



DECISION

Fair Work (Registered Organisations) Act 2009

s.44(1) RO Act - Appln for approval for submission of amalg'tion to ballot

National Union of Workers

and

United Voice

(D2019/9)

DEPUTY PRESIDENT GOSTENCNIK

MELBOURNE, 26 JUNE 2019

Application for approval for submission of amalgamation to ballot.

[1] Previously the National Union of Workers and United Voice (Applicants) applied for approval for the submission of an amalgamation to ballot under s.44 of the *Fair Work (Registered Organisations) Act 2009* (RO Act). With this application they lodged, *inter alia*, a 'yes' case as they are permitted to do under s.48 of the RO Act, a copy of the scheme for the amalgamation and a written outline of the scheme as is required by s.44 of the RO Act. That application was approved on 7 June 2019.¹ The Applicants have now made an application to alter the 'yes' case and the outline of the scheme.

The 'yes' case

[2] The Applicants seek to alter the 'yes' case by adding:

- (a) a colour masthead at the top of each page of the 'yes' case being the existing logos of the Applicants; and
- (b) the logo of the proposed amalgamated union at the bottom of each page.

[3] In accordance with s.60(1) of the RO Act I grant permission to the Applicants to alter the 'yes' case in the manner set out above. A copy of the amended yes case is attached in Annexure A.

Outline of the scheme

[4] The Applicants contend that when they met with officials of the Australian Electoral Commission (AEC) after the approval of their application, the AEC suggested that in order to meet the requirements in reg. 58 of the *Fair Work (Registered Organisations) Regulations 2009*, eligible members should be aware of their right to request a copy of the scheme of amalgamation and proposed the following words be included in the outline of the scheme.

¹ [2019] FWC 3931

“Copies of the full scheme of amalgamation are available from the office of the Returning officer. Please contact Mr Jeff Webb via vicelections@aec.gov.au if you would like a copy of the full scheme of amalgamation.”

[5] The Applicants seek an amendment to the outline of the scheme accordingly. In accordance with s.62(3)(b) I amend the outline of the scheme to include the proposed phrase. A copy of the amended outline of the scheme is attached in Annexure B.



DEPUTY PRESIDENT

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Annexure A



VOTE YES

BIG, STRONG, UNITED

Working people are powerful when we stand together. The bigger we are, the stronger we are, and the more power we have to make real change.

That's why United Voice and the National Union of Workers are asking members to support building a new union – a new, powerful force for change.

After consultation with Members and Delegates across the country, the National bodies of United Voice and the National Union of Workers have voted to apply to the Fair Work Commission for a ballot of members on the proposed new union. The Fair Work Commission has approved that application, and determined that a ballot be held.

Members of United Voice and the National Union of Workers have a shared and strong history of fighting for working women and men. From cradle to grave and farm to plate, our members touch the lives of every Australian, every day of their life.

We will be one of the largest unions in Australia. Our members will work in many different industries and occupations. Our new union will be strong in every State and Territory, in the big cities and in regional Australia, in the public and private sectors. Our new union will also reflect Australia's rich diversity.

The new union will look like Australia – who we are, what we do and where we live. This will make us a powerful force that employers can't ignore, and that Governments will have to listen to.

Our shared values are enshrined in our proposed objectives – including our commitment to justice, equality, dignity and diversity.

The new union will put the voice of working people at the heart of our economic and political system. That's why the objectives of the new union make an explicit commitment to take up the fight for social and economic fairness.

The new union is about winning long-lasting gains for workers in their workplaces and in their communities. It's about giving us a real chance of addressing the growing inequality in this country.





While members will still organise and get representation in their workplaces and industries, the new union is an opportunity for us all to be part of something bigger that makes a real difference.

To build the new union, we need members of both United Voice and the National Union of Workers to vote YES in this ballot for a strong, democratic, member-led force for change.

Please take the time to have your say. Please follow the voting instructions carefully and post your ballot paper.

Some important facts about the proposed new union:

WE ARE ONE UNION

The new union is structured differently to a traditional union.

For over one hundred years, our unions have operated using State Branches. This made sense when businesses were smaller or local, communications were difficult and slow, and many of us had our pay and conditions set by industrial tribunals. But today the problems that face us like wage theft, casualization and job insecurity don't stop at state boundaries; and workers in *every state* are seeing their wages decline while costs get higher. Many more of us now work, directly or indirectly, for large national or multinational employers. In the public sector, issues like low Government wage policies, privatisation and contracting out affect members across the country. Around Australia we are fighting the same battles!

A unified, strong, national union will have the capacity and resources to deal with these issues. The new union will create powerful national and local collectives of workers to come together to campaign for the change that members need.

Working nationally, and not through several state branches means– we'll all be part of one big, powerful union together.

This is reflected in our proposed name – United Workers Union!





DEMOCRATIC, MEMBER LED AND ACCOUNTABLE

The principle of member leadership is at the heart of the structure of the new union. That's why the objectives of the new union explicitly provide for member participation and activism. This is about members making decisions on the issues that matter to them. The rules of the union provide for committees and other bodies of members organising around industry, geography, occupation, employer, campaigns and other issues that are important to our members.

To govern the union, every four years members will elect delegates from their region to a Convention, with one Delegate for every 300 members – this means the convention will be at least 500 strong, making it the largest formal union body in the country. The convention will set the direction of the union and elect the officers.

The convention will elect a Member Council, made up of 50 rank and file members. There is a mechanism to ensure representation from different States. Council has the power to change the rules of the new union, will oversee the finances of the new union and will set strategies for the new union. Council will meet every year. There will also be a Governance Finance and Risk Committee (made up of six rank and file Member Councillors) to provide further accountability in relation to the union's money and assets.

The convention will also elect a National Executive, which will be charged with implementing the union's strategies. Included in the National Executive are the National President, National Secretary and four National Vice Presidents. These six officers will manage the new union on a day to day basis.

Reflecting the membership of the new union, all governing bodies and officers will be governed by the principle of affirmative action. The rules ensure that at least half of all offices in the union are to be held by women.

The new union will continue to have local delegates and representatives in our workplaces, who will continue to be provided with support and training to fulfil their roles. The proposed union is designed for the present and the future – it aims to operate, think and win big!

For more information, including a more detailed outline of the structure of the new union, visit www.anewunion.org.au or www.unitedvoice.org.au and www.nuw.org.au



Annexure B

**OUTLINE OF AMALGAMATION OF UNITED VOICE AND
THE NATIONAL UNION OF WORKERS**

Parties to the Amalgamation

1. The parties to the amalgamation are the existing National Unions, United Voice (**'UV'**) and the National Union of Workers (**'NUW'**), which will come together as a New Union (**'New Union'**).
2. The name of the New Union will be 'United Workers' Union'.
3. The host union in the proposed amalgamation will be UV, and the NUW will be deregistered.
4. The day of amalgamation for the purpose of this outline is referred to as the **'Amalgamation Day'**.

Purpose, objects, and reasons for amalgamation

5. The establishment of the New Union will achieve the following objectives:
 - a. to serve the collective interests of members in workplaces and communities;
 - b. build a democratic body of organised workers who are able to take action to win significant and long-lasting gains;
 - c. minimise barriers that prevent national organisation of interests;
 - d. provide the resources and capacity for significant membership growth;
 - e. enable power to be built at both local and national levels across industries and other communities of interest; and
 - f. achieve synergies and administrative efficiencies in the representation of the members of the proposed amalgamating industrial organisations.
6. The objects of the New Union represent a contemporary expression of the traditional aims of unions.
7. The objects of the New Union consolidate and enhance the objects of UV and the NUW and provide for:

- a. Democracy and Unity;
 - b. Growth and Power;
 - c. Effective Representation;
 - d. Economic Fairness;
 - e. Equity and Inclusion; and
 - f. Governance and Administration.
8. The objects of the New Union are both practical and aspirational and define in a positive way the future path of the New Union.
9. The proposed amalgamation will bring together two unions which have:
- a. an overlap in coverage, employers of members and industries in which members work;
 - b. a significant and proud history in achieving, and maintaining, rights for workers; and
 - c. acted jointly in campaigning for the achievement and maintenance of workers' rights.
10. It is now appropriate to amalgamate as the New Union will be able to be more efficient and effective in the representation of its members.

Members

11. A current member of respectively UV or the NUW will, on Amalgamation Day, become a member of the New Union.
12. The New Union will have the following categories of members:
- a. Industrial Members;
 - b. Honorary Life Members;
 - c. Community Members;
 - d. Retired Members; and

e. Political Members.

13. A member of either UV or the NUW will, on Amalgamation Day, be transitioned into the category of membership in the New Union that corresponds with their respective category of membership in UV or the NUW, except for the new category of Political Member to which members of either UV or the NUW who, on Amalgamation Day, hold political office will be assigned.
14. A member of either UV or the NUW who was on the day before Amalgamation Day a financial member of their respective Union will, on Amalgamation Day, be a financial member of the New Union.
15. A member of the New Union will be financial in the New Union for the same period of time that they would have been a financial member of UV or the NUW if the proposed amalgamation did not occur.
16. A member of either UV or the NUW who was on the day before Amalgamation Day an un-financial member of their Union will on Amalgamation Day be an un-financial member of the New Union until they either become financial or are removed as an un-financial member under the rules of the New Union.

Fees and levies

17. A member of either UV or the NUW who was on the day before Amalgamation Day a financial member of their union will not be charged an entrance fee to join the New Union.
18. A member of either UV or the NUW who was on the day before Amalgamation Day a financial member of their union will on Amalgamation Day continue to pay membership fees to the New Union at the level they paid membership fees on the day before Amalgamation Day.
19. The membership fees to be paid on, and from, Amalgamation Day by a member of the New Union who was not a member of UV or the NUW on the day prior to Amalgamation Day, will be in accordance with the rules of the New Union.
20. A member of either UV or the NUW who was on the day before Amalgamation Day paying a levy to their respective union will on Amalgamation Day continue to pay that levy to the New Union at the level they paid on the day prior to Amalgamation Day.

21. The New Union will on, and from, Amalgamation Day be able to raise levies only in the manner provided for in the rules of the New Union.

Structure of the New Union

22. The organisational structure of the New Union is:
- a. a National Convention of approximately 500 Delegates, from industries and workplaces across Australia, to be elected by all members of the New Union;
 - b. a meeting of the Convention will be held every four years;
 - c. a Member Council of 50 rank and file Councillors elected by, and from, the Convention; and
 - d. a National Executive of 19 full-time officers elected by, and from, the Convention.
23. The New Union will operate as a national structure and will not have divisions or branches. The Convention Delegates of the New Union will be directly elected by, and from, members in each electorate at a quadrennial election, and the Member Councillors and the National Officers will then be elected by and from the Convention Delegates. Regional input will be assured by having 50% of the members of the Member Council represent States and Territories.
24. The officers of UV and the NUW will be translated into the structures of the New Union on Amalgamation Day.
25. The members of respectively UV and the NUW will, on Amalgamation Day, be represented in the New Union by persons who have previously represented members of UV or the NUW.

Rules of the New Union

26. The rules of the New Union will, taking into account the structural change of operating nationally, otherwise include the matters provided for in the rules of UV and the NUW, and:
- a. are contemporary;
 - b. are directed at achieving maximum efficiency;
 - c. provide for essential administrative flexibility;

- d. provide appropriate transparent governance;
 - e. encourage and facilitate member participation; and
 - f. provide for democratic control by the members.
27. The rules of the New Union provide for:
- a. objects;
 - b. types of membership;
 - c. rights, and obligations, of members;
 - d. determination of membership contributions, levies and fees;
 - e. member activism;
 - f. control by the members of committees;
 - g. election of officers;
 - h. affirmative action;
 - i. taking of action;
 - j. governance structures that ensure good government;
 - k. transparency;
 - l. management of assets;
 - m. management of liabilities;
 - n. control of finance and expenditure;
 - o. regulatory compliance;
 - p. audit;
 - q. execution of documents;
 - r. affiliations;
 - s. appointment of representatives;

- t. engagement of employees and contractors;
 - u. a code of conduct to apply to officers and members;
 - v. resolution of disputes between officers and members;
 - w. resolution of misconduct;
 - x. amendment of rules; and
 - y. other matters referred to in the Scheme of Amalgamation.
28. The eligibility rules of the NUW and UV will be included as the eligibility rules of the New Union and will not extend the eligibility rules of the New Union beyond the eligibility rules that presently exist for UV and the NUW.
29. The transitional rules provide for how UV and the NUW become the New Union in relation to, amongst other matters:
- a. representation;
 - b. democratic control;
 - c. governance;
 - d. finance; and
 - e. synchronisation of offices/elections.
30. The rules of the New Union provide that officers of UV or the NUW who become officers of the New Union cannot hold office in the New Union without an ordinary election for more than the greater of:
- a. an existing officer's unexpired term of office on the day immediately preceding Amalgamation Day; or
 - b. two years from Amalgamation Day.
31. The rules of the New Union may on, and from, Amalgamation Day only be altered by the Member Council in accordance with the rules of the New Union.

Assets, liabilities and management

32. The assets and liabilities of UV and the NUW will be transferred to the New Union and will become the assets and liabilities of the New Union.
33. The management of the assets and liabilities of the New Union will be undertaken by the Member Council and the officers of the National Executive.
34. The New Union will have the authority under its rules to engage employees, contractors and agents as are necessary to service the needs of the New Union.
35. All existing agreements and awards that UV and the NUW have entered, to the extent that they bound either UV or the NUW on the day before Amalgamation Day, will be binding on the New Union on Amalgamation Day.
36. The New Union will, on Amalgamation Day, be a party to any proceedings to which UV or the NUW were parties on the day before Amalgamation Day.
37. The inaugural auditor for the New Union will be Mr Graeme Kent of MGI.

Copies of the full scheme of amalgamation are available from the office of the Returning Officer. Please contact Mr Jeff Webb via vicelections@qec.gov.au if you would like a copy of the full scheme of amalgamation.