



A•S•U

File/Our Ref: 12.21
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Wednesday, 18 April 2018

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 - R2018/80

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 SEVEN NEW SOUTH WALES & ACT (SERVICES) BRANCH as follows:

1. Delete from Rule 6 - BRANCH EXECUTIVE COMMITTEE sub-rule d. the word 'of' in the first line and insert 'or'.
2. Delete from Rule 15 – NATIONAL EXECUTIVE MEMBERS the word 'MEMBERS' from the title and insert 'REPRESENTATIVES'.
3. Delete from Rule 15 – NATIONAL EXECUTIVE MEMBERS the words 'two (2)'.
4. Delete from Rule 15 – NATIONAL EXECUTIVE MEMBERS in the first sentence the word 'members' and replace with 'Representatives as determined by National Rule 8,'.
5. Delete from Rule 15 – NATIONAL EXECUTIVE MEMBERS in the first sentence the word 'half' and replace with 'an equal proportion'.
6. Delete from Rule 15 – NATIONAL EXECUTIVE MEMBERS in the second sentence the word 'members' and replace with 'Representatives'.
7. Delete from Rule 15 – NATIONAL EXECUTIVE MEMBERS in the third sentence the word 'member' and replace with 'Representatives'.

**Australian
Services
Union**

**National Office
Melbourne & Sydney**

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

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F: (03) 9342 1499

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

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

**National Secretary
David Smith**

**Assistant National Secretaries
Linda White
Robert Potter**

8. Delete from Rule 16 – NATIONAL CONFERENCE DELEGATES the words 'Branch Secretary, the Deputy Branch Secretary' and insert 'Branch's National Executive Representatives'.
9. Delete from Rule 26 - INDUSTRY DIVISION COMMITTEE OF MANAGEMENT MEMBERSHIP sub-rule c. (iv) after the word 'comprise' the word 'of'.
10. Insert in Rule 26 – INDUSTRY DIVISION COMMITTEE OF MANAGEMENT MEMBERSHIP sub-rule c. (iv) after the words 'committee members' the words 'who shall be elected in accordance with the provisions of National Rule 41 a. iii.'.
11. Insert in Rule 26 – INDUSTRY DIVISION COMMITTEE OF MANAGEMENT MEMBERSHIP sub-rule d. after the words 'financial members' in the first sentence the words 'of the Branch employed in the Hunter Water Industry Division'.

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



David Smith
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, DAVID SMITH, of Ground Floor, 116-124 Queensberry Street, Carlton South, State of Victoria:

1. I am the 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 18 April 2018, 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) Judith Wright, Deputy Secretary of the New South Wales & ACT (Services) Branch and National Executive member, advised the National Secretary in a letter dated 8 March 2018 that the Branch Executive, approved the Rule changes on 7 March 2018 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 Executive in accordance with Rule 37 – Rules Amendments.
 - c) I confirm that on 20 March 2018 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 New South Wales & ACT (Services) Branch dated 8 March 2018 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 27 March 2018, 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 27 March 2018, declaring the result of the ballot.
5. I have been made aware that the New South Wales & ACT (Services) Branch has made a drafting error in their proposed alteration to Branch Rule 15 and the Branch has agreed for this to be rectified as per my authority. I am authorised by the Branch and National Executive to make necessary amendments to the original proposed rules sent by the Branch to ensure that they are effective at law, provided that any such amendments are not inconsistent with the intention of the proposed rules, by amending the following:
 - a) In Rule 15 – NATIONAL EXECUTIVE MEMBERS in the first sentence delete the word 'members' and replace with 'Representatives as determined by Rule 8,'.
 - b) In Rule 15 – NATIONAL EXECUTIVE MEMBERS in the first sentence delete the words 'half' and replace with 'an equal proportion'.
6. The intention of amendments to Rule 15 was to address clarification of the offices of National Executive "Representatives" and to properly address an "equal proportion" instead of "half" of the votes from 3 National Executive members as determined by National Rule 8 (National Executive) ca and cb and in accordance with Rule 7 (National Conference).

7. 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.
8. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED: Wednesday 18 April, 2018

A handwritten signature in blue ink that reads "David Smith". The signature is written in a cursive, flowing style.

David Smith
National Secretary

8 March 2018

David Smith
National Secretary
Australian Services Union
Ground Floor, 116 Queensberry Street
Carlton South Vic 3053

By email: dsmith@asu.asn.au

Dear David,

Re: Rule change - NSW and ACT Services Branch of the Australian Municipal, Administrative, Clerical and Services Union

At a meeting on 7 March 2018, the Branch Executive passed the following resolutions:

1. That Branch Rule 6d be corrected by replacing *of* with *or*, viz:
 - d. The Branch Secretary may submit a motion or question by letter ~~of~~ or telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed at a duly constituted meeting;
2. That Branch Rule 15 be amended
 - by replacing the term National Executive members with National Executive Representatives, and making this change in the Index
 - by deleting *two (2)*
 - by inserting *as determined by National Rule 8, and*

viz:

15 - NATIONAL EXECUTIVE ~~MEMBERS~~ REPRESENTATIVES

The Branch shall be represented on National Executive by ~~two (2)~~ National Executive ~~Members~~ *Representatives as determined by National Rule 8, and* who shall exercise half of the votes as determined by National Rule 7 and National Rule 10. One of the ~~Members~~ Representatives shall be the Branch Secretary. The other National Executive ~~member~~ *Representatives* shall be elected every (4) years by the financial members of the Branch.

3. That Branch Rule 16 be amended by deleting *Branch Secretary, the Deputy Branch Secretary* and inserting *Branch's National Executive Representatives*, viz

16 - NATIONAL CONFERENCE DELEGATES

The Branch shall be represented on National Conference by the ~~Branch Secretary, the Deputy Branch Secretary~~ *Branch's National Executive Representatives* and by National Conference Delegates elected by and from Branch Council in accordance with the formula provided in National Rule 7.

4. That Branch Rule 26 c (iv) be amended by adding *who shall be elected in accordance with the provisions of National Rule 41 (a) (iii)* viz:

- (iv) On and from the quadrennial election to be held in 2015 the Transport Industry Division Committee of Management shall comprise of a President, Vice President (Women), Treasurer and five (5) committee members *who shall be elected in accordance with the provisions of National Rule 41 (a) (iii)*. In addition the Industry Division Vice President who shall be the Branch Vice President (Transport) and the Executive Councillors (Transport), elected in accordance with rule 3 (b), shall also be members of the Industry Division Committee of Management.

5. That Branch Rule 26 d be amended by adding *of the Branch employed in the Hunter Water Industry Division* viz:

- (iv) d. Hunter Water Industry Division Committee of Management

The Hunter Water Industry Division Committee of Management shall consist of a President, Vice-President, Divisional Secretary and Divisional Assistant Secretary who shall form the Executive of the Hunter Water Division, together with eight (8) committee members, four (4) of whom shall be elected by and from financial members *of the Branch employed in the Hunter Water Industry Division* who are Wages employees and four (4) of whom shall be elected by and from financial members who are Salaried employees. The Executive shall be elected by all financial members of the Branch employed in the Hunter Water Industry in accordance with these rules.

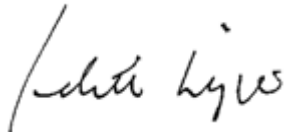
The Rule Changes are in accordance with recommendations made by National Office.

I would be grateful if you could commit this to a vote of the National Executive and

subsequently advise FWC of the rule change.

Please contact me if you wish to discuss.

Yours faithfully,



Judith Wright
Deputy Secretary

6 - MEETINGS OF THE BRANCH EXECUTIVE

- a. The Branch Executive shall meet at least once each three (3) months and at such other times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least one quarter of the members of the Branch Executive summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- b. The Branch Secretary shall give at least twenty-four (24) hours notice when summoning members to meetings of the Branch Executive.
- c. Notwithstanding anything hereinbefore contained, where in the opinion of the Branch President or Branch Secretary it is impractical to hold a meeting of Branch Executive at which members are physically present, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- d. The Branch Secretary may submit a motion or question by letter ~~or~~ telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed at a duly constituted meeting;

Provided that, if within a period of seven days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed and shall thereupon become a resolution of the Branch Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the Branch Executive.
- e. If the Branch President is absent from a meeting of the Branch Executive, a Deputy Branch President or, in the absence of a Deputy Branch President a Vice-President, as determined by the meeting, shall act with powers of the Branch President while so acting.
- f. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Branch as proxy to exercise such vote. Provided that no member shall hold more than one (1) proxy at any meeting.
- g. At any meeting of the Branch Executive a majority of the total membership of the Branch Executive shall constitute a quorum.
- h. If at any meeting of the Branch Executive no quorum be present at the expiry of thirty (30) minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than seven (7) days nor more than fourteen (14) days. Members shall be given two (2) clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- i. The minutes of each Branch Executive meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive, and to the National Secretary. A copy of the minutes of each Branch Executive meeting shall be available for the inspection by the members of the Branch during the ordinary office hours of the Branch.

- j. A member of the Branch Executive absent from three (3) consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with National Rule 35 - Removal of Officers.
- k. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.

15 - NATIONAL EXECUTIVE ~~MEMBERS~~REPRESENTATIVES

The Branch shall be represented on National Executive by ~~two (2)~~ National Executive ~~members~~ Representatives as determined by National Rule 8, who shall exercise half an equal proportion of the votes as determined by National Rule 7 and National Rule 10. One of the National Executive ~~members~~ Representatives shall be the Branch Secretary. The other National Executive ~~member~~ Representatives shall be elected every (4) years by the financial members of the Branch.

16 - NATIONAL CONFERENCE DELEGATES

The Branch shall be represented on National Conference by the ~~Branch Secretary, the Deputy Branch Secretary~~ Branch's National Executive Representatives and by National Conference Delegates elected by and from Branch Council in accordance with the formula provided in National Rule 7.

26 - INDUSTRY DIVISION COMMITTEE OF MANAGEMENT MEMBERSHIP

- a. Water and Ports Industry Division Committee of Management

The Water and Ports Industry Division Committee of Management shall consist of a President, Vice President, Treasurer and three (3) Executive members who shall form the Executive and twelve (12) Committee Members. Members of the Water and Ports Industry Division Committee of Management shall hold office for a period of four (4) years. All members of the Water and Ports Industry Division Committee of Management shall be elected by all financial members of the Branch employed in the Water and Ports Industry Division in accordance with these rules.

- b. Social and Community Services Division Committee of Management

- (i) The Social and Community Services Division Committee of Management shall consist of the President, one (1) Vice-President (New South Wales), one (1) Vice-President (Australian Capital Territory) and an additional four (4) Committee members elected by all financial members of the Branch employed in the Social and Community Services Industry. There shall also be one (1) committee member representing each Sub-Division established in accordance with Rule 35. Committee members shall be elected by all financial members of the relevant Sub-Division.

- (ii) The President shall be elected by all financial members of the Branch employed in the Social and Community Services Industry in accordance with the rules.

- (iii) The Vice-President (New South Wales) shall be elected by all financial members of all Sub-Divisions created pursuant to Rule 35 other than the Australian Capital Territory Sub-Division.

- (iv) The Vice-President (Australian Capital Territory) shall be elected by all financial members of the Australian Capital Territory Sub-Division.

- c. Transport Industry Division Committee of Management

- (i) The Transport Industry Division Committee of Management shall consist of a President, Vice President who shall be the Deputy Industry President, Vice President (Women), Treasurer and two (2) Executive Members who shall form the executive of the Transport Industry together with Committee members. The number of Committee members shall be determined in accordance with the formula set out in Rule 10.
- (ii) The Branch Vice President (Transport), Branch Executive Councillors (Transport) and all Branch Councillors shall ex-officio hold the corresponding positions in the Transport Industry Division Committee of Management, all other members of the Transport Industry Division Committee of Management shall be elected in accordance with the provisions of National Rule 41 (a) (iii) which shall also apply to any election required to fill a vacant position.
- (iii) From the quadrennial elections to be held in 2011 the Branch Vice-President (Transport), Branch Executive members (Transport) and all Branch Councillors shall ex-officio hold the corresponding positions in the Transport Industry Division Committee of Management. All other members of the Transport Industry Division Committee of Management shall be elected in accordance with the provisions of the National Rule 41 (a) (iii) which shall also apply to any election required to fill a vacant position.
- (iv) On and from the quadrennial election to be held in 2015 the Transport Industry Division Committee of Management shall comprise ~~of~~ a President, Vice President (Women), Treasurer and five (5) committee members who shall be elected in accordance with the provisions of National Rule 41 a. iii. In addition the Industry Division Vice President who shall be the Branch Vice President (Transport) and the Executive Councillors (Transport), elected in accordance with rule 3 (b), shall also be members of the Industry Division Committee of Management.
- (v) Notwithstanding the above any persons who holds a Committee of Management position ex-officio may, if they wish to nominate for election to a different position in the Transport Industry Division Committee of Management, resign from their ex-officio position without resigning from their office in the Branch.

d. Hunter Water Industry Division Committee of Management

The Hunter Water Industry Division Committee of Management shall consist of a President, Vice-President, Divisional Secretary and Divisional Assistant Secretary who shall form the Executive of the Hunter Water Division, together with eight (8) committee members, four (4) of whom shall be elected by and from financial members of the Branch employed in the Hunter Water Industry Division who are Wages employees and four (4) of whom shall be elected by and from financial members who are Salaried employees. The Executive shall be elected by all financial members of the Branch employed in the Hunter Water Industry in accordance with these rules.

e. Airlines, Shipping, Travel and IT Industry Division Committee of Management

The Committee of Management shall be known as the Airlines, Shipping, Travel and IT Industry Committee of Management and shall consist of a President, a Vice-President, and six (6) Committee Members. All Members of the Airlines, Shipping, Travel and IT Industry Division Committee of Management shall be elected by all financial members of the Branch employed in the Airlines, Shipping, Travel and IT Industry in accordance with these rules.

f. The Branch Secretary and the Deputy Branch Secretary shall be ex-officio members of all Industry Division Committees of Management.



A•S•U

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Tuesday 27 March 2018

TO: All National Executive Members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 01/2018
Proposed New South Wales & ACT (Services) Branch rule changes**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 20 March 2018, regarding the above is as follows:

A total of 138 affirmative votes were received from:

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

No negative votes were received. I advise that National Executive E-mail Vote No. 01/2018 is carried.

Yours faithfully

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Mobile: 0419 644 238
E-mail: dsmith@asu.asn.au

David Smith
NATIONAL SECRETARY

**Australian
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National Secretary
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