

DECLARATION OF AUTHORISED OFFICER OF ORGANISATION under Regulation 126 of the *Fair Work (Registered Organisations) Regulation 2009*

ALTERATION OF RULES OF AN ORGANISATION under section 159 of the Fair Work (Registered Organisations) Act 2009

I, Emily McMillan of Level 9, 447 Kent Street Sydney NSW, declare as follows:

1. I am the National Assistant Secretary of the Transport Workers Union of Australia (**TWUA**) and, as such, am authorised to give this notice of particulars of alterations to the rules of the Transport Workers Union of Australia.
2. The alterations were made in accordance with the rules of the Transport Workers Union of Australia.
3. Rule 85 permits the National Council to amend the rules.
4. On 11 November 2024, the National President sent all National Councillors a letter via email calling a special meeting of National Council under subrules 46(4)(a) and (b) to deal with the urgent business, which was proposed changes to the rules. The letters explained the reason for the proposed rule changes and attached two annexures marked A and B stating the proposed changes. Annexure B concerned a suite of changes. A single copy of the correspondence and Annexure B is annexed hereto and marked "**A**". The letters fulfilled the requirements of subrules 46(4) and 85(2)(a).
5. Subrule 46(5) allows the National Council to meet by telephone or video.
6. National Council met via video (Zoom) on 9 December 2024 to consider the proposed changes. A list of National Councillors who attended the meeting is annexed hereto and marked "**B**". Quorum requirements for National Council were satisfied in accordance with rule 50. A Quorum was maintained for the meeting.
7. National Council unanimously passed a resolution under subrule 85(2)(b) to change the Rules in accordance with the proposed changes in Annexure B to the letters to the National Councillors. A copy of the resolution is annexed hereto and marked "**C**".
8. Particulars of the changes to the Rules are annexed hereto and marked "**D**".
9. The proposed change to the rules in Annexure A to the President's 11 November 2024 letter is dealt with in a separate declaration.
10. The particulars in this notice are true and correct to the best of my knowledge and belief.



Emily McMillan
National Assistant Secretary

Dated: 10/12/24

Annexure "A"

Transport Workers' Union of Australia

National Office

a. 447 Kent St Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246



11 November 2024

BY EMAIL

Dear National Councillors

Re: Notice of Special Meeting of National Council

In accordance with the TWU's rules 46(4) and 46(5), I provide notice of a special National Council meeting to address urgent business. The special meeting is scheduled to be held at 12pm on Monday, 9 December 2024 via zoom.

The urgent business to be dealt with at the special meeting of National Council is as follows:

- Amendments to the Rules providing for increase to the TWU annual membership fee; and
- Amendments to the Rules to:
 - Remove the Entrance Fee in Rule 7 and make consequential amendments.
 - Insert a new TWU Campaign Fund Contribution in Rule 7.
 - Remove the Training Fund in Rule 73 and replace it with a new Campaign Fund.
 - Remove the requirement for unfinancial members to wait 10 days before becoming financial members in Rule 10.

NSW/QLD/VIC/TAS (Interim Governance)
Branch Secretary **Richard Olsen**
NSW: 1800 729 909
Qld: 07 3890 3066
Vic/Tas: 1300 727 614

SA/NT Branch
Secretary
Sam McIntosh
08 8346 4177

WA Branch
Secretary
Tim Dawson
08 6313 3000

Transport Workers' Union of Australia

National Office

a. 447 Kent St Sydney NSW 2000
t. 02 8114 6500

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- Insert a definition of “Gig Worker” in Rule 92.
- Remove Transitional Rule 93, as it ceased to operate on 10 January 2023.
- Remove Transitional Rule 94, as it ceased to operate on 10 January 2023.

In relation to the proposed rule changes, these are contained at **Annexures A and B**.

We will be in touch in the near future with the zoom link.

Please contact Lorraine Biviano on 0419 302 121 or by email at lorraine.biviano.com.au if you have any inquiries.

Regards,



Tim Dawson
National President

NSW/QLD/VIC/TAS (Interim Governance)
Branch Secretary **Richard Olsen**
NSW: 1800 729 909
Qld: 07 3890 3066
Vic/Tas: 1300 727 614

SA/NT Branch
Secretary
Sam McIntosh
08 8346 4177

WA Branch
Secretary
Tim Dawson
08 6313 3000

ANNEXURE “B”

Proposed Alterations to the Rules of the Transport Workers Union Of Australia

PURPOSE

1. Remove the Entrance Fee in Rule 7 and make consequential amendments.
 2. Insert a new TWU Campaign Fund Contribution in Rule 7.
 3. Remove the Training Fund in Rule 73 and replace it with a new Campaign Fund.
 4. Remove the requirement for unfinancial members to wait 10 days before becoming financial members in Rule 10.
 5. Insert a definition of “Gig Worker” in Rule 92.
 6. Remove Transitional Rule 93, as it ceased to operate on 10 January 2023.
 7. Remove Transitional Rule 94, as it ceased to operate on 10 January 2023.
-

AMEND THE RULES AS FOLLOWS

ENTRANCE FEE AND CAMPAIGN FUND FEE

Delete the text of subrule 6(2) and **replace** it with the words:

“A person becomes a member immediately upon signing the Application, subject to sub-rule (3).”

Delete the heading and text of rule 7 and replace them with the following:

7 TWU Campaign Fund Contribution

(1) Members will pay a TWU Campaign Fund Contribution set by the National Committee of Management.

(2) As of 1 January 2025, the TWU Campaign Fund Contribution is 15c per week.

Delete the words: “*Entrance Fees*” in subrules 25(g) and 72(2)(a).

Delete the text of subrule 92(m) and **replace** it with the words: “*Intentionally blank*”.

Delete the words: “entrance fee” in subrule 92(i).

Delete the words: “*No Entrance Fee shall be payable by such applicant*” in subrule 1 of Annexure F.

ANNEXURE “B”

Delete the heading and text of subrule 2 of Annexure F and **insert** a new heading with the words: “*Intentionally blank*”.

Delete the words: “Entrance Fees” and “entrance fees” in rule 3 of Annexure F.

Delete the words: 2 “Entrance Fees” in subrule 23(4)(1) of Annexure F.

Delete the words “entrance fee” in subrule 92(i).

Delete the heading and text of rule 73 and replace them with the following:

73 TWU Campaign Fund

- (1) *A fund called the “TWU Campaign Fund” is established.*
- (2) *The TWU Campaign Fund will be used to further the Objectives of the Union, including by supporting campaigning efforts to deliver on the 2035 Vision, continue to grow the membership, and best advance the interests of Members.*
- (3) *Decisions about how money from the TWU Campaign Fund will be expended will be made by the TWU National Committee of Management.*
- (4) *The TWU National Secretary will administer the fund on behalf of the TWU National Committee of Management.*
- (5) *Every month from 1 January 2025, each Branch must forward to the National Council the 15c per member per week Campaign Fund Contribution.*
- (6) *Disbursement of the monies in the Campaign Fund will be subject to rule 80.*
- (7) *Despite any other rule, a Branch Committee of Management must not direct a Branch Secretary not to make payments due to National Council (or otherwise prevent or seek to prevent payments to National Council), in accordance with this rule.*
- (8) *Where a Branch fails to make payments due to National Council in accordance with this rule, the relevant Branch has no right to representation at National Council or the National Committee of Management, until the payments are made.*
- (9) *National Council must ensure that all monies received in accordance with sub-rule (4) are separately and distinctly accounted for.*
- (10) *Withdrawals from the TWU Campaign Fund must be made by Electronic Funds Transfer or cheque and signed or authorised by:*
 - (a) *the National Secretary and*
 - (b) *2 National Trustees.*

ANNEXURE “B”

UNFINANCIAL MEMBERS

Delete the text of subrule 10(2) and **replace** it with the words:

- (2) *An Unfinancial Member becomes a Financial Member immediately upon the relevant Branch receiving payment of all unpaid Dues into its bank account.*

DEFINITION OF GIG WORKER

Insert a new subrule 92(aa2) as follows:

- (aa2) *“Gig worker” means an employee like worker who obtains work through a digital platform, such as a mobile application or website.*

REMOVE TRANSITIONAL RULE 93

Delete the heading and text of rule 93 and insert a new heading with the words “Intentionally blank”.

REMOVE TRANSITIONAL RULE 94

Delete the heading and text of rule 94 and insert a new heading with the words “Intentionally blank”.

End

“Annexure B”

Attendees at the Special National Council Meeting 9 December 2024 via Videolink

Attendees

- Michael Kaine
- Emily McMillian
- Tim Dawson
- Jo Woofford
- Mick Forbes
- Guillaume Maize
- Klaus Pinkus
- Sam Lynch
- James Scott
- Kirsty Sharkey
- Nick McIntosh
- Joshua Millroy
- Barry Farrington
- Margaret Harvey
- Shona Maywal
- Sam McIntosh

Apologies:

- Marija Marsic
- Rob Pirc
- Ray McMillan
- Julianne Kingaby

Resolution 2

That National Council resolves to alter the Rules in accordance with Rule 85(2) as follows:

ENTRANCE FEE and CAMPAIGN FEE

Delete the text of subrule 6(2) and **replace** it with the words:

“A person becomes a member immediately upon signing the Application.”

Delete the heading and text of rule 7 and replace them with the following:

7 Campaign Fund Fee

- (1) *Members will pay a Campaign Fund Fee set by the National Committee of Management.*
- (2) *As of 1 January 2025, the Campaign Fund Fee is 15c plus GST per week.*
- (3) *The Campaign Fund Fee will form part of the Annual Fee.*

Delete the words: “Entrance Fees” in subrules 25(g) and 72(2)(a).

Delete the text of subrule 92(m) and **replace** it with the words: “*Intentionally blank*”.

Delete the words: “entrance fee” in subrule 92(i).

Delete the words: “No Entrance Fee shall be payable by such applicant” in subrule 1 of Annexure F.

Delete the heading and text of subrule 2 of Annexure F and **insert** a new heading with the words: “*Intentionally blank*”.

Delete the words: “Entrance Fees” and “entrance fees” in rule 3 of Annexure F.

Delete the words: 2 “Entrance Fees” in subrule 23(4)(1) of Annexure F.

Delete the words “entrance fee” in subrule 92(i).

CAMPAIGN FUND

Delete the heading and text of rule 73 and replace them with the following:

73 Campaign Fund

- (1) *A fund called the “TWU Campaign Fund” is established.*
- (2) *The TWU Campaign Fund will be used to further the Objectives of the Union, including by supporting campaigning efforts to deliver on the 2035 Vision, continue to grow the membership, and best advance the interests of Members*

- (3) *Decisions about how money from the TWU Campaign Fund will be expended will be made by the TWU National Committee of Management.*
- (4) *The TWU National Secretary will administer the fund on behalf of the TWU National Committee of Management.*
- (5) *Every month from 1 January 2025, each Branch must forward to the National Council a 15c plus GST per member per week Campaign Fund Contribution.*
- (6) *Disbursement of the monies in the Campaign Fund will be subject to rule 80.*
- (7) *Despite any other rule, a Branch Committee of Management must not direct a Branch Secretary not to make payments due to National Council (or otherwise prevent or seek to prevent payments to National Council), in accordance with this rule.*
- (8) *Where a Branch fails to make payments due to National Council in accordance with this rule, the relevant Branch has no right to representation at National Council or the National Committee of Management, until the payments are made.*
- (9) *National Council must ensure that all monies received in accordance with sub-rule (4) are separately and distinctly accounted for.*
- (10) *Withdrawals from the TWU Campaign Fund must be made by Electronic Funds Transfer or cheque and signed or authorised by:*
 - (a) *the National Secretary and*
 - (b) *2 National Trustees.*

UNFINANCIAL MEMBERS

Delete the text of subrule 10(2) and **replace** it with the words:

- (2) *An Unfinancial Member becomes a Financial Member immediately upon the relevant Branch receiving payment of all unpaid Dues into its bank account.*

DEFINITION OF GIG WORKER

Insert a new subrule 92(aa2) as follows: “Gig worker” means an employee like worker who obtains work through a digital platform, such as a mobile application or website.

REMOVE TRANSITIONAL RULE 93

Delete the heading and text of rule 93 and insert a new heading with the words “Intentionally blank”.

REMOVE TRANSITIONAL RULE 94

Delete the heading and text of rule 94 and insert a new heading with the words “Intentionally blank”.

Moved: Joshua Millroy

Seconded: Nick McIntosh

Carried: Yes

“Annexure D”

Particulars of Rule Changes

ENTRANCE FEE and CAMPAIGN FEE

Delete the text of subrule 6(2) and **replace** it with the words:

“A person becomes a member immediately upon signing the Application.”

Delete the heading and text of rule 7 and replace them with the following:

7 Campaign Fund Fee

- (1) *Members will pay a Campaign Fund Fee set by the National Committee of Management.*
- (2) *As of 1 January 2025, the Campaign Fund Fee is 15c plus GST per week.*
- (3) *The Campaign Fund Fee will form part of the Annual Fee.*

Delete the words: “Entrance Fees” in subrules 25(g) and 72(2)(a).

Delete the text of subrule 92(m) and **replace** it with the words: “*Intentionally blank*”.

Delete the words: “entrance fee” in subrule 92(i).

Delete the words: “*No Entrance Fee shall be payable by such applicant*” in subrule 1 of Annexure F.

Delete the heading and text of subrule 2 of Annexure F and **insert** a new heading with the words: “*Intentionally blank*”.

Delete the words: “Entrance Fees” and “entrance fees” in rule 3 of Annexure F.

Delete the words: 2 “Entrance Fees” in subrule 23(4)(1) of Annexure F.

Delete the words “entrance fee” in subrule 92(i).

CAMPAIGN FUND

Delete the heading and text of rule 73 and replace them with the following:

73 Campaign Fund

- (1) *A fund called the “TWU Campaign Fund” is established.*
- (2) *The TWU Campaign Fund will be used to further the Objectives of the Union, including by supporting campaigning efforts to deliver on the 2035 Vision, continue to grow the membership, and best advance the interests of Members*

- (3) *Decisions about how money from the TWU Campaign Fund will be expended will be made by the TWU National Committee of Management.*
- (4) *The TWU National Secretary will administer the fund on behalf of the TWU National Committee of Management.*
- (5) *Every month from 1 January 2025, each Branch must forward to the National Council a 15c plus GST per member per week Campaign Fund Contribution.*
- (6) *Disbursement of the monies in the Campaign Fund will be subject to rule 80.*
- (7) *Despite any other rule, a Branch Committee of Management must not direct a Branch Secretary not to make payments due to National Council (or otherwise prevent or seek to prevent payments to National Council), in accordance with this rule.*
- (8) *Where a Branch fails to make payments due to National Council in accordance with this rule, the relevant Branch has no right to representation at National Council or the National Committee of Management, until the payments are made.*
- (9) *National Council must ensure that all monies received in accordance with sub-rule (4) are separately and distinctly accounted for.*
- (10) *Withdrawals from the TWU Campaign Fund must be made by Electronic Funds Transfer or cheque and signed or authorised by:*
 - (a) *the National Secretary and*
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- (2) *An Unfinancial Member becomes a Financial Member immediately upon the relevant Branch receiving payment of all unpaid Dues into its bank account.*

DEFINITION OF GIG WORKER

Insert a new subrule 92(aa2) as follows: “Gig worker” means an employee like worker who obtains work through a digital platform, such as a mobile application or website.

REMOVE TRANSITIONAL RULE 93

Delete the heading and text of rule 93 and insert a new heading with the words “Intentionally blank”.

REMOVE TRANSITIONAL RULE 94

Delete the heading and text of rule 94 and insert a new heading with the words “Intentionally blank”.