID-19 pandemic and the extreme uncertainty that this unfolding situation brings to the planning of all events.**

**Based on the clear risks to health and safety, it is with deep regret that the AWU National Executive deems it necessary to postpone the AWU 2021 National Conference.**

**National Executive will continue to monitor these events and make a further determination on the timing, location and structure of the next AWU National Conference.**

**National Executive endorses a temporary change to the AWU Rules to allow for this resolution to take effect."**

**CARRIED**

**RESOLUTION 2  
TEMPORARY RULE CHANGE**

**Moved/seconded:**

**"Insert the following as a new AWU Rule 20(1)(A):**

**"Due to the COVID-19 pandemic, the National Conference scheduled to occur between 1 July 2020 and 30 June 2021 will be postponed. The next National Conference meeting will be held at a time and place to be determined by the National Executive. Any necessary adjustments to the timing of subsequent National Conferences will be discussed at the next National Conference**

**"The National Secretary or his nominated Officer or employee is authorised to do all things necessary to make the required application to the Fair Work Commission for approval of the rule variations including correcting any typographical error/s and making a declaration or declarations in support of the application."**

**CARRIED**