



18 September, 2019

The General Manager
Fair Work Commission
Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011

Dear General Manager,

Re: Alterations of Rules of the AMWU.

Please find attached, a notice of particulars of alterations to the Rules of the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU).

If you have any questions or comments in relation to the attached notice of particulars, please do not hesitate to contact the AMWU's National Office on (02) 8868 1524.

Yours faithfully,



PAUL BASTIAN
NATIONAL SECRETARY

Australian Manufacturing
Workers' Union
Registered as AFMEPKIU
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Granville NSW 2142
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Fair Work Act 2009
s159(1) – Fair Work (Registered Organisations) Act 2009
Reg. 126 Fair Work (Registered Organisations) Regulations 2009

NOTICE OF PARTICULARS OF ALTERATIONS OF RULES

I, Paul Bastian, of 133 Parramatta Road, Granville, in the State of New South Wales, Union Official, give notice of the following matters in relation to the alterations of the Rules of the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU).

1. I am the National Secretary of the AMWU, an organisation of employees registered under the *Fair Work Act 2009* (the Act).
2. I am authorised to give this notice of particulars of alterations to the Rules of the AMWU and to make declaration required by subregulation 126(2) of the Fair Work (Registered Organisations) Regulations 2009.
3. The particulars of the alterations are attached in the documents marked “Schedule A”.
4. I declare that the alterations were made in accordance with the Rules of the AMWU. The actions taken under the Rules to make the alterations were as follows:
 - (a) On 18 June, 2019 a majority of members of National Council endorsed the alterations attached and resolved to refer the alterations to National Conference for determination.
 - (b) On 29 August, 2019, the proposed alteration was put to the in-session meeting of National Conference, where a majority of members of the National Conference endorsed the alteration. I note that National Conference has the power to amend the Rules of the Union pursuant to Rule 5A2(h) of the Union’s Rules.
 - (c) The National Conference resolution endorsing the alteration is attached in the document marked “Schedule B”.
5. I declare that the particulars of the alterations set out in this notice are true and correct to the best of my knowledge and belief.

DATED: 18 September, 2019



PAUL BASTIAN
NATIONAL SECRETARY

SCHEDULE A

1. Replace the words: *“as at the final day of the quarter immediately prior to”* from Rule 5B1.1(g) and replace them with the following: *“as at the final day of the December quarter immediately prior to”* such that the amended clause shall read as follows:
 - (g) *A State Conference Delegate who is employed by the Union from each of the three State Branches with the most financial members as at the final day of the December quarter immediately prior to the biennial meetings of the State Conferences and elected by the relevant State Conference;*
2. Replace the words: *“as at the final day of the quarter immediately prior to”* from Rule 5B1.1(h) and replace them with the following: *“as at the final day of the December quarter immediately prior to”* such that the amended clause shall read as follows:
 - (h) *To represent the three State Branches with the fewest financial members as at the final day of the December quarter immediately prior to the biennial meeting of the National Conference, a National Conference Delegate who is employed by the Union in one of those three States and who shall be elected at each ordinary meeting of the National Conference by the members of the National Conference from those three States;*

SCHEDULE B

EXTRACT FROM THE MINUTES OF THE 2019 NATIONAL CONFERENCE

National Conference notes the requirement to correct an anomaly in Rules 5B1.1(g) and 5B1.1(h).

Conference notes that the Rules provide for a Delegate to National Council employed by the Union from each of the three largest States and one additional Delegate to National Council employed by the Union representing the three smallest States.

Conference notes that the current Rules provide that the determination of the three largest States in Rule 5B1.1(g) is to be based on the financial membership as at the final day of the quarter immediately prior to the biennial meetings of the State Conferences.

Conference further notes that the current Rules provide that the determination of the three smallest States in Rule 5B1.1(h) is to be based on the financial membership as at the final day of the quarter immediately prior to the biennial meeting of the National Conference.

Conference notes that Rule 6C1(d) provides that the notice of the elections for the positions in 5B.1.(g) must be mailed to the relevant State Conference Delegates 21 days prior to the opening of the Conference at which the election is to be conducted.

Conference notes that on the Union's current Conference timetable, State Conferences are often conducted during the period from May through to July.

In that light, determining the three largest States at the end of the June Quarter will often be too late to meet the notice requirements at 6C1(d).

To remove the potential anomaly from the Rules, Conference resolves that the Rules be amended such that the three largest and the three smallest States be determined for the purpose of these elections based on the financial membership as at the final day of the December Quarter immediately preceding the State and National Conferences.

National Conference therefore resolves that the Rules of the Union be amended as follows:

1. Replace the words: "*as at the final day of the quarter immediately prior to*" from Rule 5B1.1(g) and replace them with the following: "*as at the final day of the December quarter immediately prior to*" such that the amended clause shall read as follows:

(g) *A State Conference Delegate who is employed by the Union from each of the three State Branches with the most financial members as at the final day of the December quarter immediately prior to the biennial meetings of the State Conferences and elected by the relevant State Conference;*

2. Replace the words: “*as at the final day of the quarter immediately prior to*” from Rule 5B1.1(h) and replace them with the following: “*as at the final day of the December quarter immediately prior to*” such that the amended clause shall read as follows:

(h) *To represent the three State Branches with the fewest financial members as at the final day of the December quarter immediately prior to the biennial meeting of the National Conference, a National Conference Delegate who is employed by the Union in one of those three States and who shall be elected at each ordinary meeting of the National Conference by the members of the National Conference from those three States;*

Conference further authorises the National Secretary to take such steps required to have the proposed rule change certified consistent with the Act.