

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:	28 853 022 982	
Address:	Level 1, 16 – 20 Good Street		
Suburb:	State:	Postcode:	
Granville	NSW	2142	
Contact person:	Stephen Crawford		
Title:	Mr		
Telephone:	Mobile:		
02 8005 3333	0425 303 265		
Facsimile:	Email:		
N/A	stephen.crawford@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. By deleting the existing Rule 33 (7) (f) and inserting the following in lieu thereof:

(f) In the case of the South Australian Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- One Branch Assistant Secretary (full time)
- Two Branch Vice Presidents (honorary)
- Three Branch Organisers - Branch Executive Committee Members (full time)
- Eight Branch Executive Committee Members (honorary)

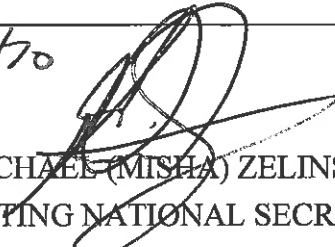
In addition there is to be one elected Branch Organiser (full time) who is not a member of the Branch Executive.

2. By deleting the existing Rule 33 (7) (j) and inserting the following in lieu thereof:

(j) In the case of the Victorian Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- One Branch Assistant Secretary (full time)
- Two Branch Vice President (honorary)
- Five Branch Organisers - Branch Executive Committee Members (full time)
- Fifteen 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.

<p>Date: 7/7/10</p> <p>Signature: </p> <p>MICHAEL (MISHA) ZELINSKY ACTING NATIONAL SECRETARY THE AUSTRALIAN WORKERS' UNION</p>

DECLARATION BY AUTHORISED OFFICER

I, Michael (Misha) Zelinsky, Acting National Secretary, of Level 1, 16 – 20 Good Street, Granville NSW 2142, do solemnly and sincerely declare:

1. I am the Acting 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 33(7)(f) and 33(7)(j). 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 29 June 2020. In accordance with Rule 24, the meeting date were set by the National Secretary and National President and National Executive members were notified of the meeting on 1 June 2020.
7. All 17 members of the National Executive were present for the meeting on 29 June 2020 and all voted to approve the changes to Rules 33(7)(f) and 33(7)(j). Minutes of the meeting are attached to this declaration and marked "MZ 1".
8. 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

ATTACHMENT 1

- 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

- 9. For the reasons set out in this Declaration, the alteration to Rules 33(7)(f) and 33(7)(j) have been made and properly authorised in accordance with the Rules.

Effect of changes

- 10. The amendments to Rule 33(7)(f) result in:
 - the abolition of a Victorian Branch Vice President (full time) position which is currently vacant; and
 - the addition of one Victorian Branch Vice President (honorary) position.
- 11. The amendment to Rule 33(7)(j) abolishes a South Australian Branch Executive Committee Member (honorary) position which is currently vacant.

Website

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

Particulars

- 13. 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:

AT:


MICHAEL (MISHA) ZELINSKY

BEFORE ME:


Name: Debra Busheh
Qualification: Justice of the Peace
No: 147555.

“MZ 1”

MINUTES EXTRACT

MINUTES OF MEETING OF THE NATIONAL EXECUTIVE
OF THE AUSTRALIAN WORKERS' UNION
HELD VIA ZOOM
MONDAY 29 JUNE 2020

VICTORIAN BRANCH
RE: RULE CHANGE - RULE 33

“The National Executive of The Australian Workers' Union resolves the following:

“Rule 33 (7) (a) – Branches and Divisions of the Union, be varied as follows:

“By deleting the existing Rule 33 (7) (j) and inserting the following in lieu thereof:

(j) In the case of the Victorian Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- One Branch Assistant Secretary (full time)
- Two Branch Vice President (honorary)
- Five Branch Organisers - Branch Executive Committee Members (full time)
- Fifteen Branch Executive Committee Members (honorary)

“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 change to the Fair Work Commission including correcting any typographical error/s. CARRIED

SOUTH AUSTRALIAN BRANCH
RE: RULE CHANGE - RULE 33

“The National Executive of The Australian Workers' Union resolves the following:

“Rule 33 (7) (f) – Branches and Divisions of the Union, be varied as follows:

“By deleting the existing Rule 33 (7) (f) and inserting the following in lieu thereof:

(f) In the case of the South Australian Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- One Branch Assistant Secretary (full time)
- Two Branch Vice Presidents (honorary)
- Three Branch Organisers - Branch Executive Committee Members (full time)
- Eight Branch Executive Committee Members (honorary)

“In addition there is to be one elected Branch Organiser (full time) who is not a member of the Branch Executive.

“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 change to the Fair Work Commission including correcting any typographical error/s.” CARRIED