

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:	Granville	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 7(1) and insert the following:

(1) An application for membership of the Union can be made by:

(a) providing the Union with a signed application form and:

- (i) a valid payroll deduction authority;
- (ii) a valid direct debit authority; or
- (iii) arranging payment of the contribution required by Rule 9, or

(b) completing a Union membership form electronically and:

- (i) providing the Union with a valid payroll deduction authority;
- (ii) providing the Union with a valid direct debit authority; or
- (iii) arranging payment of the contribution required by Rule 9, or

(c) providing all required details for admission to membership and acknowledgement of the obligations of membership over the phone to a Union representative and:

- (i) providing the Union with a valid payroll deduction authority;
- (ii) providing the Union with a valid direct debit authority; or
- (iii) arranging payment of the contribution required by Rule 9.

If an application for membership is made over the phone, the Union must ensure a detailed record of the phone call is recorded and retained by the Union. The applicant must also be informed in writing of the financial obligations of membership and how they can resign.

2. Insert the following as a new sub-rule 9(4):

RETIRED MEMBERS

(4) A person who has retired from working cannot be included on the membership register and is not entitled to vote in any election - except if they reside in New South Wales or they are an Officer of the Union. This is due to the operation of s 171A of the *Fair Work (Registered Organisations) Act 2009* (Cth). A person in these circumstances can pay the honorary contribution set by National Executive from time to time and is entitled to the benefits approved by the National Executive for an honorary member.

3. Delete the existing rule 10(2) and insert the following:

(2) Annual contributions become payable on the first day of July each year and must be paid no later than 31 July each year.

4. Insert the following words at the end of existing rule (10)(6):

If a member had a valid arrangement in force but the AWU ceases to receive any membership contributions in accordance with that arrangement without reasonable explanation for a period exceeding 60 days from a regular payment date, the member will cease being treated as a financial member immediately when the 60-day period ends.

5. Insert the following words at the end of existing AWU rule (10)(7):

If a member had a valid arrangement in force but the AWU ceases to receive any membership contributions in accordance with that arrangement without reasonable explanation for a period exceeding 60 days from a regular payment date, the member will cease being treated as a financial member immediately when the 60-day period ends.

6. Insert the following new sub-rule 11(2):

(2) A membership ticket may be issued in an electronic form.

7. Delete the existing AWU rule 13(3) and insert the following:

(3) An Honorary Life Member is deemed financial and is entitled to vote at any election if:

- (a) they have not retired from working;
- (b) they are an Officer of the Union; or
- (c) they reside in New South Wales.

In all other cases, an Honorary Life Member does not have to pay the honorary membership contribution rate set by the National Executive but cannot be included on the membership register and is not entitled to vote at elections. This is due to the operation of s 171A of the *Fair Work (Registered Organisations) Act 2009* (Cth).

8. Delete existing AWU rule 15(1)(b).

9. Delete the existing AWU rule 15(3) and insert the following:

(3) A member is deemed to have resigned if they have been an un-financial member for a continuous period of 24 months. In such case the Branch Secretary must remove the name and postal address of the member from the register within 28 days.

10. Delete the existing AWU rule 17(11) and insert the following:

(11) A member must inform the AWU within 14 days of a change to their name, postal address or primary place of employment.

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: 29 June 2018

Signature:

A handwritten signature in black ink, appearing to read 'D. Walton', written in a cursive style.

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 7(1), 9(4), 10(2), 10(6), 10(7), 11(2), 13(3), 15(1)(b), 15(3) and 17(11). 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 13 and 14 June 2018 in Townsville. In accordance with Rule 24, these dates were set by the National Secretary and National President and National Executive members were notified of this meeting on 22 March 2018.
7. There are currently eighteen members of the AWU National Executive. Sixteen of these members were present at the meetings on 13 and 14 June 2018. All sixteen members present at the meeting on 14 June 2018 voted in support of all the rule changes identified in the Notice. Minutes of the meeting are attached to this declaration and marked "DW 1".
8. This means the rule changes were 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.
9. For the reasons set out in this Declaration, the alterations to Rules 7(1), 9(4), 10(2), 10(6), 10(7), 11(2), 13(3), 15(1)(b), 15(3) and 17(11) have 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: 29 JUNE 2018
AT: GRANVILLE



DANIEL WALTON

BEFORE ME:



Name: STEPHEN CRAWFORD
Qualification: SOLICITOR

“DW 1”

**MINUTES OF MEETING OF THE NATIONAL EXECUTIVE
OF THE AUSTRALIAN WORKERS' UNION
HELD AT HOTEL GRAND CHANCELLOR
334 FLINDERS STREET, TOWNSVILLE QUEENSLAND
13-14 JUNE 2018**

MINUTES EXTRACT - THURSDAY 14 JUNE 2018

RESOLUTION 1 - RULE CHANGE

AWU RULE 7(1) – CLARIFICATION AND ABILITY TO JOIN OVER THE PHONE

“National Executive resolves to delete the existing AWU rule 7(1) and insert the following:

- (1) An application for membership of the Union can be made by:
 - (a) providing the Union with a signed application form and:
 - (i) a valid payroll deduction authority;
 - (ii) a valid direct debit authority; or
 - (iii) arranging payment of the contribution required by Rule 9, or
 - (b) completing a Union membership form electronically and:
 - (i) providing the Union with a valid payroll deduction authority;
 - (ii) providing the Union with a valid direct debit authority; or
 - (iii) arranging payment of the contribution required by Rule 9, or
 - (c) providing all required details for admission to membership and acknowledgement of the obligations of membership over the phone to a Union representative and:
 - (i) providing the Union with a valid payroll deduction authority;
 - (ii) providing the Union with a valid direct debit authority; or
 - (iii) arranging payment of the contribution required by Rule 9.

If an application for membership is made over the phone, the Union must ensure a detailed record of the phone call is recorded and retained by the Union. The applicant must also be informed in writing of the financial obligations of membership and how they can resign.”

CARRIED

RESOLUTION 2 - RULE CHANGE

NEW AWU RULE 9(4) – RETIRED MEMBERS – STATUTORY RESTRICTION ON MEMBERSHIP

“National Executive resolves to insert the following as a new sub-rule 9(4):

RETIRED MEMBERS

ATTACHMENT 1

- (4) A person who has retired from working cannot be included on the membership register and is not entitled to vote in any election - except if they reside in New South Wales or they are an Officer of the Union. This is due to the operation of s 171A of the *Fair Work (Registered Organisations) Act 2009* (Cth). A person in these circumstances can pay the honorary contribution set by National Executive from time to time and is entitled to the benefits approved by the National Executive for an honorary member.”

CARRIED

RESOLUTION 3 - RULE CHANGE

AWU RULE 10(2) – CLARIFYING PAYMENT DATES FOR ANNUAL CONTRIBUTIONS

“National Executive resolves to delete the existing AWU rule 10(2) and insert the following:

- (2) Annual contributions become payable on the first day of July each year and must be paid no later than 31 July each year. “

CARRIED

RESOLUTION 4 - RULE CHANGE

AWU RULE 10(6) – CLARIFICATION REGARDING WHEN A MEMBER ON PAYROLL DEDUCTIONS IS UNFINANCIAL

“National Executive resolves to insert the following words at the end of existing AWU rule (10)(6):

If a member had a valid arrangement in force but the AWU ceases to receive any membership contributions in accordance with that arrangement without reasonable explanation for a period exceeding 60 days from a regular payment date, the member will cease being treated as a financial member immediately when the 60-day period ends.”

CARRIED

RESOLUTION 5 - RULE CHANGE

AWU RULE 10(7) – CLARIFICATION REGARDING WHEN A MEMBER ON DIRECT DEBIT IS UNFINANCIAL

“National Executive resolves to insert the following words at the end of existing AWU rule (10)(7):

If a member had a valid arrangement in force but the AWU ceases to receive any membership contributions in accordance with that arrangement without reasonable explanation for a period exceeding 60 days from a regular payment date, the member will cease being treated as a financial member immediately when the 60-day period ends.”

CARRIED

RESOLUTION 6 - RULE CHANGE

NEW AWU RULE 11(2) – ABILITY TO ISSUE ELECTRONIC MEMBERSHIP TICKETS

ATTACHMENT 1

"National Executive resolves to insert the following new sub-rule 11(2):

- (2) A membership ticket may be issued in an electronic form. "

CARRIED

RESOLUTION 7 - RULE CHANGE AWU RULE 13(3) – HONORARY LIFE MEMBERS – STATUTORY RESTRICTION ON MEMBERSHIP

"National Executive resolves to delete the existing AWU rule 13(3) and insert the following:

- (3) An Honorary Life Member is deemed financial and is entitled to vote at any election if:
- (a) they have not retired from working;
 - (b) they are an Officer of the Union; or
 - (c) they reside in New South Wales.

In all other cases, an Honorary Life Member does not have to pay the honorary membership contribution rate set by the National Executive but cannot be included on the membership register and is not entitled to vote at elections. This is due to the operation of s 171A of the *Fair Work (Registered Organisations) Act 2009* (Cth)."

CARRIED

RESOLUTION 8 - RULE CHANGE DELETION OF AWU RULE 15(1)(b) – REMOVAL OF AMBIGUITY CONCERNING UNEMPLOYED MEMBERS

"National Executive resolves to delete existing AWU rule 15(1)(b)."

CARRIED

RESOLUTION 9 - RULE CHANGE AWU RULE 15(3) – PURGING WITHIN 28 DAYS OF 2 YEARS AS AN UNFINANCIAL MEMBER

"National Executive resolves to delete the existing AWU rule 15(3) and insert the following:

- (3) A member is deemed to have resigned if they have been an un-financial member for a continuous period of 24 months. In such case the Branch Secretary must remove the name and postal address of the member from the register within 28 days."

CARRIED

RESOLUTION 10 - RULE CHANGE AWU RULE 17(11) – CLARIFICATION CONCERNING CHANGES TO MEMBER DETAILS

ATTACHMENT 1

"National Executive resolves to delete the existing AWU rule 17(11) and insert the following:

- (11) A member must inform the AWU within 14 days of a change to their name, postal address or primary place of employment."

CARRIED

RESOLUTION 11 - CORRECTING ERRORS AND NOTICE OF RULE CHANGES

"National Executive authorises the National Secretary or his nominated representative to correct any errors or omissions in relation to rule changes approved in Resolutions 2 to 11 and to arrange for the filing of a notification of the rule changes with the Fair Work Commission."

CARRIED