

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 together with a declaration pursuant to Regulation 126(2).

ANNEXURE A

The federal Rules of the Independent Education Union of Australia are altered as follows:

1. Insert a new Rule 9A in the following terms:

9A – FEDERAL COUNCIL AND FEDERAL EXECUTIVE AUTHORITY OVER BRANCHES

- (a) If a Branch Executive or an officer of a Branch refuse or fail to comply with these Rules or with a lawful resolution of the Federal Council or Federal Executive, the Federal Council or Federal Executive may, after inquiry, determine that the Branch Executive or officers of the Branch have acted in a manner prejudicial to the good order and government of the Union.
- (b) A determination under this Rule shall not be made unless:
 - (i) the refusal or failure to comply, relates to a Rule, resolution or direction in respect of which notice to comply, so as far as practicable, has been brought to the attention of members of the Branch Executive or the officers of the Branch, and is not desisted from as soon as reasonably practicable after such notice;
 - (ii) the refusal or failure to comply amounts to a misappropriation of the funds of the Branch or the Division, a substantial breach of the Rules, gross misbehaviour or gross neglect of the duties of the Branch Executive, or of the officers of the Branch;
- (c) Where the Federal Council or Federal Executive have made a determination under this Rule it may, after inquiry, and after hearing from (or providing reasonable opportunity to be heard to) representatives appointed by the Branch Executive or officers in defence of themselves or the Branch:
 - (i) suspend the members of the Branch Executive or officers from office for such periods not exceeding 12 months as it determines;
 - (ii) appoint at the expense of the Union a member of the Federal Council or Federal Executive to conduct and manage the affairs of the Branch during the period of suspension, subject to the direction of the Federal Council or Federal Executive; and

- (iii) require such Branch Executive to deliver up to the person so appointed all the funds of the Branch.
- (d) During the period of any suspension imposed pursuant to this Rule, a paid officer of the Branch shall, subject to his/her not being removed from office pursuant to these Rules, continue to be remunerated out of the funds of the Branch and shall perform such duties as are allocated to him/her by the person appointed by the Federal Council or Federal Executive to conduct and manage the affairs of the Branch.
- (e) All property, money and books of the Branch in respect of which there is a determination under paragraph (a) of this Rule shall, on demand made by the Federal Council or Federal Executive to a person or member having the custody or control of same, be forthwith delivered up to the person charged to receive them as specified in the demand.
- (f) A person appointed pursuant to sub-rule 9A(c)(ii) to conduct and manage the affairs of a Branch has, subject to any direction by the Federal Council and/or Federal Executive, all the powers under these Rules of the Branch Executive and officers who have been suspended. The operation of these Rules are modified to the extent necessary to enable the person to exercise such powers during the period of suspension.

2. Insert a new rule 15(f) in the following terms:

15 (f) Each Branch will ensure that it is able to pay its debts as and when they become due and payable. If a Branch may not be able to pay its debts as and when they become due and payable the Branch must notify the Federal Executive as soon as possible.

Declaration

I, Anthony Odgers of 120 Clarendon Street, South Melbourne, Victoria state as follows:

1. I am an Assistant Federal Secretary of the Independent Education Union of Australia and an officer authorized by the Federal Secretary Christine Cooper and 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 Executive delegates on 6 September 2022. That correspondence advised of an upcoming vote of IEUA Federal Executive delegates to be conducted at a Federal Executive meeting to be held by videoconference pursuant to Rule 9(f) of the union on 8 September 2022. The advice was sent by email directly to all Federal Executive delegates.
 - 3.2 The Executive had sufficient time to properly consider the nature of the alteration. Consideration of this proposal for a governance-based rule alteration and the principles for that alteration were first considered at an IEUA Federal Executive meeting in 2020. A draft was submitted to the Fair Work Commission that year to determine whether the proposed change was in a form capable of certification. Immediately following the finalization of this process the Executive endorsed another consultation draft at its meeting on 28 April this year. The rule alteration then considered and endorsed on 8 September 2022 resulted from the finalization of this second period of consultation.
 - 3.3 The resolution to amend the Rules was carried unanimously in the vote by Federal Executive delegates on 8 September 2022. The names of the delegates voting are attached to the application for certification and marked 'Attachment B'.
 - 3.4 The IEUA will publish the notice of this Rule application on its website immediately following its lodgement.

Dated: **25 October 2022**

**ANTHONY ODGERS
ASSISTANT FEDERAL SECRETARY
INDEPENDENT EDUCATION UNION OF AUSTRALIA**

ANNEXURE B

FEDERAL EXECUTIVE DELEGATES Results from vote

Votes in favour of resolution:

Mark Northam	IEU NSW/ACT
David Brear	IEU VICTAS
Terry Burke	IEU QNT
Glen Siedel	IEU SA
Rebecca Collopy	IEU WA
Christine Cooper	IEUA Federal Secretary

Votes Against Resolution

Nil