

REJECT THE AEU PLEBISCITE!

Dear AEU Member,

I am writing to you in response to a recent bulletin from the Branch President concerning the plebiscite to change the Branch Rules.

In the bulletin the Branch President gives reasons why the Rules need to be change and the supposed effect the new Rules will have on the autonomy and entitlements of the TAFE Division and Secondary College Sector members.

YOU ARE URGED TO REJECT IT ... Why?

Because it's a politically motivated grab for power by the union's bosses!

Leanne Wright makes a number of claims in support of the proposed rules changes. Most of these are erroneous, misleading or simply a smokescreen.

The real reasons that the Branch President and the State Manager want the Rules changed were revealed in the AEU State Manager's own contribution to the 2010 annual report, and in a discussion paper for the AEU Branch Council August 2010 in which he states:

"The Branch had become increasingly dysfunctional over time."

The State Manager goes on to try to blame the rules and governance structure for this dysfunction.

However, the truth is that the "dysfunction" was a direct consequence of attempts by the State Manager and Branch President to over-ride the will and wishes of the TAFE Division members during negotiations for our TAFE Teachers' Agreement – the agreement that sets our pay and conditions.

At that time, AEU TAFE members became so concerned at the conduct of the State Manager in relation to the negotiations for the TAFE Teachers' Agreement, that the TAFE Division Executive carried *a motion of "No Confidence"* in the State Manager.

A power struggle ensued in which the State Manager and Branch President attempted to over-ride the authority provided under the rules for the TAFE Division to have control over matters solely affecting TAFE Division members.

Fortunately, the resolve of TAFE members ensure that the TAFE Division prevailed, and we were able to finalise an agreement that was acceptable to TAFE members and considerably better than what the State Manager was trying to get us to accept.

Had the State Manager and Branch President had their way at that time, you would now have higher direct teaching hours, no provision for overtime payment for excess hours and much worse provisions relating to sessional teachers.

What will be the real effect of the rule changes?

In essence, the proposed change deletes the ***Amalgamation Agreement***. This Agreement was an agreement made between the three unions, Tasmanian Teachers Federation; Tasmanian TAFE Staff Society and the Secondary Colleges Staff Association.

when they amalgamated.

The Agreement's purpose was to ensure that the minority groups - the TAFE Division and Secondary Colleges Sector members - retained democratic control over matters solely affecting those members, and to ensure that they would

have access to minimum resources and entitlements within the new union, and didn't just become collectors of funds to support the majority K-12 membership.

The Branch President claims the Amalgamation Agreement and Rule 36 which gives effect to it have outlived their purpose. This is simply untrue.

The proposed Rule changes do not guarantee the provision of any of these things. The Rule changes:

- removes the provision of a minimum staffing level, resources, the autonomy of TAFE and College members to control and manage the business and affairs on matters solely related to their group
- removes the right of the TAFE and Colleges members to preside over their own industrial matters.
- imposes restrictions before the TAFE Division or Secondary College Sector can implement any of their policies or decisions relating solely to their group,
- means that decisions of the TAFE and colleges members will be subject to the approval of the schools K – 10 membership, or the Branch President and/or State Manager.

The proposed new Rules remove the autonomy, the authority and entitlements of the TAFE Division and the Secondary Colleges Sector

You should be in no doubt: The proposed Rule changes are simply another attempt to place the membership of the TAFE Division and Secondary Colleges Sector in a position where the State Manager and Branch President can simply over ride the wishes of the members elected to represent TAFE and College members.

This is precisely the same position that previously caused them to split from the Tasmanian Teachers Federation.

In fact the real motivation for the Rule change is precisely why the Amalgamation Agreement and Rule 36 are vital and must remain in place.

Another reason to reject the Plebiscite? It is probably Unlawful!

The AEU's Rules are explicit on the process for changing the Rules.

They clearly provide that a plebiscite of the membership can only be used to decide matters other than Rules which substantially affect the TAFE Division and Secondary Colleges Sector.

The TAFE Division and Secondary Colleges have sought legal advice, and have obtained TWO legal opinions in relation to this matter.

That advice states;

“ Any plebiscite which is attempted to be held as a way to change the Rules would be clearly invalid and therefore of no legal effect.”

In short, both legal opinions state that the process for changing the Rules is clearly defined and this **CANNOT BE DONE BY A PLEBISCITE.**

THE PROPOSED RULE CHANGES IS A GRAB FOR POWER BY THE STATE MANAGER AND BRANCH PRESIDENT AND IT IS RECOMMENDED IN THE INTERESTS OF ALL THE UNION'S MEMBERSHIP AND TO ENSURE THE UNION RULES ARE ADHERED TO!

REJECT THIS PLEBISCITE

Ross Dale Branch Executive member; Branch Council delegate; TAFE Division Vice President