

Independent Education Union

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13 March 2018

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) details concerning this application.

I trust the attached meets the requirements of the Act.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Watt', is written over a blue horizontal line.

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.

Written statement

I, Christopher Gerard Watt of 40 Brisbane Ave, Barton 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 5 March 2018. That correspondence advised of an upcoming vote of IEUA Federal Council delegates to be conducted at the Federal Council meeting to be held on 8 March 2018. The advice was sent by email directly to all Council delegates.
 - 3.2 The Meeting the IEUA Federal Council had been advised to all Federal Council delegates on 9 February 2018 and forms part of the scheduled IEUA representative meetings for 2018 as determined by IEUA Federal Executive at its meeting on 15 November 2017.
 - 3.3 Consideration of the proposal for a Rule change and the principles for such a rule change were considered at the IEUA Federal Council meeting of 6 December 2017.
 - 3.2 The resolution to amend the Rules was carried unanimously in the vote by Federal Council delegates on Thursday 8 March 2018.
 - 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
4. In seeking to make this Rule change the Independent Education Union of Australia is mindful of both the Sex Discrimination Act 1984 and the Fair Work (Registered Organisations) Act 2009 in relation to sex discrimination.
5. The membership of the Independent Education Union of Australia has historically and continues to reflect female density of the organization in excess of 75% which is also reflective of the education industry that members work within.
6. In considering the Rule change the Independent Education Union of Australia Federal Council believed that the change that would reserve office for women does not discriminate on the basis of sex because the different treatment was relevant and appropriate to the object of increasing female participation, particularly in light of the female/male membership density and industry profile.
7. The Independent Education Union of Australia Federal Council believes that the Rule is consistent with earlier decisions of the Fair Work Commission, including the 10

November 2017 decision in relation to the Association of Professional Engineers, Scientists and Managers (R2017/148).

8. Further, the Independent Education Union of Australia Federal Council notes that the Sex Discrimination Act 1984 (SDA) allows for under section 7D - Special measures intended to achieve equality providing that : (1) A person may take special measures for the purpose of achieving substantive equality between: (a) men and women; or...(2) A person does not discriminate against another person under section 5, 5A, 5B, 5C, 6, 7, 7AA or 7A by taking special measures authorised by subsection (1).
9. The Independent Education Union of Australia Federal Council contends that the best interests of the union membership would protected by the proposed rule change to seek to progress substantive equality in the organization and its supreme governing body.

Dated: /

13 March 2018



Chris Watt

FEDERAL SECRETARY

INDEPENDENT EDUCATION UNION OF AUSTRALIA

ANNEXURE A

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

That the Rules be amended by:

Amending and renumbering existing Rule 8(c) as follows:

(c) (i) Branches shall be entitled to elect delegates to Federal Council depending on the size of the Branch in accordance with the following table. Each delegate shall hold one vote.

Table

<u>Number of Members</u>	<u>Total Number of Delegates</u>
Fewer than 3001members	2
Between 3001 and 5000 members	3
Between 5001 and 7000 members	4
Between 7001 and 9000 members	5
Between 9001 and 11000 members	6
Between 11001 and 13000 members	7
Between 13001 and 15000 members	8
Between 15001 and 17000 members	9
Between 17001 and 19000 members	10
Between 19001 and 21000 members	11
Between 21001 and 23000 members	12
Between 23001 and 25000 members	13
Between 25001 and 27000 members	14
Between 27001 and 29000 members	15
Between 29001 and 31000 members	16
Between 31001 and 33000 members	17
Between 33001 and 35000 members	18
Between 35001 and 37000 members	19

Inserting a New Rule 8(c) (ii)

8(c) (ii)Notwithstanding any provisions of these Rules, commencing from the next scheduled election of Branch delegates to Federal Council following certification of

this rule, where a Branch has more than 50% women financial members, not less than 50% of the offices on Federal Council for each Branch delegation outlined in Rule 8(c) (i) will be filled by women. At each triennial election, the Branch Secretary will provide to the Returning Officer a certificate showing the percentage of women financial members at 31 December in the preceding year. This sub rule shall not apply to the Queensland and Northern Territory Branch where that Branch has 5000 members or fewer.

Inserting a New Rule 17 (w) [then re-numbering existing 17 (w) as 17 (x) and subsequent sub-rules as appropriate]

17(w) Provided that in the counting of votes under Rule 17(v) that the maximum number of male candidates elected from all nominees from a Branch would be equal to no more than half the total delegates for that Branch. Where a Branch is entitled to an odd number of delegates, the maximum number of men to be elected shall be rounded down to the nearest whole number (for example, if a Branch is entitled to five delegates, a maximum of two male delegates can be elected). In the event that at the close of nominations there are insufficient women nominees, the Returning Officer will call for further nominations from the Branch to be filled by women so that the quota required by Rule 8(c) (ii) is achieved. This sub rule shall not apply to the Queensland and Northern Territory Branch where that Branch has 5000 members or fewer.

Casual Vacancy

Amending 19 (b) by inserting a third paragraph:

Further, In the event of the office of Branch delegate to Federal Council becoming vacant for any reason or in the case of a vacancy pursuant to Rule 8(d) the filling of such a vacancy must be consistent with Rule 8(c)(ii).

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
Bernadette Baker	IEUA NSW/ACT
Denise McHugh	IEUA NSW/ACT
Sandra White	IEUA NSW/ACT
Lyn Caton	IEUA NSW/ACT
Megan Bruce	IEUA NSW/ACT
Kendall Warren	IEUA NSW/ACT
Dave Towson	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
David Brear	IEUA VICTAS
Terry Burke	IEUA QLD & NT
Christine Cooper	IEUA QLD & NT
John Spriggs	IEUA QLD & NT
Brad Hayes	IEUA QLD & NT

Wendy Evans	IEUA(South Australia)
Louise Firrell	IEUA(South Australia)
Angela Briant	IEUA WA

Votes Against Resolution

Nil