



Copy of Signed Decision

Title of Matter: Application/Notification by "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU) (188V)
Section: s.189(1) RO Act - Notification of elections for office
Subject: Scheduled Election (Various)
Matter Number(s): E2022/182

A copy of the Delegate of the Commissioner's decision is attached for your information.

The relevant rulebook can be accessed via the Fair Work Commission's [website](#).

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

Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records to be declared to the Registered Organisations Commission. This includes changes to officers as a result of elections. Changes must be declared within 35 days and a template is available from the [website](#).

Dear Australian Electoral Commissioner via the Electoral Officer,

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

Contact: Steven Murphy of the organisation, as per the prescribed information.

Please send any declaration(s) and post election report to the Registered Organisations Commission at regorgs@roc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Blake Stephens through regorgs@roc.gov.au.

20 JANUARY 2023



AMENDING DECISION

Fair Work (Registered Organisations) Act 2009
s.189—Arrangement for conduct of an election

"Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)
(E2022/182)

MR STEENSON

SYDNEY, 20 JANUARY 2023

Arrangement for conduct of election.

[1] On 17 January 2023, as Delegate of the Registered Organisations Commissioner, I issued a decision in this matter (E2022/182) arranging for an election to be conducted by the Australian Electoral Commission to fill a significant number of offices for a new term of office for the Automotive, Foods, Metals, Engineering, Printing and Kindred Industries Union.

[2] Since issuing the decision, it has been brought to the Commission's attention that the way one category of office is described could be interpreted as potentially excluding one of the groups of members that these particular offices are intended, according to the organisation's rules, to enfranchise.

[3] In the interests of clarifying the issue, the Decision issued on 17 January 2023 in this matter (E2022/182) amended as follows:

For the each of the State Branches, the fifth and eighth offices listed beneath each of the State Branch's names, and which states

'Rank and File Delegates to National Conference' and

'Rank and File Delegates to State Conference' respectively.

and which have the following description in relation to the number of the offices to be elected:

'(number to be determined in accordance with Rules 5A1.2(a) and 5A1.1(d))' and

'(number to be determined in accordance with the Rules' respectively.

the names of the offices are to be amended by the removal of the words 'Rank and File' so that the particular office for each State Branch should then read:

'Delegates to National Conference' *(number to be determined in accordance with Rules 5A1.2(a) and 5A1.1(d))';* and

'Delegates to State Conference' *(number to be determined in accordance with the Rules'* respectively.

[4] Further it was brought to the attention of the Commission that what was referred to in both prescribed information and in the 17 January 2023 decision as an office of ‘*Rank and File Apprentice State Councillor or Member under 25 years*’ in each of the State branches is not, in fact, a separate office (either by election or ex officio). Rather, the organisation’s rules provide the rights of a full participant in State Council to the holder of the office of ‘*apprentice rank and file member... elected to the State Conference*’. [emphasis added].¹

[5] Consequently, the Decision issued on 17 January 2023 in this matter (E2022/182) is further amended as follows:

For each of the State Branches, the office listed beneath the name of each Branch which states:

‘*Rank and File Apprentice State Councillor or Member under 25 years*’

is deleted.

[6] Further to the decision issued on 17 January 2023, I also note that (in the absence of further changes to the organisation’s elections rules in relation to the timing of elections) the next prescribed day for lodgement of the prescribed information (for what would be the following term of office, commencing in 2027) falls in November 2026.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR352398

¹ Rule 5E1.1(i), referencing Rule 5D1.2(f)