

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

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

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

1. I am the National Assistant Secretary of the Transport Workers Union of Australia (**TWUA**) and, as such, am authorised to give this notice of particulars of alterations to the rules of the Transport Workers Union of Australia.
2. The alterations were made in accordance with the rules of the Transport Workers Union of Australia.
3. Rule 85 permits the National Council to amend the rules.
4. By letter dated 16 April 2025, the South Australian Branch Secretary notified the National Secretary that the Branch intended to submit an amendment to the rules at the 2025 National Council (**SA Branch Proposed Amendment**). The letter asked the National Secretary to notify National Councillors. A copy of the letter is annexed hereto and marked "**A**".
5. By letter dated 17 April 2025, the TWUA National Secretary sent the NSW/Qld/Vic/Tas (Interim Governance), South Australian and Western Australian Branch Secretaries a letter via email notifying the Branch Secretaries of proposed amendments to rules that will be provided to National Council at its annual National Council meeting from 19 May to 23 May 2025 (**2025 National Council**). The letters explained the reason for the proposed rule changes and attached a document outlining the proposed amendments to the rules (**Proposed Amendments**) and the SA Branch Proposed Amendment. Copies of the correspondence to the Branch Secretaries (without the attachments) are annexed hereto and marked "**B**". A single copy of the attachments to the letters to the Branch Secretaries is annexed hereto and marked "**C**" and "**D**". The letters fulfilled the requirements of subrule 85(2)(a).
6. By letter dated 17 April 2025, the National Secretary provided National Councillors with the Proposed Amendments and the SA Branch Proposed Amendment for their consideration at the 2025 National Council. The letters explained the reason for the proposed rule changes and attached two documents outlining the Proposed Amendments and the SA Branch's Proposed Amendment. A single copy of the letter (without the attachments) is annexed hereto and marked "**E**". The attachments were identical to Annexures C and D to this declaration. The letter fulfilled the requirements of subrule 85(2)(a).
7. National Council met on 22 May 2025 to consider the Proposed Amendments and the Further Proposed Amendment. A list of National Councillors who attended the meeting is annexed hereto and marked "**F**". Quorum requirements for National Council were satisfied in accordance with Rule 50. A Quorum was maintained for the meeting.
8. National Council unanimously resolved under subrule 85(2)(b) to amend the Rules in accordance with the Proposed Amendments and the Further Proposed Amendments. The particulars of the amendment to the rules are annexed hereto and marked "**G**".
9. The particulars in this notice are true and correct to the best of my knowledge and belief.



Emily McMillan
National Assistant Secretary

Dated: 10 June 2025

"Annexure A"

Transport Worker's Union of Australia

SA/NT Branch

a. PO BOX 137 WELLAND SA 5007

t. 08 8346 4177

e. info@twusant.au

ABN 31199 452868



www.twusant.com.au

BRANCH SECRETARY
SAM MCINTOSH

16 April 2025

Michael Kaine
National Secretary
Transport Workers' Union of Australia
Level 9, 447 Kent Street
SYDNEY NSW 2000

Via email: Michael.Kaine@twu.com.au

Dear Michael

Re: National Council Agenda Item – Rule Change

This letter is to provide notice that the TWU SA/NT Branch intends to submit a rule change at the 2025 National Council in relation to the below.

Intended Rule Change:

Delete Rule 8(1) and replace with:

'(1) As from 1 January 2026 the Annual Fee is \$780.60 plus \$78.06 GST totalling \$858.66.'

The proposed increase would be in line with the All Groups Consumer Price Index, Australia, as it stands at the time of writing.

Could you please advise all Branches at least four weeks prior to the 2025 National Council as per Rule 85(2)(a).

Your sincerely,

Sam McIntosh
Branch Secretary
South Australia / Northern Territory Branch
Transport Workers' Union of Australia

"Annexure B"

Transport Workers' Union of Australia

National Office

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

ABN 18 559 030 246



17 April 2025

Richard Olsen
Branch Secretary
NSW/Qld/Vic/Tas (Interim Governance) Branch
22 John Hines Avenue
Minchinbury NSW 2770

BY EMAIL

Notice of Proposed Amendments to the Transport Workers' Union of Australia's Rules

Dear Richard

After conferring with the National Committee of Management, I write to formally advise you that the proposed amendments set out at Annexures A and B of this correspondence will be provided to National Councillors in accordance with rule 85(2)(a) for consideration at the next National Council Meeting scheduled to commence on 19 May 2025 in Brisbane.

The proposed amendments to the rules to be provided to National Council can be summarised as follows:

- Amendments to the Rules to:
 - Remove current rule 6(1) and replace with alternate wording including consequential amendments necessary to address the format of rule 6;
 - Insert a new sub-rule 11(7) to clarify and define the terms "in writing" and "delivered to";
 - Insert a new subrule 13(8) clarifying the date for cessation of membership where a member is expelled from the union;
 - Amend rules 33A to clarify functions and powers of the National Assistant Secretary; and
 - Insert a new transitional rule 94 allowing the nomination and election of a Branch

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

SA/NT Branch
Secretary
Sam McIntosh
08 8346 4177

WA Branch
Secretary
Tim Dawson
08 6313 3000

Transport Workers' Union of Australia

National Office

a. 447 Kent St Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246



Assistant Secretary in Western Australia.

- Amendments to the Rules providing for increase to the TWU annual membership fee.

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

Please take this as per Rule 85(2)(a) that the proposed rule changes have been submitted to the NSW/Qld/Vic/Tas (Interim Governance) Branch.

Regards

Michael Kaine
National Secretary

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

SA/NT Branch
Secretary
Sam McIntosh
08 8346 4177

WA Branch
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National Office

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17 April 2025

Sam McIntosh
Branch Secretary
TWU SA/NT Branch
25 Chief Stret
BROMPTON SA 5007

BY EMAIL

Notice of Proposed Amendments to the Transport Workers' Union of Australia's Rules

Dear Sam

After conferring with the National Committee of Management, I write to formally advise you that the proposed amendments set out at Annexures A and B of this correspondence will be provided to National Councillors in accordance with rule 85(2)(a) for consideration at the next National Council Meeting scheduled to commence on 19 May 2025 in Brisbane.

The proposed amendments to the rules to be provided to National Council can be summarised as follows:

- Amendments to the Rules to:
 - Remove current rule 6(1) and replace with alternate wording including consequential amendments necessary to address the format of rule 6;
 - Insert a new sub-rule 11(7) to clarify and define the terms “in writing” and “delivered to”;
 - Insert a new subrule 13(8) clarifying the date for cessation of membership where a member is expelled from the union;
 - Amend rules 33A to clarify functions and powers of the National Assistant Secretary; and
 - Insert a new transitional rule 94 allowing the nomination and election of a Branch

NSW/QLD/VIC/TAS (Interim Governance)
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Assistant Secretary in Western Australia.

- Amendments to the Rules providing for increase to the TWU annual membership fee.

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

Please take this as per Rule 85(2)(a) that the proposed rule changes have been submitted to the NSW/Qld/Vic/Tas (Interim Governance) Branch.

Regards

Michael Kaine
National Secretary

NSW/QLD/VIC/TAS (Interim Governance)
Branch Secretary **Richard Olsen**
NSW: 1800 729 909
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17 April 2025

Timothy Dawson
Branch Secretary
TWU WA Branch
143 Chisholm Crescent
KEWDALE WA 6105

BY EMAIL

Notice of Proposed Amendments to the Transport Workers' Union of Australia's Rules

Dear Tim

After conferring with the National Committee of Management, I write to formally advise you that the proposed amendments set out at Annexures A and B of this correspondence will be provided to National Councillors in accordance with rule 85(2)(a) for consideration at the next National Council Meeting scheduled to commence on 19 May 2025 in Brisbane.

The proposed amendments to the rules to be provided to National Council can be summarised as follows:

- Amendments to the Rules to:
 - Remove current rule 6(1) and replace with alternate wording including consequential amendments necessary to address the format of rule 6;
 - Insert a new sub-rule 11(7) to clarify and define the terms “in writing” and “delivered to”;
 - Insert a new subrule 13(8) clarifying the date for cessation of membership where a member is expelled from the union;
 - Amend rules 33A to clarify functions and powers of the National Assistant Secretary; and
 - Insert a new transitional rule 94 allowing the nomination and election of a Branch

NSW/QLD/VIC/TAS (Interim Governance)
Branch Secretary **Richard Olsen**
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Assistant Secretary in Western Australia.

- Amendments to the Rules providing for increase to the TWU annual membership fee.

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

Please take this as per Rule 85(2)(a) that the proposed rule changes have been submitted to the NSW/Qld/Vic/Tas (Interim Governance) Branch.

Regards

Michael Kaine
National Secretary

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

SA/NT Branch
Secretary
Sam McIntosh
08 8346 4177

WA Branch
Secretary
Tim Dawson
08 6313 3000

"Annexure C"

Suggested alterations to the Rules of the Transport Workers Union of Australia

PURPOSE

1. Remove current rule 6(1) and replace with alternate wording including consequential amendments necessary to address the format of rule 6;
2. Insert a new sub-rule 11(7) to clarify and define the terms “in writing” and “delivered to”;
3. Insert a new subrule 13(8) clarifying the date for cessation of membership where a member is expelled from the union;
4. Amend rules 33A to clarify functions and powers of the National Assistant Secretary; and
5. Insert a new transitional rule 94 allowing the nomination and election of a Branch Assistant Secretary in Western Australia.

1. AMEND RULE 6 AS FOLLOWS

Delete subrule 6(1) and replace as follows:

6. Admission

- (1) A person becomes a member immediately upon making an application in accordance with subrule rule 5(1).**

The following consequential amendments are required:

- *Delete current subrule 6(2);*
- *Renumber rule 6(3) and replace with 6(2); and*
- *Renumber rule 6(4) and replace with 6(3).*

2. AMEND RULE 11 AS FOLLOWS

Add a new subrule (7) as follows:

(7) In this rule:

(a) “in writing” means by letter, email, or signed document in electronic or hardcopy form.

(b) “delivered to” means delivery via email, post or by hand.

3. AMEND RULE 13 AS FOLLOWS

Add a new subrule (8) as follows:

- (8) A Member expelled from the Union under subrule 91(2) has the effect of cancelling Membership of the Union as of the date of the expulsion.**

4. AMEND RULE 33A AS FOLLOWS

Amend subrule (5)(a) as follows:

- (a) In the event of the death or substantial incapacity of the National Secretary, the National Committee of Management may authorise and empower the National Assistant Secretary to perform the functions of the National Secretary prescribed in rules 68, 71, sub-rules **73(10)** and 75(7), and rule 79 for a period not exceeding 3 months, or until the casual vacancy is filled pursuant to Rule 62.

Amend subrule (5)(e) as follows

- (e) Notwithstanding anything else in this rule, in the event that the National Secretary is temporarily absent from the National Office, the National Secretary may authorise, orally or in writing, the National Assistant Secretary to perform the functions of the National Secretary prescribed in **rule 33** provided that the National Committee of Management is subsequently notified of all instruments and documents executed **under rule 71** by the National Assistant Secretary pursuant to this sub-rule.

5. ADD NEW RULE 94

Add a new rule 94 as follow:

94. Transitional Rule - Branch Assistant Secretary WA

- (1) **This rule applies and operates notwithstanding anything else in these Rules.**
- (2) **If before nominations close for the next quadrennial elections (that is, before noon on the first Tuesday of October 2026), the Western Australian Branch Committee of Management resolve in accordance with Rule 40 to have a position of Branch Assistant Secretary for their Branch, then that position must be filled as follows:**
- (a) **The Branch Committee of Management shall, at its first meeting after the meeting at which such a resolution is carried, elect by and from the members thereof a Branch Assistant Secretary by the procedure in (b) - (e) below.**

- (b) The Branch Returning Officer shall call for nominations at the meeting.
 - (c) Any member may nominate any other member for the office provided that the nominee must not already hold the position of Branch President, Vice President or Secretary.
 - (d) The nominee shall signify either in writing or verbally willingness to stand for the office. If the Returning Officer finds a nomination to be defective the Returning Officer shall before rejecting it notify the person concerned of the defect and where it is practicable to do so provide the opportunity of the nominee to remedy the defect.
 - (e) In the event of an election being necessary the Returning Officer shall conduct such election by secret ballot.
- (3) The person declared elected in accordance with this process takes office immediately and holds office until 10 January 2027, when a person elected to the position under rule 60 shall take office.
- (4) This rule is a transitional rule only and ceases to have effect on and from 10 January 2027.

*** END***

ANNEXURE “D”

Suggested alterations to the Rules of the Transport Workers Union of Australia

PURPOSE

1. Increase the Annual Fee from 1 January 2026.
-

AMEND THE RULES AS FOLLOWS

Delete the text of sub-rule 8(1) and **replace it** with the following:

8(1) As from 1 January 2026, the Annual fee is \$780.60 plus GST \$78.06, totalling \$858.66.

End

"Annexure E"

Transport Workers' Union of Australia

National Office

a. 447 Kent St Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246



17 April 2025

BY EMAIL

Dear National Councillors

Notice of Proposed Amendments to the Transport Workers' Union of Australia's Rules

In accordance with rule 85(2)(a), I write to formally advise you of proposed amendments to the rules of the Transport Workers' Union of Australia for consideration at the next National Council Meeting scheduled to commence on 19 May 2025 in Brisbane.

The proposed amendments to the rules are set out in Annexures A and B **attached** to this document and can be summarised as follows:

- Amendments to the Rules to:
 - Remove current rule 6(1) and replace with alternate wording including consequential amendments necessary to address the format of rule 6;
 - Insert a new sub-rule 11(7) to clarify and define the terms "in writing" and "delivered to";
 - Insert a new subrule 13(8) clarifying the date for cessation of membership where a member is expelled from the union;
 - Amend rules 33A to clarify functions and powers of the National Assistant Secretary; and
 - Insert a new transitional rule 94 allowing the nomination and election of a Branch Assistant Secretary in Western Australia.
- Amendments to the Rules providing for increase to the TWU annual membership fee.

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

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WA Branch
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Transport Workers' Union of Australia

National Office

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We look forward to seeing you at 2025 National Council in Brisbane. This year's Council is being held at the Westin Brisbane. It is set to be an exciting agenda, as we work through our plan for 2026 and beyond. We are looking forward to a week of great discussions and activity.

Regards



Michael Kaine
National Secretary

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

SA/NT Branch
Secretary
Sam McIntosh
08 8346 4177

WA Branch
Secretary
Tim Dawson
08 6313 3000

“Annexure F”

Attendees at the National Council Meeting on Thursday, 22 May 2025, in Brisbane

Attendees:

- Michael Kaine
- Emily McMillan
- Richard Olsen
- Nick McIntosh
- Marija Marsic
- Margaret Harvey
- Mick Forbes
- Klaus Pinkas
- Barry Farrington
- Joshua Millroy
- Julianne Kingaby
- Guillaume Maze
- Sam Lynch
- James Scott
- Ray McMillan
- Joanne Woodford

Apologies:

- **Kirsty Sharkey**

“Annexure G”

Particulars of Amendments

1. AMEND RULE 6 AS FOLLOWS

Delete subrule 6(1) and replace as follows:

6. Admission

- (1) A person becomes a member immediately upon making an application in accordance with subrule rule 5(1).**

The following consequential amendments are required:

- *Delete current subrule 6(2);*
- *Renumber rule 6(3) and replace with 6(2); and*
- *Renumber rule 6(4) and replace with 6(3).*

2. AMEND RULE 8 AS FOLLOWS

8 Annual Fees

Delete sub-rule 8(1) and replace with the following:

- 8(1) As from 1 January 2026, the Annual Fee is \$780.60 plus \$78.06 GST, totalling \$858.66.**

3. AMEND RULE 11 AS FOLLOWS

Add a new subrule (7) as follows:

- (7) In this rule:**
- (a) “In writing” means by letter, email, or signed document in electronic or hardcopy form.**
 - (b) “Delivered to” means delivery via email, post or by hand.**

4. AMEND RULE 13 AS FOLLOWS

Add a new subrule (8) as follows:

- (8) A Member expelled from the Union under subrule 91(2) has the effect of cancelling Membership of the Union as of the date of the expulsion.**

5. AMEND RULE 33A AS FOLLOWS

Amend subrule (5)(a) as follows:

- (a) In the event of the death or substantial incapacity of the National Secretary, the National Committee of Management may authorise and empower the National Assistant Secretary to perform the functions of the National Secretary prescribed in rules 68, 71, sub-rules **73(10)** and 75(7), and rule 79 for a period not exceeding 3 months, or until the casual vacancy is filled pursuant to Rule 62.

Amend subrule (5)(e) as follows

- (e) Notwithstanding anything else in this rule, in the event that the National Secretary is temporarily absent from the National Office, the National Secretary may authorise, orally or in writing, the National Assistant Secretary to perform the functions of the National Secretary prescribed in **rule 33** provided that the National Committee of Management is subsequently notified of all instruments and documents executed **under rule 71** by the National Assistant Secretary pursuant to this sub-rule.

5. ADD NEW RULE 94

Add a new rule 94 as follow:

94. Transitional Rule - Branch Assistant Secretary WA

- (1) **This rule applies and operates notwithstanding anything else in these Rules.**
- (2) **If before nominations close for the next quadrennial elections (that is, before noon on the first Tuesday of October 2026), the Western Australian Branch Committee of Management resolve in accordance with Rule 40 to have a position of Branch Assistant Secretary for their Branch, then that position must be filled as follows:**
 - (a) **The Branch Committee of Management shall, at its first meeting after the meeting at which such a resolution is carried, elect by and from the members thereof a Branch Assistant Secretary by the procedure in (b) - (e) below.**
 - (b) **The Branch Returning Officer shall call for nominations at the meeting.**
 - (c) **Any member may nominate any other member for the office provided that the nominee must not already hold the position of Branch President, Vice President or Secretary.**
 - (d) **The nominee shall signify either in writing or verbally willingness to stand for the office. If the Returning Officer finds a nomination to be defective the Returning Officer shall before rejecting it notify the**

person concerned of the defect and where it is practicable to do so provide the opportunity of the nominee to remedy the defect.

- (e) In the event of an election being necessary the Returning Officer shall conduct such election by secret ballot.
- (3) The person declared elected in accordance with this process takes office immediately and holds office until 10 January 2027, when a person elected to the position under rule 60 shall take office.

End