

# THE AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION

(Federal Council)



Federal Secretary  
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Website:

28 October 2016

The General Manager  
Fair Work Commission  
Level 8, Terrace Towers  
80 William Street  
EAST SYDNEY NSW 2011

**Via email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)**

Dear Sir or Madam

Re: Application to Fair Work Commission to Approve Proposed Alterations to Rules of the Australasian Meat Industry Employees Union

The AMIEU has conducted a thorough review of its rules to correct errors, update references, and general modernisation. The vast majority of these proposed changes are of a procedural nature in an attempt to modernise our rule book.

I provide the following declaration for the purposes of Section 159 of the *Fair Work (Registered Organisations) Act 2009*:

1. Under rule 39 of the Union, the rules of the Union may be varied by the Federal Council of the Union.
2. A meeting of the Federal Council was held in September 2016.
3. The meeting was represented by all branches of the Union and at all times maintained a quorum within the requirements of our rules.
4. On 13 September 2016, a meeting of the Federal Council of the AMIEU endorsed the following resolutions approving changes to the federally registered rules of the AMIEU:

**MOTION 1:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**1. Amend Rule 5 to update Federal office details:**

By deleting “1/39 Lytton Road, East Brisbane, Queensland” and replacing with “227 Henley Beach Road, Torrensville, South Australia” so that the rule reads:

**5 - REGISTERED OFFICE**

The Registered Office of the Union shall 227 Henley Beach Road, Torrensville, South Australia, or such other place as may from time to time be determined by the Federal Council.

**MOTION 2:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**2. Amend Rule 9 to update for current practices:**

By adding in rule 8.1 the words “and return of any Union property,” so that the rule reads:

8.1 When any member validly resigns from the Union pursuant to rule 7, the member may, upon payment of all moneys due or owing and return of any Union property, have Clearance Ticket signed by the member’s Branch Secretary, and shall thereupon cease to be a member of the Union.

By deleting the words in rule 8.2.2 “clearance ticket” and adding in place thereof the words “Clearance Ticket,” so that the rule reads:

8.2.2 Production of the member’s Clearance Ticket to a Branch Secretary of the Union.

By adding into rule 9.2 the words “*Each branch shall have the right to issue members with a membership card in lieu of printing membership tickets.*”

*Membership cards may be for fixed or unfixed periods of time but must be returned to the union if a member ceases membership with the union. A member may, at the discretion of the branch, not be cleared in accordance with Rule 8 until such time as the membership card has been returned.*” So that the rule reads:

9.2 Each branch shall have the right to demand payment of such contributions, for which a membership ticket shall be issued. Each branch shall have the right to issue members with a membership card in lieu of printing membership tickets. Membership cards may be for fixed or unfixed periods of time but must be returned to the union if a member ceases membership with the union. A member may, at the discretion of the branch, not be cleared in accordance with Rule 8 until such time as the membership card has been returned.

By deleting rule 9.4 and replacing with the following in place thereof:

9.4 Provided that all fines and levies due are paid, a membership ticket or membership card shall be interchangeable between all branches of the Union, provided that in the case of a membership card it will be the responsibility of the member to provide sufficient detail to any branch that they are moving to that will allow the branch to obtain financial status details from the previous branch from which they moved.

By adding to rule 9.5 following the words ‘issued with a ticket’, the words “*or membership card*” so that the rule reads as follows:

9.5 Persons joining the Union after the dates set out in sub-rule 9.1 and unfinancial members who pay all contributions, fines and levies shall be issued with a ticket or membership card.

By altering the reference in rule 9.6 from reading “Rule 5” to reading “Rule 4” so that the rule reads as follows:

9.6 Despite any provisions to the contrary contained elsewhere in these rules a Branch may make arrangements with an employer for deducting on the authority of any member (including a person eligible to become a member pursuant to Rule 4) contributions payable to the Union in accordance with these rules from the wages or monies payable by the employer to the member.

By increasing the amounts specified in rule 9.12 from twenty dollars (\$20) to two hundred dollars (\$200) so that the rule reads as follows:

9.12 Any Branch failing, without a satisfactory excuse, to furnish any such returns on the due date shall be fined two hundred dollars (\$200) by the Federal Council.

By increasing the amounts specified in rule 9.13 from twenty dollars (\$20) to two hundred dollars (\$200) so that the rule reads as follows:

9.13 Any Branch Secretary neglecting to furnish any such returns by the due date, or forwarding an incorrect return, shall be fined two hundred dollars (\$200) by the Federal Council.

By deleting all of the words in rule 9.16 and inserting in lieu thereof the word “DELETED” so that the rule reads as follows:

9.16 DELETED

**MOTION 3:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**3. Amend Rule 13 to reflect current practices:**

By deleting from rule 13.3 the words “on the First Monday”, and also the words “1982 and thereafter” and also the words “where practicable, shall be held in Sydney, New South Wales, otherwise they”, so that the rule reads as follows:

13.3 Federal Council shall meet in September at intervals of two years. Meetings shall be held in any area in Australia as decided by Federal Council or Federal Executive.

**MOTION 4:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**4. Amend Rules to update payment arrangements:**

By moving in rule 18.1.4 the word “passed” which follows the words “sign all cheques”, and by inserting the words “or authorise electronic funds transfer” after the words “sign all cheques” so that the rule reads as follows:

18.1.4 In the absence of the Federal Secretary Treasurer, in conjunction with the Vice President, sign all cheques, or authorise electronic funds transfer for payments passed by the Council or Executive;

By adding into rule 18.6 the words “or electronic funds transfer” following the words “All accounts shall be paid by cheque”. By inserting a full stop after the words “or electronic funds transfer”. By commencing a new sentence immediately thereafter with the word “Cheques” and by deleting the word “and” where it immediately precedes the words “shall be signed by the Secretary” so that the rule reads as follows:

18.6 All accounts shall be paid by cheque or electronic funds transfer. Cheques shall be signed by the Secretary Treasurer and one other officer who shall be anyone of the following: President, Vice-President, and no account shall be paid until certified by the Federal Secretary Treasurer.

By adding into rule 52.13 the words “or electronic funds transfer” following the words “Pay all accounts by cheque”. By inserting a full stop after the words “or electronic funds transfer”. By commencing a new sentence immediately thereafter with the word “Cheques” and by deleting the word “which” where it immediately precedes the words “shall be signed by the Secretary” so that the rule reads as follows:

52.13 Pay all accounts by cheque or electronic funds transfer. Cheques shall be signed by the Secretary, Assistant Secretary, Treasurer or President as may be decided by the Branch.

**MOTION 5:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**5. Update all references to Industrial Commission:**

By deleting in rules 18.5.7, 27.1, 27.2, 39.5 and 45 the words “Australian Industrial Relations” and replacing with the words “Fair Work”, so that the rules read as follows:

18.5.7 Keep a register of the members of the Union and of the Federal and Branch officers thereof at the registered office which shall be open at any convenient time for inspection by the Registrar of the Fair Work Commission or any person appointed by the Registrar;

27.1 Any industrial dispute may be submitted to the Fair Work Commission upon a majority resolution of the Federal Council or Federal Executive approving the submission of the dispute to the Commission.

27.2 Federal Council or the Federal Executive by a majority decision may delegate the right to submit industrial disputes to the Fair Work Commission to the Federal Secretary Treasurer and/or Federal President.

39.5 Any alterations of rules made pursuant to this rule shall, as soon as practicable, be submitted to the Industrial Registrar of the Fair Work Commission for registration

#### **45 - BRANCH REGISTERS OF MEMBERS**

A register of the names of the officers and members of each Branch, as far as known, shall be kept at the head office of the Branch, and shall be open for inspection at all convenient times by the Registrar of the Fair Work Commission or any person appointed by the Registrar.

#### **MOTION 6:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

#### **6. Amend Rule 38 by adding power to the Federal Executive to dissolve a branch if it has no financial members.**

By adding a new rule 38.4.3 as follows:

38.4.3 The branch has no financial members.

#### **MOTION 7:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

#### **7. Consequential amendment arising from prior changes to rule 6.1.**

By deleting in rule 44.1 the word “resident” and replacing it with the word “working”, so that the rule reads as follows:

44.1 A Branch shall consist of all members of the Union for the time being working in the Branch area.

**MOTION 8:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**8. Amend rules to ensure consistency of title 'Federal Secretary Treasurer'. Present variations include 'Federal Secretary Treasurer', 'Secretary Treasurer', 'Federal Secretary' and 'Federal Secretary/Treasurer'.**

By amending rules 13.1, 16.5.1, 17.14, 18.5.8, 18.6, 18.8, 18A.2.2 (i) and (ii), 18B.1, 18C.2.2

(i) and (ii), twice in 18C.3, 18D.1, twice in 26.2, twice in 26.3, 26.3.2, twice in 26.4, 26.5,

26.6, 37.3, twice in 39.2, 46.7(b), 49.17(i) and 49.18 to read 'Federal Secretary Treasurer', so that those rules read as follows:

13.1 The Federal Council shall consist of three delegates from each Branch, who shall comprise the Secretary of the Branch and two other delegates, together with the Federal Secretary Treasurer who shall be an ex officio member of Federal Council with the right to one vote; provided however, that in order to maintain an appropriate balance and representation for Western Australian members following the amalgamation of the Western Australian and South Australian branches, the South and Western Australian branch shall have five delegates (one of whom shall be the branch secretary).

16.5.1 When decided by the Federal Council or the Federal Executive or the Federal Secretary Treasurer in conjunction with the Federal President; or

17.14 The Federal Secretary Treasurer shall hold office until a successor is elected.

18.5.8 Submit to the President any correspondence or information the Federal Secretary Treasurer may officially receive; and

18.6 All accounts shall be paid by cheque and shall be signed by the Federal Secretary Treasurer and one other officer who shall be anyone of the following: President, Vice-President, and no account shall be paid until certified by the Federal Secretary Treasurer.

18.8 The Federal Secretary Treasurer shall have the power to employ clerical and/or other assistance to carry out the performance of the Federal Secretary Treasurers duties, the number to be employed, duties, wages and conditions of persons so employed shall be decided by Federal Council.

18A.2.2 by notice in writing, given to:

(i) in the case of a disclosure by the Federal Secretary Treasurer of the Union - to the members of the Federal Executive of the Union; or

(ii) in any other case - to the Federal Secretary Treasurer of the Union and to the Secretary of the Branch of which the officer is a member.

18B.1 The Federal Secretary Treasurer of the Union must cause to be disclosed to each branch of the Union, and to the members of the Union:

18C.2.2 by notice in writing given to:

(i) in the case of a disclosure by the Federal Secretary Treasurer of the Union - to the members of the Federal Executive;

(ii) in the case of a disclosure by an officer who is a member of the Federal Executive or Federal Council of the Union (whether or not the officer is also an officer of a branch of the Union) - to the Federal Secretary Treasurer of the Union

18C.3 The Federal Secretary Treasurer of the Union must cause to be disclosed to the members of the Union and its branches any interests disclosed to the Federal Secretary Treasurer or Federal Executive pursuant to sub-rule 18C.1

18D.1 The Federal Secretary Treasurer shall cause to be disclosed to the members of the Union and its branches either

26.2 Should the Federal Secretary Treasurer or that person acting in the Federal Secretary Treasurer's stead think the dispute or disputes are of such importance the Federal Secretary shall notify the Federal President and the Federal Executive members.

26.3 If upon such report the Federal Secretary Treasurer or person acting in the Federal Secretary Treasurer's stead thinks that the dispute affects or is likely to affect the interests of the whole Union or of members in more than one Branch, the Federal Secretary Treasurer shall at once:

26.3.1 So notify the Branch reporting, and



26.3.2 Take such action for the prevention or settlement of the dispute as the Federal Secretary Treasurer may think fit.

26.4 If, upon report from a Branch Secretary the Federal Secretary Treasurer or person acting in the Federal Secretary Treasurer's stead thinks that the dispute affects the Branch only, the Federal Secretary shall at once so notify the Branch Secretary reporting, and the Branch Committee of Management shall then assume control of the dispute.

26.5 Despite anything in these rules, the Federal Secretary Treasurer or person acting in the Federal Secretary Treasurer's stead may, without report from a Branch Secretary and despite any settlement or purported settlement by a Branch, intervene in any dispute, actual or pending which in the Secretary's opinion affects the interests of the whole Union or of members in more than one Branch.

26.6 Within two days of the Federal Secretary Treasurer acting pursuant to sub-rule 26.5, the Federal Secretary Treasurer shall consult the Federal Executive which may at a meeting or acting under sub-rule 16.7 give such directions as it thinks fit as to the control or settlement of the dispute.

37.3 Any money or property belonging to the Union shall be donated to an industrial organisation, such organisation to be decided by ballot. Notice of such dissolution shall be signed by the Federal Secretary Treasurer and seven financial members of the Union and shall be given to the Industrial Registrar within fourteen days

39.2 Proposals for the alterations of rules may be made by any Branch Committee of Management, Federal Council or Federal Executive. Any such proposals shall be submitted to the Federal Secretary Treasurer. As soon as possible after receipt of such proposals, the Federal Secretary Treasurer shall notify all Branch Committees of Management of such proposals and forward copies of the proposed alterations to Branches.

46.7 In respect of a member of the union who holds an office in a branch of the Union, the member shall not be entitled to transfer to another branch of the Union unless:

(a) The member either

(i) resigns from the office of that branch held by the member; or

(ii) is authorised by the committee of management of the branch in which the member currently holds to take leave of absence from the member's duties as an office-holder of that branch.; and

(b) Prior to making any application to transfer to another branch, the member notifies the Federal Secretary Treasurer that:

- (i) the member wishes to transfer to another branch of the Union;
- (ii) the name of the branch to which the member wishes to transfer;  
and
- (iii) the date from which the member proposes to make notification pursuant to rule 46.1.

49.17 The general meeting referred to in rule 49.16: -

- (i) must be requested in writing delivered to the Federal Secretary Treasurer; and
- (ii) must be signed by a number of members of the Union who comprise at least 4.5% of the membership of the Union.

49.18 Upon receiving a valid request conforming with rule 49.17, the Federal Secretary Treasurer must give all members of the Union not less than 14 days notice of the date, time and place of the general meeting of members for the purpose of considering the auditor's report, the general purpose report and the operating report of the Federal Council.

#### **MOTION 9:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**9. Amend rules to ensure consistency of name 'Branch Committee of Management'. Present variations include 'Committee of Management', 'committee of management', 'state branch committee of management', 'Branch Committee of Management' and 'the Committee'.**

Amend the contents page, rules 6.4, 8.3, 9.1, twice in 13.4, 34.1, twice in 34.3, 35.1.6, 35.1.8, 35.1.17, 35.9.2, 38.4.1, 38.4.2, 46.5, 46.7(a)(ii), 46.8, rule 47, 47.2, 47.3, 47.4, 47.6, 47.7, 47.8, twice in 47A.9, 47A.10, 47A.10.4, 47A.10.5, 47A.10.6, 47A.11, 47A.12, 47.13, 47.14, twice in 47.17, 47.19, 47.20, 47A.25, 47B.26, 47.25, 47.26, 47.27, 47.28, 47.29, 47.30, 47.31, 47.32, twice in 47.33, 49.3, twice in 50.1, 51.1, 52.19, 52.20, three times in 52.22, 52.23, 52.23.2, 52.27, 52.28, 52.31, three times in 52.32, 52.33, 52.36, 53.11, 54.1, twice in 54.1.4, 54.2 and 58.1 to read 'Branch Committee of Management' so that the relevant and respective rules read as follows:

## 47 - BRANCH GOVERNMENT

### Officers and Branch Committee of Management

## 49 - POWERS AND DUTIES OF COMMITTEES OF MANAGEMENT AND EXECUTIVES

6.4 The Federal Secretary Treasurer of the Union or any Secretary shall have the power to refer any membership application to the Branch Committee of Management of the Branch in which the applicant applies for admission. When any person's application is referred as above, the applicant shall be notified in writing of the result of such reference by the Branch Secretary, and in the event of the application being accepted, then the applicant shall be a member of the Union as from the date of the signing of the application form.

8.3 In the event of any member of the Union entering into business on the member's own account, or becoming an employer, the Branch Committee of Management or Branch Executive of any Branch or the Federal Council or Executive shall declare that such person has ceased to be a member of the Union and such person shall cease to be a member of the Union as from the date of the declaration.

9.1 A sum in payment of contributions of an amount of not less than fifty- five dollars (\$55) and not more than five hundred dollars (\$500) as may be decided upon by the Branch Committee of Management of any Branch, shall be paid half-yearly not later than January 31 and July 31 each year by all members.

13.4 Should a delegate member of the Federal Council be unable to attend a meeting of Federal Council, the Branch Committee of Management of the delegate's Branch may appoint another financial member of the Union from the Branch as a proxy delegate. Should the Branch Committee of Management be unable for any reason to meet prior to the Federal Council at which a delegate is unable to attend, a proxy delegate may be appointed by the Branch Executive from the delegate's Branch.

34.1 All contributions, levies, fines or liabilities of any kind due or payable to the Union by any member may be sued for and recovered in the name of the Union by the Federal Secretary Treasurer, Branch Secretary or any officer of the Union either Federal or Branch, or by any other person if such person is duly authorised by the Federal Council or Executive, or by the Branch Committee of Management or Branch Executive of a Branch.

34.3 The Federal Secretary Treasurer shall be the officer to sue and be sued on behalf of the Union but within the limits of the respective Branches any officer of the Union as defined by the Federal or Branch Rules, or any member of the Branch Committee of Management or Branch Executive of a Branch or by any other person if such person is duly authorised by the Federal Council or Executive or Branch Committee of

Management or Branch Executive of a Branch who is resident within the area of the Branch in which the cause of action arises, may, on behalf of the Union, sue or prosecute or initiate legal proceedings of any kind against any person, firm or corporation or other body, in any court of competent jurisdiction, for any cause arising within the Branch in respect of which the Union might or could sue or prosecute or initiate proceedings, and for such purpose may sign any application, affidavit, declaration, information or other document necessary to initiate, carry out or give effect to such proceedings.

35.1.6 Gives false or misleading information to the Federal Council, Federal Executive or Branch Committee of Management, or any other lawful Committee or body of the Union, in any way in performance of any of its functions;

35.1.8 Obstructs the Federal Council, Federal Executive or Branch Committee of Management, or any other lawful Committee or body of the Union, in any way in the performance of any of its functions;

35.1.17 Negotiates or attempts to negotiate with an employer or employers, terms and conditions of employment of members of the Union without the prior express written authority of the Federal Council or Federal Executive or within their respective jurisdictions of the Branch Committee of Management or Executive of a Branch unless the member is an elected officer of the Union

35.9.2 Fails to attend a meeting of the Federal Council or of the Branch Committee of Management or Branch Executive when summoned to do so by the Federal or Branch Secretary

38.4.1 The Branch Committee of Management of a Branch resolves to request the Federal Executive to dissolve the branch and attach the affected members to another branch nominated by that Branch Committee of Management; and

38.4.2 The Branch Committee of Management of the Branch nominated in the resolution referred to in rule 38.4.1 as receiving the affected members ["the other Branch"] resolves to accept the attachment of the affected members.

And by also amending rule 46 to increase the fineable amount to two hundred dollars (\$200) so that the rule reads as follows:

46.5 If a member leaving one Branch to work in the industry in another Branch fails to make such notification prior to leaving, the member may be fined a sum not exceeding two hundred dollars (\$200) by the Branch Committee of Management, or Branch Executive. The member shall have the same right of appeal to Federal Council as is prescribed in Rule 35.

46.7 In respect of a member of the union who holds an office in a branch of the Union, the member shall not be entitled to transfer to another branch of the Union unless:

(a) The member either

(i) resigns from the office of that branch held by the member; or

(ii) is authorised by the committee of management of the branch in which the member currently holds to take leave of absence from the member's duties as an office-holder of that branch.; and

46.8 If a member of the union who holds an office in a branch of the Union purports to transfer to a different branch of the union without having complied with Rules 46.7(a) and 46.7(b), then the purported transfer does not take effect, and the member may be dealt with under Rule 35.1.2 of the union's rules (by the Branch Committee of Management of the branch to which the member belongs, or the Federal Council).

## **47 - BRANCH GOVERNMENT**

### Officers and Branch Committee of Management

47.2 Each Branch shall be governed by a Branch Committee of Management of such officers and such number of the committee members as hereinafter set out, elected by the Branch.

47.3 Each Branch may have as additional officers, an organiser or organisers and assistant secretary who, when elected, shall be members of the Branch Committee of Management.

47.4 The Branch Committee of Management of the Victorian Branch shall consist of President, Vice-President, Secretary-Treasurer, Assistant Secretary, Organisers, and the following representatives of the various sections of the industry:-

47.6 The President, Vice-President, Secretary-Treasurer, Assistant Secretary, and Organisers shall comprise the Executive and shall administer the business of the Branch between meetings of the Branch Committee of Management. (Four shall form a quorum).

47.7 The Branch Committee of Management shall meet at such times as may be decided upon from time to time.

47.8 One hundred (100) financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Branch Committee of Management upon written request to the Secretary.

47A.9 For the 2013 quadrennial elections and onwards, the Branch Committee of Management of the South and Western Australian Branch shall consist of a President, a South Australian Vice President, a Western Australian Vice President, a Secretary/Treasurer, an Assistant Secretary, Organisers and the following representatives:

47A.9.1 Four (4) representatives from South Australia;

47A.9.2 Four (4) representatives from Western Australia;

The Branch Committee of Management shall meet at such times as may be determined from time to time. NINE shall form a quorum.

47A.10 Members of the Branch Committee of Management shall be elected as follows:

47A.11 The President, Vice Presidents, Secretary/Treasurer, Assistant Secretary and Organisers shall comprise the Executive and shall administer the business of the Branch between meetings of the Branch Committee of Management. FIVE shall form a quorum, provided that no meeting of the Executive shall be quorate unless:

- (i) The Secretary and Assistant Secretary are both present; or
- (ii) The Secretary and both Vice Presidents are present.

47A.12 Five per cent (5%) or more of the financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Branch Committee of Management upon written request to the Secretary.

47.13 The Branch Committee of Management of the Queensland Branch shall consist of a Branch President, a Branch Vice-President, a Branch Secretary, an Assistant Branch Secretary, a Branch Treasurer, and the following representatives elected from the undermentioned Regions of the Branch:

47.14 The Branch President, Branch Vice-President, Branch Secretary, Assistant Branch Secretary and Branch Treasurer shall be elected by all the members within the Branch. All other Branch Committee of Management representatives shall be members of and be elected by the regions that they represent.

47.17 Branch Organisers shall be appointed by the Branch Committee of Management. Only persons who have been a financial member of the Union for a period of at least twelve (12) months are eligible to be appointed to a position of Branch Organiser. A member appointed to a position of Branch Organiser is not entitled to nominate for

election to any office within the Queensland Branch of the Union unless he or she first resigns from their position as Branch Organiser. Any member who holds any office within the Queensland Branch (including a representative to the Branch Committee of Management) who is appointed to a position of Branch Organiser may only accept such appointment by first resigning from such office.

47.19 The Branch Committee of Management shall meet at such times as may be decided from time to time, but at least once in each year.

47.20 One hundred (100) financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Branch Committee of Management upon written request to the Secretary.

47A.25 The Branch Committee of Management of the Tasmanian Branch shall consist of the President, Vice-President, Secretary, Assistant Secretary, Treasurer, and two representatives from the Launceston Sub-Branch, two representatives from the Hobart Sub-Branch, two representatives from the Burnie Sub-Branch. Five shall form a quorum.

47B.26 The President, Vice-President, Secretary, Assistant Secretary, and Treasurer shall comprise the Executive, and shall administer the business of the Branch between meetings of the Branch Committee of Management. Three shall form a quorum.

47.25 The Branch Committee of Management of the Tasmanian Branch shall consist of the President, Vice-President, Secretary-Treasurer and Assistant Secretary and two representatives from the Northern Sub-branch, two from the Southern Sub-branch, and two from the North West Sub-branch. Four shall form a quorum.

47.26 The President, Vice-President, Secretary-Treasurer and Assistant Secretary shall comprise the Executive, and shall administer the business of the Branch between meetings of the Branch Committee of Management. Two shall form a quorum.

47.27 The Branch Committee of Management shall meet at such times as may be decided upon from time to time.

47.28 Fifty (50) financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Branch Committee of Management upon written request to the Secretary.

47.29 The Branch Committee of Management of the New South Wales Branch shall consist of the President, two Vice-Presidents, Secretary-Treasurer, Organisers, and twelve other members representing the whole of the membership. Seven shall form a quorum.

47.30 The President, two Vice-Presidents, Secretary-Treasurer and Organisers shall comprise the Executive and shall administer the business of the Branch between meetings of the Branch Committee of Management. Five shall form a quorum.

47.31 The Branch Committee of Management shall meet at such times as may be decided upon from time to time.

47.32 One hundred (100) financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Branch Committee of Management upon written request to the Secretary.

47.33 The Branch Committee of Management of the Newcastle and Northern Branch shall consist of the President, one Vice-President, the Secretary, Assistant Secretary, the Treasurer, elected Organisers and seven (7) other ordinary members elected by the whole of the membership. Four members of the Branch Committee of Management shall form a quorum.

49.3 All decisions of the Branch Committee of Management or Branch Executive shall be binding on the members unless negated or amended by the majority of members present at a meeting specially summoned to deal with the matter under consideration. Provided that this does not apply in the case wherein a fine has been imposed on any member.

50.1 A ballot shall be conducted not later than the thirty-first day of December, 1969, for such of the following positions as defined in Rule 49: - President, Vice-Presidents, Secretary, Assistant Secretary, Treasurer, Organisers, members of the Branch Committee of Management, Federal Council Delegates and any other positions decided on by the Branch Committee of Management of the Branch, and henceforth such ballot shall be conducted on every fourth year.

51.1 Where a casual vacancy occurs in any branch office it may be filled by appointment by the Branch Committee of Management of the Branch provided that

52.19 The salary of the Branch Secretary shall be fixed by the Branch Committee of Management or by an independent Arbitrator, who may be a Conciliation Commissioner and shall be paid weekly.

52.22 The Branch Committee of Management may at any time decide to employ an organiser or organisers in addition to the elected organisers provided that the Branch Committee of Management is satisfied that the employment of such additional organiser or organisers is necessary for the effective conduct of the Branch. The appointment of any such organiser or organisers may be terminated by the Branch Committee of Management upon 28 days' notice being given.



52.23 Despite anything in these rules, the Branch Committee of Management may, at any time after the expiration of twelve months following the last periodic election of branch officers, determine that the number of organisers (including elected organisers) to be employed by the Branch shall be decreased. In any such event the following provisions shall apply, namely:-

52.23.2 In the event of it becoming necessary to terminate the employment of one or more elected organisers selection for termination shall be effected by the Branch Committee of Management having due regard to the Branch's organising requirements and only after giving those organisers potentially affected by the decision a reasonable opportunity to be consulted and heard before any decision is made to terminate.

52.27 Nothing in this Rule shall limit the power of a Branch Committee of Management to terminate the employment of an organiser for misconduct as defined in Rules 35 and 54.

52.28 In carrying out their employment, employed Organisers shall be under the direct supervision of the Branch Secretary, who shall be subject to the direction of the Branch Committee of Management of the Branch, and such Organisers shall carry out such duties as are allotted to them.

52.31 They shall be paid such salary weekly as may be fixed by the Branch Committee of Management or by an independent Arbitrator, who may be a Conciliation Commissioner.

52.32 The Branch President and Secretary shall be responsible, subject to the directions of the Branch Committee of Management, for the safe custody of the documents and securities of the Branch and of the accumulated funds of the Branch, which documents, securities and funds shall be deposited by the Treasurer in their names in the Bank on behalf of the Branch. The Branch President and Secretary may invest any accumulated funds in securities allowed by law as the Branch Committee of Management may direct, such direction to be given at a meeting of the Branch Committee of Management of which two weeks' notice shall be given.

52.33 The Assistant Secretary shall be under the direct supervision of the Branch Secretary, who shall be subject to the direction of the Branch Committee of Management of the Branch, and such Assistant Secretary shall carry out such duties as are allotted to the Assistant Secretary.

52.36 The Assistant Secretary shall be paid such salary, weekly, as may be fixed by the Branch Committee of Management or by an independent Arbitrator, who may be a Conciliation Commissioner.

53.11 The Branch Committee of Management of any Branch shall have the power to reject the right of any Delegate collecting funds for the Union.

54.1 The Branch Committee of Management may remove from office any Branch Officer, Branch Delegate to the Federal Council, Branch member of the Federal Executive, member of the Branch Committee of Management of the Branch on the grounds that the person concerned is found guilty of:-

54.1.1 misappropriation of the funds of the Union; or

54.1.2 a substantial breach of these rules; or

54.1.3 gross misbehaviour or gross neglect of duty; or

54.1.4 In the case of a member of a Branch Committee of Management, the officer has failed without reasonable excuse to attend three consecutive meetings of the Branch Committee of Management that they are a member of; or

54.1.5 the person has ceased, according to these rules to be eligible to hold office.

54.2 A person charged pursuant to this rule shall be summoned to a meeting of the Branch Committee of Management in writing signed by the Branch Secretary to show cause why the person should not be so removed.

58.1 The business of each meeting of a Branch and Branch Committee of Management shall be transacted in the following rotation:-

Reading and confirmation of minutes.

Admission of new members.

Correspondence.

Accounts.

Committee's report.

Reports.

General business.

**MOTION 10:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**10. Amend rules to allow discretionary payment of penalties, fines or expiation fees by Federal Council.**

By deleting from rule 15.1.9 the word “and” after the semicolon so that the rule reads as follows:

15.1.9 to interpret these rules;

By inserting the word “and” following the semicolon so that the rule reads as follows:

15.1.10 to do all things necessary and incidental for the attainment of the objects of the Union; and

By inserting a new rule 15.1.11 as follows:

15.1.11 to pay all or any part of penalties or fines imposed against employees, officers, members or property (including motor vehicles) of the Union, at the complete discretion of the Federal Council.

**MOTION 11:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**11. Correct various incorrect references or grammar.**

By inserting the letter “s” at the end of the words “pursuant to sub-rule”, by inserting the words

“and 15.3” after the reference to “15.2”, by inserting an apostrophe after the “s” at the end of the word “days”, by deleting the word “note” where it appears after the words “the member is summoned and the” and inserting the word “notice” in lieu thereof so that the rule reads as follows:

15.4 A person summoned to show cause pursuant to sub-rules 15.2 and 15.3 of this rule shall be given at least 14 days’ notice of the time and place of the meeting of the Federal Council to which the member is summoned and the notice summoning such person shall also specify the charge or charges upon which it is proposed to consider such removal.

By deleting the number “51” following the words “and the provisions of rule”, and inserting the number “50” in lieu thereof so that the rule reads as follows:

17.12 The election shall be by secret ballot, and any candidate may appoint a scrutineer and the provisions of rule 50 concerning the duties and conduct of scrutineers shall apply to scrutineers appointed under this Rule.

By inserting into the contents page under the heading “18 – Duties of Federal Officers” the word “Approved” immediately preceding the word “auditor” so that the heading appears as follows:

Approved Auditor ..... 15

By inserting into the contents page under the heading “55 – Auditor” the word “Approved” immediately preceding the word “Auditor” so that the heading appears as follows:

...  
55 – APPROVED AUDITOR ..... 171

...  
By inserting into the heading “Auditor” where it immediately precedes rule 18.9 the word “Approved” immediately prior to the word “auditor” so that the heading appears as follows:

Approved Auditor

18.9 The Federal Council shall annually appoint a competent person as defined by the Fair Work (Registered Organisations) Regulations who shall annually audit the books and accounts of the Organisation and submit a report of such audit to the Federal Council.

By inserting into the heading “55- Auditor” where it appears in rule 55 the word “Approved” immediately preceding the word “auditor” so that the heading appears as follows:

**55 – APPROVED AUDITOR**

By deleting in rule 55 the words “Fair Work Act 2009” which follow the words “Each Branch Committee of Management shall annually appoint a competent person as required by the”, and inserting in lieu thereof the words “Fair Work (Registered Organisations) Regulations” so that the rule reads as follows:

Each Branch Committee of Management shall annually appoint a competent person as required by the Fair Work (Registered Organisations) Regulations and such auditor shall ensure that the requirements of the Act and Regulations relating to audits are carried out.

By deleting in rule 43 immediately after the words “As to South and Western Australia Branch, the whole of”, the words “that state” and inserting in lieu thereof the words “South Australia” so that the rule reads as follows:

As to South and Western Australia Branch, the whole of South Australia, and the whole of Western Australia.

By correcting a formatting error in rule 46.2 to remove the words “DELETEDDELETED” where they appear at the end of that rule so that the rule reads as follows:

46.2 Notice given pursuant to clause 46.1 shall be effective to transfer the member to the Branch which covers the member’s new place of employment. Such transfer will take effect from the date of notification, or the date on which the member is due to commence work in the Branch area to which they are transferring, whichever is the later. A Branch secretary receiving notification under clause 46.1 shall notify the receiving Branch of the transfer, and shall also inform the receiving branch whether the member has paid the union contribution for the current half year and whether the member has paid all contributions fines and levies due.

By inserting the following rules with content marked “deleted”:

46.3 DELETED  
46.4 DELETED

**MOTION 12:**

Moved  
Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**12. Correct spelling.**

By deleting in rule 49.12 the word “Secetary” where it appears following the words “Upon receiving a valid request conforming with rule 49.11, the Branch”, and inserting in lieu thereof the word “Secretary”, and by also inserting an apostrophe after the word “days” so that the rule reads as follows:

49.12 Upon receiving a valid request conforming with rule 49.11, the Branch Secretary must give all members of the Branch not less than 14 days’ notice of the date, time and place

of a general meeting of members for the purpose of considering the auditor's report, the general purpose report and the operating report of the Branch.

By deleting in rule 50.25 the word "irregularly" where it appears following the words "A Scrutineer shall direct the attention of the Returning Officer to any", and inserting in lieu thereof the word "irregularity", so that the rule reads as follows:

50.25 A Scrutineer shall direct the attention of the Returning Officer to any irregularity in the nomination forms or in the distribution of the ballot papers, the admission of the right of any person to vote, the admission or counting of any ballot papers, or in respect of any other matters to be observed under these rules. A Scrutineer will do all things necessary so that the conduct of the election shall conform to these rules, and so that the secrecy of the ballot shall be preserved.

**MOTION 13:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**13. Include reference to National Employment Standards as relates to notice period.**

By adding into rule 52.22 a comma and the words "or greater period as prescribed by the National Employment Standards" after the words "The appointment of any such organiser or organisers may be terminated by the Branch Committee of Management upon 28 days notice being given", and by also inserting an apostrophe after the word "days" so that the rule reads as follows:

52.22 The Branch Committee of Management may at any time decide to employ an organiser or organisers in addition to the elected organisers provided that the Branch Committee of Management is satisfied that the employment of such additional organiser or organisers is necessary for the effective conduct of the Branch. The appointment of any such organiser or organisers may be terminated by the Branch Committee of Management upon 28 days' notice being given, or greater period as prescribed by the National Employment Standards.

**MOTION 14:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU in the following manner:

**14. Remove gender specific language.**

By deleting in rule 57 the word “Chairman” where it appears following the words “The President, Vice-President or”, and inserting in lieu thereof the word “Chairperson” so that the rule reads as follows:

The President, Vice-President or Chairperson may order any member to leave who enters any Union meeting intoxicated or who interrupts or interferes with any officer in the discharge of the officer’s duty.

**MOTION 15:**

Moved

Seconded

This meeting of the Federal Council of the AMIEU resolves to alter the federally registered rules of the AMIEU by amending rule 14.3 by deleting the word “including” and substituting with “excluding”. The proposed rule 14.3 would read:

*14.3 Additional votes may be exercised on any matter before federal council excluding the election of officers.*

5. The rationale for the proposed rule changes was discussed at length during meetings of the federal executive in March 2016, and again in June 2016. A summary of this rationale is provided below:
  - a. The vast majority of the alterations were considered following a directive from the Federal Executive that the Federal Secretary should conduct a review of the rules to pick up outdated references or requirements, typos, errors or omissions, and a general review of the applicability of some rules.
  - b. Some of the outdated rules required all payments of accounts to be made by cheque and have not been updated to include electronic funds transfers.
  - c. Changes to applicable laws over a period of time rendered some of our rules such as rule 9.16 invalid.
  - d. There is currently inconsistent language within our rules with many differing titles or forms of capitalisation appearing for the same Office titles or bodies and so we have attempted to use the same descriptions and forms of capitalisations for each of the office bearers and bodies of the union.

- e. The final change, which refers to rule 14.3, simply restores that rule to the way it read prior to a previous rule change within the last 15 years.
  - f. A brief summary of the intent of each rule change is provided as a preface in bold lettering in each motion.
6. In accordance with rule 39.2 of the rules of the AMIEU, I caused notice to be provided to all branch committees of management of the proposed rule changes prior to the Federal Council meeting of 13<sup>th</sup> September 2016. Such notice was provided to all branches on 19<sup>th</sup> July 2016.
  7. Notice of the proposed rule changes has also been placed on the AMIEU federal website (<http://amieu.asn.au/>), and can be accessed at the following url:  
  
<https://amieu.asn.au/2013-federal-rule-changes/>
  8. On the basis of the foregoing, I declare that the alterations sought were made in accordance with the rules of the Union.
  9. I further declare that the particulars contained in this notice are true and correct to the best of my knowledge and belief.

If you have any enquiries in relation to the above please do not hesitate to contact me, or the National Industrial Officer of the Union, Kristen Rogers.

Yours sincerely,



**GRAHAM SMITH**  
**FEDERAL SECRETARY**  
**A.M.I.E.U.**