

‘ATTACHMENT A – PARTICULARS OF ALTERATION’

1. The proposed alteration is to insert the following words as a new Rule 5, Section 6, Part S (35):

PART S

- (35) All persons engaged by IXOM Operations Pty Ltd or any successor, assignee or transmittee in operator roles at the manufacturing site located at 165 – 169 Fitzgerald Road, Laverton North in the State of Victoria.

A copy of the AWU’s current registered rules containing the proposed alteration is attached and marked “ATTACHMENT C”.

2. The scope of the proposed alteration is confined to employees performing operator roles at a manufacturing site in North Laverton in Victoria. The site is currently operated by IXOM Operations Pty Ltd (“**IXOM**”) but the proposed alteration would also capture operators employed by other entities that operate the site in the future.
3. The proposed alteration is in response to the Decision of Deputy President Masson in *Australian Workers’ Union, The v IXOM Operations Pty Ltd* [2018] FWC 7175 (“**AWU v IXOM**”) to the effect that the AWU did not have coverage of operators employed by IXOM at its North Laverton manufacturing site.
4. Around 12 operators employed by IXOM at its North Laverton manufacturing site have been a member of the AWU since February 2018.
5. A number of these operators were previously members of the National Union of Workers (“**NUW**”). The NUW did not oppose the operators joining the AWU and it is understood the NUW does not oppose the proposed alteration to the AWU’s rules.
6. The NUW is covered by the enterprise agreement that currently applies at the North Laverton site: *Orica Chemicals Australia Operations Pty Ltd (Marplex Laverton Site) Enterprise Agreement 2014*.
7. The AWU has extensive experience representing employees at manufacturing sites in various industries.
8. The AWU has extensive experience representing employees who are employed as operators in various industries.
9. The AWU already has an extensive industrial relationship with IXOM and is covered by the following two existing enterprise agreements:
 - (i) *Chemicals Australia Operations Pty Ltd (Chloralkali Botany) Enterprise Agreement 2015*; and

- (ii) *Chemicals Australia Operations Pty Ltd (Chloralkali Laverton Site) Enterprise Agreement 2015.*

IXOM is the employer bound by both of these enterprise agreements.

10. The AWU has existing coverage of employees engaged in or in connection with the chemical industry. IXOM's activities in the chemical industry are clearly substantial and the business of IXOM, considered as a whole, is in or in connection with the chemical industry.