

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:	Daniel Walton		
Title:	National Secretary		
Telephone:	Mobile:		
02 8005 3333	0413 232 018		
Facsimile:	Email:		
02 8005 3300	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)(b) of the AWU Rules and insert the following:

(b) 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)
- Two Branch Assistant Secretaries (full time)
- Two Branch Senior Vice-Presidents (full time)
- Three Branch Vice-Presidents (full time)
- Fifteen Branch Executive Committee Members (honorary)

2. Delete the existing Rule 61(4) of the AWU Rules and insert the following:

(4) For the purposes of the next scheduled elections to be conducted after certification of the alteration to this Rule 61(4), and each scheduled election thereafter, the New South Wales Branch Executive shall comprise the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- Two Branch Assistant Secretaries (full time)
- Two Branch Senior Vice-Presidents (full time)
- Three Branch Vice-Presidents (full time)
- Fifteen Branch Executive Committee Members (honorary)

Until 30 June 2021 (or a later prescribed date if the election is delayed), the New South Wales Branch Executive shall comprise 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)
- Twenty One Branch Executive Committee Members (honorary)

The Offices in the New South Wales Branch as specified in Rule 33(7)(b) will be part of the AWU general election in 2021 in accordance with Rule 61 for a term to commence on 1 July 2021 (or a later prescribed date if the election is delayed).

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:

4/9/20

Signature:



DANIEL WALTON

NATIONAL SECRETARY

THE AUSTRALIAN WORKERS' UNION

ATTACHMENT 1

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)(b) and 61(4). 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 1 September 2020, a postal ballot was circulated to National Executive members concerning proposed rule changes to implement a reduction in the size of the NSW Branch Executive for the 2021 general election. A copy of the postal ballot documentation is attached to this declaration and marked "DW 1".
8. On 2 September 2020, a Circular was issued confirming the results of the postal ballot. The resolutions were approved by 15 of the 17 National Executive members. 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:

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.

Both changes approved

10. For the reasons set out in this Declaration, the alterations to Rule 33(7)(b) and 61(4) have 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: *4 September 2020.*

AT: *377 Sussex Street, Sydney, NSW, 2000*



DANIEL WALTON

BEFORE ME:



Name: *Debra Bushen*

Qualification:

Justice of the Peace

J.P. NO. 147535

NATIONAL OFFICE

Level 1, 15/20 Good Street, Granville NSW 2142
T: 02 8005 3335 E: members@awu.net.au W: www.awu.net.au
Daniel Walton National and NSW Secretary



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AWU 02 853 022 902

1 September 2020

Circular 89/2020

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

"DWI"

Dear Colleagues,

Re: Rule changes – composition of NSW Branch Executive for 2021 general election

BACKGROUND

On 1 September 2020, the NSW Branch Executive approved reducing the size of the NSW Branch Executive from 34 members to 24 members for the 2021 AWU general election. The changes are a continuation of the process of rationalising operations within the NSW Branch following the merger of the Greater NSW, Newcastle and Port Kembla Branches in 2016.

The current composition of the AWU NSW Branch Executive is:

- 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)
- Twenty One Branch Executive Committee Members (honorary)

The proposed reduction would be achieved via the abolition of the following positions:

- One Branch Assistant Secretary (full time);
- One Branch Senior Vice President (full time);
- Two Branch Vice President (honorary); and
- Six Branch Executive Committee Members (honorary).

If the proposed changes are approved, incumbents will still hold their current positions until the new term commences on 1 July 2021 (or a later date if the election is delayed). This is made clear by AWU Rule 61(3) which states:

Provided that any rule alterations abolishing any existing offices or elected positions or creating new offices or elected positions for the purposes of nominations referred to in sub-rule 61(1) shall not take effect until the election in respect of which the rule alterations were made commences.

For the avoidance of doubt, incumbents of such offices or elected positions shall continue to hold office or their position unless their office or position becomes vacant through resignation or other reason under the rules prior to the election or the term naturally expires. Similarly, new offices or positions created for the

purposes of nominations under this rule shall not be filled for the first time before the relevant scheduled election.

As it is both inconvenient and costly to call a meeting of the National Executive to decide this matter, we consider it advisable to submit the following resolutions to the National Executive for determination by way of a postal ballot.

National Executive approval is sought for the following resolutions:

RESOLUTIONS

1. National Executive resolves to approve a reduction of the NSW Branch Executive from 34 members to 24 members as part of the AWU's general election process which is due to commence in 2021 via the abolition of the following positions:

- One Branch Assistant Secretary (full time);
- One Branch Senior Vice President (full time);
- Two Branch Vice President (honorary); and
- Six Branch Executive Committee Members (honorary).

2. National Executive resolves to approve an amendment to Rule 33(7)(b) of the AWU Rules to delete the current content and insert the following:

(b) 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)
- Two Branch Assistant Secretaries (full time)
- Two Branch Senior Vice-Presidents (full time)
- Three Branch Vice-Presidents (full time)
- Fifteen Branch Executive Committee Members (honorary)

3. National Executive resolves that the changes to Rule 33(7)(b) will take effect when the 2021 general election process commences in accordance with AWU Rule 61(3) and that the current structure and incumbent office holders will remain in place until the new electoral term commences.

4. National Executive resolves to approve an amendment to Rule 61(4) of the AWU Rules to delete the current content and insert the following:

(4) For the purposes of the next scheduled elections to be conducted after certification of the alteration to this Rule 61(4), and each scheduled election thereafter, the New South Wales Branch Executive shall comprise the following:

- One Branch Secretary (full time)
- One Branch President (honorary)
- Two Branch Assistant Secretaries (full time)
- Two Branch Senior Vice-Presidents (full time)
- Three Branch Vice-Presidents (full time)
- Fifteen Branch Executive Committee Members (honorary)

Until 30 June 2021 (or a later prescribed date if the election is delayed), the New South Wales Branch Executive shall comprise 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)
- Twenty One Branch Executive Committee Members (honorary)

The Offices in the New South Wales Branch as specified in Rule 33(7)(b) will be part of the AWU general election in 2021 in accordance with Rule 61 for a term to commence on 1 July 2021 (or a later prescribed date if the election is delayed).

5. National Executive resolves to authorise the National Secretary or his nominated representatives to take the necessary steps to seek approval for these changes from the Fair Work Commission and to agree to any procedural amendments or corrections that become necessary as part of the approval process.

Please complete, sign and return the Postal Ballot Resolutions, using any of the following options by **12.00pm (EDST) Wednesday 2 September 2020**.

1. Sign and scan the Postal Ballot pages and email to debra.bushell@nat.awu.net.au;
2. Indicate your response to the Postal Ballot Resolutions in an email to debra.bushell@nat.awu.net.au

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

Resolutions

"I agree/disagree to pass the Postal Ballot Resolutions provided to me on 1 September 2020 in relation to variations to the AWU Rules to implement a reduction in the size of the NSW Branch Executive from 34 members to 24 members for the 2021 AWU general election.

This email constitutes my signature on the document as at the date of this email."

Yours in Unity



**Marina Chambers
NATIONAL PRESIDENT**



**Misha Zelinsky
ASSISTANT NATIONAL SECRETARY**

NSW BRANCH

Level 2, 16-20 Good Street, Granville NSW 2142
T: 1903 763 223 E: info@awu.net.au W: www.nsw.awu.net.au
Daniel Walton National and NSW Secretary



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ABN 82 000 267 796

1 September 2020

**Ms Marina Chambers
National President
Level 1, 16-20 Good St,
Granville NSW 2142**

Via Email: marina.chambers@awu.org.au; debra.bushell@nat.awu.net.au

Dear Marina,

RE: COMPOSITION OF BRANCH EXECUTIVE FOR 2021 GENERAL ELECTION

Please be advised as of Tuesday, 1 September the AWU NSW Branch Executive passed the below resolutions.

Moved, D.Walton, Seconded, P.Farrow:

- 1. Branch Executive resolved to approve a reduction of the NSW Branch Executive from 34 members to 24 members as part of the AWU's general election process which is due to commence in 2021 via the abolition of the following positions:**
 - **One Branch Assistant Secretary (full time);**
 - **One Branch Senior Vice President (full time);**
 - **Two Branch Vice President (honorary); and**
 - **Six Branch Executive Committee Members (honorary).**

- 2. Branch Executive resolved to approve an amendment to Rule 33(7)(b) of the AWU Rules to delete the current content and insert the following:**
 - (b) 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)**
 - **Two Branch Assistant Secretaries (full time)**
 - **Two Branch Senior Vice-Presidents (full time)**
 - **Three Branch Vice-Presidents (full time)**
 - **Fifteen Branch Executive Committee Members (honorary)**

NSW BRANCH

Level 2, 16-20 Bond Street, Granville NSW 2142
T: 1300 763 223 E: info@awunsw.com.au W: www.nsw.awu.net.au
Daniel Walton National and NSW Secretary



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AUW: 62 860 257 708

3. **Branch Executive resolved that the changes to Rule 33(7)(b) will take effect when the 2021 general election process commences in accordance with AWU Rule 61(3) and that the current structure and incumbent office holders will remain in place until the new electoral term commences.**
4. **Branch Executive resolved to approve an amendment to Rule 61(4) of the AWU Rules to delete the current content and insert the following:**
 - (4) **For the purposes of the next scheduled elections to be conducted after certification of the alteration to this Rule 61(4), and each scheduled election thereafter, the New South Wales Branch Executive shall comprise the following:**
 - One Branch Secretary (full time)
 - One Branch President (honorary)
 - Two Branch Assistant Secretaries (full time)
 - Two Branch Senior Vice-Presidents (full time)
 - Three Branch Vice-Presidents (full time)
 - Fifteen Branch Executive Committee Members (honorary)

Until 30 June 2021 (or a later prescribed date if the election is delayed), the New South Wales Branch Executive shall comprise 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)
 - Twenty One Branch Executive Committee Members (honorary)

The Offices in the New South Wales Branch as specified in Rule 33(7)(b) will be part of the AWU general election in 2021 in accordance with Rule 61 for a term to commence on 1 July 2021 (or a later prescribed date if the election is delayed).
5. **Branch Executive resolved to authorise the Branch Secretary or his nominated representatives to take the necessary steps to seek approval for these changes from the AWU National Executive and the Fair Work Commission and to agree to any procedural amendments or corrections that become necessary as part of the approval process.**

NSW BRANCH

Level 2, 16-20 Good Street, Brisbane NSW 2142
T: 1300 763 223 E: info@nswawu.com.au W: www.nswawu.net.au
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AAW 912 800 157 706

CARRIED

Total number voted in favour - 23

Total number voted against - 1

I kindly ask that these rule changes be provided to National Executive Members immediately.

Should you have any further questions regarding this matter, please do not hesitate to contact Nicole Alexander via Nicole.alexander@nat.awu.net.au.

Yours in Unity

**Daniel Walton
NATIONAL AND NSW BRANCH SECRETARY**

NATIONAL OFFICE

Level 1, 15-20 Good Street, Granville NSW 2142
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Daniel Walton National and NSW Secretary



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ABN 25 053 022 982

RESOLUTIONS

**AWU NATIONAL EXECUTIVE BALLOT PAPER
SUBMISSION OF A MATTER TO A VOTE OF
NATIONAL EXECUTIVE MEMBERS BY A BALLOT**

RE: Rule changes – composition of NSW Branch Executive for 2021 general election

"Resolutions of the AWU National Executive via postal ballot:-

1. National Executive resolves to approve a reduction of the NSW Branch Executive from 34 members to 24 members as part of the AWU's general election process which is due to commence in 2021 via the abolition of the following positions:
 - One Branch Assistant Secretary (full time);
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 - Two Branch Vice President (honorary); and
 - Six Branch Executive Committee Members (honorary).
2. National Executive resolves to approve an amendment to Rule 33(7)(b) of the AWU Rules to delete the current content and insert the following:

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 - Two Branch Senior Vice-Presidents (full time)
 - Three Branch Vice-Presidents (full time)
 - Fifteen Branch Executive Committee Members (honorary)
3. National Executive resolves that the changes to Rule 33(7)(b) will take effect when the 2021 general election process commences in accordance with AWU Rule 61(3) and that the current structure and incumbent office holders will remain in place until the new electoral term commences.
4. National Executive resolves to approve an amendment to Rule 61(4) of the AWU Rules to delete the current content and insert the following:

NATIONAL OFFICE

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Daniel Walton National and NSW Secretary



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ABN 25 403 022 442

(4) For the purposes of the next scheduled elections to be conducted after certification of the alteration to this Rule 61(4), and each scheduled election thereafter, the New South Wales Branch Executive shall comprise the following:

- One Branch Secretary (full time)
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The Offices in the New South Wales Branch as specified in Rule 33(7)(b) will be part of the AWU general election in 2021 in accordance with Rule 61 for a term to commence on 1 July 2021 (or a later prescribed date if the election is delayed).

5. National Executive resolves to authorise the National Secretary or his nominated representatives to take the necessary steps to seek approval for these changes from the Fair Work Commission and to agree to any procedural amendments or corrections that become necessary as part of the approval process.

NATIONAL OFFICE

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Daniel Walton National and NSW Secretary



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AWU 2018/19 022 592

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 closes 12.00pm (EDST) Wednesday 2 September 2020

NATIONAL OFFICE

Level 1, 16 - 28 Good Street, Granville NSW 2142
T: 1300 040 482 E: membership@awu.org.au W: www.awu.net.au
Daniel Walton National and NSW Branch Secretary



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ABN 28 853 022 982

2 September 2020

"DW 2"

Circular No: 90/2020

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

Dear Colleagues,

RE: Rule Changes – composition of NSW Branch Executive for 2021 general election

The postal ballot forwarded to members of the National Executive dated 1 September 2020, (Circular 89/2020), which closed at 12.00pm (EDST) on Wednesday 2 September 2020, regarding the above, resulted as follows:

Total number of ballots distributed	-	17
Total number of ballots returned	-	15
Total number of "Yes" votes	-	15
Total number of "No" votes	-	Nil

I therefore declare the ballot CARRIED.

Yours fraternally

Daniel Walton
NATIONAL SECRETARY