



FAIR WORK  
AUSTRALIA

27 December 2012

Mr William P Ludwig  
Queensland Branch  
The Australian Workers' Union  
GPO Box 88  
BRISBANE QLD 4000

Dear Mr Ludwig

**s269 Certificate of Exemption - The Australian Workers' Union, Queensland Branch -  
for year ending 30 June 2012 (FR2012/374)**

I refer to your application under s269 of the *Fair Work (Registered Organisations) Act 2009* which was received by Fair Work Australia on 19 November 2012.

The application has been granted. The certificate is enclosed.

Yours sincerely,

David Vale  
Principal Adviser  
Regulatory Compliance Branch  
Fair Work Australia



FAIR WORK  
AUSTRALIA

## DECISION

*Fair Work (Registered Organisations) Act 2009*

s.269 – Reporting units with substantial common membership with State registered bodies

### **The Australian Workers' Union**

(FR2012/374)

AILS A CARRUTHERS

MELBOURNE, 27 DECEMBER 2012

*s.269 Certificate.*

[1] On 19 November 2012 an application was made under paragraph 269(2)(a) of the *Fair Work (Registered Organisations) Act 2009* (the Act) by the Queensland Branch of The Australian Workers' Union (the Branch) for a certificate stating that the financial affairs of the Branch are encompassed by the financial affairs of the Australian Workers' Union of Employees, Queensland (the association), an associated State body, in respect of the financial year ending 30 June 2012.

[2] On 19 November 2012, the Branch also lodged a copy of the audited accounts of the association with Fair Work Australia.

[3] I am satisfied that the association:

- a. is registered under the *Industrial Relations Act 1999* (Qld), a prescribed State Act;
- b. is, or purports to be, composed of substantially the same members as the Branch;
- c. has, or purports to have, officers who are substantially the same as designated officers in relation to the Branch; and
- d. is an associated State body.

[4] I am further satisfied that

- a. the association has, in accordance with prescribed State legislation, prepared accounts, had those accounts audited, provided a copy of the audited accounts to its members and lodged the accounts with the relevant State authority;
- b. the Branch has lodged a copy of the audited accounts with Fair Work Australia;
- c. any members of the Branch who are not also members of the association have been provided with copies of the accounts at substantially the same time as the members of the Branch who are members of the association;
- d. the Branch has prepared a report under s 254 of the Act in respect of the activities of the Branch and has provided the report to members of the Branch with copies of the accounts.

[5] I am satisfied that the financial affairs of the Branch in respect of the financial year ending 30 June 2012, are encompassed by the financial affairs of the association and I certify accordingly under s269(2)(a) of the Act.



DELEGATE OF THE GENERAL MANAGER  
FAIR WORK AUSTRALIA

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# TOGETHER

FR2012/374  
AWUEQ  
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BRISBANE, QLD 4000  
Members Hotline 1800 671 449  
T: (07) 3221 8844 F: (07) 3221 8700  
W: www.awu.org.au E: secretary@awu.org.au



ABN 54942536069

EK

16 November 2012

Deputy Industrial Registrar  
Level 8  
Terrace Towers  
80 William Street  
EAST SYDNEY NSW 2011



Dear Sir

**Re: APPLICATION PURSUANT TO S. 269 OF CHAPTER 8 OF  
FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009**

The Australian Workers' Union, Queensland Branch, makes application pursuant to s.269 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009, to be taken to have satisfied Part 3 of Chapter 8.

### RELIEF SOUGHT

- . That the Registrar issue a certificate stating that the financial affairs of the reporting unit are encompassed by the financial affairs of the associated State body.
- . That the Reporting Unit is taken to have satisfied Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009.

### GROUNDS AND REASONS

S.269 of Chapter 8 applies to the Australian Workers' Union, Queensland Branch (hereinafter referred to as the "Reporting Unit") on the following basis:-

1. The Australian Workers' Union of Employees, Queensland (hereinafter referred to as the "associated State body") is registered as an industrial organisation under the Industrial Relations Act 1999 (see Attachment 1)

Secretary: Bill Ludwig

The Australian Workers' Union, Queensland Branch.  
The Australian Workers' Union of Employees, Queensland.

www.awu.org.au

2. The associated State body is composed of substantially the same members as the Reporting Unit (see Attachment 2).
3. The officers of the associated State body are substantially the same as the officers of the Reporting Unit (see Attachment 3);

The Reporting Unit is taken to have satisfied Part 3 of Chapter 8 on the following basis:-

- A. The associated State body has, in accordance with the Industrial Relations Act 1999, prepared accounts, had those accounts audited, provided a copy of the audited accounts to its members, and lodged the audited accounts with the Queensland Industrial Registry; and
- B. A copy of the audited accounts are attached hereto (see Attachment 4);
- C. All members of the Reporting Unit and the associated State body, at substantially the same time, have been provided a copy of the Auditor's Report, Accounts and Operating Report, free of charge, in accordance with s.566 of the Industrial Relations Act 1999 and s.265 of the Fair Work (Registered Organisations) Act 2009, by publishing the Reports on the Reporting Unit and Associated State body's Website and advising members by way of a monthly journal that such reports have been published and stating the website where the Reports can be obtained and also advising that a copy of the Reports can be obtained by contacting the local AWU office (see Attachment 5);
- D. As evidenced in paragraphs A to C above, all members of the Reporting Unit and the Associated State body have been provided with an Operating Report, as prepared in accordance with s.254 of Chapter 8.

The AWU submits that based on the grounds and reasons stated herein and the supporting documentation, the Australian Workers' Union, Queensland Branch satisfied s.269 of Chapter 8 and consequently seek the relief as sought in this application.

If you have any queries with regard to this application or seek further supporting evidence, please contact this office.

Yours faithfully



**W P LUDWIG**  
**BRANCH SECRETARY**



# THE AUSTRALIAN WORKERS' UNION

WORKING FOR AUSTRALIA

General Secretary: M. Forshaw  
Telephone: (02) 690 1022  
Fax: (02) 690 1020

File No:

Reference No:

August 24, 1992

Mr. W.P. Ludwig,  
Branch Secretary, AWU,  
Box 88, GPO  
BRISBANE QLD 4001

Dear Sir,

Enclosed is a signed copy of the S. 202 Agreement together with  
correspondence to the Deputy Industrial Registrar, seeking registration of the  
Agreement.

Yours faithfully,

MICHAEL FORSHAW  
GENERAL SECRETARY

Encl.



# THE AUSTRALIAN WORKERS' UNION

WORKING FOR AUSTRALIA

General Secretary: M. Forshaw  
Telephone: (02) 690 1022  
Fax: (02) 690 1020

File No:

Reference No:

August 24, 1992

Ms. Wilma Spence,  
The Deputy Industrial Registrar,  
80 William Street,  
SYDNEY. 2000

Dear Ms. Spence,

RE: S. 202 AGREEMENT BETWEEN THE AUSTRALIAN WORKERS' UNION  
AND THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES,  
QUEENSLAND

Enclosed is an agreement that has been entered into between this Organisation and the Australian Workers' Union of Employees, Queensland, being a State registered Union in Queensland.

The Organisation's Rules (Rule 92) permit it to enter into such an agreement.

A resolution authorising the Organisation to enter into the Agreement was carried at the Executive Council Meeting on 5th June, 1992.

A further resolution endorsing the terms of the Agreement was carried by a postal vote of members of the Executive Council held between 23rd and 29th July, 1992.

Would you please register the Agreement pursuant to Section 202.

Yours faithfully,

MICHAEL FORSHAW  
GENERAL SECRETARY

Encl.

INDUSTRIAL RELATIONS ACT 1988

AGREEMENT BETWEEN ORGANISATION AND STATE  
REGISTERED UNION

The Australian Workers' Union (in this Agreement called "the Organisation") and the Australian Workers' Union of Employees, Queensland (In this Agreement called "the Union") **HEREBY AGREE** that the members of the Union who, under the Eligibility Rules of the Organisation, are not eligible to be members of the Organisation, are subject to the provisions set out in the Schedule, eligible to become such members.

SCHEDULE

1. Upon the execution of this Agreement, members of the Union who, under the Eligibility Rules of the Organisation are not eligible to be members of the Organisation (in this Agreement called "members of the Union"), shall forthwith become members of the Organisation without the need for members of the Union to make individual applications for membership of the Organisation.
2. Members of the Union who have paid membership contributions to the Union in accordance with the Rules of the Union shall be deemed to have made such contributions to the Organisation.
3. Members of the Union who satisfy and comply with the Rules of the Union as to financiality shall be deemed to be financial members of the Organisation without the need for any supplementary payment to be made to the Organisation.
4. Financial members of the Union shall have all rights and privileges prescribed by the Rules of the Organisation. Without limiting the generality of the foregoing, such rights shall include :
  - (a) The right to nominate for and to hold office.
  - (b) The right to vote in elections.
5. For the purpose of any time limits prescribed by the Rules of the Organisation in respect to the entitlement to nominate for office and the right to vote in elections, the period of financial membership of the Union shall be deemed to be financial membership of the Organisation.
6. Members of the Union shall have the right to attend all meetings of the Organisation and to vote at those meetings in accordance with the Rules of the Organisation.
7. Subject to paragraph 5 herein, members of the Union shall be subject to the same duties and obligations as are prescribed by the Rules of the Organisation on members of the Organisation.

*add*

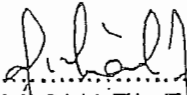
*[Signature]*




8. The provisions of the Rules of the Organisation shall apply equally to members of the Organisation and the Union, and without limiting the generality of the foregoing or being limited thereby, shall include persons elected or appointed as officers of the Union.

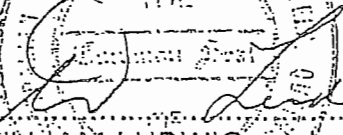
DATED this 29th day of July, 1992.

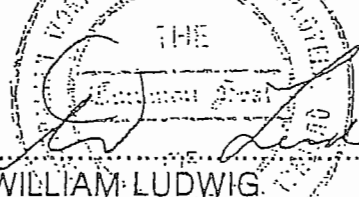
SIGNED AND SEALED on behalf of the Organisation in accordance with the Rules of the Organisation by:

  
.....  
MICHAEL FORSHAW  
GENERAL SECRETARY  
THE AUSTRALIAN WORKERS  
UNION

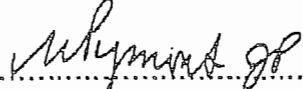


SIGNED AND SEALED on behalf of the Union in accordance with the Rules of the Union by:

  
.....  
WILLIAM LUDWIG  
SECRETARY  
THE AUSTRALIAN WORKERS  
UNION OF EMPLOYEES,  
QUEENSLAND



in the presence of :

  
.....

in the presence of :

  
.....



# AUSTRALIAN INDUSTRIAL REGISTRY

PRINCIPAL REGISTRY

Mr M Forshaw  
General Secretary  
The Australian Workers' Union  
Box 1592 P.O.  
Strawberry Hills NSW 2012

Dear Mr Forshaw,

Re: Registration of an agreement under section 202:  
The Australian Workers' Union AND the Australian Workers' Union of  
Employees, Queensland D No. 20007 of 1992

Further to Vice President Moore's decision of 15 October 1992 (Print K5016) in which he made a declaration in relation to the above agreement, the Industrial Registrar has caused to be entered in the register of organisations, particulars of that agreement under section 202(2)(c) of the Industrial Relations Act 1988 - the date of entry is 16 October 1992.

Yours sincerely,

Vedrana Jerkic  
for INDUSTRIAL REGISTRAR

16 October 1992

Dec 1122/92 S Print K5016

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1988

s.202 agreement between registered organisation and state union

THE AUSTRALIAN WORKERS' UNION

and

THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
(D 20007 of 1992)

VICE PRESIDENT MOORE  
designated Presidential Member

BRISBANE, 15 October 1992

Registered agreement

DECISION

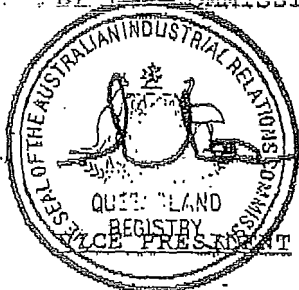
In relation to an agreement dated 14 October 1992 between the Australian Workers' Union ("the organisation") and the Australian Workers' Union of Employees, Queensland, I am satisfied, as provided in s.202(2A), that the agreement:

(a) is not contrary to any objects of the Industrial Relations Act 1988; and

(b) is entered into only for the purpose of overcoming any legal difficulty that may arise in connection with the participation or possible participation of ineligible State members in the administration of the organisation or in the conduct of its affairs.

I will publish reasons for this decision in due course.

BY THE COMMISSION:





AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1988

s.202 application for registration of agreement

The Australian Workers' Union

and

The Australian Workers' Union of Employees, Queensland  
(D. No. 20007 of 1992)

VICE PRESIDENT MOORE

SYDNEY 4 NOVEMBER 1992

designated Presidential Member

Industrial Unions - Eligibility for membership - s.202 Industrial Relations Act 1988 - agreement enabled members of AWU(Q) to become members of AWU -  
appearances - intervention - grant of intervention discretionary under s.43 -  
only person directly affected by proceedings has right to intervene - R v  
Grimshaw; Ex parte Australian Telephone and Phonogram Officers' Association  
applied - ASU not directly affected as application to enrol only for purposes  
internal to the organisation and not the representation of industrial interests  
- intervention granted on a limited basis - ASU to address matters which  
Commission must consider under s.202(2A) only - an attack on the validity of  
the agreement must be by reference to the terms of the agreement - the  
agreement must be contrary to the objects of the Act or concerns the purpose of  
the agreement - satisfied agreement entered into only for the purpose referred  
to in s.202(2A)(a)(b) - nothing in agreement to suggest it is contrary to the  
objects of the Act - s.202(2A)(a) does not require consideration of the wider  
issue of what consequences the making of the agreement might have and the use  
to which it might be put - agreement granted.

REASONS FOR DECISION

These reasons concern agreements lodged under s.202(2) of the Industrial Relations Act 1988 (IR Act) between The Australian Workers' Union (AWU) and The Australian Workers' Union of Employees, Queensland (AWU(Q)). I formally dealt with the matter in a decision(1) dated 15 October 1992 in which I indicated I would publish my reasons in due course.

These reasons deal with both the matters required to be addressed by me under s.202(2A) and other issues that arose during my consideration of those matters. These reasons are, in part, prepared in response to a request by the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union (ASU).

On 28 August 1992 an agreement (the first agreement) between AWU and AWU(Q) was lodged in the New South Wales Registry. Shortly after its lodgement, a letter dated 28 August was received by my Associate from Geoffrey Edwards & Co., Solicitors for ASU asking that it be notified of the lodgement of any such agreement and requesting an opportunity to make submissions.

(1)Print K5016

DECISION - REGISTRATION OF AGREEMENT BETWEEN THE AUSTRALIAN  
WORKERS' UNION AND THE AUSTRALIAN WORKERS' UNION  
OF EMPLOYEES, QUEENSLAND

After a file was prepared in relation to the agreement and its contents were initially considered by the Organisations Branch of the Registry, I assumed responsibility for the matter and listed it for mention on 25 September 1992 in Sydney (this was in lieu of a later date that had been earlier fixed). While the IR Act and regulations are silent as to the procedure to be followed by a designated Presidential Member in considering such matters, I decided I should conduct formal hearings as it then appeared the matter might be contested.

On 25 September counsel appeared for ASU and sought leave to intervene which was opposed. ASU explained that the existence of an agreement under s.202 is raised as a defence by AWU in proceedings brought by ASU in the Federal Court of Australia under s.262 of the IR Act. ASU will contend in the Court that any such agreement is invalid and wished to intervene to raise the same issue during the process I was then undertaking. The grounds upon which the agreement is said to be invalid is founded, as I understood the argument, upon a contention that AWU(Q) is not a body separate from AWU nor does AWU(Q) have a capacity to enrol person as members other than employees eligible for membership of AWU. I am aware from other proceedings (see Print K3795) that these issues are to be considered by the Court in the s.262 proceedings.

Further reasons were given by ASU in support of its intervention which related to the contest between ASU and AWU and AWU(Q) over the enrolment and representation of persons in the social welfare industry in Queensland and the impact of this contest, as was later made clear, on my consideration of the objects of the IR Act under s.202(2A) (a).

I deferred consideration of the question of intervention until the next hearing as I then believed that the first agreement, on its face, might not be one appropriate to be processed under s.202 and thus it might not have been necessary to hear any submission on any of the matters ASU was seeking to raise.

The matter was next heard on 7 October 1992. After further submissions made that day by AWU and AWU(Q), I considered that a number of the concerns I had earlier entertained about the character of the first agreement had been partly met. Accordingly it became necessary for me to address the question of the intervention of ASU. Further submissions were made by senior counsel appearing for ASU and I then indicated that I was not satisfied that ASU could intervene as of right, as has been contended by ASU, but that I would grant ASU leave to intervene to make submissions on whether I could be satisfied as to the matter identified in s.202(2A) (a) though I indicated it could not make submissions on the validity of the first agreement, on the basis earlier identified, as part of those submissions. I further indicated that I would pay regard to anything raised by ASU in those submissions which might bear upon my consideration of the purpose of the first agreement as that arises in s.202(2A) (b).

The grant of leave to intervene under s.43 involves the exercise of a discretion and no right to intervene can be asserted unless the person seeking to intervene is directly affected by the proceedings. This formulation, based on the notion of directly affected, emerged in the decision of the High Court

DECISION - REGISTRATION OF AGREEMENT BETWEEN THE AUSTRALIAN  
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in R. v. Grimshaw; Ex parte Australian Telephone and Phonogram Officers' Association. (2) What the Court meant by the expression "directly affected" is apparent from its consideration of the circumstances which arose in those proceedings. The Australian Telephone and Phonogram Officers' Association (ATPOA) sought to intervene in an application by the Australian Postal and Telecommunications Union (APTU) to vary an award to include classifications in respect of which ATPOA had an interest and to intervene in an application by the Australian Postal Commission (Australia Post). The Court said: (3)

"Neither Australian Post's application nor that of the APTU involved the seeking or making of any order against the prosecutor. Orders made on those applications would not govern the employment of persons not eligible to be members of the APTU and the UPCT. And the prosecutor was entitled, as it did, to seek an award for its own members. True it is that the prosecutor may suffer the disadvantage that the respondent unions have a competitive advantage in recruiting members once they obtain an award governing the disputed job classifications, an advantage to which they are not entitled if the prosecutor's arguments be soundly based. But this disadvantage, it is conceded, does not generate a direct interest on the part of the prosecutor."

The approach adopted by the Court suggests a fairly strict approach can properly be adopted to the nature of the interest which enables intervention as of right. In the present case the relevant interest was identified by counsel for ASU in the following exchange on 25 September:

"HIS HONOUR: Well, the interest that is affected here is the creation of a defence to an application your client is making. Is that the way you put it?"

MR ROTHMAN: No, your Honour. The interest that is affected here is the ability of the Australian Workers Union purportedly to enrol people that it is hitherto unable to enrol, who are eligible to be members of my organisation. The federal organisation, the Australian Workers Union, will rely on the registration of the section 202 agreement as giving the imprimatur of this commission to the notion that they can enrol people who are eligible for membership, or may be eligible for membership, under the rules as registered in the state jurisdiction of the Australian Workers Union of Employees, Queensland.

HIS HONOUR: So your client's interest relates to the creation of the capacity in the AWU - and I am really adopting your submission - to enrol people who currently are eligible for membership of your client?"

MR ROTHMAN: That is right, your Honour.

HIS HONOUR: Yes, thank you."

Submissions to the same general effect were made by senior counsel for ASU on 7 October (see p.47 of transcript).

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WORKERS' UNION AND THE AUSTRALIAN WORKERS' UNION  
OF EMPLOYEES, QUEENSLAND

To the extent that ASU is relying on the use that its contents might be made of the agreement by AWU as involving "the imprimatur of the Commission" on enrolment by AWU in a contested area, that would be at best, in my view, a "competitive advantage" of the same character as described by the High Court in the passage I have just quoted. I should add that I do not accept, on the material put by ASU, that this is a likely result as the recruitment and representation in Queensland appears only to be by AWU(Q). My processing of the agreement will not alter the coverage of AWU(Q).

To the extent that ASU is relying on the legal effect of an agreement processed under s.202, it clearly affects the capacity of an organisation to enrol only for purposes internal to the organisation concerned and not for purposes related to the representation of industrial interests of the employees in question (see s.202(3)). Moreover if the legal contention of ASU (sought to be put in these proceedings and raised elsewhere) is correct that AWU(Q) is no more than a branch of AWU and has no capacity to enrol beyond the scope of the eligibility rules of AWU, then the agreements the subject of these proceedings will not even have the limited effect of permitting AWU to enrol persons in the contentious area. No direct interest therefore arose, on either approach to the legal effect of the agreement, which supported a claim that ASU is directly affected by the proceedings such as to sustain intervention as of right.

It is open to the Commission to grant intervention on a limited basis (see R. v. Ludeke Ex parte; Customs Officers' Association of Australia). (4) I did so in these proceedings because not only did ASU wish to address the matters I am required to address under s.202(2A) but it wished to do so, in part, by contesting the validity of the agreement itself on the basis that, as I earlier indicated, it contends AWU(Q) is not more than a branch of AWU and has no capacity to enrol members beyond that provided for in the eligibility rule of AWU. There is therefore neither a "State registered union" nor a class of "ineligible State members" as those expressions are defined in s.202(6). Thus, the argument runs, two elements necessary for the creation of an agreement of the type proper to be dealt with under s.202, are absent.

I granted intervention on a limited basis for two reasons. Firstly any submission to be made attacking the validity of the agreement, other than by reference to the terms of the agreement itself, does not appear to me to relate to whether the agreement is contrary to the objects to the Act or concerns the purpose of the agreement. The matters I am required to consider by s.202(2A)(a) and (b) proceed on the legislative assumption that there is an agreement of the type identified in s.202(1) which is required to be considered in the two respects identified in s.202(2A).

Secondly I am aware that the legal issues which found this contention that the agreement is invalid are to be decided by the Federal Court. (5) I was told that the validity of any agreement processed under s.202 would, on these grounds, be challenged in the s.262 proceedings (see transcript p.4) in which the existence of such an agreement is raised as a defence by AWU. In my view no real public benefit flows from permitting those arguments to be put to the Commission in this matter in circumstances where they cannot be authoritatively decided by the Commission, they are before a Court which will authoritatively



DECISION - REGISTRATION OF AGREEMENT BETWEEN THE AUSTRALIAN  
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decide them (including, it would seem, any consequential effect on the validity of the agreement) and where there is evidence that would, but for a challenge based on narrow legal grounds of the type sought to be maintained by ASU, provide a comfortable basis for concluding that there is both a "State registered union" and "ineligible State members" as those expressions appear in s.202(6) and where, on its face, the first agreement appears to conform with the statutory provisions in this respect. Nor could I see any real prejudice flowing to ASU if the resolution of these issues are left to the Court.

After the hearing on 7 October my Associate received a letter, dated 8 October, from the solicitors for ASU which said, in part:

"We refer to His Honour's decision in transcript of yesterday pertaining to our clients's Applications.

We would respectfully request His Honour's written reasons for:

1. His decision to limit the rights of intervention of  
the ASU;

and

2. His declining to deal with the Application by the ASU pursuant to Section 111(1)(g).

We would further respectfully request that the provision of such written reasons prior to the further possible listing of this matter on Wednesday 14 October next in Sydney would be beneficial to all parties concerned."

I was not able to meet the request as to the time by which the reasons were to be given assuming it is appropriate for members of this Commission to meet all such requests even though they might relate to procedural or interlocutory decisions (see French J, City of Wannaroo v. Holmes). (6) I have already dealt with the first matter raised in the letter. The second involves, in my view, a misconception of what occurred on 7 October. The question of an application under s.111(1)(g) was raised by senior counsel for ASU before it had been given leave to intervene. It was initially raised in these terms:

"Your Honour, could I, besides those matters, indicate this to your Honour, which is a development from the last occasion, our instructions are also now that we wish to be applicants in these proceedings under section 111(1)(g), and in particular subsection (iii) and (iv), and to that extent - it is not really a question of intervention. It is a question of being an applicant and putting the arguments in support of those grounds, and it is fair to say that what I have already put is a fair description of the grounds that would be pursued by the ASU."  
(transcript p.48)

A later reference to s.111(1)(g) was made by counsel for ASU in these terms:

"That is quite apart, of course, from being applicants, as we intend to be, under section 111(1)(g) in any event."



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I then raised the appropriateness of this question being raised before the question of intervention was resolved. I adverted, in general terms, to a decision(7) of a Full Bench which I now quote:

"The next issue concerns the attempts by the objecting unions to have Deputy President Williams invoke the Commission's power under s.111(1)(g) to dismiss the matter or refrain from further hearing the proceedings (see s.111(2)). This issue has already been determined by another Full Bench (Print K0123) and what we say simply deals with the submissions on this issue advanced by the appellants. It is contended by the appellants that an application can be made by an organisation or person requesting that the Commission exercise those powers and such an application can be made irrespective of whether the organisation or person has been granted leave to intervene in the relevant proceedings or matter.

Clearly an organisation or person of the type referred to in

s.33.

can apply to the Commission in order to request it to exercise those powers and it would ordinarily not be necessary for such an organisation or person to seek leave to intervene as they would be parties to the proceedings already. However the objecting unions were not of the class referred to in s.33. Further no question could have arisen in the proceedings before Deputy President Williams as to the exercise of any right derived from reg. 134 to make an application under s.111(1)(g). The criteria by reference to which an application under that regulation may be made had no relevance to the matters being considered by Deputy President Williams. We should add that we doubt that reg. 134 gives an organisation or person a right to make an application in the absence of leave having been granted to intervene. Rather the right derived from the regulation is one that would oblige the Commission to grant leave under s.43 to intervene so as to permit the exercise of that right. However the relationship between reg. 134 (and regulation 134(2) in particular) and the IR Act (and s.43 in particular) is something we do not have to determine in this appeal.

In the present case we do not see how it was open to the

objecting

unions to make an application requesting the Commission to exercise powers under s.111(1)(g) in the matters concerning the amalgamation in the absence of the grant of leave to intervene or the grant of leave to intervene or the grant of leave to make submissions. It appears to us that unless a person or organisation is given a right to participate in the proceedings (either by the grant of leave under s.43 or, for present purposes, under s.251) they cannot ask the Commission to exercise any of its powers. It seems to us fundamental that an organisation or person must have a right of audience in proceedings in the Commission before it can seek to put submissions to the Commission that it should exercise its powers in a particular way. However it is not necessary for us to decide this issue on any general basis as it can be answered, in the context in which the issue arose before Deputy President Williams, for essentially the same reason as the first issue we considered."

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OF EMPLOYEES, QUEENSLAND

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While the Full Bench expressly did not deal with the issue generally, its reasoning appears to me to lead to the conclusion, more generally, that applications, so styled, under s.111(1)(g) can only be made after intervention is granted.

When the issue of the exercise of powers under s.111(1)(g) was raised in the proceedings prior to intervention being granted, it was not completely clear whether counsel for ASU was purporting to make an application or was simply foreshadowing one. However the submission of ASU concluded on the basis that they had a right to make an application without intervention (see transcript p.51.2) or, as was put by senior counsel:

"We ask leave to intervene on whatever basis your Honour deems it appropriate to grant it, whether as of right or as a matter of discretion, and, as we say, we would then seek to pursue, in due course, an application under s.111(1)(g)."

I then indicated I was inclined to grant intervention but on a limited basis. After further submissions I did so (transcript p.73). At no stage thereafter did senior counsel for ASU raise any question about the exercise of powers under s.111(1)(g). Whether this was because ASU considered that the terms upon which intervention was granted precluded this, I do not know. What is clear is that the application foreshadowed in the extract from transcript I last quoted was never pursued nor was the question of whether the terms upon which intervention was granted precluded its pursuit. If any application was made under s.111(1)(g) prior to intervention, then ASU had, at that time, no right to make it. It made no further application nor purported to pursue any application earlier made after I granted leave to intervene. I do not, in those circumstances, see how it can be said I declined on 7 October to deal with "the Application by ASU pursuant to Section 111(1)(g)".

I now consider the issues that arise in the proceedings themselves. Until the 15 October they concerned only the first agreement. During the proceedings I made clear that I was concerned about the terms of the agreement which, on at least one construction, purported to make as members of AWU, all members of AWU(Q) who were not then members of AWU. However on 14 October I was given a draft agreement which I was told would be substituted for the first agreement. An executed version of the draft (the second agreement) was lodged in the Sydney Registry on 15 October 1992. It is that agreement that I dealt with in my decision(8) of 15 October 1992.

While the lengthy eligibility rules of both AWU and AWU(Q) overlap, AWU(Q)'s eligibility rule includes a range of additional classifications. Mr Ludwig, Secretary of AWU(Q) and Branch Secretary of the Queensland Branch of AWU attested to the fact that in 1991/1992 in Queensland, AWU(Q) is composed of 43,648 members of which 27,857 are eligible to be and are members of AWU. There are 15,773 members of AWU(Q) who are only eligible for membership of that body. He also attests to the fact that AWU(Q) was first registered under the Industrial Arbitration Act 1916 (Qld) in March 1917, was registered under the Industrial Conciliation and Arbitration Act 1961 (Qld) and that this registration continues by operation of the Industrial Relations Act 1990 (Qld).

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The second agreement is clearly one (apart from any issue of the type sought to be raised by ASU) between AWU and a "State registered union" (as defined) to the effect that "ineligible State members" (as defined) are eligible to become members of AWU. Rule 92 of AWU's rules authorises the making of such an agreement.

As to the purpose of the second agreement, I was satisfied that it was entered into only for the purpose referred to in s.202(2A)(b). Section 202 has its genesis in a recommendation of the report of the Hancock Committee of Review into Australian Industrial Relations Law and Systems which flowed, at least in part, from a submission by AWU(Q).

Mr Ludwig detailed in his affidavit the problems experienced in Queensland by AWU and AWU(Q) in the administration of AWU which resulted from the differing membership. Not only does the agreement clearly address, as far as possible, those problems, but Mr Ludwig attests to the fact that the first agreement was entered into only for the purpose of overcoming those difficulties. Necessarily the second agreement, being a substitute for the first, was for the same purpose. Nothing in the material referred to by ASU in its written or oral submissions caused me to conclude there was any other purpose.

Apart from what was put by ASU, there is nothing to suggest that the second agreement itself is contrary to the objects of the Act. The contentions of ASU on this question were outlined by senior counsel on 7 October, contained in written submissions received on 14 October and contained in supplementary oral submissions made that day. Much of what was referred to by senior counsel on 7 October had, as their foundation, the legal issue about the status of AWU(Q). That is not a matter on which I granted ASU leave to make submissions. The remainder concerned the use that might be made of the agreement in a contest between ASU and AWU(Q) over membership in the social welfare industry in Queensland. Much of the written submission dealt with the history of that dispute including a s.111(1)(g) matter in this Commission which was heard over a period of four years and has been the subject of a reserved decision for over a year. The way in which the processing of the prior agreement (and necessarily the second) was, against that background, said by ASU to be contrary to the objects of the IR Act was particularised in the written submission as follows:

"Registration of the agreement is contrary to the public interest because:

- (a) it will exacerbate the misrepresentation of eligibility being perpetrated by the AWU;
- (b) it will inevitable lead to continued and intensified industrial disputation in the field and to further more complicated litigation;
- (c) it is contrary to the express recommendation/ expectation of the Full Bench of the Commission; and
- (d) the issue of true coverage is to be resolved shortly."

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I should indicate that the way s.202(2A)(a) is expressed, I would have thought that it requires only consideration of the agreement, including all its terms and the operation of those terms. The subsection speaks of "the agreement . . . (a) is not contrary to any objects of this Act". It does not, in terms, require consideration of the wider issue of what consequences the making of the agreement might have and the use to which it might be put (other than as provided for in the agreement itself) by reference to the objects of the Act. If this is the effect of s.202(2A)(a) then the submission of ASU I have so far referred to raise irrelevant considerations.

However, even if I approach the matter on a broader basis, I am not satisfied that the processing of the agreement would alter, whether by exacerbating or containing, the dispute between ASU and AWU(Q) in Queensland. I apprehend that it will continue unabated unless common sense and goodwill or a third party (whether a Court or industrial tribunal or peak union body or otherwise) prevails.

As to the suggestion that its processing might lead to further more complicated litigation, I can only say that I do not discern, as an object of the IR Act, that such litigation should not occur if it can properly be maintained under that Act. I do not see how the maintenance of litigation that is either expressly or by necessary implication provided for or permitted under the IR Act, such as an application under s.262, is contrary to its objects. Rather the IR Act establishes a range of mechanisms by which disputes (I use that expression in its broader sense) can be resolved conclusively by determination of either the Court or the Commission. I assume, of course, that the submission did not relate to litigation which was frivolous or vexatious or maintained unreasonably.

As to the submission concerning the Full Bench, of which I am a member, I do not recall any recommendation made or expectation expressed by it that should have prevented me processing this agreement. It is true that the maintenance of the status quo was adverted to by me at the hearing of the stay application in the appeal. However, that application for a stay order was not pursued by AWU because the respondents to the appeal, then the Australian Social Welfare Union, indicated it would not pursue the orders sought in the proceedings from which the appeal was brought until the appeal was heard to finality. Any question of the maintenance of the status quo as condition to the granting of a stay then ceased to have any practical relevance at least for the Full Bench.

ASU supplemented the written submissions at the hearing on 14 October. ASU submitted to the extent that the second agreement might permit an ineligible State member to be treated as having been a financial member of AWU prior to becoming a member, it is contrary to the objects of the Act. The second agreement provides:

- "3. Members of the Union who satisfy and comply with the Rules of the Union as to financiality shall be deemed to be financial members of the Organisation without the need for any supplementary payment to be made to the Organisation."

The Union is AWU(Q) and the organisation AWU. Rule 93 of AWU's rules, which I can assume was regularly adopted by AWU, provides that ineligible State

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members (by implication upon admission to membership under an agreement processed under s.202) "shall have rights entitlements and privileges of membership in this Union as shall be provided in the terms of such agreement".

Given that this rule was adopted by AWU, its contents can appropriately be viewed as primarily a matter for the organisation itself. (9) I could see nothing oppressive about the combined effect of rule 93 and clause 3 of the Schedule to the agreement.

I took a similar view of the provision in subclause 1(c) of the Schedule which was criticised by ASU. It is true that, by operation of that provision, a person may become a member of AWU without being aware that this has occurred. However, subclause 1(c) operates only when an application for membership has been made by the member and not dealt with. I could see nothing oppressive about this provision particularly when the current annual membership ticket (which is treated, under the rules of AWU, as such an application) refers to membership of AWU which is described as a Federal Union and the Payroll Deduction Authority (which is also treated, under the rules of AWU, as such an application) draws a distinction between AWU(Q) and the Queensland Branch of AWU.

As to the criticism by ASU of the provision in clause 2 that would permit the secretary of AWU(Q) to make application on behalf of members of AWU(Q) to join AWU, I was informed that this would require alteration to the rules of AWU(Q). I could see no reason to treat this clause as contrary to the objects of the Act given that its operation is conditional upon the rule making body of AWU(Q) altering its rules. Any such alteration should be viewed as a matter for the union itself, (10) and, additionally, will be the subject of scrutiny under s.13.20 of the Industrial Relations Act 1990 (Qld).

The reason I gave the decision (11) on 15 October without publishing my reasons was that I was then satisfied that there was a need for the particulars to be expeditiously entered (given that that was the consequence of my decision) under s.202(2)(b) and the agreement to become effective because there were elections within AWU in train in respect of which the period for nominations was then shortly to close and the question whether the agreement was to operate was a significant matter in the conduct of those elections as I understood the position.

(9) see eg. Wright v. McLeod (1983) 74 FLR 147

(10) see eg. Wright v. McLeod (1983) 74 FLR 147

(11) Print K5016

\*\* end of text \*\*

QUEENSLAND INDUSTRIAL REGISTRAR

*Industrial Relations Act 1999*  
(s478)

*(Matter No. RIO/2011/19)*

17 MAR 2011

**CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES**

I hereby certify that pursuant to the Industrial Relations Act 1999, amendments to rule number 20 of the Rules of The Australian Workers' Union of Employees, Queensland, have been approved and registered on 16 March 2011.

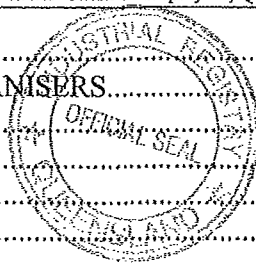
Dated at Brisbane 16 March 2011.



G.D. SAVILL,  
Industrial Registrar

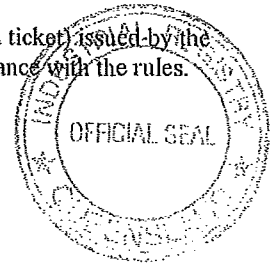


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**1. NAME**

- (f) "Local Representative" means a person appointed by resolution of the Executive to act as Agent for the issue of tickets of membership and collection of subscriptions.
- (g) "Organiser" means an officer elected in manner hereinafter appearing or appointed by the Executive to advocate the principles of Unionism and promote the organisation and enrolment of members.
- (h) "Ticket" means certificate of membership of the Union, a ticket which may be issued for a period of one year, one half year or one quarter year.
- (i) A "Payroll Deduction Card" means a card, receipt or similar document (other than a ticket) issued by the Union to a member upon the payment of membership dues or part thereof in accordance with the rules.
- (j) "The Worker" Newspaper shall mean "The Australian Worker".
- (k) The "Union" means The Australian Workers' Union of Employees, Queensland.
- (l) "A.L.P." means the Australian Labor Party.
- (m) "Bona fide Worker" means any employee, male or female, engaged in manual or mental labour in or in connection with any of the industries mentioned in Rule 6 hereof.
- (n) "Agriculture" shall mean all work usually carried on or in connection with a farm, and shall be deemed to include market gardening, threshing grain, chaff cutting, corn crushing, compressing hay, straw, and fodder stacking, loading or unloading grain, all work on a sugar plantation or farm or sugar mill or refinery.
- (o) "Fruit growing" shall be deemed to mean fruit growing and all work carried on in connection with fruit farms and orchards.
- (p) "Viticulture" shall mean all work carried on in or in connection with vineyards and all work connected with the preparation of the product of such vineyards for market, including manufacture of wine.
- (q) "Dairying industry" shall mean any work usually carried on in connection with a dairy farm, butter factory, cheese factory, creamery, milk preserving or condensing factory.
- (r) "Timber and Sawmilling Industry" shall mean any work carried on in connection with sawmills, timber yards, box and case factories, sawmakers' shops, and including hewers, splitters, firewood, and mining timber getters, and the preparation of woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders; and the felling and preparation of railway piles, transoms, girders and sleepers, felling and preparation of bridge, wharf and pier piles, transoms, girders and decking.
- (s) Words importing the masculine gender shall be taken to include the feminine gender.
- (t) Any reference in these Rules to a Statute shall mean and include that statute and any other statute amending or replacing that statute, as the case may require.



## 5. PROCEEDINGS AND NOTIFICATION OF DISPUTES

- (a) The Secretary, who shall also be Treasurer, shall be empowered to act on behalf of the Union for the purposes of proceedings for or in connection with Awards and for breaches of Awards and for the recovery of contributions, subscriptions, fines, levies or penalties payable to the Union, and to make complaints or lay informations on behalf of the Union against any person for larceny, embezzlement or misappropriation of funds or property of the Union, and no such action, suit, proceeding, prosecution or complaint shall be discontinued or shall abate by the death or removal from office of such person and the same may be proceeded with by his successor as if such death, resignation or removal had not taken place and such successor shall pay or receive the like costs as if the action, suit, proceeding, prosecution or complaint had been commenced in his name for the benefit of the Union and be reimbursed from funds of the Union.
- (b) A District Secretary may, with the prior approval of the Secretary, institute any proceedings on behalf of the Union or a member in respect of any breach of an order or award of the Industrial Relations Commission.

16. (i) Mining, smelting, reducing and/or refining of ores and/or concentrates and/or products including persons engaged in metal and/or mineral exploration and development work and prospecting incidental to mining.
- (ii) Handling, mixing, and manufacture of all types of 'fracture', explosives and all work incidental thereto.
- (iii) All employees other than craftsmen engaged in or in connection with sampling, checking materials, handling for sampling purposes and all work incidental thereto at a mine site, loading facility or elsewhere of all materials.
- (iv) All employees other than tradesmen engaged in or in connection with or incidental to the receiving, handling, storage, sampling, maintenance, pumping, loading or unloading of Coal, Coke, Carbon and Carbon derivatives, Mineral Sands, Mineral Earths, Clays, Marine Oil, Ores and all concentrates in any form associated with mining and/or smelting and/or reducing and/or refining and/or exploration, at all Terminals, Storage and Distribution areas.

16.A Mining of all clays (including all laminated clays, marine, oil, argillaceous or otherwise). The treatment of such clays. The distillation of such clays, including the processing and recovery of oil and all other by-products therefrom, and/or the manufacturing of products therefrom.

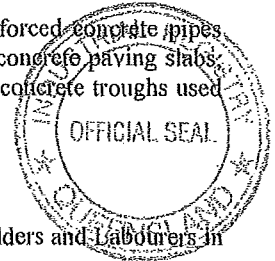
16.B Hydrocarbons including mining for and/or treatment of and/or smelting of and/or refining of and/or distillation of hydrocarbons; and the processing and/or recovery of oil and all other by-products therefrom.

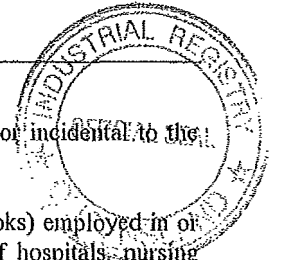
16.C All employees engaged on work in or in connection with or incidental to the mining, treatment, storage, handling, piping and loading of phosphates, and exploration and development work incidental to mining phosphates.

16.D Notwithstanding any other provision of this Rule, the AWU does not have the right to enrol as members, employees of Mount Isa Mines Limited who are engaged in the following Divisions or Departments:-

- (a) Engineering Division (except for employees engaged in Control Systems Maintenance Department);
- (b) Surface Workshop Department of the Copper Stream and the Fans and Refrigeration Department of the Copper Stream.
17. All employees engaged in or in connection with or incidental to the construction and/or maintenance and/or repair and/or operation of local authority work or works.
18. All employees engaged in the construction and maintenance of tramways.
19. Shop Assistants, Motor Vehicle Salesmen and Van Salesmen.
20. Bridge Carpenters and all other labour employed in or in connection with or incidental to the construction and/or maintenance and/or repair and/or alteration and/or demolition of bridges, wharves, piers, jetties, dolphins, barrages and other similar or like structures.
21. All gas work employees other than craftsmen, and all employees other than craftsmen employed in the gas industry in or in connection with the production, sale and distribution of gas including refined and residual oil gas, and by-products of that industry and goods from the products of that industry including coke, tar, pitch-fuel, sulphate of ammonia and benzol, and the bottling, delivering, installing and maintaining of all or any types of gas including liquified petroleum gas, propane and butane gas used for heating and lighting purposes, the installing and maintaining of all or any types of gas pipes, and in the production, piping, reticulation, distribution and sale of all or any types or forms of manufactured or natural gases.
22. Employees employed in quarries.
23. Ironworkers' assistants.
24. All kinds of general labour (including builders' labourers).
25. Agricultural pursuits including all work carried on or in connection with farms, also market gardening, chaff cutting, corn crushing, compressing hay, straw, and fodder stacking, loading and/or unloading grain.

- Culture and harvesting (including sorting, bagging or packing, storing and despatching) of prawns or oysters.
42. All employees other than tradesmen engaged in or in connection with or incidental to the production, manufacture, and distribution of copper bars, rods, wire and other refined copper products; including rolling, drawing, standing, plastic extruding of covered conductors, sticking, pickling, shaving, annealing, coiling, binding, die polishing, in the process of production or manufacture.
  43. All employees engaged as overlookers, classers, blenders, and sorters, or in the receiving, weighing branding and dispatch of wool in connection with the reclassing and resorting of wool in the State of Queensland.
  44. All labour other than craftsmen engaged in the manufacture of concrete and reinforced concrete pipes and/or the making of concrete kerbing and channelling, concrete manhole covers, concrete paving slabs, concrete box drains and lids, concrete septic covers, concrete pig troughs or other concrete troughs used for farming and agricultural purposes, and all other concrete articles.
  45. All employees engaged in Prisons throughout the State.
  46. All employees engaged as Ginners, Stackers, Feeders, Branders, Oil Refiners, Moulders and Labourers in the Cotton Industry.
  47. All employees other than craftsmen or engine drivers engaged in boring for oil or water or engaged in oil refining or the extraction of products thereof including the manufacture, processing and handling of petrochemicals, gases, carbon black and all other products and by-products of the petroleum industry.
  48. Boat builders' labourers.
  49. Domestic servants employed in the pastoral industry such as gardeners, chauffeurs, grooms, stablemen, kitchenmen, cooks, waitresses, laundresses, housemaids, nurse girls, and general servants.
  50. Persons other than Tradesmen engaged in or in connection with the manufacture of Arms and/or Munitions.
- All persons engaged in or in connection with the following:-
51. The production of charcoal.
  52. The manufacture or preparation or applying or laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot pre-mixed asphalt, cold paved asphalt and mastic asphalt (other than (a) in the Southern Division of Queensland, tarpaving in connection with building operations and/or asphalt work as specified above in connection with building operations, and (b) in the Northern and Mackay Divisions of Queensland, the work of building tradesmen on building operations).
  53. All persons engaged on any operation in or in connection with or incidental to the handling, preparation, manufacture or repair of cables and all persons engaged on any operation in or in connection with or incidental to the process of covering or insulating cables.
  54. All persons engaged in the manufacture of aluminium or aluminium articles and/or products incidental thereto.
  55. Wineries.
  56. The distillation of power alcohol and all labour incidental thereto.
  57. All employees other than craftsmen engaged in or in connection with the manufacture of masonite and/or canite, and/or celetex, and/or gyprock, and/or other similar hardboards, and all work incidental thereto.
  58. The dehydration of vegetables, fruit, meat and butter.
  59. The manufacture of lead pencils and all employees engaged in the making of bituminous waterproof paper, paper felts and paper hessian.
  60. The preserving and packing of fish.





87. Bread Bakers and pastry cooks and all persons employed in or in connection with or incidental to the Baking and/or Pastrycooking Industry.
88. (a) All employees other than clerical employees and craftsmen (but including Cooks) employed in or about or in connection with or incidental to the industries or operations of hospitals, nursing homes, aged peoples' homes, garden settlements, hotels, clubs, casinos, motels, boarding houses, hostels, serviced rooms or flats, residential colleges, cafes, restaurants, catering establishments, and operations of a like or similar nature including tourist accommodation.
- (b) All employees at the various hospitals throughout Queensland, provided that for the purposes of this paragraph (b) a hospital shall be considered to be a building or an institution for the reception, care, or treatment of persons who, from any cause are unable to support or provide for themselves, and are therefore, more or less, dependant on the help of others.
- (ba) All employees (excluding such persons wholly engaged as Clerks) employed by the Queensland AIDS Council Incorporated.
- (c) All employees who are employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry, other than employees of the Crown, Teachers, Registered Nurses, Musicians, Masters and Engineers who are members of the Australian Institute of Marine and Power Engineers Union of Employees, Queensland District, and the Merchant Service Guild of Australia and the employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.
- (ca) All employees who are employed in or in connection with the conduct of Tourist Resorts situated on Islands off the coast of Queensland, north of 24 degrees 30 minutes of south latitude, as part of the Island Tourist Resort Industry, other than employees of employers (contractors and/or subcontractors) whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided to a Resort on an Offshore Island except where such employees are already eligible for membership of the Union under these rules.
- (cb) All employees employed at Palm Royale Resort, Cairns
- (cc) All employees employed in or in connection with the operations of Offshore Island Resorts employed on Fraser Island in the State of Queensland.
- (cd) All persons employed north of 22 degrees south latitude in or in connection with the operations and conduct of Daikyo (North Queensland) Pty Ltd, Reef Management Pty Ltd., Pacific Growth Investments Pty Ltd., Cairns Marine Terminal, Daikyo Real Estate Pty Ltd; Cairns Peninsula Hotels Pty Ltd and Daikyo Development Pty Ltd and employed by one of the above mentioned companies, save and except that nothing in this sub-rule shall make eligible for membership of the union:-
- (i) any person who is employed as a Marine Engineer (however described) who is eligible to be a member of the Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District; or
- (ii) any person employed as a master, mate, marine engineer, principal in charge or launch master, who is, or is eligible to be, a member of the Merchant Service Guild of Australia, Queensland Branch, Union of Employees; or
- (iii) any person employed by a bona fide building and/or construction, and/or electrical and/or plumbing contractor or sub-contractor.
89. Employees engaged in or in connection with the transport of goods or passengers by road.
90. Employees engaged in or in connection with the manufacture of coke, paper board, concrete products, fibrocement products, ice, ice-cream, soap, washing soda crystals, mosquito coils, edible fungi and like products.
91. Laundry workers (including employees in laundries, laundrettes, laundromats, and other self service laundering establishments however nominated, and employees engaged in ironing services and similar types of services), dyers and cleaners.

112. Employees engaged in the work of handling, sorting and/or packing scrap ferrous and/or non-ferrous metals or wrecking or dismantling plant or machinery for scrap as salvage.
113. Employees engaged in or in connection with or incidental to the extraction of oil from seed and/or the refining of seed oil and/or the processing of seed oil (and/or the by-products of the extraction process) to produce Textured Vegetable Protein.
114. Employees engaged in the manufacture of engine cleaning cotton waste and flock, garnotted fillings, and in the sorting and scouring of household rags.
115. Employees engaged in the manufacture of wire netting, barbed wire, and fencing wire.
116. Employees engaged in the recovery of oils and fertilizers from whales.
117. Boat builders.
118. Boat builders' Assistants.
119. Boat painters in boat building yards in the Factories and Shops District of Brisbane.
120. Employees engaged in the pulp and paper manufacturing industry including employees engaged in any occupation connected with the manufacture, processing and supply of pulp used in the foregoing industry.
121. Employees engaged in any occupation connected with the manufacture, processing and supply of paper, paper board and straw board.
122. Employees engaged in the handling, sorting, bailing and/or packaging of waste paper.
123. Employees engaged in the manufacture of Hardboard.
124. The Production of Algin, the production of Alginates, and all employees engaged in or in connection with such production on ships and in treatment plant.
125. Employees engaged in the manufacture of building and/or other board made from wheat and barley straw or similar materials.
126. Employees other than tradesmen engaged in the erection of Television Antennae.
127. Employees engaged in or in connection with the manufacture of goods and products (including boat building) from Fibre Glass Reinforced Plastic.
128. Plastic millers (that is, employees engaged in the mechanical process of changing gypsum into plaster of paris).
129. All labour engaged in the handling, packing, processing, and preparation of all sea foods (including fish, crustacea and all shell fish) and fishing bait, and all work incidental thereto.
130. Horse handlers, stable hands, strappers and labourers, and all other employees other than jockeys and apprentices, engaged in the horse- training industry.
131. All employees, other than professionals and students, engaged in animal husbandry, animal health and welfare, and artificial insemination of stock.
132. First Aid Men and Ambulance Men associated with Industry (other than the Queensland Ambulance Transport Brigade) where the Australian Workers' Union has any form of preference in the industry.
133. Blast Hole Diamond Drillers and their Assistants.
134. Diamond Drill Runners and their Assistants and all other classes of Drill Runners and Drill Helpers.
135. Machinemen including drillers and assistants operating percussion or auger drills or raise borers or down the hole hammer machines or rock drilling machines of any like or similar nature.



- (b) engaged in wool pressing in the Southern Division of Queensland covered by Awards of the Conciliation and Arbitration Commission of Queensland made in favour of The Federated Storemen and Packers' Union of Employees of Australia (Queensland Branch), or who may be covered by Awards of the Queensland Commission made from time to time in favour of the above Union.
156. Employees engaged in the mooring and unmooring of ships and all work in or in connection therewith or incidental thereto.
157. All employees (excluding tradesmen and clerks) in establishments or sections of establishments which are operated as commercial motor vehicle garages and/or service stations for any form of motorised transport, used motor vehicle yards (including wrecking yards), used caravan and/or other used vehicular trailer yards, automobile hiring services, tyre fitting depots, automotive anticorrosion treatment and/or steam cleaning services; car park attendants, car wash attendants, and tow truck operators and their assistants.
158. All persons other than mechanical or electrical tradesmen engaged in or in connection with the cultivation, planting, care, picking or harvesting, storing, treatment, processing and bagging or packing of Coffee.
159. All employees other than mechanical or electrical tradesmen engaged in the cultivation, planting, growing, harvesting, preparation, treatment and processing of Soya Beans, and the manufacture of Soya Bean Products, including Soya Bean drink or "milk".
160. All employees other than mechanical or electrical tradesmen engaged in the cultivation, planting, growing and care, picking or harvesting, preparation and processing of Jojoba and the manufacture of products derived therefrom.
161. All employees other than mechanical or electrical tradesmen engaged in the cultivation, planting, growing, care, picking or harvesting, preparation and processing of Aloe Vera and the manufacture of products derived therefrom.
162. Employees at the resort known in August 1993 as the Laguna Quays Resort (by whatever name called) who are engaged in clerical work or who, whether as greenkeepers (including qualified greenkeepers) or otherwise are involved in the maintenance of golf courses or gardens.
163. All employees engaged in all classes of work at the Townsville Suns Basketball Supporters Club Incorporated and the Cowboys Rugby League Football Club Limited.
164. Notwithstanding any other provision in these rules, a person employed in the Private Pathology Industry shall not be eligible to become a member of the Industrial Organisation.

And all persons appointed or elected officers of the Union, shall be entitled to become and remain a member of the Union.

Provided that this Rule 6 shall only apply to persons engaged or employed as aforesaid within the State of Queensland.

## 7. ADMISSION TO MEMBERSHIP

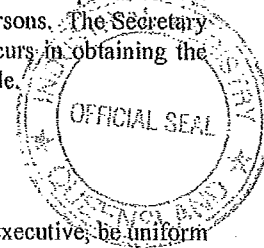
- (a) The signing of an application form for membership shall constitute an application for membership of the Union. Any person signing such application form shall pay to the Secretary, Organiser, Representative or other authorised person, the prescribed contribution, or commence payment of contributions in a manner permitted by these rules.

Payment by a person to the Union of an annual contribution or any other form of contribution prescribed under Rule 20 or Rule 22 shall also constitute an application for membership of the Union. Upon payment of an annual, half yearly or quarterly contribution the applicant for membership, if eligible for membership under these rules, shall be entitled to be issued with a membership ticket. Upon payment of any other form of contribution prescribed under Rule 20, the applicant for membership, if eligible for membership under these rules, shall be entitled to be issued a payroll deduction card. The issue to such person of a membership ticket or a payroll deduction card shall constitute admission to membership of the Union.

- (b) Once a person has been issued with a membership ticket or payroll deduction card, membership of the Union shall continue unless it is terminated in accordance with these Rules.

## 11. DUPLICATE TICKET

Any member whose ticket or payroll deduction card, past or present, has been lost or destroyed may apply for a duplicate ticket or payroll deduction card to the Secretary or District Secretary and upon the production of a satisfactory Statutory Declaration of the loss or destruction of such ticket or payroll deduction card and upon payment of the sum of One Dollar (\$1.00) then any such officer shall supply the applicant with a duplicate ticket or payroll deduction card. Declaration forms should be provided by the abovementioned persons. The Secretary or District Secretary may dispense with the Statutory Declaration where any difficulty occurs in obtaining the attestation of a Justice of the Peace if otherwise satisfied that the application is made bona fide.



## 12. MEMBERSHIP TICKETS AND PAYROLL DEDUCTION CARDS

- (a) Membership tickets and payroll deduction cards shall, unless otherwise determined by Executive, be uniform in size, shape, colour and wording.
- (b) The style of the computer membership tickets and payroll deduction cards shall be determined by Executive.
- (c) Except as otherwise provided for in these Rules membership tickets or payroll deduction cards shall be issued in the manner prescribed by the Executive.

## 13. AWU MEMBERSHIP RULE

- (a) The Secretary of the Union, with the prior approval of the Executive, may apply to the Australian Workers' Union, an organisation registered under The Workplace Relations Act 1996 (C'wth) on behalf of all members of the Union who are not also members of the Australian Workers' Union, for the admission of such members as members of the Australian Workers' Union.
- (b) An application referred to in paragraph (a) may be made at any time after the registration of this Rule, and shall be subject to the terms and conditions of the Agreement made between the Union and the Australian Workers' Union, pursuant to Section 202 of The Workplace Relations Act 1996 (C'wth) and approved by the Australian Industrial Relations Commission.
- (c) The Secretary shall be authorised to provide the Australian Workers' Union such membership details and information as may be required to process such applications in accordance with the rules of that Union.
- (d) The Secretary may make any number of applications pursuant to this Rule to ensure that all members of the Union who have become eligible to join the Australian Workers' Union pursuant to the Section 202 Agreement, are able to be admitted to membership of that Union without being required to make individual applications in that behalf.
- (e) The Secretary shall make such application pursuant to this Rule to ensure that all eligible members of the Union are admitted to membership of the Australian Workers' Union pursuant to the Section 202 Agreement by transmitting to the Australian Workers' Union the membership particulars of any member of the Union at any time after admission to membership.
- (f) Upon any member being admitted as a member of the Australian Workers' Union as a result of an application made by the Secretary on their behalf under this Rule, that member may notify the Secretary within one month of being so admitted that they do not wish to remain a member of that Union. The Secretary shall make application forthwith to the Australian Workers' Union for the membership of that member in the Australian Workers' Union to be terminated as soon as practicable in accordance with the Rules of that Union.

## 14. INFORMATION TO APPLICANTS

Applicants for membership shall be informed in writing of:-

- (i) a member's financial obligations; and
- (ii) when and how a member may resign.



Executive may appoint a day for the hearing of the application of which at least twenty-one (21) days' notice shall be given such member and if satisfied of the truth of the charge and that it is of sufficient gravity to warrant expulsion shall have power to expel him from membership but such extreme penalty shall not be imposed unless the Executive is satisfied that the person guilty of such breach or misconduct deliberately committed the offence.

In lesser offences a fine not exceeding Forty Dollars (\$40) may be imposed.

- (b) In addition to the provisions of sub-rule (a) hereof any meeting of the Executive may expel any member of the Union who is found guilty of misconduct provided that at least twenty-one (21) days' notice of the investigation is given.
- (c) Any member expelled under this rule shall have the right of appeal to succeeding Delegate Meeting.
- (d) Any member expelled shall not be re-admitted without the sanction of the Executive or Delegate Meeting.

Misconduct is such as is defined in Rule 9.

## 19. ROLLS OF OFFICERS, MEMBERS AND FUNDS

The Secretary shall keep a correct register of the names, residential addresses, where applicable postal addresses and occupations of all officers and Committeemen, and of the Trustees or others holding any property of the Union and of all its funds and effects. The Secretary must also keep a correct register of the names, residential addresses, where applicable postal addresses, and number of ticket of each member in each district and date on which each person became a member, or as the case may be an Officer, and the date on which each person ceases to be a member or as the case may be, Officer. In the case of an Officer, the register shall contain the name of the office held.

## CONTRIBUTIONS AND FINANCE

### 20. CONTRIBUTIONS - RATE OF:

- 1. Pursuant to Rule 20, the contributions to be paid by members shall be an amount per week of \$10.00.
- 2. Pursuant to Rule 20, the following rates of contribution shall apply on and from 1 July 2011:

#### A. Annual Contribution (Single Payment)

Adult (full weekly employment)	\$500.00
Adult (less than full weekly employment)	\$350.00
Juniors/Apprentices	\$240.00

1st July, 2011 to December 31, 2011	\$260.00
1st January, 2012 to 30 June, 2012	\$260.00

#### B. Quarterly Contributions

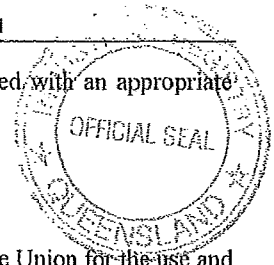
Adult (full weekly employment)	\$130.00
Adult (less than full weekly employment)	\$93.00
Juniors/Apprentices	\$64.00

#### C. Continuous Contributions – Payroll/Bank Deductions

	Per week	Per fortnight
Adult (full weekly employment)	\$10.00	\$20.00
Adult (less than full weekly employment)	\$7.00	\$14.00
Juniors/Apprentices	\$5.00	\$10.00

Any person admitted to membership of the Union who is immediately prior to such admission a current financial member of the Australian Workers' Union shall not be required to make any payment to the Union on account of membership contributions so long as such person continues to be a financial member of the Australian Workers'

- (e) Members who have taken membership in accordance with this rule shall be issued with an appropriate membership receipt.



### 23. FUNDS - HOW HELD

All property and funds held by the Union shall vest in the Trustees for the time being of the Union for the use and benefit of the members of the Union generally, and such Trustees, subject to the direction of the Executive shall have power to invest such funds in the same manner as cash under the control of the Supreme Court may from time to time be invested, and subject to such direction shall also have power to invest such funds in the name of the Union or in the names of the Trustees of the Union in Government-guaranteed Loans, Commonwealth Bonds, or fixed deposits as may be determined by the Executive.

The Secretary is authorised to make complaints or lay informations on behalf of the Union against any representatives, agents or members of the Union embezzling or stealing funds or property of the Union.

### 24. APPROVAL FOR LOAN, GRANT OR DONATION

The Union must not give a loan, grant or donation totalling more than \$1,000 to anyone unless the organisation's Executive:-

- (a) has approved the payments; and
- (b) is satisfied the payment could be given under the rules of the Union; and
- (c) if the payment is a loan - is satisfied -
  - (i) the security to be provided for the loan is sufficient; and
  - (ii) the proposed arrangements to repay the loan are satisfactory.

### 25. TRUSTEES

The trustees shall hold all funds and property of the Union which shall be vested in them. Such Trustees may with the consent and at the direction of the Executive expend funds in the purchase of land and buildings or in the purchase of land and the erection thereon of buildings either for the purpose of Union Offices or otherwise. They may sell or convert the whole or any portion of any real estate into money and apply the proceeds arising from such sale and conversion in the purchase of Real Estate or invest same on Mortgage over Real Estate or in the purchase of shares or place same on deposits in any banking or financial institution and they may borrow money or raise financial accommodation and sell, mortgage or exchange any real or personal property held by them as aforesaid and give a valid discharge for any moneys raised by them on Mortgage or otherwise but no action shall be taken by the Trustees to perform their functions under this Rule without the direction of the Executive.

The President and the Secretary shall be ex-officio trustees of the Union.

### 26. FUNDS

All funds of the Union shall be banked in the name of the Trustee thereof in such bank as may be decided upon by the Executive. All funds over and above working expenses shall be placed in the Commonwealth Savings Bank, or other bank or banks, on current account or fixed deposit as the Executive may approve.

No funds shall be drawn from the Bank except by cheque signed by the Secretary and one of the other Trustees, and countersigned by the President or Vice-President. No Trustee shall sign any cheque without first obtaining written or verbal authority from the President or Vice-President and the Secretary.

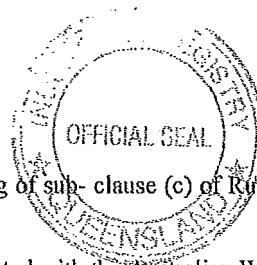
### 27. ACCOUNTS, BALANCE SHEET AND AUDIT

The financial year of the Union shall terminate on the 30th day of June in each year (this to take effect from the 30th June, 1994), and all books and accounts shall close on that day. A properly audited balance sheet and the Auditors report thereon, together with duplicate copies, all certified by two of the officers of the Union duly authorised to sign such documents, shall be filed with the Industrial Registrar within three months from the

### 33. QUALIFICATION FOR OFFICE

No person shall be eligible for nomination for election as an Officer -

- (a) Unless he has signed the pledge prescribed by Rule 32.
- (b) Unless he has been a member who is financial within the meaning of sub- clause (c) of Rule 4 for the 12 months immediately preceding the closing date of nominations.
- (d) Any member who was previously a member of a Union amalgamated with the Australian Workers' Union shall for the purpose of this Rule be considered a member of the A.W.U. for the period he belonged to such other Union.
- (e) Notwithstanding any other provisions contained in these Rules any person who is a member of The Australian Workers' Union of Employees, Queensland, an organisation registered under any industrial legislation binding on the union, shall be eligible for nomination for election or appointment as provided in the Rules to any office in The Australian Workers' Union providing that he has been a member who is financial within the meaning of sub-clause (c) of Rule 4 for at least twelve months immediately preceding such nomination and he shall sign the prescribed Pledge.
- (f) Unless for the period of 12 months immediately preceding the opening date for nominations he or she was employed in any of the registered callings of the Union, or if not so employed has been unemployed and bona fide seeking such employment, or was an officer or employee of the Union.
- (g) No person shall be eligible to be nominated for or to hold or to continue to hold any office in the Union or to be employed by the Union in any capacity if he is or becomes a member of a House of the Parliament of the Commonwealth or of any State thereof or of the Legislative Council of any Territory thereof. Any person holding any office in the Union shall cease to hold such office -
  - (i) if he is a member of any such House or Legislative Council when this Rule commences to have effect, upon the expiration of seven days thereafter;
  - (ii) if he becomes a member of any such House of Legislative Council after this Rule has effect, forthwith upon becoming a member as aforesaid.



### 34. DISQUALIFICATION FROM OFFICE

Persons who are not financial members of the Union shall be incapable of holding any office in the Union, and shall be liable for expulsion under Rule 18.

Only financial members shall be entitled to nominate candidates for office.

Where a member of the Executive is removed from office under this rule, the member shall be given written notice to that effect either personally or by post within seven days of such removal. Provided the member shall have ten clear days from the date of service of the notice to remove him or her from office, to make written appeal to the Executive against the removal. Provided further the Executive shall, within seven days of receiving notification of any such appeal, shall proceed to hear and determine the appeal.

No person shall be eligible to be nominated for or to hold or to continue to hold any office in the Union or to be employed by the Union in any capacity if he is or becomes a member of a House of the Parliament of the Commonwealth or of any State thereof or of the Legislative Council of any Territory thereof. Any person holding any office in the Union shall cease to hold such office -

- (i) if he is a member of any such House or Legislative Council when this Rule commences to have effect, upon the expiration of seven days thereafter;
- (ii) if he becomes a member of any such House of Legislative Council after this Rule has effect, forthwith upon becoming a member as aforesaid.

Any office becoming vacant under this rule shall be filled in the same manner as if it has been vacated by resignation.

#### **41. AUTHORITY**

Subject always to the Constitution and General Rules of the Union, the highest authority of the Union shall be the Delegate Meeting convened by the Union, and when the Delegate Meeting is not in session then the Executive.

#### **42. ALTERATION OF RULES**

The Rules of the Union may be made altered or rescinded by a resolution carried at Delegate Meeting or by a decision of the Executive or plebescite.



#### **43. REMOVAL OF OFFICERS.**

The Executive shall have power to remove, during the remainder of the term of their office, any of the officers or other members of the Executive who is guilty of the following:

- a) misappropriation of the funds of the organisation; or
- b) a substantial breach of the rules of the organisation; or
- c) gross misbehaviour or gross neglect of duty; or
- d) has ceased, under the Rules, to be eligible to hold office.

Before deciding to remove any officer or member of the Executive under this Rule, the person concerned shall be provided with the opportunity of a full and fair hearing by the Executive, and shall be entitled to:

- 1) be given adequate particulars of the proposed charge and/or the reason for removal from office; and
- 2) have a full opportunity to present evidence and submissions to the Executive in answer to any such charge or reason.

Any officer, Trustee or member of the Executive so suspended shall have the right to appeal such removal to the Delegate Meeting.

#### **44. LOCAL COMMITTEE**

For the purpose of furthering the work of organisation the Executive, if it thinks advisable, may form Local Committees in any town or district, except in any town or city where a Union Office is situated. When Local Committees are so formed the Executive may adopt by-laws for the control and government of same. The Secretary and members of any Local Committee must be approved by the Executive before being appointed.

#### **45. SECTION COMMITTEE**

For the purpose of conserving where necessary, the State interests of each Section of labour in the Union, the Executive may set up Section Committees.

Section Committees thus established shall be recognised by and subject to control of the Executive, which shall define the limits within which such Section Committee shall have jurisdiction. When Section Committees are formed the Executive may adopt by-laws for the control and government of same; provided members of a Section Committee must be approved by the Executive.

#### **46. PAYMENT OF UNION MONEYS**

All Officers, Representatives and Agents of the Union when receiving moneys on behalf of the Union or any District shall request the person paying the same to pay by cheque drawn in favour of the Union, specifying the District if the money is so payable, and to cross such cheque and make it "Not Negotiable".

#### **47. ELECTION AND CONTROL OF ORGANISERS**

The Union shall have power to employ Organisers at any time.

In the absence of the Secretary, a member of the Executive nominated by the President or Secretary, shall carry out the duties and responsibilities of Secretary and, for that purpose, shall have and may exercise all of the powers and authorities granted to the Secretary, under these Rules.

Subject to removal as provided in these Rules, the Secretary shall hold office for four (4) years and his duties shall be to cause to be kept a correct account of all moneys received and expended and shall keep separate account of all moneys received or paid on account of every particular fund and shall keep separate account thereof, but he shall under no consideration pay, lend or otherwise appropriate any funds of the Union for any particular purpose whatsoever, except in accordance with the Rules, Resolutions and Minutes of the Executive and Delegate Meetings. He shall sign all cheques, and shall not retain in his possession any sum of money exceeding \$1000 for a longer period than five (5) days. He shall produce the bank passbook for inspection at all reasonable times by the President or Trustees when demanded. He shall attend all Executive Meetings and Delegate Meetings of the Union, and take Minutes of same or have them taken and zealously attend to all correspondence and answer such questions as may be asked in accordance with the Rules of the Union, and act generally according to the instruction of his Executive. He shall have kept a Memo Book and have inserted the date of postage of all correspondence, and have kept copies of same.

He shall sign his name and address on all letters and returns and have entered in his account book a detailed account of all moneys received and expended with the date of receipt and expenditure. When in the opinion of the Executive an Acting Secretary or Acting District Secretary or Clerical Assistant is required, the Secretary shall choose and appoint some person for such time and upon such terms as the Executive shall have fixed. The Secretary shall be empowered to convene any Meetings of the Union and the Executive and shall be entitled to speak and vote at all Meetings. The Executive by a two-thirds majority of the total numbers of the Executive shall have power to remove the Secretary for neglect of duty, or for the misappropriation of money or goods belonging to the Union.

It shall be the duty of the Secretary to prepare documents for any Court, and to conduct cases before any Court on behalf of the Union, and he shall be empowered to authorise, subject to his direction, any officer or employee of the Union to prepare papers for presentation to any Court, conduct cases before any Court, and if necessary, to act on behalf of the Union in any dispute which may arise in any calling within the Union. The Secretary may engage legal assistance if he deems it necessary to assist the Union or any officer of the Union in any of the above matters or in regard to any matter which he is entitled to have brought before any Court or in regard to which he is entitled to give assistance to a member under the Rules.

The Secretary shall be empowered to dismiss any job representative whether appointed by the Organiser or elected by a ballot of members.

The Secretary may appoint a member of the Executive to prepare papers for presentation to any Court or Tribunal, and to conduct cases before any Court or Tribunal on behalf of the Union and subject to any direction by the Secretary, during any authorised absence of the Secretary. Such appointment may be revoked at any time.

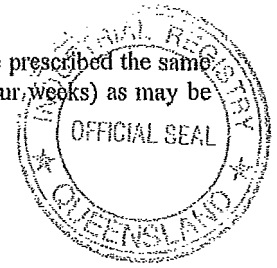
The Secretary is authorised to notify the Industrial Relations Commission in the prescribed manner of the existence or likelihood of any industrial dispute at any time.

## 51. ASSISTANT SECRETARY

- (a) The Executive may appoint an Assistant Secretary.
- (b) Any member of the Union qualified for office under Rule 33 of these Rules or any member of the Australian Workers' Union qualified for office under Rule 33 of that organisation, shall be eligible for appointment as Assistant Secretary. The Assistant Secretary shall be appointed for a specified term of office which in no case shall be longer than 12 months. At the expiration of any appointed term of office the Assistant Secretary shall be eligible to re-appointment.
- (c) The Assistant Secretary shall be subject to the supervision of the Secretary and shall at all times be subject to the ultimate direction and control of the Executive.
- (d) The Executive shall determine at or prior to the time of making the appointment of an Assistant Secretary, whether the appointment shall be made on a paid or non-paid basis. If the appointment is made on a paid basis the Executive shall determine the amount of payment initially and may review the amount from time to time.
- (e) The Assistant Secretary shall in all cases, conform to the direction of the Secretary and the Secretary may dismiss the Assistant Secretary for neglect of duty, misappropriation of money or goods belonging to the

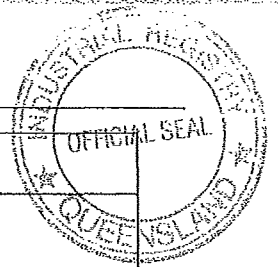
If two or more candidates have nominated for either or both of the offices of President and Secretary and any such candidate dies before the close of the ballot, the Executive shall appoint another elected office holder to act as Secretary or President, as the case may be, until the result of a new election is declared.

If for any reason whatever, any election under this Rule is not held at the time hereinbefore prescribed the same shall be held at such other time, and shall extend over such period (not being less than four weeks) as may be prescribed by the Executive.



## 54. METHOD OF BALLOTING

- (a) Only members, who are recorded as being financial thirty (30) days from the opening of the nominations, are to be included on the list and only members whose names appear on this list are to receive a ballot paper. Any member claiming to have been a financial member at that date whose name is not on the list may request the Returning Officer either in writing or personally to investigate his case and, if upon investigation the Returning Officer is satisfied that the member was a financial member at June 30, he shall provide that member with a ballot paper. The certified list of members entitled to vote shall be sent to the Returning Officer by the Secretary immediately it is requested by the Returning Officer
- (b) Ballot papers shall have printed thereon the closing date of the ballot and names of candidates placed in order determined by lot drawn by the Returning Office and the positions and Offices required to be filled or particulars of the question submitted for determination.
- (c) Ballot papers together with stamped addressed outer envelopes and an inner envelope marked "Ballot Paper" shall be posted by the Returning Officer by pre-paid post to financial members on the certified list of members entitled to vote at the address recorded on that list.
- (d) If a member gives the Returning Officer written notice that the member will be absent from the address stated on the roll when voting material is posted, the Returning Officer must post the material to the address stated in the notice.
- (e) The outer envelope shall be reply paid and addressed to the Returning Officer. The inner envelope shall have printed on the back a number as allocated by the Returning Officer according to the record of membership as supplied by the Union and the word "signature". After recording the vote, members shall place the ballot paper in the inner envelope marked "Ballot Paper", sign the back, insert it in the reply paid outer envelope and post it. If the member's signature is not endorsed on the inner envelope, the ballot paper enclosed therein shall not be counted in the ballot. A written notice to this effect shall be printed in prominent type and in a prominent position at the head of the ballot paper, and upon other ballot information forwarded with the ballot paper.
- (f) The Returning Officer shall make a complete return of voting and note all discrepancies and shall forward copies of same to the Secretary.
- (g) Ballot papers, envelopes and other documents shall be kept for a period of one year after completion of an election.
- (h) A ballot paper shall be posted to every financial member at his place of residence as shown on the books of the Union, or if his place of residence is not shown and cannot be ascertained, at his place of employment. The Returning Officer shall cause such ballot papers to be printed and shall obtain from the printer a certificate stating the number of ballot papers printed and that the type was broken up immediately upon the completion of the printing.
- (i) Voting shall be by secret postal ballot.
- (j) A candidate may appoint 1 scrutineer to observe the collection, examination and counting of votes and give the Returning Officer written notice of the appointment.
- (k) Upon completion of the count, the Returning Officer shall formally declare the ballot at a time and place of which notice has been given to the scrutineers and shall present to the Secretary a detailed report covering the full conduct of the ballot.
- (l) A scrutineer must give the Returning Officer a written notice of appointment or suitable identification on first meeting.



Branch Secretary	Secretary
Branch President	President
Vice-President (x3)	Vice President (x3)
South Western District Secretary	South Western District Secretary
Southern District Secretary	Southern District Secretary
Western District Secretary	Western District Secretary
Central District Secretary	Central District Secretary
Northern District Secretary	Northern District Secretary
Far Northern District Secretary	Far Northern District Secretary
Branch Executive Committee Members (x6)	District Representatives to Executive (x6)
Delegates to Branch Delegate Meeting	Delegates to Delegate Meeting
Branch Organisers	Organisers

## SALARIES

### 58. OFFICERS' SALARIES, DELEGATES' FEES, ETC.

The Union, at its Executive Meeting, shall fix the salary or other remuneration of its Secretary, District Secretaries or Organisers.

The Executive shall also fix the fees payable to the Auditors, Returning Officers and Agents.

Any member of the union when deputed to transact business on behalf of the Union shall be entitled to first-class air, rail or steamer fare, to and from the place where his services are required, and shall be paid not less than \$10 per day.

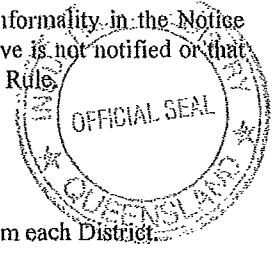
The Executive shall fix the amount of expenses to be paid to members attending Executive meetings and the expenses of Delegates attending Delegate Meeting shall be fixed by such Delegate Meetings.

### 59. COMMISSION

Commission on sales of tickets may be allowed local agents, local representatives, job representatives, secretaries of local committees and secretaries of section committees. The rate of such commission shall be fixed by the Executive.

Commission shall be allowed to a Representative on all tickets issued by him or for which he is directly responsible on his job. The commission rate shall be fixed by the Executive, and in addition he shall be repaid all moneys spent on postages, provided a detailed account for same is furnished.

An Extraordinary General Meeting shall be deemed to be valid notwithstanding any informality in the Notice provided that the substance is fairly given or notwithstanding that every job representative is not notified or that all members concerned are not notified provided there is substantial compliance with this Rule.



### 63. THE EXECUTIVE

There shall be a President, three Vice-Presidents, a Secretary, and one Representative from each District.

The President, Vice-Presidents and members of the Executive and the Secretary shall be elected every four (4) years.

The District Representative shall be elected every four (4) years by an election of the members within the District.

Any five members shall form a quorum, but a Resolution shall not be deemed to be passed unless it is approved by a majority of the total number of the Executive who would be entitled to vote, if they were present.

When there is an Assistant Secretary in office and the person holding that office is not otherwise a member of the Executive, that person shall have the right to attend meetings of the Executive and to speak at such meetings. The Assistant Secretary shall not unless he is otherwise a member of the Executive, have the right to vote at Executive Meetings and shall not be counted in the quorum of Executive Meetings.

### 64. CONSTITUTION OF DISTRICTS

The Executive may define Districts within which the District Secretary and Organisers shall organise. The boundaries of such Districts may be altered from time to time subject to the approval of the Executive.

### 65. DISTRICT SECRETARY

When a District has been apportioned and defined, the Executive shall temporarily appoint a District Secretary, and shall make arrangements to fill that position in accordance with Rule 52.

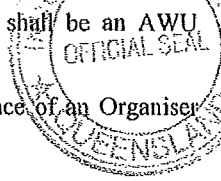
### 66. DUTIES OF DISTRICT SECRETARY

The duties of District Secretary shall be -

- (a) To forward to the Secretary, at least once a month, a full report of the working of the Union in their Districts.
- (b) To keep in constant communication with all Local Committees, Organisers, and Representatives in their respective Districts.
- (c) To supply all Local Committees with printed forms of uniform design for balance sheets, and supply a report of the decisions of the Executive on any question submitted to it, with a list of those voting thereon, when such things have been supplied to him by the Secretary.
- (d) It shall be the duty of the District Secretary, subject to the direction from the Secretary, to prepare papers for presentation to the Court or an Industrial Magistrate, and to conduct cases before the Court or an Industrial Magistrate within his District. He shall take control and act under the direction of the Secretary in any dispute which may occur in his District, and shall be empowered to authorise any Organiser under his control to act on his behalf in any case which may come before an Industrial Magistrate or in any dispute which may arise in any calling subject to his control.
- (e) The Secretary may dismiss any District Secretary for:
  - (i) misappropriation of the funds of the organisation; or
  - (ii) a substantial breach of the rules of the organisation; or
  - (iii) gross misbehaviour or gross neglect of duty; or
  - (iv) has ceased, under the Rules, to be eligible to hold office.



## 73. REPRESENTATIVES

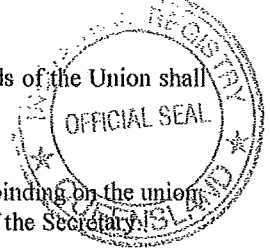
- 
- (a) In every industry where groups or gangs or teams of workers are working there shall be an AWU representative who shall be a member who is financial in the Union.
- (b) Organisers shall have the power to appoint or dismiss representatives. In the absence of an Organiser members shall elect a representative at a meeting called for that purpose.
- (c) Such representatives shall act for the persons on the job and shall have power to call meetings of members on such jobs to discuss Union affairs. They shall on all matters keep in communication with the Secretary in whose territory they may be working for the time being.
- (d) All appointments or elections of Representatives shall be subject to the approval of the Secretary or other official authorised by the Executive. If the appointment or election of a Representative is approved of, the Secretary shall forward him books of membership tickets and such other articles as may be required. The Representative shall forthwith acknowledge the receipt of all such books and other articles forwarded by him to the Secretary.
- (e) Representatives shall be responsible to the Secretary for all tickets in their possession, and shall within a specified time return the butts of sold and remaining unsold tickets, or, when requested, shall deliver to the Secretary or Organiser or other official authorised by the Executive such ticket butts and unsold tickets. In the event of a Representative leaving the locality in which he was acting, he shall communicate with the Secretary and shall return ticket books and other Union property in his possession unless he has permission of the Secretary to retain them. Each representative shall supply the Secretary with his permanent address immediately after appointment.
- (f) All money collected by Representatives on behalf of the Union shall be forwarded to the Secretary as soon as is conveniently possible.
- (g) Each Representative shall immediately report the fact of work starting to the Secretary, and shall be guided by the instructions sent him by the Secretary.
- (h) Where work is carried out under Agreement or Award, Representatives shall post any such Agreement or Award in a conspicuous place on the works.
- (i) Should a Representative leave from any cause, members shall at once appoint another member in his stead.
- (j) Members committing a breach of paragraph (e) or (f) of this Rule shall be liable to a penalty of Eight Dollars (\$8).
- (k) Where the word "Secretary" is used in this Rule, it shall be deemed to mean the District or the Secretary, as the case may be, whose duty it is under these Rules to attend to the particular matter.
- (l) Each member on being given reasonable notice shall produce his tickets to the Representative, Organiser, or other authorised person.
- (m) Any member assaulting any Representative or Officer of the Union shall, if proven guilty, be subject to a fine of not less than Ten Dollars (\$10) and not more than Fifty Dollars (\$50).

## 74. IMPOSITION OF FINES

Any Shed, Gang, Camp, Mining, Mill, Factory, Local, Section, Division or Department Committee shall hear and decide any charge against a member for a breach wheresoever committed within the limits of the Union or district of any of the following Rules, namely: 68, 73(m), 84, 87, 88. Twenty-one day's notice of the hearing of such charge shall be given the member, and if the Committee find the charge proved it shall impose the fine prescribed by the Rule so infringed.

Provided, however, that the member may within three days after such decision give notice of appeal to the Executive and such Executive shall re-hear and finally decide such appeal.

- (2) A register of the members and all records concerning the financial transactions of the Union shall be kept by the Secretary showing the name, address and financial standing of each member and such other matters as may be directed.
- (3) A financial member making a specific request to inspect a part or parts of the records of the Union shall be permitted to do so provided that:
  - (a) the request provides sufficient particulars of the information sought;
  - (b) reasonable notice is given except as provided for by any industrial legislation binding on the union;
  - (c) no copies may be made or documents removed without the written authority of the Secretary.
- (4) The Secretary of the Union shall at least every three years remove from the register of members the name of any member who:
  - (a) had died, resigned or been expelled from the Union or who owes any contributions, fines, levies or other dues which have been outstanding for two (2) years or more;
  - (b) is no longer eligible to be a member of the Union. Provided that the name of a member shall not be removed from the register under this paragraph only because he or she is unemployed or has retired or undertaken work for the Union or a Branch thereof or temporarily in another industry.
- (5) Any member so removed shall, subject to the provisions of any industrial legislation binding on the union, remain liable for any such contributions, fines, fees, levies or dues owed by him or her at the date his name was removed from the register of members.



## 81. PRINTING

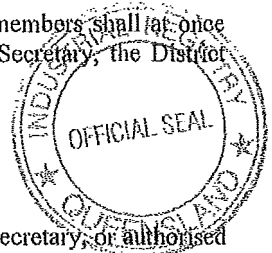
All printing materials to be used by the Union shall be printed by Union labor.

## 82. RULES OF DEBATE

The following rules of debate shall be observed at all meetings held in connection with the Union, whether the Executive, Delegate Meeting, or General Meetings of members:

- (a) Any member desiring to propose a motion or amendment, or to discuss any matter under consideration, must rise and address the President or Chairman. The right of speaking on any subject shall belong to him who first rises to address the President or Chairman. No member shall speak more than once upon any motion or amendment without the consent of the meeting. Any member proposing or seconding a resolution shall be held to have spoken. When two or more members rise together, the President or Chairman shall call upon the member who in his opinion rose first in his place. The mover of any resolution shall have the right of reply. No further discussion shall be allowed after the mover has replied.
- (b) No member when speaking shall be interrupted unless called to order, when he shall sit down, and the member calling to order shall be heard in support of his point, and the President or Chairman may either hear further discussion or decide at that stage; but such point shall be decided before the debate is resumed.
- (c) Dissent from the President or Chairman's ruling must be seconded, but only the mover of the motion of dissent shall have the right of speaking in support thereof. The President or Chairman shall have the right of stating the reasons for his ruling and the motion of dissent shall then be put.
- (d) Any motion or amendment not seconded shall not be further debated, but shall lapse.
- (e) The question having been proposed may be amended by leaving out, substituting, or adding words. When amendments have been put and lost, the original motion shall be put.
- (f) So soon as a debate upon a question shall be concluded, the President or Chairman shall put the question to the meeting in a distinct and audible manner. The question being put, shall be resolved in the affirmative or negative by a show of hands, unless a division be demanded. A ballot shall be taken if five of those present demand it.
- (g) No member shall speak on any motion after the same has been put by the President or Chairman. Not more than two delegates may speak consecutively for or against any resolution except that when an

Should the Shed Representative or member of Shed Committee leave from any cause, members shall at once appoint another person in his stead, and see that all Union property is returned to the Secretary, the District Secretary or other official authorised by the Executive.



#### **87. MEMBERS NOT TO ACT AS EMPLOYERS' AGENTS**

A member may engage a stand for one mate, but no member of the Union, other than the Secretary, or authorised agent, shall engage other members on behalf of pastoralists or shearing contractors, and any member infringing this Rule, or otherwise trafficking in shearing pens or employment, shall be fined Twenty Dollars (\$20).

#### **88. ENGAGEMENT**

Members may engage stands through the Pastoralists' Union Office, but no member shall engage through Labor Agencies where fees are demanded, nor with anyone requiring payment or monetary consideration of any kind in return for providing employment or for obtaining employment for such member. Any member committing any breach of this Rule shall be fined Forty Dollars (\$40).

After the commencement of shearing at any shed, no shearer or shed hand, when applying by telegram or telephone for employment, shall make such application to the shed overseer or manager, but shall communicate with the Chairman or Representative.

#### **89. OFFICIAL NEWSPAPER**

The Australian Worker shall be the official organ of The Australian Workers' Union of Employees, Queensland, and shall contain all official advertisements and notifications.

Any member may secure The Australian Worker Newspaper by forwarding his Worker slip through the Union or by the Secretary supplying proof from the Union's computer records that such member is eligible to receive same to the Publisher of The Australian Worker.

#### **90. SUSTENTATION**

The Australian Worker shall be financially supported by the Union in the manner provided in Rules 20 and 30 of these Rules.

#### **91. DISTRIBUTION OF THE AUSTRALIAN WORKER**

Each member of the Union shall be entitled to receive a copy of each issue of The Australian Worker newspaper which shall be sent upon receipt by the Worker Publisher of the Worker slip attached to each membership ticket duly filled in showing the full name, address and postcode of the member.

(N.B. - To ensure the continuous receipt of the paper, a new Worker slip must be sent annually. When notifying change of address a member shall forward the number of the current ticket and shall state the previous address, as well as the new one, in order to prevent mistakes arising between members of the same name).

#### **92. MANAGEMENT OF PROPERTY**

The Queensland Delegate Meeting and/or the Executive shall elect a Board of five, two of which shall be the Secretary and the President, for the purpose of management of property; all such management to be conducted in accordance with the Rules of the Union:

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND 2011/2012 OFFICE****HOLDERS AND EXECUTIVE**

PRESIDENT	Garry Ryan [REDACTED] [REDACTED]	Mr Ryan currently holds no full time position with the Union, however remains President which is an honorary position.
VICE PRESIDENTS (Honorary) 3	Rodney Stockham PO Box 1035 Townsville 4810	Union Official
	Tom Jeffers GPO Box 13 Brisbane 4001	Union Official
	Marina Williams PO Box 10212 Adelaide Street Brisbane 4000	Union Official
SECRETARY	William Ludwig GPO Box 88 Brisbane 4001	Union Official
ASSISTANT SECRETARY	Ben Swan GPO Box 88 Brisbane 4001	Union Official
<b>CENTRAL DISTRICT</b>		
CENTRAL DISTRICT SECRETARY	Keith Ballin PO Box 1057 Bundaberg 4670	Union Official
EXECUTIVE MEMBER (Honorary)	Keith Ballin PO Box 1057 Bundaberg 4670	Union Official
ORGANISERS	Tony Beers PO Box 5097 Gladstone 4680	Union Official
	Zac Beers PO Box 5097 Gladstone 4680	Union Official
	Peter Ward PO Box 289 Rockhampton 4700	Union Official
<b>FAR NORTHERN DISTRICT</b>		
FAR NORTHERN DISTRICT SECRETARY	Darryl Noack PO Box 854 Cairns 4870	Union Official
EXECUTIVE MEMBER (Honorary)	Darryl Noack PO Box 854 Cairns 4870	Union Official
ORGANISER	Lisa Harrison PO Box 854 Cairns 4870	Union Official
	Neale Johnston PO Box 854 Cairns 4870	Union Official
	Sharon Winn PO Box 854 Cairns 4870	Union Official

	Michael Kerley PO Box 854 Cairns 4870	Union Official
	Peter Gunsberger PO Box 738 Innisfail 4860	Union Official
<b>NORTHERN DISTRICT</b>		
NORTHERN DISTRICT SECRETARY	Rodney Stockham PO Box 1035 Townsville 4810	Union Official
EXECUTIVE MEMBERS (Honorary)	Rodney Stockham PO Box 1035 Townsville 4810	Union Official
(Honorary)	Robert Boscacci c/- PO Box 1035 Townsville 4810	Mr Boscacci currently holds no full time position with the Union, however remains and Executive member which is an honorary position.
ORGANISERS	Daryl Harrison PO Box 1035 Townsville 4810	Union Official
	Michelle Duggan PO Box 1035 Townsville 4810	Union Official
	Daryl Harrison PO Box 50 Mount Isa 4825	Union Official
	Robert Carson PO Box 50 Mount Isa 4825	Union Official
	Paul Robertson PO Box 115 Mackay 4740	Union Official
	Deanne Screen PO Box 115 Mackay 4740	Union Official
	Damian Hale GPO Box 3845 Darwin 0801	Union Official
<b>SOUTHERN DISTRICT</b>		
SOUTHERN DISTRICT SECRETARY	Tom Jeffers GPO Box 13 Brisbane 4001	Union Official
EXECUTIVE MEMBER (Honorary)	Don Bulow C/- GPO Box 13 Brisbane 4001	Concrete Laborer
ORGANISERS	Steve Baker GPO Box 13 Brisbane 4001	Union Official
	Kevin Court GPO Box 13 Brisbane 4001	Union Official
	Keith Goding GPO Box 13 Brisbane 4001	Union Official
	Matt Sellars GPO Box 13 Brisbane 4001	Union Official

	James Martin GPO Box 13 Brisbane 4001	Union Official
	Wayne Mills GPO Box 13 Brisbane 4001	Union Official
	Brenton Hill GPO Box 13 Brisbane 4001	Union Official
	David Groessler GPO Box 13 Brisbane 4001	Union Official
	Walter Boulton C/- GPO Box 13 Brisbane 4001	Union Official
<b>SOUTH WESTERN DISTRICT</b>		
SOUTH WESTERN DISTRICT SECRETARY	Tracey Sharpe PO Box 508 Toowoomba 4350	Union Official
EXECUTIVE MEMBER (Honorary)	Tracey Sharpe PO Box 508 Toowoomba 4350	Union Official
	Cathy Janetzki PO Box 508 Toowoomba 4350	Union Official
	Jack Liston PO Box 508 Toowoomba 4350	Union Official
<b>WESTERN DISTRICT</b>		
WESTERN DISTRICT SECRETARY	Tim Sullivan PO Box 240 Longreach 4730	Union Official
EXECUTIVE MEMBER (Honorary)	Tim Sullivan PO Box 240 Longreach 4730	Union Official
<b>METALS AND CONSTRUCTION DIVISION</b>		
M&C DISTRICT SECRETARY	Troy Spence GPO Box 88 Brisbane 4001	Union Official
EXECUTIVE MEMBER (Honorary)	Troy Spence GPO Box 88 Brisbane 4001	Union Official
	Barry Martin GPO Box 88 Brisbane 4001	Union Official
	Bede Harding GPO Box 88 Brisbane 4001	Union Official

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
A N D  
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

**FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 30 JUNE 2012**

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
A N D  
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

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**hanrick**  
ASSURANCE. STRATEGISTS

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF  
THE AUSTRALIAN WORKERS UNION OF EMPLOYEES, QUEENSLAND  
AND  
THE AUSTRALIAN WORKERS UNION, QUEENSLAND BRANCH**

**Scope**

**Report on the Financial Statements**

We have audited the accompanying financial statements, being special purpose financial statements of The Australian Workers' Union Of Employees, Queensland and The Australian Workers' Union Queensland Branch ("Union"), which comprises the statement of financial position as at 30 June 2012, statement of comprehensive income, statement of changes in equity, statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, accounting officer's certificate and the committee of management's operating report and statement.

*The Committee of Management's ("Committee") responsibility for the Financial Statements*

The Committee of the Union is responsible for the preparation of the financial statements and has determined that the basis of preparation described in Note 1 to the financial statements is appropriate to meet the requirements of the *Industrial Relations Act 1999 ("Act")*, the *Fair Work (Registered Organisations) Act 2009* and is appropriate to meet the needs of the members.

The Committee's responsibility also includes such internal control as the Committee determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

*Auditors Responsibility*

Our responsibility is to express an opinion on the financial statements to the members of the Union based on our audit. We have conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Union's preparations of the financial statements that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Union's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Committee, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**Hanrick Curran Audit Pty Ltd**  
**Authorised Audit Company: 338599**

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Accounting, Law and Consulting Firms

Level 11, 307 Queen Street Brisbane QLD 4000 GPO Box 2268 Brisbane QLD 4001

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**Independence**

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

**Audit Opinion**

In our opinion:

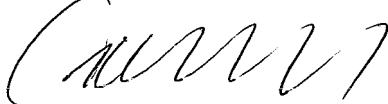
- (1) the financial statements of the Union are in accordance with the Act, including:
  - giving a true and fair view of the Union's financial position as at 30 June 2012 and of its performance for the year ended on that date.
- (2) the Union has complied with the *Industrial Relations Act 1999*.
- (3) the Union has kept satisfactory accounting records for the financial year including records of:
  - (i) the sources and nature of the Union's income, including membership subscriptions and other income from members; and
  - (ii) the nature of and reasons for the Union's expenditure.
- (4) there was no deficiency, failure or shortcoming in any matters referred to in (1), (2) and (3) above.
- (5) all the information and explanations that officers or employees of the Union were required to provide have been provided.

**Basis of Accounting**

Without modifying our opinion, we draw attention to Note 1 to the financial statements, which describe the basis of accounting. The financial statements have been prepared for the purpose of fulfilling the Committee's financial reporting responsibilities under the Industrial Relations Act 1999. As a result, the financial statements may not be suitable for another purpose.



**Hanrick Curran Audit Pty Ltd**  
**Registered Company Auditor: 338599**



**A D Fraser**

Director

Brisbane

Dated: *16 October, 2012*

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
AND  
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH  
COMMITTEE OF MANAGEMENT OPERATING REPORT AND STATEMENT  
FOR THE YEAR ENDED 30 JUNE 2012**

**(a) Operating Report**

In accordance with section 254 of the *Fair Work (Registered Organisations) Act 2009* ("Fair Work Act"), the Committee of Management presents its Operating Report on The Australian Workers' Union Of Employees, Queensland (including The Australian Workers' Union Queensland Branch) ("Union") for the year ended 30 June 2012.

**Principal Activities**

The principal activity of the Union was to act on behalf of members in respect of:

- employment terms and conditions;
- to secure improved conditions of employment for the members;
- to assist members in dispute resolution;
- to assist members who may become injured in the course of their employment;
- to assist dependents of members through financial benefits; and
- to assist members in unfair dismissal matters before the relevant tribunals.

**Results**

The surplus for the financial year amounted to \$799,102 (2011: loss \$626,197).

**Significant Changes**

There were no significant changes in the nature of the Union's activities during the financial year.

**Financial Affairs**

There were no significant changes in the Union's financial affairs during the financial year.

**Members Right to Resign**

The right of AWU members to resign from the Branch is set out in Rule 14 of The Australian Workers' Union Rules as registered under the *Fair Work (Registered Organisations) Act 2009*.

**Membership of Superannuation Scheme**

Those who hold a position or trustee or director of any entity, scheme or company as described in s.254 (2) (d) of the *Fair Work (Registered Organisations) Act 2009* where a criterion of such entity is that the holder of such position must be a member or official of a registered organisation are as follows:

William Ludwig      Director of Sunsuper

**Number of Members**

The number of persons that were, at the end of the financial year to which the report relates, recorded in the register of members for s.230 and who are taken to be members of the Branch under s.244 is 62,726 (2011: 61,040), which is made up of 34,406 (2011: 33,663) financial members and 28,320 (2011:27,377) unfinancial members.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
AND  
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH  
COMMITTEE OF MANAGEMENT OPERATING REPORT AND STATEMENT (CONTINUED)  
FOR THE YEAR ENDED 30 JUNE 2012**

**Number of Employees**

The number of persons who were, at the end of the financial year to which the report relates, employees of the Branch, where the number of employees includes both full-time employees and part-time employees measured on a full-time equivalent basis is 95 (2011:74).

**Members of the Committee of Management**

The name of each person who has been a member of the committee of management of the Branch at any time during the reporting period, and the period for which he or she held such a position is as follows:

<b>NAME</b>	<b>PERIOD</b>
Donald Charles Bulow	2012 Financial Year
Darryl Neil Noack	2012 Financial Year
Troy Anthony Spence	2012 Financial Year
Garry John Ryan	2012 Financial Year
Keith Lawrence Bailin	2012 Financial Year
Kilian Thomas Jeffers	2012 Financial Year
Marina Carolyn Williams	2012 Financial Year
Robert Harry Boscacci	2012 Financial Year
Rodney George Stockham	2012 Financial Year
Timothy Sullivan	2012 Financial Year
Tracey Ann Sharpe	2012 Financial Year
William Patrick Ludwig	2012 Financial Year
Benjamin Charles Swan	2012 Financial Year

The Union has not, during or since the end of the financial year, in respect of any person who is or has been an officer or auditor:

- indemnified or made any relevant agreement for indemnifying against a liability, including costs and expenses in successfully defending legal proceedings; or
- paid or agreed to pay a premium in respect of a contract insuring against liability for the costs or expenses to defend legal proceedings.

**Proceedings on Behalf of Union**

No person has applied for leave of Court to bring proceedings on behalf of the Union or intervene in any proceedings to which the Union is a party for the purpose of taking responsibility on behalf of the Union for all or any part of those proceedings. The Union was not a party to any such proceedings during the year.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND**  
**AND**  
**THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**  
**COMMITTEE OF MANAGEMENT OPERATING REPORT AND STATEMENT (CONTINUED)**  
**FOR THE YEAR ENDED 30 JUNE 2012**

**Wages Recovery Activity**

The Union has not undertaken any recovery of wages activity for the financial years ended 30 June 2012 and 30 June 2011.

**Other Information**

There is no other information that the Union considers relevant.

**Auditor's Independence Declaration**

A copy of the auditor's independence declaration is set out on page 7.

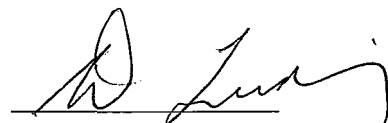
**(b) Statement**

In accordance with Section 555 of the Industrial Relations Act 1999, the Committee of Management Presents its certificate on the Union for the year ended 30 June 2012.

The Committee of Management of the Union declares that:

1. The financial statements and notes, as set out in pages 8 to 20, are in accordance with the *Industrial Relations Act 1999* and show a true and fair view of the financial affairs of the Union as at 30 June 2012.
2. In the Committee's opinion the Union was solvent for the whole financial year and there are reasonable grounds to believe that the Union will be able to pay its debts as and when they become due and payable.
3. From 1 July 2011 to the date of this report and in the Committee's opinion:
  - i. meetings of the committee of management were held in accordance with the rules of the Union; and
  - ii. the financial affairs of the Union have been managed in accordance with the rules of the Union.
4. To the knowledge of any Committee member there have been no instances during the financial year where records, rules or copies of these records or rules required by the *Industrial Relations Act 1999* or the rules to be provided to a member have not been so provided.
5. In respect of the financial statements for the year ended 30 June 2011 the Union has complied with sections 565 and 566 of the *Industrial Relations Act 1999* by presenting to an Annual General Meeting ("AGM") and providing to members the financial statements including auditor's report, of the Union. Members who did not attend the AGM were provided with the audited concise financial statements for the year ended 30 June 2011.

This declaration is made in accordance with a resolution of the Committee of Management.



**W P Ludwig**  
Branch Secretary  
16 October 2012



**G J Ryan**  
Branch President  
16 October 2012

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND**  
**AND**  
**THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**  
**ACCOUNTING OFFICER'S CERTIFICATE**  
**FOR THE YEAR ENDED 30 JUNE 2012**

I, William Ludwig, being the Accounting Officer responsible for keeping the accounting records for The Australian Workers' Union Queensland Branch and The Australian Workers' Union Of Employees, Queensland ("Union" collectively), certify that as at 30 June 2012 the number of members of the Union was 62,726 (2011: 61,040), made up of 34,406 (2011: 33,663) financial members and 28,320 (2011: 27,377) unfinancial members.

In my opinion,

- (i) the attached financial statements show a true and fair view of the financial affairs of the Union as at 30 June 2012;
- (ii) a record has been kept of all moneys paid by, or collected from, members and all moneys so paid or collected have been credited to the bank account to which those moneys are to be credited, in accordance with the rules of the Union;
- (iii) before any expenditure was incurred by the Union, approval of the incurring of the expenditure was obtained in accordance with the rules of the Union;
- (iv) with regard to funds of the Union raised by compulsory levies or voluntary contributions from members, or funds other than the General Fund operated in accordance with the rules of the Union, no payments were made out of any such fund for a purpose other than the purpose for which the fund was operated, and if any such payment was so made, it was approved in accordance with the rules of the Union;
- (v) no loan or other financial benefit, other than remuneration in respect of their full-time employment with the Union, was granted to persons holding office in the Union; and
- (vi) the register of members of the Union was maintained in accordance with the *Industrial Relations Act 1999*.

  
W P Ludwig  
Branch Secretary

Dated: 16 October 2012



**hanrick**

ASSURANCE. STRATEGISTS

1000 Queen Street Brisbane QLD 4001

**AUDITORS INDEPENDENCE DECLARATION TO THE COMMITTEE OF MANAGEMENT OF  
THE AUSTRALIAN WORKERS UNION OF EMPLOYEES, QUEENSLAND  
AND  
THE AUSTRALIAN WORKERS UNION, QUEENSLAND BRANCH  
FOR THE YEAR ENDED 30 JUNE 2012**

As lead auditor for the audit of The Australian Workers' Union Of Employees, Queensland and The Australian Workers' Union Queensland Branch ("Union") for the year ended 30 June 2012, I declare that, to the best of my knowledge and belief, during the year ended 30 June 2012 there has been:

- i) no contraventions of any applicable code of professional conduct in relation to the audit.

**Hanrick Curran Audit Pty Ltd**  
**Registered Company Auditor: 338599**

**A D Fraser**  
Director

Brisbane

Dated: *16 October, 2012*

**Hanrick Curran Audit Pty Ltd**  
**Authorised Audit Company: 338599**

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**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
A N D  
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH  
STATEMENT OF COMPREHENSIVE INCOME  
FOR THE YEAR ENDED 30 JUNE 2012**

	<b>Notes</b>	<b>2012 \$</b>	<b>2011 \$</b>
Revenue	2	14,104,422	13,149,762
Employee benefit expenses	3	(6,605,439)	(6,657,865)
Depreciation and amortisation expenses	3	(271,320)	(273,037)
Finance costs	3	(102,679)	(41,847)
Other expenses	3	(6,293,037)	(6,636,957)
Profit/(loss) before income tax		831,947	(459,944)
Income tax expense	1(d)	-	-
Profit before Disposal of Assets		<u>813,947</u>	<u>(459,944)</u>
Loss on Scrapping of Lifts		-	(165,553)
Loss on Disposal of Other Assets	3	(32,845)	(700)
Profit/(Loss) for the Year attributable to members of the Union		<u>799,102</u>	<u>(626,197)</u>
Other Comprehensive Income (net of income tax)		-	-
Total Comprehensive income (loss) for the year		799,102	(626,197)
Total Comprehensive income (loss) attributable to members of the Union		<u><b>799,102</b></u>	<u><b>(626,197)</b></u>



THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND

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THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH

STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2012

	Notes	2012 \$	2011 \$
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	4	553,907	7,575
Trade and other receivables	5	223,056	168,069
Other current assets	6	648,854	578,737
<b>TOTAL CURRENT ASSETS</b>		<u>1,425,817</u>	<u>754,381</u>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	7	12,719,277	12,303,552
<b>TOTAL NON-CURRENT ASSETS</b>		<u>12,719,277</u>	<u>12,303,552</u>
<b>TOTAL ASSETS</b>		<u>14,145,094</u>	<u>13,057,933</u>
<b>CURRENT LIABILITIES</b>			
Trade and other payables	8	1,122,111	1,187,262
Financial liabilities	9	1,015,655	752,670
Short term provisions	10	2,764,877	2,534,265
<b>TOTAL CURRENT LIABILITIES</b>		<u>4,902,643</u>	<u>4,474,197</u>
<b>LONG-TERM NON CURRENT LIABILITIES</b>			
Financial liabilities	9	171,163	311,550
<b>TOTAL NON CURRENT LIABILITIES</b>		<u>171,163</u>	<u>311,550</u>
<b>TOTAL LIABILITIES</b>		<u>5,073,806</u>	<u>4,785,747</u>
<b>NET ASSETS</b>		<u>9,071,288</u>	<u>8,272,186</u>
<b>EQUITY</b>			
Retained earnings		<u>9,071,288</u>	<u>8,272,186</u>

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND**  
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**THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**  
**STATEMENT OF CHANGES IN EQUITY**  
**FOR THE YEAR ENDED 30 JUNE 2012**

	Retained Earnings \$	Total \$
<b>Balance at 1 July 2010</b>	8,898,383	8,898,383
Loss attributable to the Union	(626,197)	(626,197)
Total other Comprehensive Income	-	-
<b>Balance at 30 June 2011</b>	8,272,186	8,272,186
Surplus (Loss) attributable to the Union	799,102	799,102
Total other Comprehensive Income	-	-
<b>Balance at 30 June 2012</b>	<b>9,071,288</b>	<b>9,071,288</b>

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
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**THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

**STATEMENT OF CASH FLOWS**

**FOR THE YEAR ENDED 30 JUNE 2012**

	<b>2012</b>	<b>2011</b>
	\$	\$
<b>Cash Flows from Operating Activities</b>		
Membership Contributions	12,161,780	10,854,556
Interest Received	28,505	5,826
Rent Received	1,839,050	2,143,837
Other receipts	1,451,579	58,414
	<u>15,480,914</u>	<u>13,062,633</u>
Employee Benefit Payments	(6,605,439)	(6,551,295)
Interest and Costs of Finance Paid	(106,057)	(41,847)
Affiliation Fees	(252,751)	(270,152)
Payments to Head Office	(1,678,567)	(1,525,462)
Rental Property Expenses	(978,303)	(990,266)
Other Expenses	(4,696,626)	(3,782,271)
	<u>(11,117,748)</u>	<u>(13,161,313)</u>
Net Cash provided by Operating Activities	11(b) <u>1,163,171</u>	<u>(98,660)</u>
<b>Cash Flows from Investing Activities</b>		
Payments for Plant & Equipment	(586,566)	(1,165,214)
	<u>(586,566)</u>	<u>(1,165,214)</u>
Net Cash (used in)/provided by Investing Activities	<u>(586,566)</u>	<u>(1,165,214)</u>
<b>Cash Flow from Financing Activities</b>		
Repayment of Borrowings, Lease & Hire Purchases	(38,257)	(33,616)
Proceeds from borrowings, leases and hire purchase	7,984	671,721
	<u>(30,273)</u>	<u>638,105</u>
Net Cash used in Financing Activities	<u>(30,273)</u>	<u>638,105</u>
Net Increase/(Decrease) in Cash Held	546,332	(625,769)
Cash at the Beginning of the Financial Year	7575	633,344
	<u>7575</u>	<u>633,344</u>
Cash at the End of the Financial Year	11(a) <u><b>553,907</b></u>	<u><b>7,575</b></u>

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
AND**

**THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

**NOTES TO THE FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 30 JUNE 2012**

**NOTE 1 : STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES**

**General Information**

The financial statements cover the Australian Workers' Union Of Employees, Queensland and The Australian Workers' Union Queensland Branch ("Union"), as an individual entity on the basis that:

- essentially all operations are conducted through the State Union; and
- the State Union owns all fixed assets and has accepted responsibility for all liabilities including those which are attributable to Branch eg officials long service leave entitlements. On this basis the financial statements represent the combined operations and combined financial position of the State Union and Branch, effectively operating through the State Union.

The Union was established as a trade union which is incorporated and domiciled in Australia.

**(a) Basis of Preparation**

These financial statements are special purpose financial statements prepared in order to satisfy the reporting requirements of the *Industrial Relations Act 1999* and the *Fair Work (Registered Organisations) Act 2009*. The Union's executive has determined that the Union is not a reporting entity.

Except for membership income which is recorded on a cash basis, these special purpose financial statements have otherwise been prepared on an accruals basis and are based on historical costs and do not take into account changing money values or, except where stated current valuations of non-current assets. Cost is based on the fair values of the consideration given in exchange for assets.

The following is a summary of the material accounting policies adopted by the Union in preparation of the financial statements. The accounting policies have been consistently applied, unless otherwise stated.

**(b) Property, Plant and Equipment**

Each class of property, plant and equipment is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

**Property**

Freehold land and buildings are stated at the Committee of Management's assessment of "fair value", being an amount which (perhaps substantially) is less than the amount which an asset could be exchanged between knowledgeable willing parties in an arm's length transaction. The property at 333 Adelaide Street was acquired by the Union on 10 January 1992. It was independently valued by a registered valuer in June 1994 at \$9M. In addition the Union owns a number of properties throughout Queensland. Accordingly the Committee considers that in aggregate these properties have a value well in excess of their carrying value of \$11.18M.

The revaluation of freehold land and buildings has not taken account of the capital gains tax on assets acquired after the introduction of capital gains tax as the Union is exempt from capital gains tax.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
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THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH  
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 30 JUNE 2012**

**NOTE 1 : STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**(b) Property, Plant and Equipment (Continued)**

**Plant and equipment**

Plant and equipment is measured on the cost basis.

The carrying amount of plant and equipment is reviewed annually by the Committee to ensure it is not in excess of the recoverable amount from those assets. The recoverable amount is assessed on the basis of the expected net cash flows, which will be received from the assets employment and subsequent disposal. The expected net cash flows have not been discounted to present values in determining recoverable amounts.

**Depreciation**

The depreciable amount of all fixed assets excluding buildings and freehold land, is depreciated on a reducing balance method. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

The depreciation rates used for each class of assets are:

<i>Class of Fixed Asset</i>	<i>Depreciation Rate</i>
Plant and equipment	5% - 40%
Other Assets	20%

Buildings are not depreciated, as there has been no determination of the separate components of land and buildings. However it is estimated that depreciation on buildings approximates \$80,000 per annum.

**(c) Income Tax**

The Union is exempt from income tax by virtue of s50-45 of the Income Tax Assessment Act 1997.

**(d) Cash and Cash Equivalents**

Cash and cash equivalents include cash on hand, deposits held at-call with banks, other short-term highly liquid investments with original maturities of three months or less and bank overdrafts but exclude monies held in Trust. Bank overdrafts are shown within financial liabilities in current liabilities on the Statement of Financial Position.

**(e) Acquisition of Non Current Assets**

The cost method of accounting is used for all acquisitions of assets regardless of whether shares or other assets are acquired. Cost is determined as the fair value of the assets given up at the date of acquisition plus costs incidental to the acquisition.

**(f) Employee Entitlements**

Provision has been made in the financial statements for employees' annual leave, long service leave and sick leave entitlements on the following basis:

*Annual Leave and Sick Leave*

Annual leave and sick leave have been provided for as the estimated accrued entitlements of all employees on the basis of each employee's terms of employment

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
AND  
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH  
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 30 JUNE 2012**

**NOTE 1: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**(f) Employee Entitlements (Continued)**

*Long Service Leave*

Provision for employee benefits in the form of long service leave has been made for the estimated accrued entitlements of employees. Official's long service leave and the clerical employees' long service leave entitlements begin to accrue after 5 years of service have been performed and are accrued on the basis of each employee's terms of employment.

**(g) Leases and Hire Purchase**

*Leases*

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the assets, but not the legal ownership, are transferred to the Union are classified as finance leases. Finance leases are capitalised, recording an asset and liability equal to the present value of the minimum lease payments including any guaranteed residual values. Leased assets are amortised on a straight line basis over their estimated useful lives where it is likely that the Union will obtain ownership of the asset over the term of the lease. Lease payments are allocated between the reduction of the lease liability and the lease interest expense of the period.

Lease payments for operating leases, where substantially all of the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

*Hire Purchase*

Assets acquired by hire purchase ("HP") are capitalised and depreciated over the life of the asset. Similarly the amount funded by hire purchase is treated as a liability, with finance charges prepaid treated as an asset. These charges are then written off over the term of the HP contract on the basis of estimated interest applicable to each financial year.

**(h) Investments**

Non-current investments are measured on the cost basis. The carrying amount of investments is reviewed annually by directors to ensure it is not in excess of the recoverable amount of these investments. The recoverable amount is assessed from the quoted market value for shares in listed companies.

**(i) Revenue**

Revenue from membership contributions is recognised on a cash basis.

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Dividend revenue and other income are recognised when the right to receive a dividend or income has been established.

**(j) Goods and services tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
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THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH  
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 30 JUNE 2012**

**NOTE 1 : STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**(k) Adoption of New and Revised Accounting Standards**

During the current year, the Union has adopted all new and revised Australian Accounting Standards and Interpretations applicable to its operations which became mandatory.

There have been no new and revised Australian Accounting Standards and Interpretations that have come into effect during the current year which have impacted the financial statements of the Union.

**(l) New Accounting Standards for Application in Future Periods**

The AASB has issued new and amended Accounting Standards and Interpretations that have mandatory application dates for future reporting periods and which the Union has decided not to adopt.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
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**THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

**NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)**

**FOR THE YEAR ENDED 30 JUNE 2012**

**NOTE 2 : REVENUE FROM OPERATIONS**

	2012	2011
	\$	\$
<b>(a) General Fund</b>		
Interest Received	28,505	5,826
Membership Fees	12,161,780	10,854,556
Rental Income	1,839,050	2,141,075
Grants	66,085	115,954
Insurance Refunds	9,002	
Sundry Income including arbitration	-	32,351
	<hr/>	<hr/>
<b>TOTAL REVENUE</b>	<b>14,104,422</b>	<b>13,149,762</b>

**NOTE 3 : PROFIT BEFORE INCOME TAX EXPENSE**

Profit before income tax expense has been determined after the following expenses

<b>(a) General Fund</b>		
Advertising, Printing & Stationery	123,445	223,438
Affiliation Fees	252,751	270,152
National Office Sustentation Fees	1,678,567	1,525,462
Arbitration Expenses	411,086	622,452
Depreciation and amortisation	271,320	273,037
Delegates Expenses	74,873	91,815
Donations & Grants	177,817	195,190
Employee Entitlements - Annual Leave	110,543	75,788
Employee Entitlements - Long Service Leave	121,079	40,061
Employee Entitlements - Sick Leave	(1,010)	(9,279)
Fringe Benefits Tax	36,088	47,236
Interest Charges	102,679	41,847
Loss on disposal of assets	32,845	166,253
Meeting Expenses	261,860	318,480
Motor Vehicle Expenses	379,103	386,190
Other Expenses	731,185	784,241
Payroll Tax	277,555	309,918
Professional Service Fees	585,286	483,404
Property Expenses	978,303	990,266
Reps & Agents Commission and Expenses	75,306	84,795
Salaries and Wages - Elected Officials & Other	4,965,932	5,092,241
Superannuation	1,349,749	1,398,195
Telephone and Facsimile	291,091	351,152
Work Cover	17,867	13,625
	<hr/>	<hr/>
<b>Total Operating Expenses</b>	<b>13,305,320</b>	<b>13,775,959</b>

**(b)**

Loss on Lift	-	165,553
Loss on disposal of other assets	32,845	700



THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND

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THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 30 JUNE 2012

	2012	2011
	\$	\$
<b>NOTE 4 : CASH AND CASH EQUIVALENTS</b>		
Cash on Hand	5,777	5,777
Cash at Bank	548,130	1,798
	<b>553,907</b>	<b>7,575</b>

**NOTE 5 : TRADE AND OTHER RECEIVABLES**

Rental and other receivables	223,056	168,069
	<b>223,056</b>	<b>168,069</b>

**NOTE 6 : OTHER CURRENT ASSETS**

Prepayments	182,001	136,674
Special Funds- Trust	314,700	296,062
GST Paid	152,153	146,001
	<b>648,854</b>	<b>578,737</b>

**NOTE 7 : (a) PROPERTY, PLANT AND EQUIPMENT (AT COST)**

Land & Buildings	11,416,353	11,184,104
Accumulated Depreciation	-	-
	<b>11,416,353</b>	<b>11,184,104</b>
Motor Vehicles	1,547,672	1,652,776
Accumulated Depreciation	(867,033)	(889,085)
	<b>680,639</b>	<b>763,691</b>
Furniture & Fittings	2,471,220	2,427,278
Accumulated Depreciation	(2,139,384)	(2,086,171)
	<b>331,836</b>	<b>341,107</b>
Equipment	325,024	14,650
Accumulated Depreciation	(34,575)	-
	<b>290,449</b>	<b>14,650</b>
	<b>12,719,277</b>	<b>12,303,552</b>

**(b) MOVEMENTS IN PROPERTY PLANT AND EQUIPMENT**

	Land & Buildings	Motor Vehicles	Furniture & Other Assets	Total
Balance at the beginning of year	11,184,104	1,652,776	2,441,928	15,278,808
Additions	232,249	152,871	354,316	739,436
Disposals	-	(257,975)	-	(257,975)
<b>Closing cost balance</b>	<b>11,416,353</b>	<b>1,547,672</b>	<b>2,796,244</b>	<b>15,760,269</b>
Opening accumulated depreciation	-	889,085	2,086,171	2,975,256
Depreciation expense	-	183,531	87,788	271,319
Disposals	-	(205,583)	-	(205,583)
<b>Closing accumulated depreciation</b>	<b>-</b>	<b>867,033</b>	<b>2,173,959</b>	<b>3,040,992</b>
Carrying amount at the end of year	<b>11,416,353</b>	<b>680,639</b>	<b>622,285</b>	<b>12,719,277</b>

THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND

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THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 30 JUNE 2012

	2012	2011
	\$	\$
<b>NOTE 8 : TRADE AND OTHER PAYABLES</b>		
Trade Payables and Accruals	370,535	480,491
Monies held in trust	314,700	296,062
GST Collected	436,876	330,004
GST Adjustment	-	80,705
	<u>1,122,111</u>	<u>1,187,262</u>

**NOTE 9 : FINANCIAL LIABILITIES**

The Commonwealth Bank of Australia has provided finance facilities to:

- Assist in the purchase of 333 Adelaide Street;
- Assist in the purchase of 26 Golfview Drive, Boyne Island residential property;
- Assist in the construction of the new Longreach office building;
- Assist in the purchase of units (now sold) and car parks at Spring Hill;
- Assist in the purchase of a new computer and updated programs; and
- Assist with working capital.

These advances have been in the form of a Bill Discount facility, overdraft facility and Commonwealth Bank Investment Home Loan. Values of which are listed below.

All finance has been secured by a Registered First Mortgage over:

- Land & Buildings at 333 Adelaide Street, Brisbane;
- and
- The carparks at Spring Hill Gardens, Brisbane.

Commonwealth Bank of Australia

Bill Facility	679,074	632,826
Investment Home Loan	237,102	293,366
Hire Purchase	252,642	138,028
	<u>1,186,818</u>	<u>1,064,220</u>

Current	1,015,655	752,670
Non-Current	171,163	311,550
	<u>1,186,818</u>	<u>1,064,220</u>

**NOTE 10 : SHORT TERM PROVISIONS**

Provision for Annual Leave	767,934	657,391
Provision for Long Service Leave - clericals	439,417	431,807
- officials	1,472,636	1,359,168
Provision for Sick Leave	84,889	85,899
	<u>2,764,877</u>	<u>2,534,265</u>

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
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THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH  
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 30 JUNE 2012**

	<b>2012</b>	<b>2011</b>
	\$	\$
<b>NOTE 11 : CASH FLOW INFORMATION</b>		
<b>(a) Reconciliation of Cash</b>		
For the purposes of the statement of cash flows, cash includes cash on hand, at banks and term deposits. Cash at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the statement of financial position as follows:		
Cash on Hand	5,777	5,777
Cash at Bank	548,130	1,798
	<u>553,907</u>	<u>7,575</u>
Cash excludes Term Deposits held in Trust	<u>314,700</u>	<u>296,062</u>
<b>(b) Reconciliation of Net Cash Provided by Operating Activities to Loss after Income Tax</b>		
Profit/(Loss) after income tax	<u>799,102</u>	<u>(626,197)</u>
Add Non-Cash flows in profit/(loss)		
Depreciation	271,320	273,037
Loss on disposal of property, plant & equipment	52,392	166,253
	<u>323,712</u>	<u>439,290</u>
Changes in Assets and Liabilities		
Receivables	(54,987)	(89,890)
Prepayments	(45,327)	115
Trade Payables & Accruals	(89,940)	67,013
Provisions	230,611	106,570
GST Collected	-	(77,943)
GST Paid	-	1,677
GST Adjustment	-	80,705
	<u>-</u>	<u>88,246</u>
Net Cash provided by Operating Activities	<u>1,163,171</u>	<u>(98,660)</u>
<b>(c) Credit Stand by Arrangements with Banks</b>		
Credit Facility	3,141,000	3,294,028
Amount Utilised	697,074	1,608,742
Unused Facility	<u>2,443,926</u>	<u>1,685,286</u>

There are three major facilities available to the Union:

- 1) Bank overdraft facility with a limit of \$700,000. The facility is subject to annual review with interest payable monthly at the variable rate. The amount of the facility is currently below the limit at 30 June 2012 by \$375,738.
- 2) Commercial Bill facility with a limit of \$2,441,000. The facility terms are determined at the time of draw down which includes the interest payable however the terms to maturity are under 12 months. The facility is not utilised at 30 June 2012.
- 3) Finance lease agreements currently valued at \$252,643. The facility terms are determined at the time of commencement of contract which includes interest payable however the terms to maturity are generally 4 years.
- 4) Business Card Facility with a limit of \$15,000. This facility has a variable interest rate with the balance required to be cleared monthly.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND  
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THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH  
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)  
FOR THE YEAR ENDED 30 JUNE 2012**

	2012	2011
	\$	\$
<b>NOTE 12 : COMMITMENTS AND CONTINGENT LIABILITIES</b>		
<b>(a) Capital Commitments</b>	-	103,360
Capital Commitments contracted for leases		
<b>Leases</b>		
<b>(i) Finance Lease</b>		
• Not longer than 1 year	81,480	43,128
• Greater than 1 year but not longer than 5 years	171,164	94,803
<b>(i) Operating Lease</b>		
• Not longer than 1 year	87,562	162,068
• Greater than 1 year but not longer than 5 years	261,320	318,336
	<b>601,526</b>	<b>618,335</b>
<b>Rental Receivable</b>		
• Not longer than 1 year	1,735,000	1,342,923
• Greater than 1 year but not longer than 5 years	9,250,000	1,205,341
	<b>10,985,000</b>	<b>2,548,264</b>
<b>(b) Contingent Liabilities</b>		
The Union provides assets as securities in support of any bank overdrafts of The Theodore Club Inc. As at balance date, these facilities were unused. In addition, the Union has contingent liabilities for autopay facilities of \$200,000 and direct debit facilities at the Commonwealth Bank.		
<b>(c) Other Commitments</b>		
NIL		

**NOTE 13 : UNION DETAILS**

The principal place of business is:

333 Adelaide Street Brisbane,  
Queensland 4000

**NOTE 14 : INFORMATION TO BE PROVIDED TO MEMBERS OR REGISTRAR**


In accordance with the requirements of the Industrial Relations Act 1999 the attention of members is drawn to the following provisions:

**Industrial Relations Act 1999 — Section 556**

**Sub Section (1)** A member of an organisation may apply to the organisation for information that it must, under a regulation, give its members.

**Sub-Section (2)** An application may be made by the registrar for a member.

**Sub-Section (3)** The organisation must give the member or, if the registrar applied for a member, the registrar, the information applied for in a way prescribed under a regulation.


**THE AUSTRALIAN WORKERS' UNION**  
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### About the AWU Qld

13 December 2008

**On behalf of the Australian Workers' Union of Employees, Queensland I would like to welcome you to our website.**



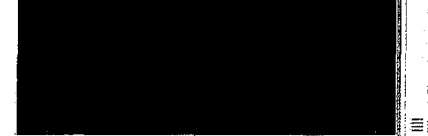
The AWU Queensland has a proud and long history. We've been there during some of the greatest and also some of the hardest times in the history of our great state. For more than 120 years, the AWU has been standing strong and smart with our members in a diverse range of industries and work sites from one end of Queensland to the other. Some of the industries that we cover include health, retail, hospitality, construction, sugar, mining, shearing and horse racing.

The conduct of industrial and other campaigns has changed a lot since the early days of the AWU, and the union has evolved and grown to meet these new challenges. The internet and email now plays a vital role in our communication with members, the provision of services and resources, and the conduct of successful campaigns.

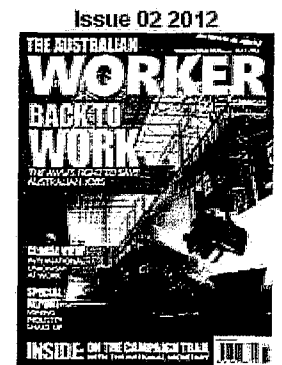
Whatever the future has in store, whatever challenges are waiting around the corner, the AWU Queensland will be there standing proudly with our members. Through the use of tools such as this website we will meet these challenges and work with our members to achieve better outcomes in bargaining and industrial campaigns.

**AWU members have every reason to be proud of this site. I hope you will find it useful and encourage you to check back regularly as new content is added regularly.**

Yours in unity,



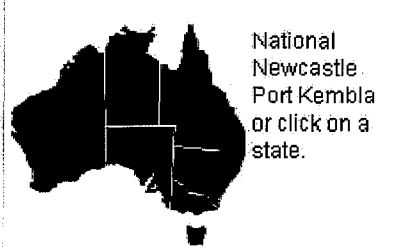
### The Worker



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Link to Accounts

### Find an AWU Branch



National  
Newcastle  
Port Kembla  
or click on a state.



### Australian LabourStart News

Australia - Ford workers set to be



16 July 2012

Mr William Ludwig  
Secretary, Queensland Branch  
AWU  
GPO Box 88  
BRISBANE QLD 4001

Dear Mr Ludwig



**Lodgement of Financial Documents for year ended 30 June 2012 - Fair Work (Registered Organisations) Act 2009 ("the FW(RO) Act") - The Australian Worker's Union, Queensland Branch (FR2012/374)**

The financial year of the Queensland Branch of The Australian Workers' Union (the "reporting unit") has recently ended. This is a courtesy letter to remind you of the obligation to prepare and process the reporting unit's financial documents. The full financial report must be lodged with Fair Work Australia within the prescribed time period of 6 months and 14 days of the end of the financial year.

The FW(RO) Act sets out a particular chronological order in which financial documents and statements must be prepared, audited, provided to members and presented to a meeting. The attached *Timeline/Planner* summarises these requirements.

In addition, financial reporting fact sheets and sample documents can be found on the Fair Work Australia website. The information can be viewed at [FWA Registered Organisations Fact Sheets](#). This site also contains the General Manager's Reporting Guidelines which set out mandatory financial disclosures.

I draw your particular attention to section 237 of the FW(RO) Act which provides that where the reporting unit makes individual loans, grants or donations exceeding \$1,000, a separate statement containing prescribed particulars must be lodged within 90 days of the end of the financial year, i.e. by 30 September.

If you need any further information or if you believe you will be unable to lodge the full financial report within the period mentioned above please contact me on (02) 6723 7097 or by email at [stephen.kellett@fwa.gov.au](mailto:stephen.kellett@fwa.gov.au)

Yours sincerely,

Stephen Kellett  
Organisations, Research & Advice  
Fair Work Australia