

Independent Education Union

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1 July 2020

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



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:

IEUA Rule Changes – Vote of Federal Council

Moved: T Burke

Seconded: L Cotter

That the IEUA Rules be amended as follows:

Amend Rule 12 (f)

Add the words indicated in italics:

The Branch Executive shall consist of such persons required to be elected by Branch rules as are adopted by the particular Branch pursuant to Rule 26. The Branch Executive shall include (among others) one Branch Secretary *and at least one assistant to the Secretary (named as an Assistant Secretary or the Deputy Secretary)*. One member shall be elected by and from the Branch Executive *(who may be an Assistant Secretary or the Deputy Secretary)* as the alternate delegate of the Branch Executive to the Federal Executive if the Branch Secretary is unable to attend or is the Federal President.

Amend Rule 14 (b)

All moneys received by the Union shall be paid to the credit of the Union *into an* account with a *financial institution(s) approved* by the Federal Council. No funds shall be drawn from the *financial institution(s)* except on the *authorisation* of any two of the following: The Federal Secretary, an Assistant Federal Secretary, the Federal President, a member of the Federal Council nominated by the Federal Executive as a signatory.

New Rule 15 (e)

All moneys received by the Branch shall be paid to the credit of the Union into an account with a financial institution(s) approved by the Branch Executive. No funds shall be drawn from the financial institution(s) except on the authorisation of any two of the following: The Branch Secretary, an Assistant or Deputy Branch Secretary, the Branch President, members of the Branch Executive nominated by the Branch Executive as a signatory.

Federal Rule- Appendix A

Delete Appendix A in its entirety

Consequent to Deleting Appendix A, the following four changes are necessary:

Contents

Delete **Appendix A – Branch Rules** from the table of contents

Rule 10 (a)

Amend Rule 10(a) by deleting the words: *, provided that Appendix A shall only be amended by Federal Council or Executive where necessary to reflect changes in branch structure*

So that the Rule now reads: *These Rules may be altered or rescinded or new Rules made by the Federal Council or Federal Executive in accordance with this Rule. Such resolution may be considered at a meeting of the Federal Council or Executive or pursuant to Rule 8(n) or Rule 9(d)*

Rule 12(d)

Delete the words: *(other than Appendix A in the case where a Branch has adopted its own Rules pursuant to paragraph (g) of this Rule)*

So that the Rule now reads: *Each Branch shall at all times conform to the Rules of the Union.*

Rule 12(g)

Delete the words: *(other than Appendix A)*

So that the Rule now reads: Each Branch shall have the power to make rules for its own internal management pursuant to Rule 26, save that if a rule of a Branch is inconsistent with any Rule of the Union then the latter shall prevail and the former shall, to the extent of the inconsistency, be void.

Rule 26

Delete reference to Appendix A and amend Rule accordingly so that the Rule now reads: *These Rules shall be known as The Federal Rules. Each Branch will adopt a set of Branch Rules to be known as Branch Rules (with the name of the Branch as listed in Federal Rule 12(b) being filled in the space provided). The Branch Rules that the Branch is required to adopt must be in accordance with such requirements of the Federal Rules as a whole, along with all amendments, variations, and/or additions as it determines. Such rules must conform with the requirements of the Workplace Relations Act 1996 and the Federal Rules.*

Amend Rule 17(s)

Following the words *“in a ballot box”* delete *“kept at the post office until the commencement of the count of the ballot”*

Amend Rule 17 (t)

Amend Rule as follows:

At the conclusion of the ballot the ballot box shall be opened by the Returning Officer. Counting the ballot papers shall proceed in the presence of any scrutineers in attendance at the time fixed for the scrutiny. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

Amend Rule 17 (j)

Add the following words after the first sentence:

The Branch Returning Officer shall accept any written withdrawal of nomination by a nominee for a period of seven (7) days from the closing of nominations for any position to which the person has nominated.

Amend Rule 23

Add the following

(d) No right of appeal to the Federal Executive or Federal Council exists in respect of any decision of a Branch Executive made pursuant to this rule

Amend Rule 8(j)

Amend Rule 8(j) by changing the notification period as shown in italic

The Federal Council may close a Branch which in the view of the Council is functioning so ineffectively so as to affect the proper functioning of the Union.

A resolution proposing the closure of a Branch shall be forwarded to members of the Federal Council not less than two weeks prior to the meeting at which it is to be considered. The resolution shall include the reasons for the closure.

Such resolution shall not be considered by the Federal Council (except with the consent of the relevant Branch) unless the Branch has received at least *six weeks* notice of the intention to move such a resolution from the Federal Secretary or the mover of the resolution *and four weeks* notice of the actual resolution. The Federal Council shall afford to the Branch President and/or the Branch Secretary the opportunity to address the Federal Council on the matter and shall consider any relevant material of a written nature provided by the Branch Executive.

A resolution to close a Branch shall require a two thirds majority of votes cast in order to be passed.

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 3 June 2020 (Annexure C). That correspondence advised of an upcoming vote of IEUA Federal Council delegates to be conducted electronically by email as provided under Rule 8(n). The advice was sent by email directly to all Council delegates.
 - 3.2 The email containing the Rules to be amended, along with a link to the current IEUA Rule handbook (online) and a voting sheet was provided by email to all Council delegates on 15 June advising that the ballot would close by COB 29 June 2020 .
 - 3.3 Consideration of the proposal for the Rule changes were considered at the IEUA Federal Executive meetings in February and April 2020.
 - 3.2 The resolution to amend the Rules was carried unanimously in the vote by Federal Council delegates who participated in the vote (list of responses at Annexure B).
 - 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 Chris Watt. IEUA Federal Secretary, by telephone on 0419 259 143 or email: cwatt@ieu.org.au

Dated: 1 July 2020



Chris Watt
FEDERAL SECRETARY
INDEPENDENT EDUCATION UNION OF AUSTRALIA

ANNEXURE B

FEDERAL COUNCIL DELEGATES Results from email vote

Votes in favour of resolution:

Debra James	Federal President
Chris Watt	Federal Secretary
Carolyn Moore	IEUA NSW/ACT
Lyn Caton	IEUA NSW/ACT
Carol Matthews	IEUA NSW/ACT
David Towson	IEUA NSW/ACT
Bernadette Baker	IEUA NSW/ACT
Denise McHugh	IEUA NSW/ACT
Pam Smith	IEUA NSW/ACT
Mark Northam	IEUA NSW/ACT
Marilyn Jervis	IEUA NSW/ACT
Verena Heron	IEUA NSW/ACT
Loretta Cotter	IEUA VICTAS
Cathy Hickey	IEUA VICTAS
Therese O'Loughlin	IEUA VICTAS
Kylie Busk	IEUA VICTAS
Paul Mannion	IEUA VICTAS
Mark Williams	IEUA VICTAS
Denis Matson	IEUA VICTAS
Marit Clayton	IEUA VICTAS
Terry Burke	IEUA QLD & NT
Erica Schultz	IEUA QLD & NT
Andrew Elphinstone	IEUA QLD & NT
Rebecca Sisson	IEUA QLD & NT
Lea Martin	IEUA QLD & NT
Eleisha Connellan	IEUA QLD & NT
Alex Patten	IEUA QLD & NT

John Spriggs	IEUA QLD & NT
Brad Hayes	IEUA QLD & NT
Glen Seidel	IEUA(South Australia)
Wendy Evans	IEUA(South Australia)
Louise Firrell	IEUA(South Australia)
Angela Briant	IEUA WA

Votes Against Resolution

Nil

ANNEXURE C

On 3 Jun 2020, at 5:29 pm, Chris Watt <cwatt@ieu.org.au> wrote:

Colleagues

It is proposed by Federal Executive that an electronic vote of Federal Council be conducted this month in relation to:-

- 1) rule changes &
- 2) federal audit

Formal resolutions with opening and closing dates for the vote will be forwarded next week.

In the interim, please find attached both the proposed rule changes (agreed in principle by the federal executive) and the federal audit (which will be formally adopted at an upcoming federal executive meeting).

Additionally, the following is a link to the Fair Work Commission website listing of the current IEUA rule book if you'd like to review the proposed changes in the context of the total rule. Link: <https://www.fwc.gov.au/registered-organisations/find-registered-organisations/independent-education-union-australia-ieua>

Please feel free to discuss this agenda with your branch secretary in the first instance.

Thank you

--

Chris Watt

Federal Secretary

ANNEXURE D

From: Chris Watt <cwatt@ieua.org.au>
Date: Monday, 15 June 2020 at 5:46 pm

Subject: Votes of Federal Council

Colleagues

As advised last week, attached is the documentation for the resolutions in relation to:

- a) the 2019 audit and
- b) rule changes (as endorsed by federal executive - the Rules have been moved as a block, therefore requiring only a single vote)

[note: the current IEUA Rules can be found here: <https://www.fwc.gov.au/registered-organisations/find-registered-organisations/independent-education-union-australia-ieua>]

Please return your vote (two items) by COB Tuesday 29 June.

If you have any questions, please contact your branch secretary in the first instance.

Thank you

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Chris Watt