

# Independent Education Union

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30 May 2017

General Manager  
Fair Work Commission  
GPO Box 1994  
Melbourne VICTORIA 3001

Dear General Manager

Please find attached notice of an alteration to the rules of the Independent Education Union of Australia pursuant to Section 159 of the Fair Work (Registered Organisations) Act 2009

I also advise that in accordance with Section 159 of the Act, the IEUA consents to any alterations that that FWA or General Manager may need to make for the purpose of correcting a typographical, clerical or formal error.

Further, in compliance with Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009, the IEUA will publish on its website ([www.ieu.org.au](http://www.ieu.org.au)) details concerning this application.

I trust the attached meets the requirements of the Act.

Yours sincerely

Chris Watt  
FEDERAL SECRETARY

# **FAIR WORK ACT 2009**

## **SECTION 159**

### **ALTERATION OF OTHER RULES OF AN ORGANISATION**

Notice is hereby given that alteration has been made to the Rules of the Independent Education Union of Australia. The particulars of the alterations are as attached in Annexure A.

## ANNEXURE A

**The federal Rules of the Independent Education Union of Australia are amended by:**

That the Rules be amended by inserting a new rule 7 (h) as follows:

*(h) Subject to any provisions in the Branch Rules an unfinancial member may be removed by a branch from the membership roll as long as the member has been given at least 21 days notice.*

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That the Rules be amended by inserting a New Rule 15 (d)

*The Branch Secretary (or such other Officer authorised in the Branch rules) is authorised to enter into arrangements with the State registered union [an Associated Body having the same meaning as in Rule 7(f)(i)], setting out arrangements for the management and control of the assets and liabilities of the organisation and the State registered union concerned.*

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That the Rules be amended by replacing existing wording and inserting a new Rule 17 (c) as follows:

*17 (c) Branch Returning Officer” means either:*

*(a) the person appointed by the Australian Electoral Commission to conduct an election under these rules;*

*or*

*(b) where the Branch has obtained an exemption pursuant to section 183 of the Fair Work (Registered Organisations) Act 2009 the person appointed by the Branch Executive to conduct an election under these rules who shall not be a holder of an office in the Union nor an employee of the Union or any part thereof nor a candidate for any election for Office within the Union;*

*or*

*(c) for all other elections that are not subject to the operation of the Fair Work (Registered Organisations) Act 2009, and where the Australian Electoral Commission has not been asked to conduct the election, the person appointed by the organisation or branch.*

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Rule 17 (g)

That the Rules be amended by replacing existing wording and inserting:

*Any person wishing to nominate shall be provided with a nomination form by the Branch Returning Officer or in a manner determined by the Branch Returning Officer. The content and appearance of the nomination form shall be determined by the Branch Returning Officer. Such forms shall be signed by the candidate and by two financial members and forwarded to the Branch Returning Officer at an address in a manner determined by the Branch Returning Officer.*

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That the Rules be amended by replacing existing Rule 17 (v) with the following:

*The system of voting shall be that known as "first past the post" and shall allow for an order of preference to be indicated by the voter so that in the event of the lapsing of a nomination pursuant to Sub-rule 18 (f) (v) an effective vote may still be cast as follows:*

- (i) In the event of there being only one vacancy to be filled, the voter shall vote by using sequential numbers and the candidate who has the number one placed against his or her name shall be the candidate who is favoured by the voter;*
- (ii) In the event of there being more than one vacancy to be filled, the voter shall vote by using sequential numbers and the candidates who have a number up to the number of positions to be filled against their names shall be the candidates favoured by the voter and the votes so marked shall be counted accordingly as primary votes of equal value; to be valid a vote must number at least the number of candidates to be elected in the election;*
- (iii) A vote which indicates a clear intention to vote in a way which is consistent with the above shall be valid;*
- (iv) Notwithstanding the above in the event that the nomination of the candidate has lapsed pursuant to Sub-rule 18 (f) (v) for any position, the Returning Officer shall count the next preference on the ballot paper to allow a fully effective vote to be cast.*

Delete Rule 17 (aa)

Renumber Rule 17 (bb) as 17(aa)

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That the Rules be amended by replacing existing Rule 13 (a) with the following:

*Rule 13*

*(a) Federal President.*

*The Federal President shall:*

- (i) ordinarily preside at all meetings of the Federal Council or Federal Executive or other body of the Union under these Rules;*
- (ii) cause all members of the Federal Executive and Federal Council respectively to be notified of meetings;*
- (iii) speak publicly on behalf of the Union; and*
- (iv) carry out such functions as may be determined by the Federal Council or Federal Executive from time to time.*

That the Rules be amended by replacing existing Rule 13 (c) with the following:

*(c) Federal Secretary*

*The Federal Secretary shall:*

- (i) have the power, subject to the Rules and to Federal Council or Federal Executive decisions:
  - (a) to manage the day to day conduct of the activities of, and use of the assets of, the Federal Union (other than where responsibility is vested in a Branch), and*
  - (b) to define the duties of, direct the work of, and direct the discharge of functions by, officers and employees of the Federal Union (other than in their capacity as officers or employees of a Branch);*
  - (c) to appoint and dismiss employees of the Federal Union (other than in their capacity as employees of a Branch).**
- (ii) be responsible for the general correspondence of the Union finance, filing of documents, industrial returns and the carrying out of decisions of the Federal Council and Federal Executive;*
- (iii) have prepared, properly audited financial statements;*
- (iv) be the Registered Officer of the Union and be the person to sue or be sued on behalf of the Union;*
- (v) have the power to take such legal proceedings as are necessary to enforce any award or agreement or to seek penalties against any employer or any member in arrears;*

- (vi) *have the power to demand the payment and observance of wages and conditions on any employer and to submit any dispute or impending dispute to conciliation and arbitration;*
- (vii) *attend, where possible, all meetings of the Federal Executive and Federal Council and be responsible for the keeping of, or causing to be kept, correct minutes, recorded in minute books, of the proceedings of such meetings;*
- (viii) *inform Federal Executive and Federal Council members of relevant meetings called in accord with these rules;*
- (ix) *submit progress reports to the Federal Executive as required or as determined by the Federal Secretary to be necessary;*
- (x) *in the event of the President's absence from Federal Executive or Federal Council meetings or other public meetings at which the Union is officially present, inform the President of the business conducted at such meetings;*
- (xi) *speak publicly on behalf of the Union and issue media and public statements in the name of the Union;*
- (xii) *cause to be issued receipts where necessary and ensure the prompt banking of all monies received by the Union;*
- (xiii) *keep or cause to be kept in appropriate books of account a correct statement of all monies received and expended by or on behalf of the Union;*
- (xiv) *present to each ordinary meeting of the Federal Executive a financial statement showing the total income and expenditure, general account bank balance and balance of all investments, to the date of the statements;*
- (xv) *present the accounts for each period between meetings to the Federal Executive, for the ratification of payments made;*
- (xvi) *ensure that all cheques issued in the name of the Union shall be signed by at least two of the following: President, Federal Secretary, Assistant Federal Secretary, or any person authorised by the Federal Executive;*
- (xvii) *present the Federal Executive a budget for the next financial year for its deliberations;*
- (xviii) *ensure that payments from the funds of the Union are made in the manner specified in the Rules;*
- (xix) *take all reasonable steps to ensure the Union meets its compliance obligations under relevant legislation;*

(xx) *carry out such further functions as the Federal Council or Federal Executive may from time to time decide.*

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#### Rule 4

That the Rules be amended by replacing existing wording and inserting:

*The registered office of the Union shall be at Unit 10, 40 Brisbane Ave, Barton ACT, or at such place as may be determined from time to time by the Federal Council or Federal Executive.*

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#### Rule 8(o)

That the Rules be amended by replacing existing wording and inserting:

*Notice of meetings of Federal Council may be given by letter, facsimile, email, text, electronically, telephone or verbally provided that in the latter two instances this is confirmed by another means of communication which provides to the receiver written advice thereof.*

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#### Rule9(f) – creation of additional Assistant Federal Secretary position (1 Feb 2009)

That the Rules be amended by deleting Rule 9(f) and subsequently renumbering Rule 9(g) as 9(f)

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## **Written statement**

I, Christopher Gerard Watt of [REDACTED] in the Australian Capital Territory, state as follows:

1. I am the Federal Secretary of the Independent Education Union of Australia and an officer authorised under the rules of the organisation to make this statement.
2. The particulars in the attached notice of alteration are true and correct to the best of my knowledge and belief.
3. The alterations were made in accordance with the rules of the organisation as follows:
  - 3.1 The Resolution to amend the Rules and details of the proposed Rule changes were forwarded to IEUA Federal Council delegates on 28 April 2017. That correspondence advised of an upcoming vote of IEUA Federal Council delegates to be conducted at the Federal Council meeting to be held on 24 May 2017.
  - 3.2 The resolution to amend the Rules was carried unanimously in the vote by Federal Council delegates on Wednesday 24 May 2017.
  - 3.3 The IEUA has published details of the Rule application on its website.
  - 3.4 If the Commission has any questions or clarifications in relation to the proposed rule changes please contact Mr Anthony Odgers. IEUA Assistant Federal Secretary, by telephone on 0411 468 166 or email: aodgers@ieu.org.au

**Dated:**                               **30 May 2017**

**Chris Watt**  
**FEDERAL SECRETARY**  
**INDEPENDENT EDUCATION UNION OF AUSTRALIA**

## **ANNEXURE B**

### **FEDERAL COUNCIL DELEGATES Results from vote**

Votes in favour of resolution:

John Quessy	Federal President
Chris Watt	Federal Secretary
David Towson	IEUA NSW/ACT
Gloria Taylor	IEUA NSW/ACT
Carol Matthews	IEUA NSW/ACT
Christine Wilkinson	IEUA NSW/ACT
Sandra White	IEUA NSW/ACT
Karen Forbes	IEUA NSW/ACT
Megan Bruce	IEUA NSW/ACT
Kendall Warren	IEUA NSW/ACT
Ann-Maree McEwan	IEUA NSW/ACT
Liam Griffiths	IEUA NSW/ACT
Pam Smith	IEUA NSW/ACT
Carolyn Moore	IEUA NSW/ACT
Mark Northam	IEUA NSW/ACT
Debra James	IEUA VICTAS
Loretta Cotter	IEUA VICTAS
Cathy Hickey	IEUA VICTAS
Therese O'Loughlin	IEUA VICTAS
Paul Mannion	IEUA VICTAS
Denis Matson	IEUA VICTAS
David Brear	IEUA VICTAS
Terry Burke	IEUA QLD & NT
Christine Cooper	IEUA QLD & NT
John Spriggs	IEUA QLD & NT
Paul Giles	IEUA QLD & NT
Brad Hayes	IEUA QLD & NT

Aleisha Connellan	IEUA QLD & NT
Glen Seidel	IEUA(South Australia)
Angela Briant	IEUA WA
Anthony Walker	IEUA WA

Votes Against Resolution

Nil