

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 rules 9(2), (3) and (4) and insert the following:

RATE OF CONTRIBUTIONS FOR UNEMPLOYED OR UNFIT MEMBERS

- (2) Any member who is off work for a period exceeding three months and is receiving less than 75% of their normal rate of pay through:
 - (a) unemployment; or
 - (b) not being fit for work due to illness, injury or accident not covered by the relevant workers' compensation system,

may make application to his or her Branch Secretary for exemption from payment of contributions and levies for the period of his or her absence from work and the Branch Secretary may grant such exemption if satisfied of the bona fides of such application.

Any member who has been exempted from payment of contributions under this Rule for a period of twelve months, shall then commence to pay the sum determined by the National Executive from time to time. Failing such payment, the member shall cease to be entitled to hold or contest any position or Office in the Union or to any benefits of membership. The member shall be allowed the benefit of this Rule for the period of twelve months immediately after the first twelve months' total exemption.

Members receiving workers' compensation benefits will pay the amount determined by the National Executive from time to time.

RETIRED MEMBERS

- (3) A member is entitled to become an honorary retired member of the Union if:
 - (a) they have retired from working;
 - (b) they were a financial member of the Union when they retired;
and
 - (c) the relevant Branch Secretary has approved their application.

Notwithstanding the above, where in the event of an amalgamation, any member or class of members of a Trade Union or organisation amalgamating with this Union is, as at the date of amalgamation, exempt from paying contributions to that other union, such exemption shall apply to their membership of this Union.

Honorary retired members pay the contributions determined by the National Executive from time to time.

HONORARY MEMBERS

- (4) An honorary retired member who was a member of the Union when they retired from working can remain a member, be included on the membership register and is entitled to vote in elections if:

(a) they were an Officer of the Union; or

(b) they were a member of The Australian Workers' Union, New South Wales ("AWU NSW") when they retired and remain a member of the AWU NSW.

In all other cases, a retired person 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 retired member – but cannot be included on the membership register and is not entitled to vote in elections. This is due to the operation of s 171A of the *Fair Work (Registered Organisations) Act 2009* (Cth).

2. Delete the existing rule 71 and inserting the following:

RULE 71 – OFFICIAL NEWSPAPER

The Australian Worker is to be the official publication of the Union.

Each member of the Union is entitled to receive free of charge a copy of each issue of the official newspaper of the Union. The newspaper may be posted to the member's postal address or provided electronically including via an email to an email address provided by the member to the Union.

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: 2/12/19

Signature:



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 ("**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 Rule 9(2), (3) and (4) and Rule 71. 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 12 and 13 November 2019 in Parramatta. In accordance with Rule 24, these dates were set by the National Secretary and National President. National Executive members were initially notified of the meeting on 14 June 2019 and were then notified of amended dates on 25 September 2019.
7. Fourteen of the 17 National Executive members were present at the meeting on 13 November 2019. All 14 members present on 13 November 2019 voted in support of the variations to Rule 9(2), (3) and (4) and Rule 71 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:

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 Rule 9(2), (3) and (4) and Rule 71 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: *2 December 2019*

AT: *16-20 Wood St Granville*



DANIEL WALTON

BEFORE ME:



Name: *STEPHEN CRAWFORD*
Qualification: *SOLICITOR*

MINUTES OF MEETING OF THE NATIONAL EXECUTIVE
OF THE AUSTRALIAN WORKERS' UNION
HELD AT THE NOVOTEL HOTEL
350 CHURCH STREET PARRAMATTA
12-13 NOVEMBER 2019

"JWI"

DAY 2 MINUTES EXTRACT

RESOLUTION 1

Moved T. Callinan, seconded B. Gandy:

- "Rule 9 (2) Rate of Contribution for unemployed or ill Members;
- "Rule 9 (3) Rate of Contribution for Aged Members;
- "Rule 9 (4) Retired Members

be varied as follows:

"By deleting:

- "Rule 9 (2) Rate of Contribution for unemployed or ill Members;
- "Rule 9 (3) Rate of Contribution for Aged Members;
- "Rule 9 (4) Retired Members,

and insert in lieu the following:

RATE OF CONTRIBUTIONS FOR UNEMPLOYED OR UNFIT MEMBERS

- (2) Any member who is off work for a period exceeding three months and is receiving less than 75% of their normal rate of pay through:
 - (a) unemployment; or
 - (b) not being fit for work due to illness, injury or accident not covered by the relevant workers' compensation system,

may make application to his or her Branch Secretary for exemption from payment of contributions and levies for the period of his or her absence from work and the Branch Secretary may grant such exemption if satisfied of the bona fides of such application.

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- (b) they were a member of The Australian Workers' Union, New South Wales ("**AWU NSW**") when they retired and remain a member of the AWU NSW.

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CARRIED

RESOLUTION 2

Moved G. Henderson, seconded S. Baker:

Rule 71 - Official Newspaper, be varied as follows:

"By deleting

Rule 71 - Official Newspaper, and insert in lieu the following:

RULE 71 – OFFICIAL NEWSPAPER

The Australian Worker is to be the official publication of the Union.

Each member of the Union is entitled to receive free of charge a copy of each issue of the official newspaper of the Union. The newspaper may be posted to the member's postal address or provided electronically including via an email to an email address provided by the member to the Union."

CARRIED

RESOLUTION 3

Moved J. Mastrandonakis, seconded T. Callinan:

"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 changes to the Fair Work Commission including correcting any typographical error/s."

CARRIED