



DECISION

Fair Work (Registered Organisations) Act 2009

s.158A – Alteration of eligibility rules of organisation by General Manager

"Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)

(R2016/262)

AILS A CARRUTHERS

MELBOURNE, 23 MARCH 2017

Alteration of eligibility rules of organisation.

[1] On 4 November 2016 the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU) (‘the applicant organisation’) sought consent to an alteration of its eligibility rules pursuant to section 158A of the *Fair Work (Registered Organisations) Act 2009* (‘the Act’).

[2] The application seeks to insert a new sub-rule (h) into Rule 1(1A) in order to extend the eligibility rules of the applicant organisation to apply to specified classes of employees within the eligibility rules of the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees Queensland (‘the State Union’). The application relates to two classes of employees that the State Union is eligible to represent. The State Union is an association of employees registered under the *Industrial Relations Act 1999 (Qld)* (the IR Act) which is a State or Territory industrial law for the purposes of the Act.¹

[3] The application was made in accordance with Regulation 125B of the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations).

[4] Subsection 158A(2) of the Act provides that an application made under section 158A(2) must not be made before 1 January 2011, or such later day as the Minister declares in writing. On 13 December 2010, the relevant Minister declared 1 January 2012 as the date from which an application may be made.²

Consideration

[5] Section 158A(1) of the Act provides that if the General Manager is satisfied as to matters set out therein, the General Manager must consent to an alteration of the eligibility rules of the applicant.

[6] Firstly, the alteration must have been made under the rules of the organisation. Based on the application and the accompanying declaration of Mr Paul Bastian, National Secretary of the applicant organisation, made on 4 November 2016, I am satisfied that the alterations have been made under the rules of the applicant organisation.

[7] Secondly, as the Regulations prescribe the applicant organisation to be a federal counterpart of the State Union, I am satisfied that the applicant organisation is a federal counterpart of the association.³

[8] The alteration must also not extend the eligibility rules of the applicant organisation beyond those of the State Union. As the proposed new sub-rule 1(1A)(h) replicates sub-rules 1G and 1I of the eligibility rules of the State Union (with some inconsequential introductory amendments), I am satisfied that this requirement has been met.

[9] I am also satisfied that the alteration will not apply outside the limits of the State or Territory for which the association is registered (namely, Queensland) because the proposed new sub-rule 1(1A)(h) expressly specifies that it applies “in the State of Queensland”, and because the relevant classes of employees are employees of Mount Isa Mines Limited and the sugar industry as it operates in Queensland.

[10] Paragraph 158(1)(e) of the Act provides that the General Manager must also be satisfied “as to such other matters (if any) as are prescribed by the regulations”. Regulation 125A prescribes the matter that “the association ... actively represents the class or classes of employers or employees to which the extension of eligibility rules will apply.” An employee association is taken to actively represent a class of employees only if it is engaged in at least one of the following activities in relation to the class of employees:

- (i) organising and recruitment activity;
- (ii) representing employees in negotiations with employers;
- (iii) representing employees in industrial bodies;
- (iv) obtaining and maintaining award conditions;
- (v) collective bargaining.⁴

[11] The application was accompanied by various materials and a statutory declaration of the National Secretary attesting to the representation and activities engaged in by the State Union to evidence that the association actively represents the relevant classes of employee. The material details activities in relation to more than one element of the definition of active representation.

[12] Attachment F-1 lists a number of agreements to which the State Union (as distinct from the Federal organisation) is said to have been party in order to demonstrate the activity of collective bargaining in relation to the relevant classes of employee. These representational activities relate to the last five years. Attachment F-2 is a membership database extract of financial members of the State Union who belong to each of the two classes of employees.

[13] An examination of the documentation related to the applications for the agreements listed in Attachment F-1 does not show unambiguously that the State Union, as opposed to the federal organisation, was the common applicant. Nevertheless, to the extent that the agreements related to employees not covered by the federal organisation’s eligibility rules, the inference may properly be drawn that the collective bargaining was, in effect, an activity of the State Union in its capacity as a transitionally recognised association. This inference is reinforced by the membership information in Attachment F-2, which directly concerns the classes of membership covered by the State Union’s eligibility rules and not covered by the eligibility rules of the federal organisation.

[14] On the basis of the information provided at Attachments F-1 and F-2, I am satisfied that the State Union actively represents the two classes of employees through its engagement in collective bargaining under paragraph 125A(3)(a)(v) of the Regulations.

[15] The application also provided information concerning the State Union's active representation of classes of employees through obtaining and maintaining award conditions, by representing both classes in industrial bodies (being the Queensland Industrial Relations Commission and the Fair Work Commission) and by undertaking organising and representation activities during workplace visits.

[16] While I must only be satisfied concerning one of the grounds set out in Regulation 125A(3), I am satisfied, on the basis of the evidence provided in the application, that the State Union also actively represents the two identified classes of employees under paragraphs (3)(i) to (iv) of Regulation 125A.

[17] However, an employee association is taken to not actively represent a class of employees if the association is subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employee, in favour of another organisation or association.⁵

[18] Paragraph 4 of the declaration of Paul Bastian states that "the Association is not aware of any representation order, state demarcation order or a demarcation undertaking or agreement, in relation to those classes of employees subject to this Application in favour of another organisation or association".

[19] Mr Bastian also states "the Association is subject to two separate *Orders regarding representational rights of transitionally registered associations of employees* with respect to Mount Isa Mines Limited and the Queensland Sugar Industry, as outlined at "Attachment G" and "Attachment H". The aforementioned orders are wholly consistent with the rule changes proposed in this Application."

[20] Attachments G and H are representation orders by the Australian Industrial Relations Commission and the Queensland Industrial Relations Commission respectively in relation to the relevant classes of employees, and in favour of the State Union in relation to them.

[21] On the basis of all the material provided to support the application, and in the absence of any other evidence before me, I am satisfied that the proposed alteration to the eligibility rule will not apply to any class of employees to which Regulation 125A(4) applies.

[22] On the basis of all the material provided to support the application, I am satisfied that the State Union actively represents the classes of employees to which the extension of eligibility rules will apply.

Application not made before declared day

[23] The application was made on 4 November 2016 and, therefore, I am satisfied that it was not made before the day declared in the *Fair Work (Registered Organisations) Declaration 2010*, namely 1 January 2012.

Objections

[24] Regulation 125F(1)(b) of the Regulations permits the Australian Council of Trade Unions ('ACTU') to object to an application made pursuant to section 158A of the Act on any of the grounds mentioned in paragraphs 158A(1)(a) to (d) and Regulation 125A.

[25] On 16 November 2016, a Gazette Notice of the application made pursuant to section 158A of the Act was published in the Commonwealth of Australia Gazette in accordance with Regulation 125C.

[26] The Gazette Notice stated that an objection to the application could be lodged by the ACTU no later than 28 days after 16 November 2016 (the date of publication).

[27] No notice of objection was lodged by the ACTU.

Conclusion

[28] On the basis of all the material provided by the applicant, I am satisfied that the requirements set out in section 158A(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* have been satisfied. Accordingly, I consent to the alteration of the eligibility rules of the applicant organisation.

[29] I certify accordingly under subsection 158A(4) of the *Fair Work (Registered Organisations) Act 2009*.

The image shows a handwritten signature in blue ink that reads "Lisa Cameron". To the right of the signature is the official seal of the Fair Work Commission, Australia. The seal is circular with the text "THE SEAL OF THE FAIR WORK COMMISSION" around the top and "AUSTRALIA" at the bottom. In the center of the seal is the Australian coat of arms, featuring a kangaroo and an emu flanking a shield, with a seven-pointed star above.

ACTING GENERAL MANAGER

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¹ *Fair Work (Registered Organisations) Act 2009* s. 6 (definition of "State or Territory industrial law").

² *Fair Work (Registered Organisations) Declaration 2010*.

³ *Fair Work (Registered Organisations) Regulations 2009* r. 8A & Sch. 1A, item 206.

⁴ *Fair Work (Registered Organisations) Regulations 2009* r. 125A(3)

⁵ *Fair Work (Registered Organisations) Regulations 2009* r. 125A(4)



Fair Work (Registered Organisations) Act 2009

Fair Work Commission
Terrace Tower
Level 10, 80 William Street
EAST SYDNEY NSW 2011

**NOTICE OF APPLICATION FOR CONSENT TO ALTERATION OF ELIGIBILITY RULES OF
AN ORGANISATION
(R2016/262)**

NOTICE is given that an application has been made under the *Fair Work (Registered Organisations) Act 2009* for consent to the alteration of eligibility rules of the “**Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union**” known as the **Australian Manufacturing Workers’ Union (AMWU)**.

A copy of the application has been published on the website of the Fair Work Commission at:
<<http://www.fwc.gov.au>> (under “Registered Organisations”, click on “Gazette Notices”).

The Australian Council of Trade Unions (**ACTU**) may lodge an objection to the application. If the ACTU desires to object to the application it may do so by lodging with the Fair Work Commission, marked to the attention of the Regulatory Compliance Branch, Level 10, 80 William Street, East Sydney NSW 2011 a notice of objection, complying with the requirements of regulation 14 of the *Fair Work (Registered Organisations) Regulations 2009*, no later than twenty eight (28) days after the publication of this advertisement and by serving on the organisation, whose address for service is: Level 4, 133 Parramatta Road, Granville, NSW 2142 within seven (7) days after the notice of objection has been lodged, a copy of the notice of objection so lodged.

Bernadette O’Neill
General Manager
Fair Work Commission



4 November, 2016

The General Manager
Fair Work Commission
Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011



Dear General Manager,

Re: **AMWU Rules – Eligibility Rule Change.**

In accordance with Regulation 125 of the *Fair Work (Registered Organisations) Regulations 2009*, please find enclosed, relevant documentation in relation to our application to alter the AMWU's Eligibility Rule.

Should you require further information, please do not hesitate to contact Peter Cozens at this office on (02) 8868 1500.

Yours sincerely



PAUL BASTIAN
NATIONAL SECRETARY

Australian Manufacturing
Workers' Union
Registered as AFMEPKIU
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GRANVILLE NSW 2142
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Form F68A

Application for Consent to the Alteration of Eligibility Rules of an Organisation by General Manager

Fair Work (Registered Organisations) Act 2009

Fair Work (Registered Organisations) Regulations 2009, paragraph 125B (1) (a)

FAIR WORK COMMISSION

Commission use only

Commission Matter No.:

Applicant Organisation

Name:	"Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" know as the Australian Manufacturing Workers' Union (AMWU)		
	ABN:	59 459 725 116	
Address:	Level 4, 133 Parramatta Road		
Suburb:	Granville	State: NSW	Postcode 2142
Contact person:	Peter Cozens, National Executive Officer		
	Title [if applicable]	Mr [x] Mrs [] Ms [] Other [] specify:	
Telephone:	(02) 8868 1500	Mobile:	
Fax:	(02) 9897 9274	Email:	peter.cozens@amwu.asn.au

1. The "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU) ("the Applicant") applies under s158A of the *Fair Work (Registered Organisations) Act 2009* for consent to alter the eligibility rules of the organisation to extend them to apply to persons within the eligibility rules of an association of employees registered under a State industrial law, the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ("the Association", and also referred to as "AMEPKIU").
2. The proposed wording for a new (h) in Rule 1A is attached and marked as "**Attachment A-1**". The eligibility rules, as altered in accordance with the changes proposed by this Application, is attached and marked as "**Attachment A-2**".
3. A declaration of particulars of the Application is attached and marked "**Attachment B**".
4. A copy of the Association's rules is attached and marked "**Attachment C**".
5. A copy of the Applicant's rules is attached and marked "**Attachment D**".
6. A copy of the decision granting the Association Transitional Registration of a State-Registered Association (R2006/165) is attached and marked as "**Attachment E**".

7. A spreadsheet of the current agreements covering the classes of employees subject to this Application evidencing active representation of employees in negotiations with employers is attached and marked as "**Attachment F-1**". A spreadsheet, detailing the numbers of financial members by the classes of employees subject to this Application evidencing active representation is attached and marked as "**Attachment F-2**".
8. Copies of the *Orders re representation rights of transitionally registered associations of employees* issued by the Australian Industrial Relations Commission concerning Mount Isa Mines Limited and the Queensland Sugar Industry are attached and marked as "**Attachment G**".
9. Copies of the originating Representational Orders issued by the Queensland Industrial Relations Commission with respect to Mount Isa Mines Limited and the Queensland Sugar Industry, in which the AMEPKIU was party to, are attached and marked as "**Attachment H**".
10. Correspondence sent by the ACTU to affiliates concerning the proposed rules changes is attached and marked as "**Attachment I**".
11. Correspondence in relation to the ballot of the National Conference of the AMWU is attached and marked as "**Attachment J**".

AMWU is the federal counterpart of the association

12. The Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland ("the AMEPKIU") is an industrial organisation registered under the *Industrial Relations Act 1999*. Further, the AMEPKIU made an application on 4 April 2006 for Transitional Registration of a State-Registered Association (R2006/165). The application was granted on 11 May 2006. A copy of the decision is attached and marked as "**Attachment E**". The purposes of this Application, the TRA registered entity of the AMEPKIU is referred to as "the Association".
13. Pursuant to Regulation 8A and Item 206, Schedule 1A, Part 2 of the *Fair Work (Registered Organisations) Regulations 2009* ("the Regulations"), the AMWU is the 'federal counterpart' of the AMEPKIU.
14. Due to the integrated nature of the operations of the abovementioned entities, the activities of the Association, including active representation of members is intertwined with those of the Applicant. Further, Officers and employees of the Applicant are taken to also be officers and employees of the AMEPKIU and the Association.

The alteration

15. The alteration seeks to extend eligibility to an unlimited number of persons in Queensland consistent with the eligibility provided for in the Association's Rules for employees of Mount Isa Mines Limited¹ and employees engaged in the Queensland

¹ Glencore acquired Mount Isa Mines in 2013, and is the current owner.

Sugar Industry (“the classes of employees subject to this Application”) to the Applicant’s Rules.

16. The Applicant’s rules currently provide as follows:

1 – NAME OBJECTS AND CONSTITUTION

1A. Without in any way limiting or being limited by sub-rules 1B, 1C, 1D, 1E, 1F, 1G, 1H and 1I the Union shall consist of an unlimited number of persons who are employed or usually employed in or in connection with the following trades or calling or branches thereof:

- (a) Smiths, ship smiths, angle iron smiths, drop-hammer smiths, spring smiths, oliver smiths, spring fitters, swaging machine operators, operators on smithing machines similar to swaging machines, nut and bolt makers, windmill erectors, motor, motor cycle, and cycle mechanics, tuners and testers in motor industry, enamellers, typewriter mechanics, well-borers, scale-makers, metal safe makers, locksmiths, forge hammermen, forgemen, strikers, drop-hammer stampers, forging machine workers, forge, iron, and brass furnace-men, ship’s plumbers, fitters, turners, grinders, whetstone grinders and glazers, sea-going engineers, shift engineers, roll turners, patternmakers, model makers, millwrights, mechanical draughtsmen, technical assistants, planners, borers, slotters, machine drillers, milling machine workers, shapers, machinists, brass founders, brass finishers, brass smiths and operators of machines in connection with same, coppersmiths, armature winders, equipment examiners, and electrical engineers generally, radio workers, mechanical and scientific instrument makers and optical glassmakers, linotype mechanics, press mechanics, machine joiners employed in the construction of cotton, silk, flax, woollen or other machines, die sinkers, press tool makers and stampers, electroplaters, polishers, electroplate makers up, sheet metal spinners, assemblers, skilled acetylene and electrical welders, aero mechanics, duralium workers, including forgers, fitters, and all other aircraft workers who are employed on the fuselage or engine work, and all workers engaged in the engineering, shipbuilding and kindred trades.

Notwithstanding anything contained in the immediately preceding paragraph, persons employed by Donaghys Industries Pty Ltd as production employees shall not be eligible for membership of the Union.

- (b) (i) Persons other than boilermakers’ helpers and labourers engaged in marking off, making templates, making jigs (except precision work associated therewith), plating, bolting (temporary or otherwise), hand and/or machine riveting, caulking, chipping, flanging, furnaceing, levelling, angle or boilersmithing, welding, staying, tapping, reaming, drilling (other than on stationary drilling machines), tube staying, tubing, operating machines for punching and shearing, rolling, bending, angle or plate straightening, hydraulic presses (except helpers and labourers to boilermakers), nipping and notching machines, operators of all gas welding and cutting plants, Anglo-Swedish or electric arc welding processors in connection with the making and/or repairing and/or demolition of iron, steel, aluminium, copper, or other metal or alloys, boilers, vats, digesters, receivers,

retorts, ships, vessels other than ships, tanks, wagons, trucks, rolling-stock, bridges, girders, principals (roof or otherwise), pontoons, gasometers, pipes, mining plates, and structural iron and steel work used in connection with buildings and assemblers.

Provided that assistants or labourers, general or special employed in connection with the work of a boilermaker or other mechanic shall not be eligible for membership in the Union; Provided further that such making and/or repairing and/or demolition of classes of work as enumerated herein, of aluminium, copper, and other metal or alloys shall not extend beyond established trade practice where work is being performed by members of other organisations registered in or in connection with the Engineering and/or metal working industries.

- (ii) Agricultural smiths, coach smiths, engine smiths, farrier smiths, floor-men farriers, general smiths, implement smiths, ship smiths, tool smiths, heat treaters, heat treater operatives, angle-iron smiths, motor smiths, rolling stock smiths, wheelwright smiths, oliver smiths, forgers, forgers on hot presses, setters and spring smiths, chain makers, tool sharpeners, fin cutting machinists, profile cutters, bolt, nut and/or rivet machinists and men in charge of bull-dozers, swadging, upsetting and other machines used for Blacksmiths work, oxy acetylene welders, electric welders, carbon-arc welders, cutters and all other welders, ornamental gate, fence and balustrade smiths.
- (iii) The provisions of subclauses (i) and (ii) of this clause (b) shall apply to all industries associated with the processes of boilermaking and blacksmithing except as to the industry of agricultural implement making in Victoria and South Australia other than those employees who were members of the Boilermakers & Blacksmiths Society at the date of its amalgamation in 1965.
- (iv) Notwithstanding the provisions of subclauses (i), (ii) and (iii) of this clause (b) all persons employed in the industries or occupations within the callings covered by the constitution of the Australian Workers' Union as registered on the 1st day of September, 1965 shall not be eligible for membership within the scope of this clause (b).
- (c) (i) Producing, making, completing by any process such as oxidising or electroplating, or vitreous enamelling, or repairing, or assisting to produce, make or repair any articles, goods or chattels, in or in connection with the tinsplate, tinsmithing, sheet metal working, gas meter making, motor car building or repairing so far as panel beating or sheet metal work is concerned, sheet metal trunk and box making, or canister making industries; and shall include spinners, draw moulders, ceiling fixers, welders, metal polishers and revolving shutter machinists engaged in or on or about sheet metal work.
- (ii) Producing plastic articles in the industries set forth in sub-clause (i) hereof in a factory or in a section of a factory where the major portion of the work performed in such factory or section is work usually performed in a sheet metal and/or canister making factory and where such

articles are used as substitutes for products covered by this constitution.

- (iii) In finishing as completed, repaired marketable articles, goods or chattels, including painting, japanning, tinning, galvanising, shradising, lacquering, oxidising or electroplating, or vitreous enamelling any articles, goods or chattels, in any wise relating to, or in connection with, the industries set forth in sub-clause (i).
- (iv) All employees in any establishments connected with manufacture, assembling, dismantling, erecting, replacing, or repairing of agricultural implements, machinery, utensils, flax making machinery, wagon building and irrigation plant; the trades connected with white and black sheet metal working, blacksmiths, general blacksmiths farriers; the manufactories of iron, copper, tin or galvanised iron utensils, stoves, ranges, grates, registers, copper casings or other heating apparatus, domestic appliances made of metal fireproof or other iron doors, bedsteads, wire-mattresses, or other iron work used in connection with beds, coppersmith wares or parts thereof; porcelain enamelling of steel and iron plates and hollow-ware baths, sinks, cisterns, household utensils and builders' material or in the manufacture of frit.
- (v) Producing, making or repairing, or assisting to produce, make or repair, jewellery, metal badge making and electroplated ware, and shall include jewellers, gilders, chasers, engravers, lapidaries, metal badge workers, electroplaters, makers of electroplated ware, metal polishers, stampers and spinners.
- (vi) Producing, making or repairing, or assisting to produce, make or repair, watches, clocks, taximeters, taxi timepieces, synchronome clocks and spring dial clocks and shall include attendants and winders.
- (d) An unlimited number of employees engaged or usually engaged in the process, trade or business connected with or incidental to the manufacture, construction or repair of iron, steel, wooden or concrete ships, boats, vessels, punts, pontoons, floating stages, targets, preventers and torpedo netting booms and such like constructions, balsa rafts, life-saving rafts, dock gates, caissons and cofferdam gates, aircraft, sea-planes (where work on such aircraft or sea-planes is done in an establishment the principal business of which is work of the other classes hereinbefore mentioned) or any other floating structure being persons employed or usually employed as shipwrights, naval architects, ship's draughtsmen, boatbuilders, or aircraft constructors in such establishments.
- (e) Such other persons, whether employees in the industries associated with the constitution or not, who have been appointed officers of the Union and admitted as members thereof or whilst financial members of the Union have been elected as fulltime representatives of any working class organisation to which the Union is affiliated, or as a working class member of Parliament, or as a fulltime representative on any Government Tribunal or Board, in the interests of the Union or Unions.

Together with such trades as may be represented by trade unions hereinafter amalgamating with the Union.

- (f) All other workers engaged in any metal industry or trade provided that no applicant for membership shall be eligible for membership under this paragraph while there exists in the State in which such applicant is employed a registered organisation operating in the immediate locality of the applicant's work and dealing solely with workers of the particular class of which such applicant is a member unless arrangements can be made for the amalgamation of such organisation with this Union.
- (g) In the State of Western Australia:
 - (i) Tool makers, heat treaters, drill doctors, electrical fitters, electrical installers, electrical wiremen, electrical linemen and electrical workers generally, refrigeration fitters, pipe fitters, skip repairers, iron workers' assistants, moulders' assistants, boilermakers' assistants, dressers, drillers, pipe makers, riggers, die makers, press operators, fitters and machinists engaged in the production of plastics, and all workers of any of the classifications mentioned above employed in work with fibre glass or nylon materials where such fibre glass or nylon materials replace or are substituted for other materials with which such workers formerly worked and the work is of a kind which when done in such other materials would have been done by such a worker or some other classification mentioned.
 - (ii) all persons in the process, trade avocations or callings connected with or incidental to the manufacture or repairing of carriages, carts, wagons, railway cars, tram cars, motor cars, sidecars, aircrafts or any vehicle, together with farriers.

Provided that persons employed as Production Team Members by Southern Aluminium Pty. Ltd. at Bell Bay, Tasmania are not eligible, under this sub-rule, for membership of the Union.

17. The alteration being sought by the Applicant is for the above rules to be altered by inserting a new (h) in Rule 1A, as follows:

- (h) *In the State of Queensland without in any way limiting and without in any way being limited by the remainder of Rule 1A:*
 - (i) *All 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); or*
 - b) *Surface Workshop Department of the Copper Stream and the Fans and Refrigeration Department of the Copper Stream;*
- shall be eligible for membership in the union.*

But employees of Mount Isa Mines Limited other than those described in this subrule, shall not be enrolled as members of the Union.

(ii) The following classes of person shall also be eligible for membership; all employees of sugar mills, refineries, distilleries, terminals, storage operations or other sectors of the sugar industry (herein called the "sugar industry") who, on 16 December 1994 were eligible for membership of The Plumbers and Gasfitters Employees Union of Australia, Queensland Branch, Union of Employees or the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australasia, Union of Employees, Queensland and any persons employed in the sugar industry subsequent to 16 December 1994 who would have been eligible for membership of the abovementioned unions if so employed on 16 December 1994.

18. The amendment as outlined above, is attached and marked as "**Attachment A-1**".
The relevant part of the Applicant's rules, as altered, is attached and marked as "**Attachment A-2**".

19. The alteration does not extend the eligibility rules of the Applicant beyond those of the Association. Relevantly, the alteration has been drafted in a way which restricts its application to the State in which the Association is registered, that is, the State of Queensland.

Reasons for the alteration and effect of the alteration

20. Rule 1G and 1I of the Association's Rules provides eligibility for membership to specified employees of Mount Isa Mines Limited and the Queensland Sugar Industry. As it currently stands, the Applicant's eligibility rules do not reflect the Association's rules in this respect.

21. As outlined above, the Association is a Transitionally Registered State Registered Association (TRA) and this recognition currently allows the Association to represent those members within the classes of employees subject to this Application. However, the recognition of TRAs is scheduled to end on 1 January 2017, unless an order of the FWC or declaration by the Minister is made.

22. The alteration of the Applicant's Rules is accordingly sought in order that from 1 January 2017, the Applicant will be able to carry on the work and be provided with the representational rights of the Association with respect of the classes of employees subject to this application. That is, extend the Rules of the Applicant to enrol and represent the classes of employees referred to at Rule 1G and 1I of the Association's rules.

Active representation of the class of employees to which the extension will apply

23. The Association actively represents all those classes of employees, within the meaning of s.125A(3) *Fair Work (Registered Organisations) Regulations 2009*, to which the extension of the eligibility rules will apply.
24. The Association is engaged in at least one of the following activities in relation each class of employees subject to the extension of eligibility the rules:
- a. Conducts organising and recruitment activity;
 - b. Represents employees in negotiations with employers;
 - c. Represents employees in industrial bodies;
 - d. Obtains and maintains award conditions; and
 - e. Undertakes collective bargaining.
25. As evidence of active representation, within the meaning of s125A(3)(a)(i) and (v), a spreadsheet detailing the most recent agreements negotiated by the Association relating to the classes of employees subject to this Application is attached and marked "**Attachment F-1**". These agreements are the most recent in a long history of enterprise agreements with Mount Isa Mines and various employers within the Queensland Sugar Industry, and representative of the Association's activity.
26. As further evidence of active representation, within the meaning of s125A(3)(a), a spreadsheet, detailing the numbers of financial members by the classes of employees subject to this Application evidencing active representation is attached and marked as "**Attachment F-2**". Further details are available to the Commission if required.
27. As evidence of active representation, within the meaning of s125A(3)(a)(iv), the Association has had a long history of active involvement in obtaining and maintaining award conditions for the classes of employees subject to this Application. The AMEPKIU (prior to the granting of TRA status) for many decades played a central role in obtaining and maintaining award conditions for the classes of employees subject to this Application before the Queensland Industrial Relations Commission. Most recently, through award modernisation and the review of modern awards, the Association, in conjunction with the Applicant, has made representations and filed submissions and other relevant material with respect to the *Mining Industry Award 2010* and the *Sugar Industry Award 2010*.
28. As evidence of active representation, within the meaning of s125A(3)(a)(iii), the Association in its own right, and/or in conjunction with the Applicant, has regularly appeared in industrial bodies on behalf of individual members, as well as on behalf of groups of members, within the classes of employees subject to this Application. In accordance with the internal database housing the file history of matters taken to industrial bodies by the AMEPKIU (prior to the granting of TRA status to the

Association), or the Association on its own right or in conjunction with the Applicant the following information was identified :

- a. For the period from 1983 to 2015, at least 30 separate matters were identified in which members from Mt Isa Mines were represented;
- b. For the period from 1982 to 2016, at least 152 separate matters were identified in which members from the Queensland Sugar Industry were represented.

29. As further evidence of active representation, within the meaning of s125A(3)(a)(i), (ii) and (v), a report was generated concerning workplace visits undertaken by Organisers of the Association with respect to visits to Mount Isa Mines and workplaces within the Queensland Sugar Industry. The aforementioned workplace visits undertaken by the Association relate to variety of matters concerning organising and recruitment activities, negotiating with employers on behalf of members, undertaking collective bargaining and representation of those employees eligible to be members of the Association. The report generated detailed the following:

- a. For the period of 2006 to 2015, at least 35 workplace visits occurred at Mount Isa Mines; and
- b. For the period from 2005 to 2016, at least total 771 workplace visits occurred throughout the Queensland Sugar Industry.

No other undertakings or demarcation orders that would favour another association

30. The Association is subject to two separate *Orders regarding representational rights of transitionally registered associations of employees* with respect to Mount Isa Mines Limited and the Queensland Sugar Industry. Copies of these Orders are attached and marked as "**Attachment G**". Further, the originating Representation Orders issued by the Queensland Industrial Relations Commission are attached and marked "**Attachment H**". The effect of these orders is wholly reflected in the proposed rules alteration, in which the rights of the Association's eligibility to cover the classes of employees subject to this Application are consistent with the aforementioned representational orders.

31. Relevantly, at the time of issuing of the originating Representational Orders by the Queensland Industrial Relations Commission, it was ordered that the rules of the industrial organisations of employees to which the Orders applied were required to be altered to reflect the Order issued. In accordance with these decisions of the Commission, the AMEPKIU altered its rules, along with the other relevant industrial organisations, to reflect the Orders. Rules 1G and 1I of the Association's Rules reflect these alterations of the Rules as required by the aforementioned Orders of the Commission.

32. Accordingly, pursuant to s.125A(4) of the *Fair Work (Registered Organisations) Regulations 2009*, the Association is not subject to any representation order, state

demarcation order or a demarcation undertaking or agreement in relation to those to those classes of employees subject to this application in favour of another organisation or association. A declaration of this is included in the notice of particulars attached and marked "**Attachment B**".

33. Furthermore, the Applicant corresponded with the ACTU in May 2016 concerning the proposed rules change. The ACTU on 3 June 2016 accordingly advised its affiliates of the Applicant's proposed rules change. The aforementioned correspondence is attached and marked "**Attachment I**". No other parties were of the view that there existed any representation order, state demarcation order or a demarcation undertaking or agreement in relation to the classes of employees subject to this Application that would favour their representation by another organisation or association.

Process for alteration of AMWU Rules

34. The proposed alterations were made in accordance with the Rules of the Applicant. Further, a declaration to this effect made by the AMWU National Secretary is found at "**Attachment B**".
35. Correspondence in relation to the ballot of the National Conference of the AMWU is attached and marked as "**Attachment J**". "**Attachment J**" outlines the process followed to meet the requirements of the majority vote of National Conference.

<p>Date: 4 November 2016</p>  <p>Signature or Common Seal:</p>

Attachment A-1

By inserting a new (h) in Rule 1A, as follows:

(h) *In the State of Queensland without in any way limiting and without in any way being limited by the remainder of Rule 1A:*

(i) All 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); or

b) Surface Workshop Department of the Copper Stream and the Fans and Refrigeration Department of the Copper Stream;

shall be eligible for membership in the union.

But employees of Mount Isa Mines Limited other than those described in this subrule, shall not be enrolled as members of the Union.

(ii) The following classes of person shall also be eligible for membership; all employees of sugar mills, refineries, distilleries, terminals, storage operations or other sectors of the sugar industry (herein called the "sugar industry") who, on 16 December 1994 were eligible for membership of The Plumbers and Gasfitters Employees Union of Australia, Queensland Branch, Union of Employees or the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australasia, Union of Employees, Queensland and any persons employed in the sugar industry subsequent to 16 December 1994 who would have been eligible for membership of the abovementioned unions if so employed on 16 December 1994.

Attachment A-2

AMWU eligibility rules as altered:

1 – NAME OBJECTS AND CONSTITUTION

1A. Without in any way limiting or being limited by sub-rules 1B, 1C, 1D, 1E, 1F, 1G, 1H and 1I the Union shall consist of an unlimited number of persons who are employed or usually employed in or in connection with the following trades or calling or branches thereof:

- (a) Smiths, ship smiths, angle iron smiths, drop-hammer smiths, spring smiths, oliver smiths, spring fitters, swaging machine operators, operators on smithing machines similar to swaging machines, nut and bolt makers, windmill erectors, motor, motor cycle, and cycle mechanics, tuners and testers in motor industry, enamellers, typewriter mechanics, well-borers, scale-makers, metal safe makers, locksmiths, forge hammermen, forgemen, strikers, drop-hammer stampers, forging machine workers, forge, iron, and brass furnace-men, ship's plumbers, fitters, turners, grinders, whetstone grinders and glazers, sea-going engineers, shift engineers, roll turners, patternmakers, model makers, millwrights, mechanical draughtsmen, technical assistants, planners, borers, slotters, machine drillers, milling machine workers, shapers, machinists, brass founders, brass finishers, brass smiths and operators of machines in connection with same, coppersmiths, armature winders, equipment examiners, and electrical engineers generally, radio workers, mechanical and scientific instrument makers and optical glassmakers, linotype mechanics, press mechanics, machine joiners employed in the construction of cotton, silk, flax, woollen or other machines, die sinkers, press tool makers and stampers, electroplaters, polishers, electroplate makers up, sheet metal spinners, assemblers, skilled acetylene and electrical welders, aero mechanics, duralium workers, including forgers, fitters, and all other aircraft workers who are employed on the fuselage or engine work, and all workers engaged in the engineering, shipbuilding and kindred trades.

Notwithstanding anything contained in the immediately preceding paragraph, persons employed by Donaghys Industries Pty Ltd as production employees shall not be eligible for membership of the Union.

- (b) (i) Persons other than boilermakers' helpers and labourers engaged in marking off, making templates, making jigs (except precision work associated therewith), plating, bolting (temporary or otherwise), hand and/or machine riveting, caulking, chipping, flanging, furnaceing, levelling, angle or boilersmithing, welding, staying, tapping, reaming, drilling (other than on stationary drilling machines), tube staying, tubing, operating machines for punching and shearing, rolling, bending, angle or plate straightening, hydraulic presses (except helpers and labourers to boilermakers), nipping and notching machines, operators of all gas welding and cutting plants, Anglo-Swedish or electric arc welding processors in connection with the making and/or repairing and/or demolition of iron, steel, aluminium, copper, or other metal or alloys, boilers, vats, digesters, receivers, retorts, ships, vessels other than ships, tanks, wagons, trucks, rolling-

stock, bridges, girders, principals (roof or otherwise), pontoons, gasometers, pipes, mining plates, and structural iron and steel work used in connection with buildings and assemblers.

Provided that assistants or labourers, general or special employed in connection with the work of a boilermaker or other mechanic shall not be eligible for membership in the Union; Provided further that such making and/or repairing and/or demolition of classes of work as enumerated herein, of aluminium, copper, and other metal or alloys shall not extend beyond established trade practice where work is being performed by members of other organisations registered in or in connection with the Engineering and/or metal working industries.

- (ii) Agricultural smiths, coach smiths, engine smiths, farrier smiths, floor-men farriers, general smiths, implement smiths, ship smiths, tool smiths, heat treaters, heat treater operatives, angle-iron smiths, motor smiths, rolling stock smiths, wheelwright smiths, oliver smiths, forgers, forgers on hot presses, setters and spring smiths, chain makers, tool sharpeners, fin cutting machinists, profile cutters, bolt, nut and/or rivet machinists and men in charge of bull-dozers, swadging, upsetting and other machines used for Blacksmiths work, oxy acetylene welders, electric welders, carbon-arc welders, cutters and all other welders, ornamental gate, fence and balustrade smiths.
- (iii) The provisions of subclauses (i) and (ii) of this clause (b) shall apply to all industries associated with the processes of boilermaking and blacksmithing except as to the industry of agricultural implement making in Victoria and South Australia other than those employees who were members of the Boilermakers & Blacksmiths Society at the date of its amalgamation in 1965.
- (iv) Notwithstanding the provisions of subclauses (i), (ii) and (iii) of this clause (b) all persons employed in the industries or occupations within the callings covered by the constitution of the Australian Workers' Union as registered on the 1st day of September, 1965 shall not be eligible for membership within the scope of this clause (b).
- (c) (i) Producing, making, completing by any process such as oxidising or electroplating, or vitreous enamelling, or repairing, or assisting to produce, make or repair any articles, goods or chattels, in or in connection with the tinsmithing, sheet metal working, gas meter making, motor car building or repairing so far as panel beating or sheet metal work is concerned, sheet metal trunk and box making, or canister making industries; and shall include spinners, draw moulders, ceiling fixers, welders, metal polishers and revolving shutter machinists engaged in or on or about sheet metal work.
- (ii) Producing plastic articles in the industries set forth in sub-clause (i) hereof in a factory or in a section of a factory where the major portion of the work performed in such factory or section is work usually performed in a sheet metal and/or canister making factory and where such articles are used as substitutes for products covered by this constitution.

- (iii) In finishing as completed, repaired marketable articles, goods or chattels, including painting, japanning, tinning, galvanising, sharadising, lacquering, oxidising or electroplating, or vitreous enamelling any articles, goods or chattels, in any wise relating to, or in connection with, the industries set forth in sub-clause (i).
- (iv) All employees in any establishments connected with manufacture, assembling, dismantling, erecting, replacing, or repairing of agricultural implements, machinery, utensils, flax making machinery, wagon building and irrigation plant; the trades connected with white and black sheet metal working, blacksmiths, general blacksmiths farriers; the manufactories of iron, copper, tin or galvanised iron utensils, stoves, ranges, grates, registers, copper casings or other heating apparatus, domestic appliances made of metal fireproof or other iron doors, bedsteads, wire-mattresses, or other iron work used in connection with beds, coppersmith wares or parts thereof; porcelain enamelling of steel and iron plates and hollow-ware baths, sinks, cisterns, household utensils and builders' material or in the manufacture of frit.
- (v) Producing, making or repairing, or assisting to produce, make or repair, jewellery, metal badge making and electroplated ware, and shall include jewellers, gilders, chasers, engravers, lapidaries, metal badge workers, electroplaters, makers of electroplated ware, metal polishers, stampers and spinners.
- (vi) Producing, making or repairing, or assisting to produce, make or repair, watches, clocks, taximeters, taxi timepieces, synchronome clocks and spring dial clocks and shall include attendants and winders.
- (d) An unlimited number of employees engaged or usually engaged in the process, trade or business connected with or incidental to the manufacture, construction or repair of iron, steel, wooden or concrete ships, boats, vessels, punts, pontoons, floating stages, targets, preventers and torpedo netting booms and such like constructions, balsa rafts, life-saving rafts, dock gates, caissons and cofferdam gates, aircraft, sea-planes (where work on such aircraft or sea-planes is done in an establishment the principal business of which is work of the other classes hereinbefore mentioned) or any other floating structure being persons employed or usually employed as shipwrights, naval architects, ship's draughtsmen, boatbuilders, or aircraft constructors in such establishments.
- (e) Such other persons, whether employees in the industries associated with the constitution or not, who have been appointed officers of the Union and admitted as members thereof or whilst financial members of the Union have been elected as fulltime representatives of any working class organisation to which the Union is affiliated, or as a working class member of Parliament, or as a fulltime representative on any Government Tribunal or Board, in the interests of the Union or Unions.

Together with such trades as may be represented by trade unions hereinafter amalgamating with the Union.

- (f) All other workers engaged in any metal industry or trade provided that no applicant for membership shall be eligible for membership under this paragraph while there exists in the State in which such applicant is employed a registered organisation operating in the immediate locality of the applicant's work and dealing solely with workers of the particular class of which such applicant is a member unless arrangements can be made for the amalgamation of such organisation with this Union.
- (g) In the State of Western Australia:
- (i) Tool makers, heat treaters, drill doctors, electrical fitters, electrical installers, electrical wiremen, electrical linemen and electrical workers generally, refrigeration fitters, pipe fitters, skip repairers, iron workers' assistants, moulders' assistants, boilermakers' assistants, dressers, drillers, pipe makers, riggers, die makers, press operators, fettlers and machinists engaged in the production of plastics, and all workers of any of the classifications mentioned above employed in work with fibre glass or nylon materials where such fibre glass or nylon materials replace or are substituted for other materials with which such workers formerly worked and the work is of a kind which when done in such other materials would have been done by such a worker or some other classification mentioned.
- (ii) all persons in the process, trade avocations or callings connected with or incidental to the manufacture or repairing of carriages, carts, wagons, railway cars, tram cars, motor cars, sidecars, aircrafts or any vehicle, together with farriers.

Provided that persons employed as Production Team Members by Southern Aluminium Pty. Ltd. at Bell Bay, Tasmania are not eligible, under this sub-rule, for membership of the Union.

(h) *In the State of Queensland without in any way limiting and without in any way being limited by the remainder of Rule 1A:*

(i) All 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); or

b) Surface Workshop Department of the Copper Stream and the Fans and Refrigeration Department of the Copper Stream;

shall be eligible for membership in the union.

But employees of Mount Isa Mines Limited other than those described in this subrule, shall not be enrolled as members of the Union.

(ii) The following classes of person shall also be eligible for membership; all employees of sugar mills, refineries, distilleries, terminals, storage operations or other sectors of the sugar industry (herein called the "sugar industry") who , on 16 December 1994 were eligible for membership of The Plumbers and Gasfitters Employees Union of Australia, Queensland Branch, Union of Employees or the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australasia, Union of Employees, Queensland and any persons employed in the sugar industry subsequent to 16 December 1994 who would have been eligible for membership of the abovementioned unions if so employed on 16 December 1994.

[...]

Attachment B

Fair Work Act 2009
s158A) – Fair Work (Registered Organisations) Act 2009
Reg. 125B(1)(a) Fair Work (Registered Organisations) Regulations 2009

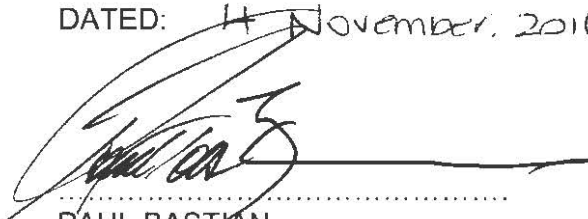
DECLARATION

I, Paul Bastian, of 133 Parramatta Road, Granville, in the State of New South Wales, Union Official, give notice of the following matters in relation to the alterations of the Rules of the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU).

1. I am the National Secretary of the AMWU, an organisation of employees registered under the *Fair Work Act 2009* (the Act).
2. I am authorised to give this notice of particulars of alterations to the Rules of the AMWU and to make declaration required by subregulation 126(2) of the Fair Work (Registered Organisations) Regulations 2009.
3. The particulars of the alterations are attached in the documents marked "**Attachment A-1**" and "**Attachment A-2**" and completed Form F68A.
4. I declare that the Association is not aware of any representation order, state demarcation order or a demarcation undertaking or agreement in relation to those classes of employees subject to this Application in favour of another organisation or association. As is detailed in the Application, the Association is subject to two separate *Orders regarding representational rights of transitionally registered associations of employees* with respect to Mount Isa Mines Limited and the Queensland Sugar Industry, as outlined at "**Attachment G**" and "**Attachment H**". The aforementioned orders are wholly consistent with the rule changes proposed in this Application. Of further evidence to this matter is correspondence at "**Attachment I**" in which the ACTU corresponded with its affiliates on the proposed rules change. I declare that the Applicant is not aware of concerns or objections being raised by affiliate unions through this process.
5. I declare that the alterations were made in accordance with the Rules of the AMWU. The actions taken under the Rules to make the alterations were as follows:
 - (a) Pursuant to rule 6 subrule 4 paragraph (a), on 22 June 2016, a majority of members of National Council endorsed the alterations attached and resolved to refer the alterations to National Conference for determination by postal ballot.
 - (b) On 17 October 2016, I wrote to all members of National Conference setting out the proposed alterations and enclosing a ballot paper for return by close of business on 7 November 2016.

- (c) A majority of the members of National Conference endorsed the alterations. I note that National Conference has the power to amend the Rules of the Union pursuant to Rule 6, subrule 1 paragraph (h) of the Union's Rules. **Attachment J** as marked and attached is correspondence in relation to the ballot of the National Conference.
6. I declare that the facts stated in the application and the documents attached are true and correct to the best of my knowledge and belief.

DATED: 14 November, 2016



.....
PAUL BASTIAN
NATIONAL SECRETARY

Attachment C



Industrial Registrar's Office

Industrial Court and Queensland Industrial Relations Commission

14th Floor, Central Plaza 2,
66 Eagle Street, (Corner Elizabeth and Creek Streets), BRISBANE QLD 4000
Postal Address: GPO Box 373, BRISBANE QLD 4001
General Enquiries: (07) 3227 8060 Facsimile: (07) 3221 6074

I, ERIC CARL EWALD, Industrial Registrar, HEREBY CERTIFY that the pages numbered 1 to 55 inclusive and attached hereto are a true and correct copy of the registered rules of Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland.

I FURTHER CERTIFY that I am the person to whom the custody of the original rules are entrusted.

Dated at Brisbane this seventh day of April, 1997.


E. EWALD
Industrial Registrar


INDUSTRIAL REGISTRAR
7 APR 1997
000000
QUEENSLAND


1

*RULES OF
AUTOMOTIVE, METALS, ENGINEERING, PRINTING AND KINDRED INDUSTRIES
INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND*


INDUSTRIAL REGISTRY
7 APR 1997
000000
QUEENSLAND
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*RULE 1*

*NAME, OBJECTS AND CONSTITUTION*

1. The Union formed under these rules, hereinafter called "The Union" shall be named "The Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland". It shall be a registered Trade Union.

The Union shall consist of:

1A. an unlimited number of persons who are employed or usually employed in or in connection with the following trades or callings or branches thereof:

(a) Smiths, ship smiths, angle iron smiths, drop-hammer smiths, spring smiths, oliver smiths, spring fitters, swaging machine operators, operators on smithing machines similar to swaging machines, nut and bolt makers, windmill erectors, motor, motor cycle, and cycle mechanics, tuners and testers in motor industry, enamellers, typewriter mechanics, well-borers, scale-makers, metal safe makers, locksmiths, forge hammermen, forgers, strikers, drop-hammer stampers, forging machine workers, forge, iron, and brass furnacemen, ship's plumbers, fitters, turners, grinders, wet stone grinders and glazers, sea-going engineers, shift engineers, roll turners, pattern-makers, model makers, millwrights, mechanical draughtsmen, technical assistants, planners, borers, slotters, machine drillers, milling machine workers, sawyers, machinists, brass founders, brass finishers, brass-smiths and operators of machines in connection with same, coppersmiths, armature winders, equipment examiners, and electrical engineers generally, radio workers, mechanical and scientific instrument makers and optical glassmakers, linotype mechanics, press mechanics, machine joiners employed in the construction of cotton, silk, flax, woollen or other machines, die sinkers, press tool makers and stampers, electroplaters, polishers, electroplate makers up, sheet metal spinners, assemblers, skilled acetylene and electrical welders, aero mechanics, duralium workers, including forgers, fitters, and all other aircraft workers who are employed on the fuselage or engine work, and all workers engaged in the engineering, ship-building and kindred trades.

(b) (i) Persons other than boilermakers, helpers and laborers engaged in marking off, making templates, making jigs (except precision work associated therewith), plating, bolting (temporary or otherwise), hand and/or machine riveting, caulking, chipping, flanging, furnacing, levelling, angle or boilersmithing, welding, staying, tapping, reaming, drilling (other than on stationary drilling machines), tube staying, tubing, operating machines for punching and shearing, rolling, bending, angle or plate straightening, hydraulic presses (except helpers and laborers to boilermakers), nipping and notching machines, operators of all gas welding and cutting plants, Anglo-Swedish- or electric arc welding processes in connection with the making and/or repairing and/or demolition of iron, steel, aluminium, copper, or other metal or alloys, boiler-vats, digesters, receivers, retorts, ships, vessels other than ships, tanks, waggons, trucks, rolling-stock, bridges, girder principals (roof or otherwise) pontoons, gasometers, pipes, mining plates, and structural iron and steel work used in connection with buildings and assemblies.

Provided that assistants or laborers, general or special employed in connection with the work of a boilermaker or other mechanic shall not be eligible for membership in the Union; Provided further that such making and/or repairing and demolition of classes of work as enumerated herein, of aluminium, copper, and other metal or alloys shall not extend beyond established trade practice where work is being performed by members of other organisations registered in or in connection with the Engineering and/or metal working industries.

(ii) Agricultural smiths, coach smiths, engine smiths, farrier smiths, floorman farriers, general smiths, implement smiths, ship smiths, tool smiths, heat treaters, heat treater operatives, angle-iron smiths, motor smiths, rolling stock smiths, wheel-wright smiths, oliver smiths, forgers, forgers on hot presses, setters and spring smiths, chain makers, tool sharpeners, finn cutting machinists, profile cutters, bolt, nut and/or rivet machinists and men in charge of bulldozers, swadging, upsetting and other machines used for Blacksmiths work, oxy acetylene welders, electric welders, carbon-arc welders, cutters and all other welders, ornamental gate, fence and balustrade smiths.

(iii) The provisions of subclauses (i) and (ii) of this clause (b) shall apply to all industries associated with the processes of boilermaking and blacksmithing, except as to the industry of agricultural implement making in Victoria and South Australia other than those employees who were members of the Boilermakers & Blacksmiths Society at the date of its amalgamation in 1965.

(iv) Notwithstanding the provisions of subclause (i), (ii) and (iii) of this clause (b) all persons employed in the industries or occupations within the callings covered by the constitution of the Australian Workers' Union as registered on the 1st day of September, 1965 shall not be eligible for membership within the scope of this clause (b).

(c) (i) Producing, making, completing by any process such as oxidising or electroplating, or vitreous enamelling, or repairing, or assisting to produce, make or repair any articles, goods or chattels, in or in connection with the tinplate,

tinsmithing, sheet metal working, gas meter making, motor car building or repairing so far as panel beating or sheet metal work is concerned, sheet metal trunk and box making, or canister making industries; and shall include spinners, draw moulders, ceiling fixers, welders, metal polishers and revolving shutter machinists engaged in or on or about sheet metal work.

- (ii) Producing plastic articles in the industries set forth in sub-clause (i) hereof in a factory or in a section of a factory where the major portion of the work performed in such factory or section is work usually performed in a sheet metal and/or canister making factory and where such articles are used as substitutes for products covered by this constitution.
- (iii) In finishing as completed, repaired marketable articles, goods or chattels, including painting, japanning, tinning, galvanising, sheradising, lacquering, oxidising or electroplating, or vitreous enamelling any articles, goods or chattels, in any wise relating to or in connection with, the industries set forth in sub-clause (i).
- (iv) All employees in any establishments connected with manufacture, assembling, dismantling, erecting, replacing, or repairing of agricultural implements, machinery, utensils, flax making machinery, waggon building and irrigation plant; the trades connected with white and black sheet metal working blacksmiths, general blacksmiths farriers; the manufactories of iron, copper, tin or galvanised iron utensils, stoves, ranges, grates, registers, copper casings, or other heating apparatus, domestic appliances made of metal fireproof or other iron doors, bedsteads, wire-mattresses, or other iron work used in connection with beds, copper-smith wares or parts thereof; porcelain enamelling of steel and iron plates and hollow-ware, baths, sinks, cisterns, household utensils and builders' material or in the manufacture of frit.
- (v) Producing, making or repairing, or assisting to produce, make or repair, jewellery, metal badge making and electroplated wares, and shall include jewellery, gliders, chasers, engravers, lapidaries, metal badge workers, electroplaters, makers of electroplated ware, metal polishers, stampers and spinners.
- (vi) Producing, making or repairing, or assisting to produce, make or repair, watches, clocks, taximeters, taxi time-pieces, synchro-mo clocks and spring dial clocks and shall include attendants and winders.
- (d) An unlimited number of employees engaged or usually engaged in the process, trade or business connected with or incidental to the manufacture, construction or repair of iron, steel, wooden or concrete ships, boats, vessels, punts, pontoons, floating stages, targets, preventers and torpedo netting booms and such like construction, balsa rafts, life-saving rafts, dock gates, caissons and cofferdam gates, aircraft, sea-planes (where work on such aircraft or sea-planes is done in an establishment the principal business of which is work of the other classes hereinbefore mentioned) or any other floating structure being persons employed or usually employed as shipwrights, naval architects, ship's draughtsmen, boatbuilders (Other than those covered by the Boat Building Award - State (Excluding Brisbane); Boat Building Award - Brisbane; Ship Repairers' Award - Cairns, Townsville and Mackay; and Rubber and Plastic Industry Award - State), or aircraft constructors in such establishments.
- (e) Such other persons, whether employees in the industries associated with the constitution or not, who have been appointed officers of the Union and admitted as members thereof or whilst financial members of the Union have been elected as representatives of any working-class organisation to which the Union or a Branch thereof is affiliated, or as a working-class member of Parliament, or as a representative on any Government Tribunal or Board, in the interests of the Union or Unions.

Together with such trades as may be represented by trade unions hereinafter amalgamating with the Union.

- (f) All other workers engaged in any metal industry or trade provided that no applicant for membership shall be eligible for membership under this paragraph while there exists in the State in which such applicant is employed a registered organisation operating in the immediate locality of the applicant's work and dealing solely with workers of the particular class of which such applicant is a member unless arrangements can be made for the amalgamation of such organisation with this Union.
- (g) In the State of Western Australia all persons in the process, trade avocations or callings connected with or incidental to the manufacture or repairing of carriages, carts, wagons, railway cars, tram cars, motor cars, sidecars, aircraft or any vehicle, together with farriers.
- 1B. An unlimited number of persons employed or usually employed as moulders and/or coremakers, or apprentices, or juniors, and engaged in any class of moulding and/or coremaking for the production of castings from molten metal of any kind, or making moulds for other materials in any industry or branch of any industry together with such persons who have been appointed officers of the Union and admitted as members thereof.
- 1C. Without in any way limiting or being limited by sub-rules 1A and 1B except as provided for exclusions in sub-rules 1A(b)(iv) and 1A(d), the Union shall also consist of:-

(a) Persons employed in, usually employed in and desirous of being employed in one or more of the following callings:-

- (i) Naval Architects.

(ii) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.

(iii) Engineering Surveyors.

(iv) Aeronautical Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.

(v) Tracers.

(vi) Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Planners of Engineering Production, Construction or Maintenance Work.

(vii) All persons employed in any of the industries of Architecture, Chemistry, Engineering, Science, Surveying and Draughting including Tracing as:-

(i) Foremen and Supervisors of Engineering Production; Foremen and Supervisors of Manufacturing Processes; Foremen and Supervisors of Construction Work except where employed in the Building and Civil Engineering Construction Industry; Foremen and Supervisors of Maintenance Work except where employed in the Building and Civil Engineering Construction Industry; Foremen and Supervisors of Repair Work except where employed in the Building and Civil Engineering Construction Industry, Provided that all Foremen and Supervisors of Engineering Production, Foremen and Supervisors of Manufacturing Processes, Foremen and Supervisors of Construction Work, Foremen and Supervisors of Maintenance Work and Foremen and Supervisors of Repair Work who are employed in any of the Metal Industry, the Aircraft Industry or the Vehicle Industry in any of their branches and in all Industries allied thereto shall remain eligible for membership of the Union.

(viii) Technical Assistants and Technical Officers in the engineering and allied industries.

Providing that any person employed in or usually employed in any of the callings prescribed in clause (a) of sub-rule 1C undergoing a fulltime course of training the object of which is to further qualify him for employment in any one or more of the said callings shall be classified as a student member.

Notwithstanding the provisions of subclauses (i), (ii), (iii), (iv), (v), (vi), (vii), (viii) of this sub-rule 1C all persons employed in the industries or occupations within the callings covered by the constitution of The Australian Workers Union of Employees, as registered on the 17th March 1992, and who are covered by, or are eligible to be covered by Awards or Agreements held by The Australian Workers Union of Employees, Queensland, (excepting such awards or agreements to which the AWWU is a party, where an engineering and metals discipline exists) shall not be eligible for membership within the scope of this sub-rule.

1D. Without in any way limiting or being limited by sub-rules 1A, 1B and 1C except as provided for exclusions in sub-rules 1A(b)(iv), 1A(d) and 1C(a)(viii), the Union shall also consist of an unlimited number of persons engaged in or usually engaged in the process, trade or business connected with or incidental to the manufacture, assembling or repairing of carriages, carts, wagons, trucks, railways cars, tram cars, motor cars, motor cycles, side cars, aircraft and other vehicles used in air transit and all other vehicles or parts thereof and whether in wood and/or metal and/or other material (in these Rules referred to as "the trade of vehicle building").

1E. Without in any way limiting or being limited by sub-rules 1A, 1B, 1C and 1D except as provided for exclusions in sub-rules 1A(b)(iv), 1A(d) and 1C(a)(viii), the Union shall also consist of all persons (excepting journalists) who are employees or whose usual occupation is that of an employee in or in connection with the Printing Industry as hereinafter described, together with such other persons, whether employees in the industry or not, as have been appointed officers of the Union and admitted as members thereof. The industry in connection with which the Union is registered is and includes any business, trade, manufacture, undertaking, calling, service, employment, handicraft or industrial occupation or avocation on land or water in the industry of printing and/or any kindred industries and/or in any group or branch of such industry or industries, including (without limiting the generality or ordinary meaning of the foregoing description) composing, reading, electrotyping, stereotyping, letterpress machining, lithographic machining, lithographing, machining, printing of all classes, slug-casting or type-casting machine attending and adjusting and/or repairing, type-founding, engraving, process engraving and/or photo engraving, commercial and/or lithographic designing, writing and/or drawing, publishing, despatching, book-binding, binding, paper ruling, paper cutting, paper making, paper working, calico and/or paper bag making, envelope making, stationery making, paper products working, embossing, cardboard box making, carton making (including the making of any kind of boxes and/or containers of paper and/or

cardboard used alone or in combination with any other material or materials), plastics manufacturing or any of the processes of or incidental to the manufacturing of plastics, or of goods manufactured therefrom, or substitutes therefor.

1F. Any person who is eligible for membership of the Union under the provisions of any of sub-rules 1A or 1B or 1C or 1D or 1E shall not be excluded from membership of the Union by any other of sub-rules 1A or 1B or 1C or 1D or 1E.

1G. Notwithstanding the foregoing provisions of this rule, all 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); or
- (b) Surface Workshop Department of the Copper Stream and the Fans and Refrigeration Department of the Copper Stream;

shall be eligible for membership in the union.

But employees of Mount Isa Mines Limited other than those described in this subrule, shall not be enrolled as members of the Union.

1H. Nothing in these rules shall make eligible for membership any employee 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 contractors and/or sub-contractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

1I. Notwithstanding the foregoing rules, the following classes of person shall also be eligible for membership; all employees of sugar mills, refineries, distilleries, terminals, storage operations or other sectors of the sugar industry (herein called the "sugar industry") who, on 16 December 1994 were eligible for membership of The Plumbers and Gasfitters Employees Union of Australia, Queensland Branch, Union of Employees or the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australasia, Union of Employees, Queensland and any persons employed in the sugar industry subsequent to 16 December 1994 who would have been eligible for membership of the abovementioned unions if so employed on 16 December 1994.

#### *Description of Industry*

(a) The engineering and metal industries and in or in connection with the engineering, boilermaking, shipbuilding and structural work with metals industry and in or in connection with the iron and steel, ship building, engineering, rolling stock, agricultural implement making, coach building, mining, quarrying, railway, construction, building, sawmilling industries or any industry where smiths are employed and in or in connection with tinplate, tinsmithing, sheet metal (including motor car building so far as panel-beating and sheet metal working is concerned and also sheet metal trunk and box making, gas meter making and canister making industries, the industries of manufacturing, assembling, dismantling, erecting, replacing or repairing of agricultural implements; manufacturing, erecting, assembling, dismantling, replacing or repairing of ovens, stoves, ranges, grates, registers, copper casings or other heating apparatus (or parts thereof); the manufacturing, erecting, replacing or repairing of metal bedsteads or fenders (or parts thereof); porcelain enamelling of steel and iron plates and hollow-ware, baths, sinks, cisterns, household utensils, and builders' materials and the manufacture of frit; the industries of manufacturing, making, repairing of jewellery and the industries of manufacturing, making, repairing of watches and clocks.

(b) The industry of manufacturing, constructing or repairing ships, boats, vessels, punts, pontoons, floating stages, targets, preventers and torpedo netting booms, balsa rafts, lifesaving rafts, dock gates, caissons and cofferdam gates or any other floating structures or air-craft or sea-planes in establishments the principal business of which is work of the other classes hereinbefore mentioned.

(c) The metal moulding industry.

(d) The industries of Architecture, Chemistry, Engineering, Science, Surveying and Draughting including Tracing.

Provided that all persons employed in the industries or occupations within the callings covered by the constitution of The Australian Workers' Union of Employees, as registered on the 17th March 1992, and who are covered by, or are eligible to be covered by Awards or Agreements held by The Australian Workers Union of Employees, Queensland, (excepting such awards or agreements to which the AMWU is a party, where an engineering and metals discipline exists) shall not be eligible for membership within the scope of this sub-clause (d).

(e) The Coach, Motor Car, Rolling Stock and Aircraft Industry.

2. The objects of the Union shall be:-

The control of industry in the interests of the community.

  
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