

# The Maritime Union Of Australia National Office



Paddy Crumlin - National Secretary | Mick Doleman - Deputy National Secretary  
Ian Bray and Warren Smith - Assistant National Secretaries

MUA Ref: 13/4/12

12 April 2013

The General Manager  
Fair Work Commission  
Level 8, Terrace Tower  
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EAST SYDNEY NSW 2011

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**Attention: Mr James Hall**

Dear General Manager

**Re: ALTERATION TO RULES MARITIME UNION OF AUSTRALIA (R2013/138)**

I refer to your letter dated 28 March 2013 in relation to the Notice of Particulars of a proposed alteration to the rules of the Maritime Union of Australia under Regulation 126 of the *Fair Work (Registration of Organisations) Regulations 2009*.

The following responses are provided in relation to the matters sent out in your letter.

## **Late lodgement**

The MUA applies under Regulation 126(1) for an extension of time to lodge the Notice. The Notice was lodged on 18 February 2013 following Special Meetings of the members held by the MUA Branches between 27 November<sup>1</sup> and 14 October 2012 which was outside the 35 day lodgement period.

This delay in lodgement of the Notice occurred due to the fact of the intervening Christmas period and the industrial workload during that period with many matters before the Commission. This occurred at a time when the MUA's Senior National Legal Officer, Aaron Neal, was absent on extended personal leave.

In seeking this extension we note the Commission has similarly been burdened with its own workload and that more than 35 days passed between the lodgement of the Notice on 18 February and the Commission's response dated 28 March.

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<sup>1</sup> In the Declaration attached to the Notice dated 18 February 2013 the spread of Special Meeting dates indicated was 10-14 December. The Western Australian Branch Special Meeting took place on 27 November 2012.

## Confirmation of notice and quorum requirements

### Quorums

Quorums at all Special meetings were met. A breakdown of the attendance v quorum at each Special Meeting is provided below.

#	Branch	Meeting Location	Meeting Date	Quorum (Rule 21)	Attendance	Votes in favour	Financial Membership
1	Victoria	Melbourne	11/12/12	100	208	208	2619
2	Queensland	Brisbane	11/12/12	60	128	128	2142
3	Northern NSW	Newcastle	10/12/12	40	45	45	812
4	Sydney	Sydney	11/12/12	100	184	184	2339
5	Southern NSW	Port Kembla	12/12/12	40	47	47	560
6	Tasmania	Devonport	12/12/12	30	56	56	802
7	South Australia	Port Adelaide	10/12/12	60	83	83	924
8	Western Australia	Fremantle	27/11/12	80	743	743	4627
9	Northern Territory	Darwin	14/12/12	N/A	44	44	446
	<b>Total</b>				<b>1538</b>		<b>15271</b>

The number of financial members forming the overall quorum for the Special Meetings was greater than 10 percent of the financial members of the MUA as required by sub-rule 20(e).

### Notice of Special Meetings

The MUA National Office advised the Branches in writing on two occasions of the requirement for a notice to be posted in a local newspaper as required by sub-rule 20(d). All Branches except two (Sydney and Northern Territory) posted notices in local newspapers. Notices were posted at the offices of all Branches.

The Special Meetings were held immediately following the MUA's Annual General Meetings. All members received direct notice of the proposed rule change with the MUA's National Council Report which was posted to every member prior to the Annual General Meetings and Special Meetings.

The MUA is satisfied that all members were notified of the proposed rule change. The Notice was lodged with the Commission on 18 February 2012 in good faith. Any accidental non-compliance with the Rules by a particular Branch was inadvertent and should not act as an obstruction to the proposed rule change as notice was also provided by alternative means.

### **Notice to be published on website**

The rule change notification was published on the MUA website at the time the application was made in accordance with reg 126(1)(b) of the Regulations.

See [http:// www.mua.org.au/news-story/3540/](http://www.mua.org.au/news-story/3540/)

The notification was posted as a news article which, given the time that FWC has taken to get back to us the notice had scrolled from the main web page into the website history. The

notice has been restored as a current news item and also appears on the websites Political Resource Centre page.

We trust that the matters identified above are satisfactory to the General Manager and that the Notice will be accepted so that the proposed rule change may proceed.

Please contact Aaron Neal, MUA National Legal Officer on 02 9267 9134 with any further questions relating to the Notice.

Yours sincerely



**Michael Burns**  
**Acting National Legal Officer**  
**Maritime Union of Australia**