



## DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.159—Alteration of other rules of organisation

### **Australian Community Services Employers Association, Union of Employers** (R2020/104)

MURRAY FURLONG

MELBOURNE, 16 NOVEMBER 2020

*Alteration of other rules of organisation.*

[1] On 16 July 2020 the Australian Community Services Employers Association, Union of Employers (the Association) lodged with the Fair Work Commission (the Commission) a notice and declaration setting out particulars of alterations to its rules. Further submissions in support of the application were received 3 September 2020.

[2] On the information contained in the notice and submissions, I am satisfied the alterations have been made under the rules of the organisation.

[3] The application file was lodged to the Commission under section 159 of the *Fair Work (Registered Organisations) Act 2009* (the Act). The particulars of the alterations included alterations to the Association's eligibility rules, a change of name and alterations to various other rules. Separate files have been made up in connection with the change of name and alterations to the Association's eligibility rules, D2020/12 and D2020/13 refer. Those matters are presently before the Tribunal under section 158 of the Act.

[4] The alterations to rules other than eligibility rules constitute a comprehensive revision of the Association's rules, each rule has been amended in some form.

[5] The principal effect of the alterations is the modernisation of the Association's rules. The alterations also bring the rules of the Association into alignment with the legislative requirements set out in the Act and the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations).

[6] The alterations also introduce several new provisions. These include setting out expanded supporting objects of the Association's purpose (Rule 4), a new process of mediation to resolve issues concerning member discipline (Rules 5.7.3 through 5.7.7), clarification and increased flexibility around when newly elected officers take up office (Rule 6.3.2), the introduction of candidate statements for elections (Rules 6.3.16 and 6.3.17), keeping minutes in a manner that is consistent with the Act (Rule 6.5.1), a process for meetings to be rescheduled where a quorum is not present at the first instance (Rule 6.10.8), and serving notices by email (Rule 8.9.2). In addition, rules about officer disclosures that are no longer required by the Act to be included in an organisation's rules have been deleted and various rules have been renumbered.

[7] On 12 October 2020, Kim Teague, Secretary, gave consent, under subsection 159(2) of the *Fair Work (Registered Organisations) Act 2009*, for the Delegate to make various amendments to the alterations for the purpose of correcting typographical, clerical or formal errors. Accordingly, the following corrections have been made:

- In proposed rule 3.1 a full stop has been inserted at the end of the sentence;
- In proposed rule 4.1 sub-rules (g) and (h) have been amended to (f) and (g), and sub-rules (a) through (g) have been reformatted to maintain consistency with similar sub-rules;
- In proposed rule 5.6.6 the word 'affected' has been changed to 'effected';
- In proposed rule 5.7.5 sub-rules (a) and (b) have been reformatted;
- In proposed rule 5.9.1 the word 'association' has been capitalised;
- In proposed rule 5.10 the word 'Members' has been amended so that the heading reads 'Members' Liabilities';
- In proposed rule 6.3.17, at sub-rule 6.3.17(e) the word 'office' has been replaced by 'officer';
- In proposed rule 6.10.4 a full stop has been inserted at the end of the sentence;
- In proposed rule 7.1.2, at sub-rule 7.1.2(a), a comma has been inserted following the words 'relevant laws'; and
- In proposed rule 8.10.1 the phrase 'members or associate members' has been amended to read 'member's or associate member's'.

[8] In my opinion, the alterations comply with and are not contrary to the *Fair Work (Registered Organisations) Act 2009*, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law. I certify accordingly under subsection 159(1) of the *Fair Work (Registered Organisations) Act 2009*.



DELEGATE OF THE GENERAL MANAGER

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