

# THE AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION

(Federal Council)



Federal Secretary  
Australia  
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Federal President  
PATRICIA FERNANDEZ  
<http://amieu.net/>

Website:

24 April 2015

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

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. Pursuant to rule 16.3 of the Union, the Federal Executive of the Union may exercise any or all of the powers of the Federal Council, including (as is expressly provided for by rule 16.6) the power to alter the rules of the Union.
3. On 22 April 2015, a meeting of the Federal Executive of the AMIEU endorsed the following resolutions approving changes to the federally registered rules of the AMIEU:

**Motion 1:**

Moved  
Seconded

That Rule 6.1 of the federally registered rules of the AMIEU be amended as follows:

Delete the existing rule 6.1 and replace it with the following:

- 6.1 *Any person eligible to become a member of the Union shall apply for membership of the Union by:*
- 6.1.1 *forwarding to the Secretary of a Branch of the Union, an application form signed by the applicant; or*
  - 6.1.2 *electronically completing and submitting an application form including consent to the method of payment of the contribution, through the official website of the Union or a Branch of the Union.*

CARRIED UNANIMOUSLY

**Motion 2:**

Moved  
Seconded

That a new rule, 6.1A be inserted into the federally registered rules of the AMIEU, immediately following rule 6.1:

***Allocation of Members to Branches***

- 6.1A *Members of the Union shall belong to the Branch which covers the location of their primary place of employment in the industry, or if unemployed, the Branch which covers the location of their last place of employment in the industry.*

CARRIED UNANIMOUSLY

**Motion 3:**

Moved  
Seconded

That rule 6.5 of the federally registered rules of the AMIEU be deleted and be replaced with the following-

- 6.5 *The applicant shall also forward with the application form, a sum in payment of contributions at the rate of the current half-year's contribution to the Union as fixed pursuant to these rules by the Branch Committee of Management of the Branch to which the applicant is eligible to belong under rule 6.1A, but the payment of such sum shall not be a condition precedent to the applicant becoming a member under this rule.*

CARRIED UNANIMOUSLY

**Motion 4:**

Moved  
Seconded

That rule 6.6 of the federally registered rules of the AMIEU be deleted and be replaced with the following-

- 6.6 *A person eligible to become a member of the Union may also become a member despite not having signed and forwarded an application form as prescribed above if the person has paid the current half-year's contribution fixed pursuant to sub-rule 9.1 to the Secretary or authorised official of the Branch to which such person is eligible to belong under rule 6.1A. The person shall be deemed to have applied for membership when payment is made to the relevant official and unless the provisions of sub-rule 6.4 are invoked the person shall become a member from that date also.*

CARRIED UNANIMOUSLY

**Motion 5:**

Moved  
Seconded

That the existing rule 6.8 of the federally registered rules of the AMIEU be deleted and replaced with the following:

- 6.8 *A person who becomes a member of the Union under sub-rules 6.6 or 6.7 shall be advised of the matters set out in sub-rule 6.2 by the Branch Secretary in the Branch to which the member is eligible to belong under rule 6.1A.*

CARRIED UNANIMOUSLY

**Motion 6:**

Moved  
Seconded

That the existing *Rule 46 – Transfer between Branches* of the federally registered rules of the AMIEU be deleted and replaced with the following:

**46 - TRANSFER BETWEEN BRANCHES**

- 46.1 *Any member leaving one Branch to work in the industry in another Branch shall notify their current Branch prior to leaving.*

- 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.*
- 46.3 *Deleted*
- 46.4 *Deleted*
- 46.5 *If a member leaving one Branch to work in the industry in another Branch fails to make such application prior to leaving, the member may be fined a sum not exceeding one hundred dollars (\$100) by the Committee of Management, or Branch Executive. The member shall have the same right of appeal to Federal Council as is prescribed in Rule 35.*
- 46.6 *If an unfinancial member leaves one Branch to work in another Branch without first paying all contributions, arrears, fines and levies due by the member, the member may be transferred by the Branch of which they were a member to the Branch in which they are working. The Branch to which the member is transferred shall be empowered to exercise the powers contained in Rule 9 in respect of the recovery of the amount owing by the member.*
- 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 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.*

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 committee of management of the branch to which the member belongs, or the Federal Council).*

CARRIED UNANIMOUSLY

4. The rationale for the proposed rule changes was discussed at length during meetings of the federal executive on 5-6 March 2015, and again on 22 April 2015. A summary of this rationale is provided below:

- a. The alterations to rule 6.1 were made in order to permit membership applications to be made through an internet website, rather than requiring a document with a signature.
- b. The new rule 6.1A was adopted, reflecting a decision that members should belong to the branch that covers their workplace, rather than their residential address. This is an issue with a number of branches, where meat processing establishments are near state borders, and many members may live in one state but work in another. Under the existing rules of the AMIEU, a member who lives in, for example, northern New South Wales, but who works at the Wallangarra meatworks in Queensland, is assigned to the Newcastle and Northern New South Wales branch. Such a member will deal with officers and delegates of the Queensland branch of the union, and their participation in union activities and decision making will be through the Queensland branch. Their contact or dealings with the Newcastle and Northern NSW Branch of the union would be non-existent. The consensus of the executive was that members in such a position should be allowed to participate in the affairs of the branch whose decisions and activities are going to affect them. So, a member working at a plant in Queensland, should be entitled to participate in the decisions of the Queensland branch, including the election of Queensland branch office bearers. A similar rationale applies to members who, for instance, reside in Victoria but work at the Bordertown abattoir in South Australia. Of course, in most cases members will be residing in the same state as that in which they work, and the vast majority of members will be unaffected by the rule change. However, the executive felt that the position of those members living in border areas was anomalous and should be addressed.
- c. The changes to Rule 46 were adopted to replace an administratively cumbersome "transfer card" mechanism that has become outdated and unnecessary given modern methods of communication. The executive thought it important to adopt a process which permits smooth and efficient transfer between branches. The meat industry workforce is no longer as transient as it once was, but there is still some small part of the workforce

that does travel to other states from meatworks to meatworks. Moving interstate to work at different establishments is particularly common with foreign workers with “backpacker visas,” who have become more numerous both in the meat industry and in the membership of the Union.

5. 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 22<sup>nd</sup> April 2015. Such notice was provided to all branches on 21<sup>st</sup> April 2015.

6. 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:

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7. On the basis of the foregoing, I declare that the alterations sought were made in accordance with the rules of the Union.

8. 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, Craig Buckley.

Yours sincerely,



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