

Form F59 – Application by an applicant for registration as an organisation to change its name or alter its rules

Fair Work (Registered Organisations) Act 2009, s.25

Fair Work (Registered Organisations) Regulations 2009, reg.27

This is an application to ~~change the name or~~ alter the rules of an association seeking registration as an organisation, lodged with the Fair Work Commission in accordance with s.25 of the *Fair Work (Registered Organisations) Act 2009* and Part 3 of the *Fair Work (Registered Organisations) Regulations 2009*.

The Applicant



These are the details of the association that is seeking ~~registration as an organisation and making an application to change its name or~~ alter its rules.

Name of association	Health Services Union
Commission matter number	



The applicant association is not required to prove that it is registrable before making this application.

How would you prefer us to communicate with you?

Email (you will need to make sure you check your email account regularly)

Post

Does the Applicant need an interpreter?



If the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

Yes – Specify language

No

Does the Applicant require any special assistance at the hearing or conference (eg a hearing loop)?

Yes – Please specify the assistance required

No

Does the Applicant have a representative?



A representative is a person or organisation who is representing the Applicant. This might be a lawyer or paid agent, a union or employer organization, or a family member or friend. There is no requirement to have a representative.

Yes – Provide representative's details below

No

Applicant's representative



These are the details of the person or organisation who is representing the Applicant (if any).

Name of person	Leigh Svendsen		
Firm, organisation or company	Health Services Union		
Postal address	Suite 46, Level 1, 255 Drummond St		
Suburb	CARLTON		
State or territory	Vic	Postcode	3053
Phone number	0418 538 989	Fax number	
Email address	leighs@hsu.net.au		

Is the Applicant's representative a lawyer or paid agent?

Yes

No

1. Proposed name change or alteration to rule(s)

1.1 Is the Applicant proposing to change its name?



You may apply to change the name of the association in accordance with s.25 of the RO Act.

Yes – Specify the proposed name for the association.

No

Not applicable

Attach additional pages if necessary.

1.2 If "Yes", why do you wish to change the name of the association? Specify the reason for the change. You may select one of the following from the list:

to comply with the RO Act (including any of the requirements for registration); or

to remove a ground of objection to the registration of the association taken by an objector under the regulations or by the Commission

1.3 Is the Applicant proposing to alter its rules?



You may also apply to alter the rules of the association in accordance with the RO Act (s.25).

Yes – Specify what alteration to the rules is being sought and attach a copy of the proposed text of the altered rule(s)

No

Alteration to rules to following rules which are branch rules for the purposes of rule 39(d).

- (a) Rule 40, Branch Officers; and
- (b) Rule 42, NSW/ACT/QLD Branch Committee; and
- (c) Rule 43, NSW/ACT/QLD Branch Council; and
- (d) Rule 50, Branch Assistant Secretary Treasurer OF THE NSW/ACT/QLD Branch; and
- (e) Rule 70, Full Time Paid Officers - NSW/ACT/QLD Branch and New South Wales State Registered Health Services Union NSW; and
- (f) Rule 75, Finance Committees of the Union and the Branches; and
- (g) Rule 94, Transitional Rules Arising from the 2020 Rule Changes Regarding National Officers.

The changes to the rules relate only to the NSW/ACT/QLD Branch of the HSU, to the officers, Branch Committee and Council, the finance committee and a Transitional rule for the branch changes.

Tracked change version of the text of the proposed variations provided at Appendix C

Amend rulebook 051V dated 8 June 2021 (R2020/207)] as follows:

1. Amend rule **40 - BRANCH OFFICERS** by:
 - a. Deleting rule 40(a)(i) and replacing it with
 - (i) in the NSW/ACT/QLD Branch there shall **also be a Branch Assistant Secretary – Treasurer** and no Branch Trustees.
 - b. Deleting the first sentence of 40(c) and replacing it with:
 - (ii) Provided that in the case of the NSW/ACT/QLD Branch, the offices of Branch Secretary, Branch Assistant Secretary-**Treasurer and Branch Assistant Secretary** shall be paid offices.
 - c. Deleting the second sentence of 40(d) and replacing it with:
 - (d) Provided that in the case of the Victoria No. 3 Branch the Branch Officers shall not be ex officio members of the Finance Committee established pursuant to rule 75.
2. Amend rule **42 - NSW/ACT/QLD BRANCH COMMITTEE** by:
 - a. Deleting rule 42(a) and replacing it with:
 - (a) Notwithstanding rule 41, the NSW/ACT/QLD Branch Committee shall consist of the Branch President, the Branch Senior Vice-President, the Branch Junior Vice-President, the Branch Secretary, the Branch Assistant Secretary-Treasurer, **the Branch Assistant Secretary** and five (5) ordinary members.
3. Amend rule **43 - NSW/ACT/QLD BRANCH COUNCIL** by:
 - a. In subrule 43(b)(ii)(A) deleting ~~Twenty-one (21)~~ and replacing it with **Eighteen (18)**
 - b. In subrule 43(b)(ii)(C) deleting ~~One (1)~~ and replacing it with **Four (4)**
4. Amend rule **50 - BRANCH ASSISTANT SECRETARY-TREASURER OF THE NSW/ACT/QLD BRANCH** by:
 - a. Deleting the heading and replacing it with:

50 - BRANCH ASSISTANT SECRETARIES OF THE NSW/ACT/QLD BRANCH

5. Amend rule **70 - FULL TIME PAID OFFICERS - NSW/ACT/QLD BRANCH AND NEW SOUTH WALES STATE REGISTERED HEALTH SERVICES UNION NSW** by:
- a. Deleting 70(a) and replacing with
 - (a) Notwithstanding anything elsewhere in the rules of the Union, in the NSW/ACT/QLD Branch where the Branch Secretary, the Branch Assistant Secretary-Treasurer or **Branch Assistant Secretary** is also elected or appointed to an equivalent full time paid office in the Health Services Union NSW, an organisation registered pursuant to the provisions of the Industrial Relations Act 1996 (NSW), and is in receipt of remuneration and terms and conditions of employment from the Health Services Union NSW equal to that determined by the Branch Council, he or she shall be deemed to be paid by the NSW/ACT/QLD Branch for such time as he or she continues to receive such payment from Health Services Union NSW and shall not be entitled to be paid by the NSW/ACT/QLD Branch. For all other purposes under the rules of the Union the officer shall be deemed to be the holder of a full-time paid office in the NSW/ACT/QLD Branch.
6. Amend rule **75 - FINANCE COMMITTEES OF THE UNION AND THE BRANCHES** by:
- a. By deleting 75(b)(i) and replacing it with:
 - (i) In the case of the NSW/ACT/QLD Branch, the Branch President, Branch Secretary, the Branch Assistant Secretary-Treasurer, **the Branch Assistant Secretary** and five (5) ordinary members appointed by and from the Branch Council.
7. Amend rule **94 – TRANSITIONAL RULES ARISING FROM THE 2020 RULE CHANGES REGARDING NATIONAL OFFICERS** by:
- a. Deleting the heading and replacing it with
94 – TRANSITIONAL RULES ARISING FROM THE 2020/2021 RULE CHANGES REGARDING NATIONAL AND BRANCH OFFICERS
 - b. Adding the following sub-rules:
 - (b) Notwithstanding rules 40 (Branch Officers), 42 (NSW/ACT/QLD Branch Committee), 70 (Full Time Paid Officers - NSW/ACT/QLD Branch) and 75 (Finance Committees of the Union and the Branches) until the date of the declaration of the elections conducted pursuant to rule 23B on or after 1 July 2022, the NSW/ACT/QLD Branch Officers for all purposes shall continue to be the Branch President, the Branch Senior Vice-President, Branch Junior Vice-President, the Branch Secretary, and the Branch Assistant Secretary-Treasurer ("Branch Officers").
 - (c) Notwithstanding rules 43 (NSW/ACT/QLD Branch Council), until the date of the declaration of the elections conducted pursuant to rule 23B on or after 1 July 2022, the composition of the NSW/ACT/QLD Branch Council shall continue to be:
 - (i) The Branch Officers;

- (ii) **Twenty five (25) Councillors constituted as follows:**
- (A) **Twenty one (21) Councillors with at least one (1) but not more than two (2) being drawn from hospitals or health services in each of the fifteen (15) local health districts (refer Note 1) provided that one (1) Councillor shall come from the Health Managers Sub-Branches;**
 - (B) **One (1) Councillor from a Private Hospital;**
 - (C) **One (1) Councillors from a non-public sector aged care facility;**
 - (D) **One (1) Councillor from the NSW Ambulance Services; and**
 - (E) **One (1) Councillor from the Australian Capital Territory.**

Attach additional pages if necessary.

1.4 If “Yes”, why do you wish to alter the rule(s) of the association? Specify the reason for the change. You may select one of the following from the list:



Note: If the association alters its rules, it must within 35 days of doing so, lodge with the Commission two copies of the alterations and a declaration signed by an authorised officer verifying those changes. It must also serve a copy of the alterations on any objector within seven days of lodging copies of the changes with the Commission (RO Regulations, reg. 28).

- to comply with the RO Act (including any of the requirements for registration and see further RO Act, s.142 (1) (a));
- to remove a ground of objection to the registration of the association taken by an objector under the regulations or by the Commission; or
- to correct a formal or technical error in the association’s rules (such as, to remove an ambiguity, correct spelling or grammar or an incorrect reference to an organisation or person).

1. The reason for the change to rule 40 is to provide for an additional Assistant Secretary position and reflect practice of the branch Finance Committee.
2. The reason for the change to rules 43 is to restructure the electoral districts of the Branch Councillors to reflect the membership of the Branch.
3. The reason for the change to rules 42, 50, 70 and 75 is to reflect the change to the officers of the branch in rule 40.
4. The reason for the changes to rules 94 is to provide for the new positions to take effect from the next election cycle.

Attach additional pages if necessary.

2. Response to Objector’s contentions

2.1 If the proposed name change or alteration to the rules of the association relates to an objection, provide your response to the contentions made by the Objector.

Not applicable

Attach additional pages if necessary.

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature or common seal	
Name	Leigh Svendsen
Date	Tuesday, 4 January 2022
Capacity/Position	Senior Industrial and Compliance Officer