



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. To insert a new Schedule A – COVID-19 as follows:

### Schedule A – COVID-19

#### Preamble

This schedule is made in response to the current Covid-19 pandemic.

The pandemic potentially impacts the capacity of the capacity of the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (**AMWU**) to conduct its affairs in a manner that complies with Commonwealth, State and Territory laws, the health advice and directions of Commonwealth, State and Territory public authorities and these Rules. The schedule is intended to facilitate continued good governance and compliance despite the impacts of Covid-19.

#### Part A - Scope

A.1 To the extent of inconsistency this schedule applies to the exclusion of any rule of the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union known as the Australian Manufacturing Workers’ Union (AMWU) or any of its branches.

A.2 This schedule operates where:

- (a) there are one or more Covid–19 related restrictions which affect movement or assembly in a State or Territory of the Commonwealth; and
- (b) the organisation has a member or members in that State or Territory.

A.3 Part C of this schedule also applies:

- (a) where the Returning Officer has indicated that they are unable for the time being to:
  - (i) conduct an election for an office; or
  - (ii) take a step in relation to the election.

in the manner, or according to the timeframes set out in these rules.

A.4 In this schedule:

- (a) “organisation” means an organisation registered under the *Fair Work (Registered Organisations) Act 2009*;
- (b) “collective body” means the committee of management or a conference, council, committee, panel or other body of or within the organisation or a branch of the organisation;

- (c) a reference to a “branch” includes a reference to a division or other autonomous unit constituted under the rules of the organisation; and
- (d) a reference to an “office” includes a reference to a position other than an office in the organisation, as that expression is used in section 187 of the *Fair Work (Registered Organisations) Act 2009*.
- (e) “scheduled election” means an election that is due because the term of office set out in the rules will shortly end by effluxion of time.
- (f) Returning officer means:
  - (i) Subject to (ii) the official appointed by the Australian Electoral Commission (AEC) to conduct the election;
  - (ii) Where an exemption is in force pursuant to section 186 of the *Fair Work (Registered Organisations) Act 2009* in relation to elections for a particular office or offices, the Returning Officer appointed under these rules
- (g) “financial year” has the meaning given by section 6 of the *Fair Work (Registered Organisations) Act 2009*.
- (h) “reporting unit” has the meaning given by section 242 of the *Fair Work (Registered Organisations) Act 2009*.
- (i) “full report” has the meaning given by section 265 of the *Fair Work (Registered Organisations) Act 2009*.

## **Part B - Meetings**

B.1 Meetings of collective bodies or members of the organisation may be held under this rule. Notwithstanding any other provision in these rules, a meeting of collective bodies or members of the organisation may be held in the manner prescribed by this rule. Any meeting so held will be considered to be a valid meeting held in accordance with these rules.

B.2 A meeting under this rule may be attended:

- (b) in person;
- (c) by electronic communication, including via videoconference or teleconference; or
- (d) by a combination of means set out above

so long as all participants can communicate freely, hear and be heard by one another.

B.3 Proxies may be used if the rules otherwise permit

- B.4 A meeting held under this rule may be held in more than one place.
- B.5 A meeting under this rule may be held as a series of meetings at different locations. A meeting held as a series of meetings is taken to have occurred at the time of the last of the meetings in the series.
- B.6 Procedural rules that relate to the calling and holding of meetings continue to apply. This includes but is not limited to rules that deal with the giving of notice, the amount of notice given, any required form of notice and accompanying documents, quorum, proxies and who chairs the meeting, save and except that:
- (a) Where a valid email address is held for an attendee, notice of the meeting may be given via email, to the extent not otherwise permitted by these rules;
  - (b) In circumstances where a meeting has been determined to be held by electronic communication, (including via videoconference or teleconference) or a combination of in person attendance and electronic communication (including via videoconference or teleconference) pursuant to B.2, such a meeting shall continue to proceed via the means so determined even if the circumstances referred to at A.3 no longer apply at the time of the meeting.
- B.7 Rules that provide for procedures which apply at meetings apply, with the necessary changes provided:
- (a) the Chair shall determine the manner of voting (noting that the express rules of Part C will apply to any votes relating to an office); and
  - (b) where attendees are present other than in person or by proxy voting shall not be by physical show of hands.
- B.8 The committee of management of the organisation may postpone a meeting of:
- (a) a collective body or the organisation; or
  - (b) members of the organisation
- for a period not exceeding six months.
- B.9 The committee of management of a branch may postpone a meeting of:
- (a) a collective body or the branch; or
  - (b) members of the branch
- for a period not exceeding six months.

## **Part C - Elections and holding office**

- C.1 Where the AEC is unable to conduct an election all current officers shall hold over in office until their successor is declared elected.
- C.2 The AEC shall conduct elections for affected offices as soon as practicable.
- C.3 The election shall be conducted under the rules of the organisation and/or branch—as the case may be—with the necessary changes.
- C.4 The successful candidate(s) will take up office immediately once the election is declared.
- C.5 The person declared elected shall hold office until the declaration of their successor in the next scheduled election. For the avoidance of doubt, the term of office for officers elected under this rule is to be shortened by an amount which corresponds to the period of Covid-19 associated delay in holding the election under this rule. The intention of this provision is to ensure that elections in the organisation and its branches revert to their usual cycle at the subsequent scheduled elections.
- C.6 Where a person holding over in office under this rule vacates the office for any reason the relevant collective body may fill the vacancy under the applicable casual vacancy rule, provided:
- (a) the person who fills the vacancy shall hold office for the remainder of the term of office of the person elected at the last scheduled election;
  - (b) a person appointed or elected to fill a casual vacancy shall be entitled to hold over in office until their successor is declared elected; and
- C.7 Where the casual vacancy is required to be filled by election the relevant collective body may appoint someone to act in the vacant office until the election is declared.
- C.8 The returning officer may determine to receive nominations for any vacant office by electronic or postal means (or a combination thereof), where requested to do so by the Committee of Management.
- C.9 Where the rules provide for election via attendance ballot, the returning officer may determine to conduct the election by a secret ballot of the eligible voters instead. This may be conducted via postal or electronic means, or a combination thereof. Any secret ballot so conducted may be held at a time proximate to the meeting at which the attendance ballot would have occurred, or according to a different timeframe as determined by the returning officer.
- C.10 Where the returning officer so determines the returning officer shall so far as practicable apply other rules of the organisation or branch—as the case may be—that provide for election to office by postal ballot, with the necessary changes (which may include conducting the secret ballot using electronic means).

C.11 Where the rules provide for election via non-attendance ballot, the returning officer may conduct the secret ballot via postal or electronic means, or a combination thereof.

#### **Part D - Other**

D.1 Documents required under the rules or the organisation or branch to be signed may be signed electronically.

D.2 Where a document is required under the rules to be under seal of the organisation, use of the seal may be dispensed with where the relevant collective body resolves to do so.

D.3 An organisation or a branch which is a reporting unit may fulfil its obligations under section 265 of the *Fair Work (Registered Organisations) 2009*:

(a) by presenting the full report to a meeting of the committee of management of the reporting unit;

(b) held within the period of 6 months starting at the end of the financial year (or such longer period as is allowed by the Commissioner under subsection 265(5)), provided:

(i) If no less than 5% of the reporting unit's members request a general meeting of the reporting unit for the purpose of considering the auditor's report, the general purpose financial report and the operating report, a general meeting must be called for that purpose

D.4 Notwithstanding the preceding rule, an organisation or a branch which is a reporting unit may instead fulfil its obligations under section 265 of the *Fair Work (Registered Organisations) 2009*:

(a) By causing the full report to be presented to a general meeting of the members of the reporting unit

(b) Held within the period of 6 months starting at the end of the financial year (or such longer period as is allowed by the Commissioner under subsection 265(5)).

D.5 In rules D.3 and D.4 "members" refers to all current members of the reporting unit.

D.6 This schedule may be altered by resolution of:

(i) the committee of management of the organisation; or

(ii) the committee of management of the branch, as the case may be

provided the alteration maintains the intention of the schedule.

## **SCHEDULE B**

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

National Conference notes the report from Secretary Murphy on the risks arising from COVID-19 on the conduct of the Union's elections and meetings in 2021.

Conference notes that the Fair Work Commission in consultation with the ACTU, has prepared a template Rules Schedule to assist Registered Organisations to manage the risk of delays to meetings and elections due to COVID-19.

To reduce the risks to our good governance, elections and reporting arising from COVID-19, Conference resolves to adopt the Rules schedule as circulated at Attachment 5 of the Agenda as a new Schedule A to the Rules and authorises the National Secretary to take such steps as are required to have the Rule change processed and certified through the Fair Work Commission.