

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:	National Secretary		
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 33(7)(d) and insert the following:

(d) The Branch is divided into six Districts, each with a District Office, namely:

District	District Office
South Western	Charleville
Western	Longreach
Central	Bundaberg
Northern	Townsville
Far Northern	Cairns
Southern	Brisbane

Each District shall have a District Secretary in accordance with Rule 40.

There shall be a Branch Executive comprising the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- Three Branch Vice-Presidents (honorary)
- Six Branch Executive Committee Members, who are to be elected by the members within the Districts on the basis of one Branch Executive Committee Member for each District (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: 21/10/19.

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 ('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 Rule 33(7)(d). 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. Pursuant to Rule 30(1), the AWU National Executive can consider any matter via a postal ballot if it is inconvenient to call the respective body together at the relevant time.
7. On 4 October 2019, the Acting National Secretary, Misha Zelinsky, submitted a postal ballot to National Executive members concerning the abolition of the AWU Queensland Branch's Metals and Construction District. This included proposed rule changes to implement the abolition. A copy of the postal ballot documentation is attached to this declaration and marked "**DW 1**". The documentation confirms Mr Zelinsky formed the view it was inconvenient and costly for the National Executive to consider the matter at a meeting.
8. On 10 October 2019, Mr Zelinsky circulated the results of the postal ballot to AWU National Executive members. The resolutions were approved by 75.299 of the current 98.899 votes on the AWU National

ATTACHMENT 1

Executive (76%). A copy of the declaration of results is attached to this declaration and marked "DW 2".

- 9. This means the rule change was approved 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.

Both changes approved

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

Website

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

Particulars

12. 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: 21 OCTOBER 2019

AT: GRANVILLE



DANIEL WALTON

BEFORE ME:



Name: STEPHEN CRAWFORD

Qualification: SOLICITOR

NATIONAL OFFICE

Level 1, 16-20 Good Street, Granville NSW 2142
T: 02 8005 3333 E: members@nat.awu.net.au W: www.awu.net.au
Daniel Walton National and NSW Secretary



**STRONGER
TOGETHER**

ABN 28 853 022 982

4 October 2019

Circular 106/2019

**CIRCULAR LETTER TO MEMBERS OF THE NATIONAL EXECUTIVE
POSTAL BALLOT**

Dear Colleagues

Re: AWU Queensland Branch – abolition of Metals and Construction District

On 3 October 2019, I received correspondence from Steve Baker (AWU Queensland Branch Secretary) which confirms the AWU Queensland Branch Executive has resolved to abolish its Metals and Construction District effective 21 October 2019.

AWU Rule 33 permits a Branch Executive to abolish a District subject to the approval of the AWU National Executive.

The closure of the Metals and Construction District requires variations to the AWU Rules and will result in the abolition of five current elected positions in the Queensland Branch.

The correspondence from the Queensland Branch Secretary is attached and includes:

- the resolutions carried by the Queensland Branch Executive; and
- signed resignation letters from the relevant current office holders which confirms their consent to the abolition of the Metals and Construction District.

The Queensland Branch Executive has also resolved to create an additional Elected Organiser position and to appoint Marina Chambers (current Metals and Construction District Secretary) to the new elected position.

National Executive approval is now sought for the following resolutions:

1. National Executive resolves that approval is given to the Queensland Branch for the abolition of the Metals and Construction District effective 21 October 2019. This includes the abolition of the following current elected positions:
 - Metals and Construction District Secretary (full time)
 - Metals and Construction District President (honorary)
 - Metals and Construction District Vice-President (honorary)
 - One x Branch Executive Committee Member (honorary)
 - One x Delegate to Delegates Meeting (honorary)

National Executive notes the current office holders for these positions have all submitted written resignations subject to the District being abolished.

2. National Executive directs the Metals and Construction District to take all steps necessary to implement the abolition of the Metals and Construction District effective 21 October 2019. This includes but is not limited to the delivery of funds, property and documents to the Queensland Branch Office in conjunction with the abolition taking effect.
3. National Executive resolves to make the following changes to the AWU Rules to implement the abolition of the Metals and Construction District of the Queensland Branch effective 21 October 2019:

NATIONAL OFFICE

Level 1, 16-20 Good Street, Granville NSW 2142
T: 02 8105 3333 E: members@nat.awu.net.au W: www.awu.net.au
Daniel Walton National and NSW Secretary



ABN 28 853 022 982

(i) Delete the existing Rule 33(7)(d) and insert the following:

(d) The Branch is divided into six Districts, each with a District Office, namely:

District	District Office
South Western	Charleville
Western	Longreach
Central	Bundaberg
Northern	Townsville
Far Northern	Cairns
Southern	Brisbane

Each District shall have a District Secretary in accordance with Rule 40.

There shall be a Branch Executive comprising the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- Three Branch Vice-Presidents (honorary)
- Six Branch Executive Committee Members, who are to be elected by the members within the Districts on the basis of one Branch Executive Committee Member for each District (honorary).

4. Given the abolition of her position as District Secretary of the Metals and Construction District, National Executive approves the creation of an additional Queensland Branch Organiser position and the appointment of Marina Chambers to that new position effective 21 October 2019.
5. National Executive authorises the National Secretary or their nominated representative to take all steps necessary to implement these rule changes including correcting any errors or omissions.

As it is both inconvenient and costly to call a meeting of the National Executive, I consider it advisable to submit this matter to the National Executive for determination via a postal ballot.

Please complete, sign and return the Postal Ballot Resolutions, using any of the following options by **12:00pm (EST) Wednesday, 9 October 2019**.

Please complete, sign and return the Postal Ballot Resolutions, by

1. Sign and scan the Postal Ballot page and email to prakriti.goundar@nat.awu.net.au;
2. Indicate your response to the Postal Ballot Resolutions in an email to prakriti.goundar@nat.awu.net.au;

If option 2 is your preferred choice, the following text should be included in the email response: -

"I agree/disagree to pass the Postal Ballot Resolutions provided to me on 4 October 2019 which have the effect of:

- *abolishing the Metals and Construction District of the AWU Queensland Branch;*

NATIONAL OFFICE

Level 1, 10-20 Good Street, Granville NSW 2142
T: 02 8005 3333 E: members@nawu.net.au W: www.nawu.net.au
Daniel Walton National and NSW Secretary



ABN 29 853 022 982

- *approving rule changes necessary to abolish the Metals and Construction District and the elected positions currently attached to it;*
- *creating an additional Elected Organiser position within the Queensland Branch; and*
- *appointing Marina Chambers, current Metals and Construction District Secretary, to the new Elected Organiser position."*

Yours fraternally

A handwritten signature in black ink, appearing to be 'Misha Zelinsky', is positioned below the text 'Yours fraternally'.

Misha Zelinsky
ACTING NATIONAL SECRETARY

**STRONGER
TOGETHER**

AWUEQ
SOUTHERN DISTRICT OFFICE
Level 11, 333 Adelaide Street,
BRISBANE, QLD 4000
PO Box 13, BRISBANE, QLD, 4001
Members Hotline 1800 QLD AWU (753 298)
T: (07) 3221 8855 F: (07) 3221 8600
E: southernds@awu.org.au



ABN 54942538069

Mr Daniel Walton
National Secretary
The Australian Workers' Union – National Office
Level 10, 377 – 383 Sussex Street
Sydney NSW 2000

Dear Daniel,

Email: daniel.walton@nat.awu.net.au

Cc: misha.zelinsky@nat.awu.net.au, steve.baker@awu.org.au, stephen.crawford@nat.awu.net.au,

RE: Metals and Construction District

We refer to the matter above.

METALS AND CONSTRUCTION DISTRICT

On 27 September 2019, the Queensland Branch Executive moved to abolish its Metals and Construction District, and agreed to the same on 1 October 2019.

As such, the Queensland Branch Executive is requesting that the abolition of the Metals and Construction District be approved by the National Executive effective from 21 October 2019.

The Branch Executive resolutions and resignation letters from the current Metals and Construction District Officers are enclosed for the National Executive's consideration.

ELECTED ORGANISER

On 27 September 2019, the Queensland Branch Executive moved to create an additional Elected Organiser, increasing its total to 17 Elected Organisers, and agreed to the same on 1 October 2019.

As such, the Queensland Branch Executive is requesting that an additional Elected Organiser be created, thus increasing our total to 17 Elected Organisers. The said resolution is enclosed for the National Executive's consideration.

Additionally, due to the time constraints, the Queensland Branch Executive requests a postal ballot be conducted for both items outlined above before **11 October 2019**.

If you have any questions about the enclosed or items above, please do not hesitate to contact me.

Kind regards,



Steve Baker

Enclosures:

1. Resolution dated 27 September 2019 for the abolition of the Metals and Construction District, and creation of the additional Elected Organiser; and

Secretary: Steve Baker

The Australian Workers' Union of Employees, Queensland.
The Australian Workers' Union, Queensland Branch.

www.qld.awu.net.au

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AWUEQ
SOUTHERN DISTRICT OFFICE
Level 11, 333 Adelaide Street,
BRISBANE, QLD 4000
PO Box 13, BRISBANE, QLD, 4001
Members Hotline 1800 QLD AWU (753 298)
T: (07) 3221 8855 F: (07) 3221 8600
E: southernds@awu.org.au



ABN 54942536069

2. Resignation letters on behalf of the Metals and Construction District Officers.

Secretary: Steve Baker

The Australian Workers' Union of Employees, Queensland.
The Australian Workers' Union, Queensland Branch.

www.qld.awu.net.au

STRONGER TOGETHER

**AWUEQ
BRANCH OFFICE**
Level 12, 333 Adelaide Street
BRISBANE, QLD 4000
GPO Box 88, BRISBANE, QLD, 4001
Members Hotline 1800 671 449
T: (07) 3221 8844 F: (07) 3221 8700
E: secretary@awu.org.au
Address all correspondence to the Secretary.



ABN 54942536088

27 September 2019

CIRCULAR LETTER TO MEMBERS OF THE AWU QUEENSLAND BRANCH EXECUTIVE

POSTAL BALLOT

METALS CONSTRUCTION DISTRICT AND ELECTED BRANCH ORGANISER

1. In accordance with Rule 33 of the registered rules of The Australian Workers' Union, the Queensland Branch Executive resolves to abolish the Metals and Construction District effective 21 October 2019. This includes the abolition of the following current elected positions:

- Metals and Construction District Secretary (full time)
- Metals and Construction District President (honorary)
- Metals and Construction District Vice-President (honorary)
- One x Branch Executive Committee Member (honorary)
- One x Delegate to Delegates Meeting (honorary)

The Branch Executive notes the current office holders for these positions have all submitted written resignations subject to the District being abolished.

2. The Queensland Branch Executive acknowledges that National Executive approval is required to abolish the Metals and Construction District and directs the Branch Secretary or their nominated representative to take all necessary steps to urgently seek this approval from the National Executive.

3. Subject to approval of the abolition being granted by the National Executive, the Queensland Branch Executive expressly authorises the Branch Secretary or their nominated representative to take all steps necessary to implement the abolition of the Metals and Construction District effective 21 October 2019.

4. Subject to approval of the abolition being granted by the National Executive, the Queensland Branch Executive expressly directs the Metals and Construction District to take all steps necessary to implement the abolition of the Metals and Construction District effective 21 October 2019. This includes but is not limited to the delivery of funds, property and documents to the Queensland Branch Office in conjunction with the abolition taking effect.

5. Subject to approval of the abolition being granted by the National Executive, given the abolition of her position as District Secretary of the Metals and Construction District, the Queensland Branch Executive resolves to create an additional Queensland Branch Organiser position and to appoint Marina Chambers to that new position effective 21 October 2019.

Secretary: Steve Baker

**The Australian Workers' Union, Queensland Branch.
The Australian Workers' Union of Employees, Queensland.**

www.qld.awu.net.au

As it is both inconvenient and costly to call a meeting of the AWU QUEENSLAND BRANCH Executive in Brisbane to decide the matter, I consider it advisable to submit this matter to the AWU QUEENSLAND BRANCH Executive for determination by way of postal ballot.

Accordingly, I seek your agreement to the following resolution -

I agree/disagree to pass the resolution provided to me on 27 September regarding the abolition of the Metals Construction Division effective 21 October 2019 and the creation of an additional Queensland Branch Organiser position and appointment of Marina Chambers to this position as of 21 October 2019.

Please complete, sign and return the Postal Ballot Resolution, using any of the following options by **9.00 AM, Tuesday 1 October 2019:**

1. Sign the Postal Ballot page and fax to 07 3221 8700
2. Sign and scan the Postal Ballot page and email to erica.kurth@awu.org.au
3. Indicate your response to the Postal Ballot Resolution in an email to erica.kurth@awu.org.au

If option 3 is your preferred choice, the following text should be included in the email response:-

"I agree/disagree to pass the resolution provided to me on 27 September regarding the abolition of the Metals Construction Division effective 21 October 2019 and the creation of an additional Queensland Branch Organiser position and appointment of Marina Chambers to this position as of 21 October 2019."

Yours faithfully,



STEVE BAKER
BRANCH SECRETARY

Secretary: Steve Baker

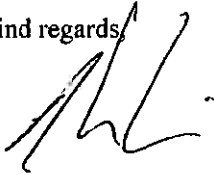
The Australian Workers' Union, Queensland Branch.
The Australian Workers' Union of Employees, Queensland.

www.qld.awu.net.au

Dear Steve,

Subject to the abolition of the Metals and Construction District taking effect, I hereby resign my position as President and Delegate to Delegates Meeting of the Metals and Construction District effective 21 October 2019.

Kind regards,

A handwritten signature in black ink, appearing to be 'J. Wilson', written over the text 'Kind regards,'.

Jim Wilson

President and Delegate to Delegates Meeting

Dear Steve,

Subject to the abolition of the Metals and Construction District taking effect, I hereby resign my position as Vice-President of the Metals and Construction District effective 21 October 2019.

Kind regards,

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

Paul Cradden

Vice President

Dear Steve,

Subject to the abolition of the Metals and Construction District taking effect, I hereby resign my position as District Secretary of the Metals and Construction District effective 21 October 2019.

Kind regards,

A handwritten signature in black ink, appearing to read "Marina Chambers". The signature is written in a cursive, somewhat stylized font.

Marina Chambers

District Secretary

AWU QUEENSLAND BRANCH POSTAL BALLOT

RESOLUTION

I agree/~~disagree~~ to pass the resolution provided to me on 27 September regarding the abolition of the Metals Construction Division effective 21 October 2019 and the creation of an additional Queensland Branch Organiser position and appointment of Marina Chambers to this position as of 21 October 2019.

I AM IN FAVOUR OF THE ABOVE RESOLUTION

Signed 

Print Name JIM LOFTUS

Date 29/9/19

I AM NOT IN FAVOUR OF THE ABOVE RESOLUTION

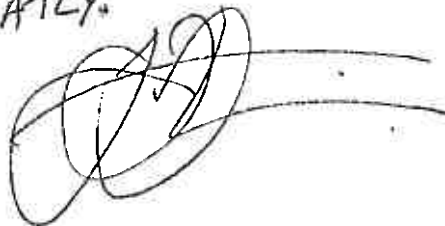
Signed

Print Name

Date

Postal Ballot closes 9.00 AM, Tuesday 1 October 2019

I hereby resign as a member of the
QLD AWU BRANCH EXECUTIVE. EFFECTIVE
IMMEDIATELY.



Secretary: Steve Baker

The Australian Workers' Union, Queensland Branch.
The Australian Workers' Union of Employees, Queensland.

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NATIONAL OFFICE

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Daniel Walton National and NSW Secretary



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ABN 28 853 022 982

Ballot Paper

**AWU National Executive submission of a matter to a vote of
National Executive members by a Ballot**

Re: Abolition of QLD Branch Metals and Construction District

1. "National Executive resolves that approval is given to the Queensland Branch for the abolition of the Metals and Construction District effective 21 October 2019. This includes the abolition of the following current elected positions:

- Metals and Construction District Secretary (full time)
- Metals and Construction District President (honorary)
- Metals and Construction District Vice-President (honorary)
- One x Branch Executive Committee Member (honorary)
- One x Delegate to Delegates Meeting (honorary)

National Executive notes the current office holders for these positions have all submitted written resignations subject to the District being abolished.

2. National Executive directs the Metals and Construction District to take all steps necessary to implement the abolition of the Metals and Construction District effective 21 October 2019. This includes but is not limited to the delivery of funds, property and documents to the Queensland Branch Office in conjunction with the abolition taking effect.
3. National Executive resolves to make the following changes to the AWU Rules to implement the abolition of the Metals and Construction District of the Queensland Branch effective 21 October 2019:

- (i) Delete the existing Rule 33(7)(d) and insert the following:

- (d) The Branch is divided into six Districts, each with a District Office, namely:

District	District Office
South Western	Charleville
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Far Northern	Cairns
Southern	Brisbane

Each District shall have a District Secretary in accordance with Rule 40.

There shall be a Branch Executive comprising the following:

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Level 1, 16-20 Good Street, Granville NSW 2142
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Daniel Walton National and NSW Secretary



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ABN 28 853 022 982

- One Branch Secretary (full time)
 - One Branch President (honorary)
 - Three Branch Vice-Presidents (honorary)
 - Six Branch Executive Committee Members, who are to be elected by the members within the Districts on the basis of one Branch Executive Committee Member for each District (honorary).
4. Given the abolition of her position as District Secretary of the Metals and Construction District, National Executive approves the creation of an additional Queensland Branch Organiser position and the appointment of Marina Chambers to that new position effective 21 October 2019.
 5. National Executive authorises the National Secretary or their nominated representative to take all steps necessary to implement these rule changes including correcting any errors or omissions."

I AM IN FAVOUR OF THE ABOVE RESOLUTIONS

Signed

Print Name

Date

I AM NOT IN FAVOUR OF THE ABOVE RESOLUTIONS

Signed

Print Name

Date

POSTAL BALLOT CLOSSES 12.00PM (EST) WEDNESDAY, 9 OCTOBER 2019

NATIONAL OFFICE

Level 1, 16-20 Good Street, Granville NSW 2142
T: 02 8005 3333 E: members@nat.awu.net.au W: www.awu.net.au
Daniel Walton National and NSW Secretary



ABN 28 853 022 982

10 October 2019

Circular No: 108/2019

"DW2"

**CIRCULAR LETTER TO MEMBERS OF THE NATIONAL EXECUTIVE
POSTAL BALLOT RESULT**

Dear Colleagues,

**Re: National Executive Resolution
AWU QLD Branch – abolition of Metals and Construction District**

The postal ballot forwarded to members of the National Executive dated 4 October 2019, (Circular 106/2019), which closed at 12.00pm (EST) on Wednesday 9 October 2019, regarding the above, resulted as follows:

Total number of ballots distributed	-	16	(98.899)
Total number of ballots returned	-	13	
Total number of "Yes" votes	-	10	(75.299)
Total number of "No" votes	-	Nil	
Total number of ballots returned late	-	3	

I therefore declare the ballot CARRIED.

Yours fraternally

Misha Zelinsky
ACTING NATIONAL SECRETARY