



New South Wales Teachers Federation

a branch of the Australian Education Union
AEU NSW Teachers Federation Branch ABN 86 600 150 697



12 July 2019

497/2019/NC:bdcbb

Fair Work Australia
PO Box 1994
MELBOURNE VIC 3001

Email: ros@fwc.gov.au

DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*

ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act 2009*

I, JOHN DIXON of 23-33 MARY STREET SURRY HILLS NSW am the BRANCH SECRETARY of the AUSTRALIAN EDUCATION UNION NEW SOUTH WALES TEACHERS FEDERATION BRANCH and am authorised to give this notice of particulars of alterations to the rules of AUSTRALIAN EDUCATION UNION NEW SOUTH WALES TEACHERS FEDERATION BRANCH and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the AUSTRALIAN EDUCATION UNION NEW SOUTH WALES TEACHERS FEDERATION BRANCH
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
 - (a) On 28 May 2019, the Branch Executive placed on the Agenda for the 2019 Annual Branch Conference proposed rule changes to Branch rules 7, 11 and 37.
 - (b) The Deputy Secretary sent a notice on June 18 2019 of the Annual Branch Conference meeting including a copy of the proposed rule changes to each Association and Conference delegate.
 - (c) The Annual Branch Conference meeting was held on 6, 7 and 8 July 2019.
 - (d) 283 delegates attended the session in which the rule changes were considered. As such the meeting was quorate.
 - (e) The changes to Rule 7 were declared carried by a majority of members present
 - (f) The changes to Rule 11 were declared carried by a majority of members present
 - (g) The changes to Rule 37 were declared carried by a majority of members present
4. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Yours sincerely

John Dixon
General Secretary

ATTACHMENT A

EXISTING RULE

7 - COMPOSITION OF BRANCH CONFERENCE

- (1) There shall be a Branch Conference which shall consist of:
 - (a) the Branch Presidential officers;
 - (b) Branch Council representatives of associations or groups of associations;
 - (c) additional representatives elected by and from members of associations; and
 - (d) representatives elected by and from members on the ATSI Members' Roll.
- (2) For the purposes of this rule, the entitlement of an association to additional representatives is calculated by subtracting the number of Branch Council representatives of associations from the figure determined by applying the following formula:
 - (a) in respect of the first 80 financial members of an association or part thereof, one representative; and
 - (b) in respect of every 120 financial members or part thereof in excess of 80 financial members, one representative.
- (3) A quorum for a Branch Conference shall be 150 members.
- (4) The Branch Secretary, the Branch Deputy Secretaries and the Branch Professional Officers are entitled to attend meetings of the Branch Conference, but are not entitled to vote or to be counted in determining whether a quorum is present.
- (5) The representatives of members on the ATSI Members' Roll shall comprise:
 - (a) the representatives of members on the ATSI Members' Roll on the Branch Council; and
 - (b) five additional representatives elected by and from members on ATSI Members' Roll.
- (6) The representation of members on the ATSI Members' Roll on the Branch Conference and in other decision making forums shall be reviewed if the number of members reaches a number which would create an entitlement, on the application of the formula set out in this rule, to more than 10 representatives.
- (7) In this rule, where it is necessary to determine a number of financial members of an association, the date shall be a date prescribed by the Branch Council.
- (8) In the event that an association representative or representative of members on the ATSI Members' Roll is unable to attend a meeting of the Branch Conference, or part of a meeting, he or she may appoint another member of his or her association, or another member on the ATSI Members' Roll, as his or her proxy provided that the appointee is not an existing representative on the Branch Conference.

PROPOSED NEW RULE (Changes in italics)

7 - COMPOSITION OF BRANCH CONFERENCE

- (1) There shall be a Branch Conference which shall consist of:
- (a) the Branch Presidential officers;
 - (b) Branch Council representatives of associations or groups of associations;
 - (c) *Branch Conference Delegates elected by and from members of associations; and*
 - (d) *Conference Delegates elected by and from members on the ATSI Members' Roll.*
- (2) *For the purposes of this rule, the entitlement of an Association to Conference Delegates shall be calculated in accordance with the following table:*

<i>Number of Financial Members</i>	<i>Conference Delegate entitlement</i>
<i>15-250</i>	<i>1</i>
<i>251-500</i>	<i>2</i>
<i>501-750</i>	<i>3</i>
<i>751-1000</i>	<i>4</i>
<i>1001-1300</i>	<i>5</i>
<i>1301-1600</i>	<i>6</i>
<i>1601-1900</i>	<i>7</i>
<i>1901-2200</i>	<i>8</i>
<i>2201-2500</i>	<i>9</i>
<i>2501-2800</i>	<i>10</i>
<i>2801-3100</i>	<i>11</i>
<i>3101-3400</i>	<i>12</i>
<i>3401-3700</i>	<i>13</i>
<i>3701-4000</i>	<i>14</i>

- (a) *for every additional 300 financial members (or part thereof) in excess of 4000, Associations will be entitled to 1 additional Conference Delegate.*
- (3) A quorum for a Branch Conference shall be 150 members.
- (4) The Branch Secretary, the Branch Deputy Secretaries and the Branch Professional Officers are entitled to attend meetings of the Branch Conference, but are not entitled to vote or to be counted in determining whether a quorum is present.
- (5) The representatives of members on the ATSI Members' Roll at Branch Conference shall comprise:
- (a) the representatives of members on the ATSI Members' Roll on the Branch Council; and
 - (b) *five Conference Delegates elected by and from members on the ATSI Members' Roll*
- (6) *Where the number of members on the ATSI Members' Roll exceeds 1300, the formula set out in Rule will be applied.*
- (7) In this rule, where it is necessary to determine a number of financial members of an association, the date shall be a date prescribed by the Branch Council.
- (8) *In the event that a Branch Council Representative, Conference Delegate or Conference Delegate representing members on the ATSI Members' Roll is unable to attend a meeting of the Branch Conference, or part of a meeting, he or she may appoint another member of his or her association, or another member on the ATSI Members' Roll, as his or her proxy provided that the appointee is not an existing representative on the Branch Conference.*

EXISITING RULE

11 - COMPOSITION OF BRANCH COUNCIL

- (2) (a) For the purposes of sub-rule 1 where the financial membership of an association, or a group of associations, exceeds 90 but does not exceed 250, the association or group of associations shall be entitled to one representative and, for each additional 250 members or part thereof, one additional representative.
- (b) For the purposes of sub-rule 1, in the case of the ATSI members' roll there will be five representatives elected by and from those financial members listed on the ATSI roll.

PROPOSED NEW RULE

11 - COMPOSITION OF BRANCH COUNCIL

- (1) There shall be a Branch Council which shall consist of:
- (a) The Branch Presidential Officers;
 - (b) Representatives elected by and from members of associations or groups of associations; and
 - (c) Representatives elected by and from members on the ATSI Members' Roll.
- (2) *For the purposes of sub-rule 1, the entitlement of an association or a group of association shall be calculated in accordance with the following table:*

<u>Number of Financial Members</u>	<u>Branch Council Representative Entitlement</u>
90-250	1
251-500	2
501-750	3
751-1000	4
1001-1250	5
1251-1500	6
1501-1750	7
1751-2000	8
2001-2250	9
2251-2500	10
2501-2750	11
2751-3000	12
3001-3250	13
3251-3500	14
3501-3750	15
3751-4000	16

- (a) *for every additional 250 financial members (or part thereof) in excess of 4000, associations will be entitled to 1 additional representative.*
 - (b) *For the purposes of sub-rule 1, in the case of the ATSI members' roll there will be five representatives elected by and from those financial members listed on the ATSI roll.*
 - (c) *Where the number of members on the ASTI members' roll exceeds 1250, the formula set out in Rule 11 (2) will be applied.*
- (3) For the purpose of electing representatives to the Branch Council, the Branch Council shall group associations with less than 90 financial members with other associations in the year in which Branch Council elections are held.
- (4) A quorum for a meeting of the Branch Council shall be 100.

- (5) The Branch Secretary, the Branch Deputy Secretaries and the Branch Professional Officers are entitled to attend meetings of the Branch Council but are not entitled to vote or be counted in determining whether a quorum is present.
- (6) During any period that a Branch Professional Officer is deemed to be on leave from the Branch Council, the eligible alternative representative will be a member of the Branch Council in his or her stead with all the powers and responsibilities of a member of the Branch Council including the right to nominate in and vote in collegiate elections conducted within the Branch Council.
- (7) In the event that a representative of an association, group of associations or representative of members on the ATSI Members' Roll is going to be absent from a meeting of the Branch Council, he or she shall nominate in writing an alternative association representative who is not, for the time being a Branch Professional Officer, or, if an alternative association representative is not available, a financial member of the Union as his or her proxy.

EXISTING RULE

37 - ELECTION OF ADDITIONAL REPRESENTATIVES TO BRANCH CONFERENCE

- (1) There shall, in 2015, and every 2 years thereafter, be elections for:
 - (a) Additional Representatives elected by and from members of associations or groups of associations;
 - (b) Alternative representatives of associations elected by and from members of associations groups of associations.
- (2) Additional Representatives elected in accordance with this rule shall hold office for 2 years from the commencement of the first Branch Conference meeting following their election.
- (3) In addition to the elections referred to in sub-rule (1), the Branch Returning Officer may conduct at the same time elections to fill unfilled positions following elections conducted in accordance with rule 36.
- (4) Representatives elected in accordance with sub-rule (3) shall take up office on their election and hold office until the commencement of the first Branch Council meeting in the year following the next elections conducted in accordance with rule 36.
- (5) Notwithstanding that the Branch Council has authorised the formation of a new association, the renaming of an association, the amalgamation or dissolution of associations, or adjusted the boundaries of associations, no changes will be made to the representation on the Branch Conference until the next biennial election.
- (6) Sub-rules 36(3), 36(4) and 36(8) apply, mutatis mutandis, to elections conducted in accordance with this rule.

PROPOSED NEW RULE

37 - ELECTION OF BRANCH CONFERENCE DELEGATES

- (1) *There shall, for the Branch Conference to be held in 2021, and every two years thereafter, be elections for:*
 - (a) *Conference Delegates elected by and from members of Associations; and*
 - (b) *Conference Delegates elected by and from members on the ATSI Members Roll.*
- (2) *Conference Delegates elected in accordance with this rule shall hold office for 2 years from the commencement of the first Branch Conference meeting following their election.*
- (3) Notwithstanding that the Branch Council has authorised the formation of a new association, the renaming of an association, the amalgamation or dissolution of associations, or adjusted the boundaries of associations, no changes will be made to the representation on the Branch Conference until the next biennial election.
- (4) Sub-rules 36(3), 36(4) and 36(8) apply, mutatis mutandis, to elections conducted in accordance with this rule.