



A•S•U

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Friday 15 December 2017

General Manager
Fair Work Commission
GPO Box 1944
MELBOURNE VIC 3001

By E-mail: ros@fwc.gov.au

Dear General Manager

Re: Amendments to Australian Municipal, Administrative, Clerical and Services Union rules

I submit the following rule changes for certification.

Accordingly, I lodge with this letter a Notice Setting out the Particulars of the Alterations to the Rules of the ASU, Declarations pursuant to Section 159(1) of the Fair Work (Registered Organisations) Act 2009 and Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009.

The rule alteration concerns National Rule DIVISION FIVE WESTERN AUSTRALIAN BRANCH as follows:

1. In rule 5 - BRANCH EXECUTIVE COMMITTEE insert a new sub-rule f. as follows:
 - f. Questions may be submitted by the Branch Secretary to the Branch Executive Committee by letter, email or facsimile and the decision of the majority of the votes entitled to be cast in accordance with this rule, shall be as valid and binding for all purposes as though taken at a duly assembled meeting of the Branch Executive Committee. Provided that, if within a period of seven days from the despatch of the letter, email or facsimile, the motion has not been determined in accordance with the foregoing provision, the motion shall be determined in accordance with the majority of votes cast, and thereupon shall become a resolution of Branch Executive Committee.
2. In rule 10 - BRANCH PRESIDENT sub-rule b. delete the words 'and the First National Conference Representative'.
3. In rule 14 - BRANCH SECRETARY sub-rule b. delete the words 'and the Second National Conference Representative'.
4. In Rule 15 – ASSISTANT BRANCH SECRETARY sub-rule b. delete the words 'the Alternate National Executive Representative and'.
5. In Rule 15 – ASSISTANT BRANCH SECRETARY sub-rule b. delete the word 'Third' and insert 'First'.
6. In rule 18 - ELECTION OF BRANCH OFFICE HOLDERS delete sub-rule a. and insert the following:
 - a. Commencing in 2019 Quadrennial Elections will be held to elect to the office set out in Column A from the electorate set out in Column B, the:

**Australian
Services
Union**

**National Office
Melbourne & Sydney**

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

T: (03) 9342 1400
F: (03) 9342 1499

E: info@asu.asn.au
W: www.asu.asn.au

FB: [www.facebook.com/
australianservicesunion](http://www.facebook.com/australianservicesunion)
TW: @ASUnion

**National Secretary
David Smith**

**Assistant National Secretaries
Linda White
Robert Potter**

A - OFFICE	B - ELECTORATE
Branch President/First National Executive Representative	whole membership
Deputy Branch President	whole membership
Branch Secretary/Second National Executive Representative	whole membership
Branch Treasurer	whole membership
Branch Vice President Women	whole membership
Assistant Branch Secretary/First National Conference Representative	whole membership
National Conference Delegates	whole membership
Branch Executive Councillors	Industry Divisions
Branch Executive Councillor(s) Women	whole membership

7. In rule 18 - ELECTION OF BRANCH OFFICE HOLDERS delete sub-rule b. and insert the following:

- b. In addition to the qualifications for candidates required in sub-rules a., c., d. and e. of National rule 39 - ELIGIBILITY OF CANDIDATES, the following applies:

OFFICE	ADDITIONAL QUALIFICATIONS
Branch Vice-President (Women)	a financial member who is a woman
Branch Executive Councillor (Women)	a financial member who is a woman

8. In rule 18 - ELECTION OF BRANCH OFFICE HOLDERS delete sub-rule c. and insert the following:

- c. In addition to the qualifications for nominators required in sub-rule e. of National rule 40 – NOMINATION OF CANDIDATES, the following applies:

OFFICE	ADDITIONAL QUALIFICATIONS
Branch President	two members of Branch Executive Council
Deputy Branch President	two members of Branch Executive Council
Branch Vice President Women	two members of Branch Executive Council
Branch Secretary	two members of Branch Executive Council
Branch Treasurer	two members of Branch Executive Council
Assistant Branch Secretary	two members of Branch Executive Council
Branch Executive Councillor Women	two members of Branch Executive Council

If you require further information, please do not hesitate to contact me at this office or John Nucifora jnucifora@asu.asn.au tel (03) 9342 1477

Yours faithfully



Robert Potter
ACTING NATIONAL SECRETARY

encl.

Fair Work (Registered Organisations) Act 2009

**NOTICE SETTING OUT THE PARTICULARS OF THE ALTERATIONS TO THE RULES OF THE
AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION
REGULATION 126**

DECLARATION REGULATION 126 (2)

I, ROBERT POTTER, of Ground Floor, 116-124 Queensberry Street, Carlton South, State of Victoria:

1. I am the Acting National Secretary of the Australian Municipal, Administrative, Clerical and Services Union ("ASU"), an organisation of employees registered under the Fair Work (Registered Organisations) Act 2009 ("the Act"). I am authorised to make this statement for and on behalf of the ASU and to sign the "Notice Setting out the Particulars of the Alterations to the Rules of the Union".
2. The particulars set out in this 'Notice Setting out the Particulars of the Alterations to the Rules of the Australian Municipal, Administrative, Clerical and Services Union' dated 15 December 2017, lodged herein are correct.
3. The alterations were made in accordance with the Rules of the ASU.
4. The manner in which compliance with the Rules of the ASU was obtained is as follows:
 - a) Wayne Wood, Branch Secretary of the Western Australian Branch and National Executive member, advised the National Secretary in a letter dated 30 November 2017 that the Branch Executive Council, approved the Rule changes on 28 November 2017 and it was requested the proposed changes to the rules be submitted to a vote of National Executive as soon as possible.
 - b) I am satisfied that the Branch has complied with the necessary Branch rules including the meeting of Branch Conference in accordance with Rule 21 - Alteration of Rules.
 - c) I confirm that on 8 December 2017 a Postal/Fax/E-mail Ballot was submitted to all National Executive members via e-mail and members were provided with a copy of the letter from the Western Australian Branch dated 30 November 2017 attached hereto and marked '**Attachment A**' and a current copy of the Branch rules with the proposed amendments using tracked changes attached hereto and marked '**Attachment B**'.
 - d) On the 12 December 2017, a total of 138 affirmative votes were received. Of the total of 138 votes allocated to members of the National Executive in accordance with sub-rule 8c, I declared the vote carried pursuant to sub-rule 8j of the rules of the ASU. Attached hereto and marked '**Attachment C**' is a copy of my correspondence to National Executive members of the 12 December 2017, declaring the result of the ballot.
5. I am authorised by the Branch and National Executive to make necessary amendments to the original proposed rules sent by the Branch these ensure that they are consistent and typographically correct, provided that any such amendments are not inconsistent with the intention of the proposed rules, by amending the following:
 - a) In Rule 5 insert the letter 'f' adjacent to the new sub-rule.
 - b) In Rule 18 a. after the words Branch Vice President (Woman) replace the word (Woman) with (Women).
 - c) In Rule 18 a. after the words Branch Executive Councillor(s) (Woman) replace the word (Woman) with (Women).
 - d) In Rule 18 clarify the insertion of a new sub-rule b.by replacing the letter 'a' with 'b'.
 - e) In Rule 18 c. after the words Branch Vice President (Woman) replace the word (Woman) with (Women).
 - f) In Rule 18 c. after the words Branch Executive Councillor(s) (Woman) replace the word (Woman) with (Women).

6. Pursuant to Regulation 126(1)(b) the notice for this rule alteration has been published on the ASU website and can be viewed at www.asu.asn.au/about/rules.
7. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED: Friday 15 December 2017



Robert Potter
Acting National Secretary



W•A•S•U

Australian Services Union

WESTERN AUSTRALIAN BRANCH



A•S•U

30 November 2017

David Smith
National Secretary
Australian Services Union
Ground Floor
116 Queensberry Street
CARLTON SOUTH VIC 3053

102 East Parade
East Perth 6004

PO Box 8208
Perth Business Centre
Perth WA 6849

Tel: (08) 9427 7777
Country Callers: 1800 064 657

branch.secretary@asuwa.org
www.asuwa.org

Dear David,

RE: WA BRANCH RULE CHANGES

Further to your letter dated 12 May 2017, the Australian Services Union Western Australian Branch Executive Council met on Tuesday, 28 November 2018 and passed the following resolution:

TO: BRANCH EXECUTIVE COUNCIL MEETING – 28 NOVEMBER 2017
FROM: WAYNE WOOD – BRANCH SECRETARY
SUBJECT: ASU WA BRANCH RULE CHANGES

Resolution:

E69/17 Moved: Giuseppe Zappavigna Seconded: Garry Allan

- That the report be noted.
- That the Branch Executive Council resolves:

A. to approve the following amendments of the Australian Municipal, Administrative, Clerical and Services Union Rules DIVISION FIVE WESTERN AUSTRALIAN BRANCH RULES:

1. In rule 5 - BRANCH EXECUTIVE COMMITTEE insert a new sub-rule f. as follows:

Questions may be submitted by the Branch Secretary to the Branch Executive Committee by letter, email or facsimile and the decision of the majority of the votes entitled to be cast in accordance with this rule, shall be as valid and binding for all purposes as though taken at a duly assembled meeting of the Branch Executive Committee. Provided that, if within a period of seven days from the despatch of the letter, email or facsimile, the motion has not been determined in accordance with the foregoing provision, the motion shall be determined in accordance with the majority of votes cast, and thereupon shall become a resolution of Branch Executive Committee.

2. In rule 10 - BRANCH PRESIDENT sub-rule b. delete the words 'and the First National Conference Representative'.
3. In rule 14 - BRANCH SECRETARY sub-rule b. delete the words 'and the Second National Conference Representative'.
4. In Rule 15 – ASSISTANT BRANCH SECRETARY sub-rule b. delete the words 'the Alternate National Executive Representative and'.
5. In Rule 15 – ASSISTANT BRANCH SECRETARY sub-rule b. delete the word 'Third' and insert 'First'.
6. In rule 18 - ELECTION OF BRANCH OFFICE HOLDERS delete sub-rule a. and insert the following:

- a. Commencing in 2019 Quadrennial Elections will be held to elect to the office set out in Column A from the electorate set out in Column B, the:

A - OFFICE	B - ELECTORATE
Branch President/First National Executive Representative	whole membership
Deputy Branch President	whole membership
Branch Secretary/Second National Executive Representative	whole membership
Branch Treasurer	whole membership
Branch Vice President (Woman)	whole membership
Assistant Branch Secretary/First National Conference Representative	whole membership
National Conference Delegates	whole membership
Branch Executive Councillors	Industry Divisions
Branch Executive Councillor(s) (Woman)	whole membership

7. In rule 18 - ELECTION OF BRANCH OFFICE HOLDERS delete sub-rule b. and insert the following:

- a. In addition to the qualifications for candidates required in sub-rules a., c., d. and e. of National rule 39 - ELIGIBILITY OF CANDIDATES, the following applies:

OFFICE	ADDITIONAL QUALIFICATIONS
Branch Vice-President (Women)	a financial member who is a woman
Branch Executive Councillor (Women)	a financial member who is a woman

8. In rule 18 - ELECTION OF BRANCH OFFICE HOLDERS delete sub-rule c. and insert the following:

- c. In addition to the qualifications for nominators required in sub-rule e. of National rule 40 - NOMINATION OF CANDIDATES, the following applies:

OFFICE	ADDITIONAL QUALIFICATIONS
Branch President	two members of Branch Executive Council
Deputy Branch President	two members of Branch Executive Council
Branch Vice President (Woman)	two members of Branch Executive Council
Branch Secretary	two members of Branch Executive Council
Branch Treasurer	two members of Branch Executive Council
Assistant Branch Secretary	two members of Branch Executive Council
Branch Executive Councillor(Woman)	two members of Branch Executive Council

B. To authorise the Branch Secretary to submit to the National Secretary the proposed amendment to be considered by the National Executive.

C. To authorise the National Secretary to make any necessary amendments to these proposed rules that may be required to ensure that they are:

- a. effective at law; and
- b. consistent and typographically correct, provided that any such amendments are not inconsistent with the intention of the proposed rules.

Carried.

Please note It was noted in Attachment B that in 14. B. the work Representative after the phrase "Second National Executive" was deleted in error.

On behalf of the ASU WA Branch Executive Council, I would ask that you proceed with the rule change.

Should you have any questions, please do not hesitate to call me on 0412 947 052.

Yours Sincerely


Wayne Wood
Branch Secretary

DIVISION FIVE
WESTERN AUSTRALIAN BRANCH
BRANCH RULES

5 - BRANCH EXECUTIVE COMMITTEE

- a. The Branch Executive Committee shall consist of the Branch President, the Deputy Branch President, the Branch Vice-President (Women), the Branch Secretary, the Assistant Branch Secretary and the Branch Treasurer.
- b. The Branch Executive Committee shall submit reports and recommendations to Branch Executive Council.
- c. The Branch Executive Committee shall meet at least once each month and otherwise as required and shall be convened by the Branch Secretary or at the request of any two Branch Executive Committee members.
- d. Branch Executive Committee shall exercise such powers as are delegated to it by Branch Executive Council from time to time provided that the power to amend these Rules shall not be so delegated.
- e. Branch Executive Committee members shall have the right to attend and be heard at any meeting held within the Branch.
- f. Questions may be submitted by the Branch Secretary to the Branch Executive Committee by letter, email or facsimile and the decision of the majority of the votes entitled to be cast in accordance with this rule, shall be as valid and binding for all purposes as though taken at a duly assembled meeting of the Branch Executive Committee. Provided that, if within a period of seven days from the despatch of the letter, email or facsimile, the motion has not been determined in accordance with the foregoing provision, the motion shall be determined in accordance with the majority of votes cast, and thereupon shall become a resolution of Branch Executive Committee.

10 - BRANCH PRESIDENT

- a. There shall be a Branch President who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Branch President shall be the First National Executive Representative ~~and the First National Conference Representative.~~
- c. The Branch President shall be the official head of the Branch and shall:
 - i. preside at all meetings of the Branch when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
 - ii. be impartial in all transactions and shall see that the Rules are adhered to.

- d. Upon confirmation of the minutes of meetings of Branch Executive Council, sign such minutes confirming them as a true and accurate record.

14 - BRANCH SECRETARY

- a. There shall be a Branch Secretary who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Branch Secretary shall be the Chief Executive Officer of the Branch who between meetings of the Branch Executive Council shall conduct and manage the affairs of the Branch. The Branch Secretary shall be the Second National Executive Representative ~~and the Second National Conference Representative~~.
- c. The Branch Secretary shall:
 - i. Consult with the Branch President or in his/her absence the Deputy Branch President, or in the absence of both the Branch President and the Deputy Branch President one of the Branch Executive Committee members on urgent matters which require a decision between meetings of the Branch Executive Council which would ordinarily be subject to a Branch Executive Council decision.
 - ii. Keep or cause to be kept an up-to-date register of the Union members within the Branch, and within the Divisions, and Sectors within Divisions, and their postal addresses so far as known.

15 - ASSISTANT BRANCH SECRETARY

- a. There shall be an Assistant Branch Secretary who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Assistant Branch Secretary shall assist the Branch Secretary and shall carry out the directions and instructions of the Branch Secretary. The Assistant Branch Secretary shall be ~~the Alternate National Executive Representative and the Third-First~~ National Conference Representative.
- c. In the temporary absence of the Branch Secretary, or when that office is vacant, the Assistant Branch Secretary shall assume the powers and functions of the Branch Secretary.
- d. Pending the filling of any casual vacancy in the office of the Assistant Branch Secretary, or during any period that the Assistant Branch Secretary is absent or unable to carry out the functions of the office, the Branch Executive Council may appoint any person eligible to be elected as the Assistant Branch Secretary to be the Acting Assistant Branch Secretary. The Acting Assistant Branch Secretary shall have all of the powers and duties of the Assistant Branch Secretary.

18 - ELECTION OF BRANCH OFFICE HOLDERS

- ~~a. Commencing in 2007 and thereafter in every fourth year an election shall be held for the purpose of electing the following:~~

1. ~~The Branch President/First National Executive Representative/First National Conference Representative~~
2. ~~The Deputy Branch President~~
3. ~~The Branch Secretary/Second National Executive Representative/Second National Conference Representative~~
4. ~~The Branch Treasurer~~
5. ~~The Branch Vice President (Women)~~
6. ~~The Assistant Branch Secretary/Alternate National Executive Representative/Third National Conference Representative~~
7. ~~The Branch Executive Councillors to be elected by and from the financial members of Divisions~~
8. ~~The National Conference Delegates to be elected by and from the financial members of the Branch~~
9. ~~The Branch Executive Councillor(s) (Women) to be elected by the financial members of the Branch.~~
 - a. Commencing in 2019 Quadrennial Elections will be held to elect to the office set out in Column A from the electorate set out in Column B, the:

<u>A - OFFICE</u>	<u>B - ELECTORATE</u>
<u>Branch President/First National Executive Representative</u>	<u>whole membership</u>
<u>Deputy Branch President</u>	<u>whole membership</u>
<u>Branch Secretary/Second National Executive Representative</u>	<u>whole membership</u>
<u>Branch Treasurer</u>	<u>whole membership</u>
<u>Branch Vice President (Women)</u>	<u>whole membership</u>
<u>Assistant Branch Secretary/First National Conference Representative</u>	<u>whole membership</u>
<u>National Conference Delegates</u>	<u>whole membership</u>
<u>Branch Executive Councillors</u>	<u>Industry Divisions</u>
<u>Branch Executive Councillor(s) (Women)</u>	<u>whole membership</u>

~~b. In addition to the qualifications for candidates required in sub-rules a., c. and d. of National Rule 39 and the nomination procedures contained in sub-rules c. and e. of National Rule 40, the following shall apply:~~

Office	Eligibility
Branch Vice President (Women)	Any financial woman member
Branch Executive Councillor (Women)	Any financial woman member

b. In addition to the qualifications for candidates required in sub-rules a., c., d. and e. of National rule 39 - ELIGIBILITY OF CANDIDATES, the following applies:

<u>OFFICE</u>	<u>ADDITIONAL QUALIFICATIONS</u>
<u>Branch Vice-President (Women)</u>	<u>a financial member who is a woman</u>
<u>Branch Executive Councillor (Women)</u>	<u>a financial member who is a woman</u>

~~e. In addition to the qualifications for nominators required by sub-rule e. of National Rule 40, the following shall apply:~~

Office	Additional Qualifications
Branch President	Any two members of Branch Executive Council
Deputy Branch President	Any two members of Branch Executive Council
Branch Vice President (Women)	Any two members of Branch Executive Council
Branch Secretary	Any two members of Branch Executive Council
Branch Treasurer	Any two members of Branch Executive Council
Assistant Branch Secretary	Any two members of Branch Executive Council
Branch Executive Councillor (Women)	Any two members of Branch Executive Council

c. In addition to the qualifications for nominators required in sub-rule e. of National rule 40 – NOMINATION OF CANDIDATES, the following applies:

<u>OFFICE</u>	<u>ADDITIONAL QUALIFICATIONS</u>
<u>Branch President</u>	<u>two members of Branch Executive Council</u>
<u>Deputy Branch President</u>	<u>two members of Branch Executive Council</u>
<u>Branch Vice President (Women)</u>	<u>two members of Branch Executive Council</u>
<u>Branch Secretary</u>	<u>two members of Branch Executive Council</u>
<u>Branch Treasurer</u>	<u>two members of Branch Executive Council</u>
<u>Assistant Branch Secretary</u>	<u>two members of Branch Executive Council</u>
<u>Branch Executive Councillor(Women)</u>	<u>two members of Branch Executive Council</u>



A•S•U

File/Our Ref: [RP/db 12.21](#)
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Tuesday 12 December 2017

TO: All National Executive Members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 04/2017
Proposed Western Australian Branch rule change**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 8 December 2017, regarding the above is as follows:

A total of 138 affirmative votes were received from:

David Smith
Linda White
Robert Potter
Alex Scott
Irene Monro
Vivienne Doogan
Natalie Lang
Judith Wright
Angus McFarland
Graeme Kelly
Stephen Birney
Sharon Sewell
Neil Henderson
Jennifer Thomas
Lynette Henson
Joseph Scales
Abbie Spencer
Jeff Lapidis
Ance! Greenwood
Michelle Jackson
Lisa Darmanin
Wendy Phillips
Ingrid Stitt
David Leydon
Paul O'Neill
Wayne Wood

No negative votes were received. I advise that National Executive E-mail Vote No. 04/2017 is carried.

Yours faithfully

Robert Potter
Acting National Secretary

**Australian
Services
Union**

National Office
Melbourne & Sydney

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

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TW: @ASUnion

National Secretary
David Smith

Assistant National Secretaries
Linda White
Robert Potter