

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 10 377 Sussex Street | | |
| Suburb: | Sydney | State: | NSW |
| | | Postcode: | 2000 |
| 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 the alterations made to the Rules of The Australian Workers' Union (AWU) to vary the Rules as follows:

1. Delete the current Rule 33 (7) (b) and replace the deleted text with 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.

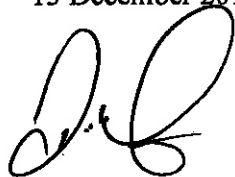
From 1 July 2017 in the case of the New South Wales Branch there is to be a Branch Executive comprising the following:

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)
One Branch Elected Official and Branch Executive Committee Member (full time)
Twenty 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: 13 December 2016

Signature:



DANIEL WALTON

DECLARATION BY AUTHORISED OFFICER

I, Daniel Walton, National Secretary, of Level 10, 377-383 Sussex Street, Sydney NSW 2000, 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 alteration to Rule 33(7)(b). 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. National Conference was not sitting and a Postal Ballot of the National Executive members was conducted on 12 and 13 December 2016.
7. On 12 December 2016 all members of the National Executive were notified by Circular via email of the Postal Ballot. A copy of the Circular is attached and marked "A".
8. On 13 December 2016, the Postal Ballot closed at 2.00pm. The National Executive members that voted all approved the rule change set out in the Circular and authorised me, as National Secretary to make the required application to the Fair Work Commission to vary Rule 33(7)(b). A Copy of the Postal Ballot Result is attached and marked "B".

ATTACHMENT 1

9. There are currently twenty-seven (27) members of the National Executive. Twenty-five (25)) voted unanimously on 13 December 2016 with one position vacant. This means the resolutions were carried 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.

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

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.

DATED at Sydney on 13 December 2016.



DEPONENT

BEFORE ME:



Debra Bushell
Justice of the Peace
JP147535