



30 July, 2021

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,



STEVE MURPHY  
NATIONAL SECRETARY

Australian Manufacturing  
Workers' Union  
Registered as AFMEPKIU  
**National Office**  
Level 4  
133 Parramatta Road  
Granville NSW 2142  
Telephone: 02 8868 1500  
Facsimile: 02 9897 9274  
amwu@amwu.asn.au

*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, Steve Murphy, 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) Pursuant to Rule 6 subrule 4 paragraph (a), on 6 May, 2021, a majority of members of National Council endorsed the proposal that this matter be referred to National Conference for determination at the on-line meeting of the Special National Conference scheduled for 23 June, 2021.
  - (b) On 23 June, 2021, the proposed alteration was put to an on-line meeting of the National Conference, where a majority of the members of the National Conference endorsed the alteration. I note that the National Conference has the power to amend the Rules of the Union pursuant to Rule 5A2.1(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: 30 July, 2021



.....  
STEVE MURPHY  
NATIONAL SECRETARY

## SCHEDULE A

1. Replace Rule 5B1 – National Council with the following:

### **5B1 - NATIONAL COUNCIL**

1. Composition

From the conclusion of the elections for National Council Delegates scheduled to occur at the 2023 National Conference, there shall be a National Council comprised of:

- (a) The rank and file National Councillors
  - (i) each State Branch shall be entitled to a minimum of one elected one rank and file National Councillor;
  - (ii) there shall be an additional 9 rank and file National Councillors elected pursuant to Rule 6C.1(c) from across the State Branches with the number from each Branch to be calculated on the proportion of financial membership 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;
- (b) The additional female National Councillor(s) - entitled to be elected according to subrule 5B1.2 below;
- (c) The National President;
- (d) The National Secretary;
- (e) The Assistant National Secretaries;
- (f) The State Secretaries from each State;
- (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;
- (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;
- (i) The National Secretary - Retired Members' Division, who shall be a nonvoting member consistent with paragraph 7G1.27(a).

2. Representation of Women on the National Council

- (a) The number of female National Councillors shall be not less than 10% of the members of National Council or not less than the proportion of female members of the union whichever is greater. This shall be known as "the Proportion" for the purposes of this sub-rule. If following the conduct of any other election for Delegates to National Council required at an ordinary meeting of the National Conference the number of female National Councillors is less than the Proportion, additional female National Councillors will be elected to National Council consistent with Rule 6B - Honorary Elections at National Conference.
- (b) Female National Councillors elected under this sub-rule comprise an additional representative of the State from which they were elected.
- (c) For the purposes of subrule (a) above, the "Proportion" shall be calculated on the basis of the proportion of female financial members to total financial members as at final day of the quarter immediately prior to the biennial National Conference.

3. Status of Delegates

- (a) A person who is a rank and file Delegate to National Conference under Rule 5A1.2 may nominate for and hold the position of rank and file National Councillor.
- (b) A woman who is a rank and file Delegate to National Conference under Rule 5A1.2 may nominate for and hold the position of an additional female National Councillor.
- (c) Notwithstanding Rule 5A1.3, any member of the Union employed by the Union who is elected to National Council pursuant to subrules 5B1.1(g) or (h) may nominate for and hold the position of National Conference Delegate pursuant to subrule 5A1.2(d).

4. Any member elected or appointed to an office that, directly or ex-officio, entitles the holder of such office to sit on National Council shall upon their election or appointment notify the National Secretary of an email address by which they shall be contactable for the purpose of discharging their functions and duties as a member of National Council.

5. Transitional Provision

Until the conclusion of the elections for National Council Delegates scheduled to occur at the 2023 National Conference, the National Council shall be composed of Delegates elected consistent with subrule 5B1 immediately prior to the certification of this Rule which was in the following terms:

## **5B1 - NATIONAL COUNCIL**

### **1. Composition**

*There shall be a National Council comprised of:*

- (a) The rank and file National Councillors - each State shall be entitled to elect one rank and file National Councillor for each 2,500 members or part thereof in each State, elected by the Delegates to and members of the State Conference and from the rank and file Delegates to State Conference.*
- (b) The additional female National Councillor(s) - entitled to be elected according to subrule 5B1.2 below;*
- (c) The National President;*
- (d) The National Secretary;*
- (e) The Assistant National Secretaries;*
- (f) The State Secretaries from each State;*
- (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;*
- (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;*
- (i) The National Secretary - Retired Members' Division, who shall be a nonvoting member consistent with paragraph 7G1.27(a).*
- (j) In addition, for the transitional period from 1 July, 2019 to 30 June, 2023, there shall be three additional Delegates to the National Council with one to be elected from each of the Vehicle, Food and Confectionery, and Print membership areas.*

2. *Representation of Women on the National Council*

- (a) *The number of female National Councillors shall be not less than 10% of the members of National Council or not less than the proportion of female members of the union whichever is greater. This shall be known as "the Proportion" for the purposes of this sub-rule. If following the conduct of any other election for Delegates to National Council required at an ordinary meeting of the National Conference the number of female National Councillors is less than the Proportion, additional female National Councillors will be elected to National Council consistent with Rule 6B -Honorary Elections at National Conference.*
- (b) *Female National Councillors elected under this sub-rule comprise an additional representative of the State from which they were elected.*
- (c) *For the purposes of subrule (a) above, the "Proportion" shall be calculated on the basis of the proportion of female financial members to total financial members as at final day of the quarter immediately prior to the biennial National Conference.*

3. *Status of Delegates*

- (a) *A person who is a rank and file Delegate to National Conference under Rule 5A1.2 may nominate for and hold the position of rank and file National Councillor.*
- (b) *A woman who is a rank and file Delegate to National Conference under Rule 5A1.2 may nominate for and hold the position of an additional female National Councillor.*
- (c) *Notwithstanding Rule 5A1.3, any member of the Union employed by the Union who is elected to National Council pursuant to subrules 5B1.1(g), (h) or (j) may nominate for and hold the position of National Conference Delegate pursuant to subrule 5A1.2(d).*

4. *Any member elected or appointed to an office that, directly or ex-officio, entitles the holder of such office to sit on National Council shall upon their election or appointment notify the National Secretary of an email address by which they shall be contactable for the purpose of discharging their functions and duties as a member of National Council.*

## SCHEDULE B

### EXTRACT FROM THE MINUTES OF THE 2021 SPECIAL NATIONAL CONFERENCE

National Conference notes the report on the size and effectiveness of the National Council which was reconstituted during the New Union project. Conference notes the general consensus that, at 44 Delegates, the Council is not providing the forum for the focussed and detailed work required of the governing body of the Union between Conferences.

Conference notes the various reports on proposals to make the Council more effective. Conference endorses the following key principles underpinning the design of the Council:

1. It must have a rank and file majority;
2. The State rank and file Delegates on the Council must be proportional to the number of financial members in each State.
3. That all efforts be made to maximise the diversity of representation on the Council including industry and gender diversity and representation from younger workers.

Arising from the matters raised, Conference endorses the proposal that the National Council be reduced from 44 to 29 Delegates determined as follows:

- 15 rank and file Delegates based on a minimum of one delegate for each State and the balance allocated proportionally across the States based on the proportion of financial members;
- 14 employees of the Union comprised of:
  - The National Secretary and the National President;
  - 2 Assistant National Secretaries;
  - 6 State Secretaries;
  - 1 delegate from each of the three States with the most financial members; and
  - 1 delegate representing the three States with the fewest number of financial members.

Conference notes that the National Secretary of the RMD will continue to attend in a non-voting capacity.

Conference notes that there is provision for additional representation from women members in the event that the elections for Council positions result in the number of women being less than 10% of the Council or less than the proportion of women members to total members, whichever is the greater.

Conference also resolves that each Delegate to National Council should complete an induction prior to their first meeting.