

**ATTACHMENT B – APPLICATION FOR CONSENT TO THE ALTERATION OF
THE ELIGIBILITY RULES OF AN ORGANISATION**

UNITED WORKERS’ UNION

FAIR WORK COMMISSION

Fair Work (Registered Organisations) Act 2009

Fair Work (Registered Organisations) Regulations 2009

Regulation 121

NOTICE OF PARTICULARS OF RULE ALTERATION

DECLARATION

I, Timothy John Kennedy of 833 Bourke Street, Docklands, in the State of Victoria, Union Official do solemnly and sincerely declare:

1. I am the Inaugural National Secretary of the United Workers’ Union (**UWU**) and I am authorised to make this declaration.
2. I make this declaration in support of the Application for consent to the alteration of the eligibility rules of an organisation (**Application**) and as required at paragraph 1.3 of Form F68.
3. Rule 86 of Section 10 of the Rules of the UWU:
 - a. Provides that the Rules may be altered by the Member Council; and
 - b. Sets out the process by which alterations to the Rules may occur.
4. On or about 27 May 2021 all members of the Member Council were advised by the National President Jo Schofield and myself that the Member Council would meet on 13 July 2021 by means of zoom. [Rule 40(g)].
5. The meeting of the Member Council was an Ordinary Meeting [Rules 40(f) and 86(a)(i)].
6. The agenda for the Member Council was formulated in a manner consistent with Rules 40(h) and (i).

7. The agenda and associated papers for the meeting of the Member Council were forwarded by email to all members of the Member Council on 5 July 2021. This included a report on the rule alteration that is the subject of this Notice. [Rule 40(j)].
8. The report referred to at paragraph 7 above was prepared by Paul Richardson (**Richardson**) who is the Director – Finance, Governance and Administration and a National Executive Member. Richardson acts with the delegated authority provided to him by myself and in performance of the duties and responsibilities determined by the National Executive as his Work Portfolio [Rule 52].
9. I consider the forwarding of the agenda and report, a request made by myself to the Member Council to alter the rules [Rules 86(a)(i) and 86(b)].
10. The meeting of the Member Council was held by zoom and was hosted from the Dockland offices of the organisation. The Docklands offices is the principal office of the UWU [Rules 2(b) and 40(q)].
11. The composition of the Member Council of the UWU is described at Rules 31 and 32.
12. As at the commencement of the meeting of the Member Council:
 - a. the number of Member Councillors of the Member Council as provided for within Rule 31(a)(i) was 42; and
 - b. the number of officers comprising the National Executive as provided for within Rules 31(a)(ii) and 35 was 18.
13. During the meeting the Member Council received and accepted the resignation of one Member Councillor as defined in the above rules, bringing the number of Member Councillors to 41.
14. The Member Council was attended by 23 Member Councillors and 17 National Executive Members.
15. There were no proxies utilised by members of the Member Council. [Rule 42].
16. At all times of sitting the Member Council was quorate as defined at Rule 40(s).
17. During the meeting, the Member Council considered the report and unanimously resolved as follows:

To insert a new Rule, Part 26 of PART A of Schedule 1 as follows:

“Part 26

Regardless of whether their employment is by the Government or by means of the outsourcing of work by the Government to a private operator or private operators, the Union shall also consist of employees principally employed or usually employed in the occupations or callings of:

- *cleaning, and/or*
- *security and/or*
- *catering and/or the preparation and service of food and drink*

within hospitals located in the Australian Capital Territory.”

18. The UWU has a website. In accordance with Regulation 121(4), a Notice has been published on the website – **www.unitedworkers.org.au/notices**
19. On the basis of the foregoing, I declare that the alteration has been made in accordance with the Rules of the organisation. [Regulations 121(2)(c)(i) and (ii)]
20. A copy of the Rules that are proposed to be altered appear as **Attachment A** to the Application. [Regulation 121(2)(e)]
21. I further declare that the alteration:
 - 24.1 complies with, and is not contrary to the *Fair Work (Registered Organisations) Act 2009 (the RO Act)*, the *Fair Work Act 2009*, any modern award and any enterprise agreement [s159(1)(a) of the RO Act];
 - 24.2 is not otherwise contrary to law; [s159(1)(a)(ii) of the RO Act]; and
 - 24.3 has been made under and in accordance with the Rules [s159(1)(a)(iii) of the RO Act and Regulation 126(2)(a).]
22. In accordance with Regulation 126(2)(c) I also declare that the particulars set out in this declaration are true and correct to the best of my knowledge and belief.

DECLARED at Docklands, Victoria on this 28th day of July 2021

A handwritten signature in black ink, appearing to read 'Timothy Kennedy', with a long horizontal stroke at the top and a vertical stroke at the end.

TIMOTHY JOHN KENNEDY
INAUGRAL NATIONAL SECRETARY
UNITED WORKERS' UNION