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Monday 27 August, 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

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 the National Rules as follows:

1. In PART IV – FUNDS – rule 20 – CAPITATION sub-rule d. i. after the words “preceding 31 December” delete the words “or 30 June, whichever is the case,”
2. IN PART V – MEMBERSHIP – rule 30 – PURGING OF THE REGISTER sub-rule a. delete the semicolon and insert a colon.
3. IN PART V – MEMBERSHIP – rule 30 – PURGING OF THE REGISTER delete sub-rule a.i. and insert as follows:
 - i. All members owing subscriptions, fines or levies for a period in excess of 26 weeks up to a maximum of 104 weeks; provided that members so struck off shall not be free from liability for arrears due.’
4. In PART VII – ELECTIONS - rule 37 – ELECTIONS TO BE HELD sub-rule a. delete ‘2003’ and insert ‘2019’.
5. In PART VII – ELECTIONS - rule 37 – ELECTIONS TO BE HELD sub-rule a. after the words ‘four years,’ in the first paragraph insert the words in brackets ‘(for this PART VII the ‘Quadrennial Elections’).’
6. In PART VII – ELECTIONS - rule 37 – ELECTIONS TO BE HELD sub-rule a. ii. after the words ‘shall be conducted’ delete the words, ‘by proportional representation in accordance with the provisions of this PART and Rule 41A’ and insert the words ‘in accordance with the provisions of sub-rule c.’
7. In PART VII – ELECTIONS - rule 37 – ELECTIONS TO BE HELD sub-rule b. after the words ‘and thereafter every two years,’ insert the words in brackets ‘(for this PART VII the Quadrennial Elections’).

**Australian
Services
Union**

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**National Secretary
David Smith**

**Assistant National Secretaries
Linda White
Robert Potter**

8. In PART VII – ELECTIONS - rule 37 – ELECTIONS TO BE HELD insert a new sub-rule c. as follows:

'c. Affirmative Action – Elections

- i. The purposes of this sub-rule c. is to ensure, in relation to Quadrennial Elections, that one of the offices of National Secretary or Assistant National Secretary is declared to be held by a female.
- ii. The national returning officer shall, to achieve the purpose set out in paragraph i. of this sub-rule c., ensure when declaring the elections at each Quadrennial Election, for the offices of National Secretary and Assistant National Secretary, that the declaration process occurs in the following order:
 1. National Secretary;
 2. Assistant National Secretary (for the purposes of this sub-rule 'First Office');
and
 3. Assistant National Secretary (for the purposes of this sub-rule 'Second Office').
- iii. Provided that for the purposes of the declaration process set out in paragraph ii. of this sub-rule c., where male candidates have been declared elected to the offices of National Secretary and Assistant National Secretary (First Office), a female candidate shall be declared elected to the office of Assistant National Secretary (Second Office) as follows, if there:
 1. is only one female candidate for the office of Assistant National Secretary, then that candidate;
 2. was more than one female candidate for the office of Assistant National Secretary, then the female candidate who received the highest number of votes of the female candidates; or
 3. are no female candidates for the office of Assistant National Secretary, the election shall not be declared in relation to the office of Assistant National Secretary (Second Office) and nominations shall be recalled by the returning officer for the office of Assistant National Secretary (Second Office), provided that only female members, who are otherwise eligible, may nominate in that election.'

9. In PART VII – ELECTIONS – delete rule 38 – RETURNING OFFICER and insert as follows:

- a. National Executive at its meeting immediately following the elections held pursuant to sub-rule 37 a., shall appoint a national returning officer.
- b. Branch Councils (or the governing bodies of Branches), at their meetings immediately following amalgamation day and thereafter at their meetings immediately following the elections held pursuant to sub-rule 37 a., shall appoint branch returning officers.
- c. Returning officers shall not be holders of any office in, or be employees of, the Union or of a Branch, Section, Division, or Sub-Branch of the Union.
- d. In the event of a returning officer being unable to discharge the duties of the office, or becoming a candidate in any election under these rules, the National Executive, or a Branch Executive, as the case may be, shall terminate the appointment, and appoint a replacement for the balance of the term set out in sub-rule a. or b. hereof, whichever is applicable.
- e. National returning officers shall be responsible for the conduct of all elections for National Offices set out in sub-rule 37a.i.; branch returning officers shall be responsible for the conduct of all elections for Branch Offices set out in sub-rule 37 a.iii. and b., except where

any election for national, branch or other offices must be conducted by the Australian Electoral Office as prescribed by the Act.

- f. The national returning officer may appoint branch returning officers to act as deputies (for this PART VII the 'Deputies') for the conduct of elections where members of more than one Branch are eligible to vote.
 - g. Plebiscites conducted pursuant to Rule 44, in which the members of more than one Branch are eligible to vote, will be conducted by the national returning officer.
 - h. Plebiscites conducted pursuant to Rule 44, in which the members of only one Branch are eligible to vote, will be conducted by the branch returning officer appointed by the Branch concerned.
10. In PART VII – ELECTIONS - rule 39 – ELIGIBILITY OF CANDIDATES delete in sub-rule a. the numbering '(i)'.
 11. In PART VII – ELECTIONS - rule 39 – ELIGIBILITY OF CANDIDATES in the old sub-rule a. (i), now proposed to be a., delete the word 'Office' and insert 'office'.
 12. In PART VII – ELECTIONS - rule 39 – ELIGIBILITY OF CANDIDATES delete in sub-rule a. the numbering '(ii)' and insert 'b.'.
 13. In PART VII – ELECTIONS - rule 39 – ELIGIBILITY OF CANDIDATES delete sub-rule 'b. Deleted.'
 14. In PART VII – ELECTIONS - rule 39 – ELIGIBILITY OF CANDIDATES sub-rule d. delete the word 'Office' and replace with 'office'.
 15. In PART VII – ELECTIONS – rule 39 - ELIGIBILITY OF CANDIDATES sub-rule e. after the words 'qualification set out in' delete 'a. i.' and insert 'a.'.
 16. In PART VII – ELECTIONS - rule 39 – ELIGIBILITY OF CANDIDATES sub-rule e. after the words 'hereof, only' delete the word 'women' and insert 'female'.
 17. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES sub-rule a. delete the words 'Returning Officer' and insert 'returning officer'.
 18. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES delete sub-rule b. and insert as follows:
 - 'b. The returning officer shall call for all other nominations on the first Wednesday in March, by placing a notice on the Union's website.'
 19. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES sub-rule c. delete after the word 'All' the words 'advertisements or'.
 20. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES sub-rule c. delete the words 'Returning Officer' and insert 'returning officer'.
 21. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES insert in sub-rule e. a comma after the words 'who are financial members to' and after the words 'and by'.
 22. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES sub-rule f. ii. after the words 'or be deceptive' delete the word 'of' and insert 'in'.
 23. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES delete sub-rule f. iv. and insert as follows:
 - 'iv. If, in the view of the Branch returning officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch returning officer must:

approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Branch returning officer thinks necessary; and

if such changes are not made, decide whether to accept the Team Nomination.'

24. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES delete sub-rule f. v. and insert as follows:
 - 'v. A Team Nomination must nominate an eligible member (or the required number of members) for each office for which nominations have been called whereupon each person will be considered to have nominated for each office concerned.'
25. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES delete sub-rule f. ix. and insert as follows:
 - 'ix. In the event of a withdrawal in accordance with sub-rule viii, the person who has withdrawn can be replaced by another eligible member who has not nominated as a candidate for any office, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination. Provided that the returning officer must be notified of the change before the time and date set by the returning officer for the sending of the ballot paper to the printer for printing.'
26. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES delete sub-rule g. and insert as follows:
 - 'g. In addition to the qualifications for nominators set out in e. hereof, only members of the National Executive may nominate candidates for the offices of:

National President;
National Vice President;
National Secretary; and
Assistant National Secretaries.
27. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES delete 'h. Deleted'.
28. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES renumber sub-rule 'i' to 'h'.
29. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES old sub-rule 'i' now proposed to be 'h.' insert after the words 'candidates for' the word 'an'.
30. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES old sub-rule 'i.' now proposed to be 'h.' delete the word 'Office' and insert 'office'.
31. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES old sub-rule 'i.' now proposed to be 'h.' delete after the word 'within' the word 'the' and insert the word 'that'.
32. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES old sub-rule 'i.' now proposed to be 'h.' insert a full stop at the end of the sentence.
33. In PART VII – ELECTIONS - rule 40 – NOMINATION OF CANDIDATES renumber sub-rule 'j.' to 'i.'.
34. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule a. ii. delete the full stop and insert a semi colon and the word 'and'.
35. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule a. iii. after the words 'other subordinate part of a Branch, of the' insert the word 'financial'.
36. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. delete the words 'Returning Officer' wherever appearing and insert instead the words 'returning officer'.

37. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. delete the word 'position' or 'positions' wherever appearing and insert instead the word 'office' or 'offices' respectively.
38. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. iv. delete the words 'Returning Officer' wherever appearing after the word 'Deputy'.
39. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. vii. after the first sentence insert the second sentence as the second paragraph and insert the third sentence as the third paragraph.
40. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. vii. after the words 'are of such a type and weight' insert the words ', as prescribed by the Act,'.
41. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. delete in the first paragraph the words 'in the Workplace Relations RAO Regulations' and insert 'by the Act'.
42. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. insert the second sentence as the second paragraph.
43. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. insert in the second sentence after the words 'one half' wherever appearing the words 'or one third'.
44. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. delete in the third sentence after the word 'Branch' the word 'Elections' and insert the word 'Offices'.
45. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. delete in the third sentence the words 'Workplace Relations RAO Regulations' and insert the word 'Act'.
46. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. 3.(a) and 3.(b) delete the first word 'By' and insert 'by'.
47. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. 3.(b) after the words 'with a cross ("X")' delete the words 'in respect of the positions for which an election is being conducted' and replace the full stop with a comma.
48. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. 3. delete the numbering '(c)'.
49. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. 3. delete the first word in the old (c), now proposed to the last paragraph of (b), 'If' and replace with 'if'.
50. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. 4. (a) and 4. (b) delete the first word 'The' and insert 'the'.
51. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. 4. (c) delete the word 'Boxes' and insert 'boxes'.
52. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. 5. (a), 5. (b) and 5. (c) delete the first word 'The' and insert 'the'.
53. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. viii. 5. (d) delete the word 'Boxes' and insert 'boxes'.
54. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS insert a new sub-rule c. ix. the paragraph from old sub-rule x. as follows:
 - 'ix. Each voter shall be entitled to cast as many votes as there are candidates to be elected, by placing an X next to the name of a candidate or candidates, and the candidate or candidates securing the highest number of votes shall be declared elected, unless Branch Rules provide otherwise.

55. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule c. renumber 'ix'. to 'x'.
56. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS delete the old sub-rule 'c. x'.
57. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS insert a new sub-rule c. xiv. as follows:
 - 'xiv. The returning officer may for the conduct of an election under this rule, where it is practicable to do so, utilise an electronic balloting system as an alternative to the paper balloting system, provided that the electronic balloting system utilised must ensure the security and secrecy of the ballot to the same extent that this PART VII provides, and further provided that nothing prevents the returning officer conducting an election, partly by means of an electronic balloting system and partly by means of a paper balloting system, as is otherwise provided by this rule so as to ensure that each member entitled to vote in an election under this PART VII is given the opportunity to vote.'
58. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule d. insert after the words 'New South Wales and ACT (Services) Branch' a semicolon.
59. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule d. insert after the words 'South Australian and Northern Territory Branch' a semicolon and the word 'and'.
60. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule d. insert after the words 'Queensland (Services and Northern Administrative) Branch' a comma.
61. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule d. delete before the words 'members of Branch Council shall be eligible to vote.' the word 'Only' and insert the word 'only'.
62. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule e. insert in the first paragraph after the words 'to be filled by collegiate elections' the words 'at a meeting of the Electoral College or a postal ballot, where an ordinary meeting of the Electoral College is not practicable,'.
63. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule e. i. insert after the words 'as the Electoral College' the words ', by means of post or email to the address or email address provided on the Branch membership register.'
64. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS insert a new sub-rule e. ii. as follows:
 - 'ii. The returning officer shall notify each member of the Electoral College of the opening and closing time of nominations.'
65. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS delete sub-rule e. iii.
66. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule e. renumber 'ii.' to 'iii.'.
67. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule e. iv. insert after the words 'Nominations shall be in writing' the words ', endorsed by two financial members of the Electoral College.'
68. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule e. v. delete the word 'It' and insert the word 'If'.
69. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule e. vi. delete after the words 'members of the Electoral College' the words 'at the meeting specified in the Rules, or at a properly summoned meeting thereof.'

70. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule e. vi. insert after the words ‘members of the Electoral College’ the words ‘either at a summoned meeting or a postal ballot where an ordinary meeting of the Electoral College is not practicable.’.
71. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule e. viii. replace the word ‘candidates’ with the word ‘candidates’.
72. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS delete sub-rule e. ix. and insert as follows:
- ‘ix. The returning officer shall initial and provide to each member of the Electoral College a ballot paper. Each member shall be entitled to cast as many votes as there are candidates to be elected by placing an ‘X’ next to the name of the candidate for whom they wish to vote.
- Where a ballot occurs at a meeting the completed ballot paper is to be placed in the ballot box in the control of the returning officer at the meeting.
- Where a ballot occurs by postal ballot the procedures of this rule for postal ballots are to apply.’
73. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule x. delete after the words ‘Any members who will not be present at the meeting at which’ the word ‘the’ and insert the word ‘a’.
74. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS sub-rule e. xi. delete after the word ‘The’ the words ‘candidate or’.
75. In PART VII – ELECTIONS - rule 41 – PROCEDURE AT ELECTIONS delete sub-rule e. xiii. and insert as follows:
- ‘xiii. The candidates elected shall assume office upon the declaration by the returning officer and shall remain in office until their successors are declared elected or a casual vacancy occurs.’
76. In PART VII – ELECTIONS delete rule 41A – ELECTION OF ASSISTANT NATIONAL SECRETARIES BY PROPORTIONAL REPRESENTATION.
77. In PART VII – ELECTIONS - rule 42 – CASUAL VACANCIES sub-rule b. delete the word ‘Part’ and insert the word ‘PART’.
78. In PART VII – ELECTIONS - rule 42 – CASUAL VACANCIES sub-rules c. ii. and c. iii. delete the numbering ‘39 (a) (ii)’ and insert the numbering ‘39 b.’.
79. In PART VII – ELECTIONS - rule 42 – CASUAL VACANCIES sub-rule c. ii. and c. iii. delete the full stops and insert semicolons.
80. In PART VII – ELECTIONS - rule 42 – CASUAL VACANCIES sub-rule c. iv. insert after the words ‘for such unexpired portion of the term,’ the words ‘provided that when electing an eligible member to a casual vacancy they must also determine a date to open nominations for the election;’.
81. In PART VII – ELECTIONS - rule 42 – CASUAL VACANCIES sub-rule c. v delete the word “elected” and insert “elect”.
82. In PART VII – ELECTIONS - rule 42A – TEMPORARY APPOINTMENT insert a new sub-rule f. as follows:
- ‘f. The National Secretary may, with the National Executive’s consent, delegate such of the National Secretary’s powers and authorities to the National President, Assistant National Secretaries and/or employees employed in relation to the National office and/or members of the National Executive as the National Secretary determines is required for the Union’s efficient administration, provided always that a delegation will be in writing and that the:

- i. delegate is subject to the supervision of the National Secretary;
 - ii. delegate is subject to the direction of the National Secretary;
 - iii. delegation will be on the conditions prescribed by the National Executive and/or the National Secretary; and
 - iv. delegation will be subject to termination by the National Executive or National Secretary without notice.'
83. In PART VII – ELECTIONS - rule 42A – TEMPORARY APPOINTMENT insert a new sub-rule g. as follows:
- 'g. A Branch Secretary may, with the Branch Committee of Management consent; delegate such of the Branch Secretary's powers and authorities to the Branch President, Branch Executive President, Assistant Branch Secretary and/or employees employed in relation to the Branch and/or members of the Branch Executive as the Branch Secretary determines is required for the Branch's efficient administration, provided always that a delegation will be in writing and that the:
 - i. delegate is subject to the supervision of the Branch Secretary;
 - ii. delegate is subject to the direction of the Branch Secretary;
 - iii. delegation will be on the conditions prescribed by the Branch Executive and/or the Branch Secretary; and
 - iv. delegation will be subject to termination by the Branch Executive or Branch Secretary without notice.
84. In PART VII – ELECTIONS - rule 43 – ASSUMPTION AND TENURE OF OFFICE sub-rule a. and b. delete wherever appearing the words 'Returning Officer' and replace with 'returning officer'.
85. In PART VII – ELECTIONS - rule 43 – ASSUMPTION AND TENURE OF OFFICE delete sub-rule c., d. and e. and insert as follows:
- "c. An officer immediately ceases to hold their office if the officer ceases to be a member of the Union.
 - d. Provided that where an election has been conducted for an office in accordance with these rules and no successor is elected, then the returning officer is to as soon as practicable conduct a further election under this PART VII (for this rule 'Subsequent Election'), provided that the returning officer does not need to conduct a Subsequent Election where:
 - i. there are no members in the electorate; or
 - ii. where a Subsequent Election has been conducted for a vacant office and a determination has been made, pursuant to sub-rule e., by the respective governing body in relation to the vacant office.
 - e. In the event that insufficient nominations are received at a Subsequent Election for vacant offices in an election where there are multiple offices of the same type to be elected at the election (for this rule 'Multi-Member Electorates'), the respective governing body may determine that the office will not be filled until the next Quadrennial Elections, and if so determining will, as soon as practicable, advise the Registered Organisations Commission.

- f. The respective governing body must not make a determination under sub-rule e. if the effect of that determination would result in meetings of the body in relation to which the vacancy exists being inquorate.
- g. Where an election is held for a Multi-Member Electorate and there are fewer nominations received than offices to be filled, the term of the office holder who respectively held the office on the day preceding the declaration under sub-rule a. i., shall, despite sub-rule b., cease on the date of the declaration, by the returning officer, of that election.
- h. A returning officer shall forward to the National Secretary a copy of the declaration of an election conducted pursuant to this PART VII, immediately on making the declaration.'

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



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David Smith
NATIONAL SECRETARY

[enc](#)

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 27 August 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) In accordance with Rule "49 - RULE ALTERATIONS"; I as National Secretary proposed this rule change be put to a postal vote of the National Executive.
 - b) The intent of the rule changes is to include improvements to the practical operation and interpretation of the rules as follows:

PART IV – FUNDS

- Rule 20 – Capitation – Removal of 6 monthly rule.

PART V – MEMBERSHIP

- Rule 30 – Purging of the Register – Inserting a minimum unfinancial period of 26 weeks to complement the legislative maximum of 104 weeks

PART VII - ELECTIONS

- Rule 37 – Elections to be Held - Inserting an Affirmative Action requirement to ensure a female holds at least one office of National Secretary or Assistant National Secretary;
 - Rule 38 and 39 – Returning Officer & Eligibility of Candidates – Clarifying the generic status of AEC returning officers and tidying drafting/formatting;
 - Rules 40 – Nomination of Candidates - Removal of newspaper advertisement requirements and replace with union website notice;
 - Rule 41 – Procedure at Elections – Clarifying Offices rather than positions elected, tidying drafting and inserting an option for an electronic balloting system;
 - Rule 41A – Delete proportional representation;
 - Rule 42 – Casual Vacancies – Branch Elections require a determination of a date to open nominations;
 - Rule 42A – Insert a delegation of National and Branch Officer powers and authorities; and
 - Rule 43 – Assumption and Tenure of Office – Clarification that an Officers ceasing membership also ceases tenure and clarifying the need for subsequent elections.
- c) I confirm that on 14 August 2018 a Postal/Fax/E-mail Ballot was submitted to all National Executive members via e-mail and a current copy of the relevant rules with the proposed amendments using tracked changes attached hereto and marked '**Attachment A**'.
 - d) On the 17 August 2018, a total of 133.67 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 B'** is a copy of my correspondence to National Executive members of the 17 August 2018, declaring the result of the ballot.

5. 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.
6. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED: Monday 27 August, 2018



David Smith
NATIONAL SECRETARY

PART IV – FUNDS

20 – CAPITATION

- a. The National Executive shall determine annually in advance the capitation payable by each branch and the National Executive shall determine annually in advance the time by which capitation shall be paid. The Branch Secretary shall forward capitation payments in accordance with the determination of the National Executive.
- b. The National Secretary shall notify each Branch Secretary in writing of the National Executive's determination regarding the Capitation payable by the Branch and the time by which Capitation shall be paid.
- c. Branches shall pay capitation in the sum, and at the intervals determined by National Executive in respect of each Adult Member Equivalent.
- d.
 - i. The number of Adult Membership Equivalents shall be calculated by dividing the total income received by the Branch from membership subscriptions in the half year immediately preceding 31 December ~~or 30 June, whichever is the case,~~ by one half of the adult subscription rate applicable in the said half year.
 - ii. Provided that, where there is more than one adult subscription rate in force, including discounted adult subscription rates, the total income received from each class or group of members subject to such rates, shall be divided by one half of the applicable rate in each case, and the resultant sums added together shall be the number of Adult Membership Equivalents.
 - iii. For the purposes of this rule, adult subscription rates shall mean the annual amount payable as membership subscription by an adult member employed full-time.
 - iv. Where adult subscription rates change within a half year, one half of the fee or fees which applied in each month shall be used as the divisor to be applied to the income from membership subscriptions in each month, in order to make the calculations referred to in Clauses i and ii hereof.
- e. Notwithstanding anything else in these rules, except as provided in Sub-rule k. of this rule, any Branch which fails to pay capitation fees, levies or other amounts determined by National Executive in accordance with sub-rule 21 d., within one month (30 days) of the time by which payment is due, shall, from the day following the expiration of that one month (30 days) become unfinancial. The National Secretary shall provide a Branch with 14 days notice of its impending financial status. Unless otherwise decided by National Executive, the debt shall be payable on demand, together with interest calculated at 10 per cent per annum from the date on which the Branch became unfinancial.
- f. An unfinancial Branch shall be deprived of the right to attend any meeting of National Executive or National Conference, or to vote on any question, and the National Secretary shall be authorised to take all steps, including instituting such legal proceedings as he/she may be advised to recover the monies owed to National Executive.
- g. Any Branch which becomes unfinancial may make submissions to the National Executive as to the reasons for the failure to pay the monies owed. Such submissions must be in writing addressed to the National Secretary.

- h. Where such written submissions are received from a Branch by the National Secretary, he/she shall place a report, including the said submissions before the National Executive, no later than its next ordinary meeting.
- i. The National Executive shall deal with the matter as it sees fit, provided that the National Executive shall restore financial status to a Branch which has become unfinancial only when the National Executive determines that it is satisfied that all monies owed have been paid, or that a scheme for repayment is approved by National Executive, or the debt is discharged by other means approved by National Executive. Provided that where a Branch has paid all monies owed before the matter can be dealt with by the National Executive, the Branch's financial status, and its rights of voting and attendance shall be restored from the date on which the payment is received by the National Secretary.
- j. Except as provided in Sub-rule i. hereof, no Branch which has become unfinancial shall resume its financial status, or its rights to attend National Executive or National Conference meetings, or to vote on any question, except by determination by the National Executive.
- k. PROVIDED THAT, in the case of a Branch which has failed to pay capitation fees, levies, or other amounts determined by National Executive in accordance with Sub-rule 21d. by the date on which this sub-rule is certified, the following shall apply:

Where such monies have been owed for a period of more than three months, a further period of one month (30 days) following the date of certification of this sub-rule, shall be allowed for payment to be made. A Branch which fails to pay by the expiration of this period, shall, from the following day, become unfinancial.

Where such monies have been owed for a period of less than three months, a period which equals three months from the date on which the monies were due, and a further one month (30 days) will be allowed for payment. A Branch which fails to pay by the expiration of this period shall, from the following day, become unfinancial.

- l. Nothing in this rule shall prevent a Branch which believes it may be unable to pay monies owed within the time allowed by this Rule, making written submissions to the National Secretary. The National Secretary may make such arrangements as he/she thinks fit for the repayment of the monies owed, provided that the arrangements are submitted to and endorsed by the National Executive.

PART V - MEMBERSHIP

30 - PURGING OF THE REGISTER

- a. Each Branch Secretary shall from time to time as directed by the Branch Executive strike off the Register of Members the names of all members who satisfy the following criteria:
 - i. ~~All members owing subscriptions fines or levies for a period of 52 weeks or more, provided that members so struck off shall not be free from liability for arrears due.~~
All members owing subscriptions, fines or levies for a period in excess of 26 weeks up to a maximum of 104 weeks; provided that members so struck off shall not be free from liability for arrears due.
 - ii. Any or all members who have ceased to be eligible for membership under Rule 5 of these rules.
 - iii. Notwithstanding anything in these rules, if the Branch Executive is satisfied that a member has ceased to be eligible under the rules of the Union to be a member of the Union, by reason of ceasing to work in the industry or industries specified in Rule 5 or otherwise, the Branch Executive may declare that such person shall cease to be a member of the Union. Where such persons owe money to the Union they shall be liable to pay immediately all subscriptions, levies and fines due and owing to the Union, and, in default of payment, may be sued for any outstanding amounts.
- b. The Branch Secretary shall give a member fourteen days' notice in writing to the member's last address shown on the Register of Members of the intention to strike the name off the Register.
- c. Any member whose name has been so removed from the Register shall thereupon cease to be a member of the Union or to have any of the rightful privileges of membership.
- d. Any such person shall be liable to pay all such contributions, subscriptions, dues, fines or levies and any other monies due to the Union up to the date of the removal of the member's name from the Register.

PART VII - ELECTIONS

37 - ELECTIONS TO BE HELD

a. Commencing in ~~2003~~2019, and thereafter every four years, (for this PART VII the ‘Quadrennial Elections’) an election shall be held for the purposes of electing the following National Offices:

- i. The National President
The National Vice-President
The National Secretary
Two Assistant National Secretaries

These National Offices shall be filled by collegiate election by the National Executive in accordance with this PART with the necessary changes, except as otherwise specified in this PART.

- ii. The election of the two Assistant National Secretaries shall be conducted in accordance with the provisions of sub-rule c. ~~by proportional representation in accordance with the provisions of this PART and Rule 41A~~

- iii. The holders of all Branch Offices

b. Commencing in 1995, and thereafter every two years, (for this PART VII the ‘Quadrennial Elections’) an election shall be held for such Branch Offices, the election of which is set out in the Branch Rules as being for a two year term of Office.

c. Affirmative Action – Elections

- i. The purposes of this sub-rule c. is to ensure, in relation to Quadrennial Elections, that one of the offices of National Secretary or Assistant National Secretary is declared to be held by a female.

- ii. The national returning officer shall, to achieve the purpose set out in paragraph i. of this sub-rule c., ensure when declaring the elections at each Quadrennial Election, for the offices of National Secretary and Assistant National Secretary, that the declaration process occurs in the following order:

1. National Secretary;

2. Assistant National Secretary (for the purposes of this sub-rule ‘First Office’); and

3. Assistant National Secretary (for the purposes of this sub-rule ‘Second Office’).

- iii. Provided that for the purposes of the declaration process set out in paragraph ii. of this sub-rule c., where male candidates have been declared elected to the offices of National Secretary and Assistant National Secretary (First Office), a female candidate shall be declared elected to the office of Assistant National Secretary (Second Office) as follows, if there:

- 1. is only one female candidate for the office of Assistant National Secretary, then that candidate;

2. was more than one female candidate for the office of Assistant National Secretary, then the female candidate who received the highest number of votes of the female candidates; or
3. are no female candidates for the office of Assistant National Secretary, the election shall not be declared in relation to the office of Assistant National Secretary (Second Office) and nominations shall be recalled by the returning officer for the office of Assistant National Secretary (Second Office), provided that only female members, who are otherwise eligible, may nominate in that election.

38 - RETURNING OFFICER

- a. ~~National Executive at its meeting immediately following the elections held pursuant to Sub-rule 37 a., shall appoint a National Returning Officer.~~
- b. ~~Branch Councils (or the governing bodies of Branches), at their meetings immediately following amalgamation day and thereafter at their meetings immediately following the elections held pursuant to Sub-rule 37a., shall appoint Branch Returning Officers.~~
- c. ~~Returning Officers shall not be holders of any office in, or be employees of, the Union or of a Branch, Section, Division, or Sub-Branch of the Union.~~
- d. ~~In the event of a Returning Officer being unable to discharge the duties of the office, or becoming a candidate in any election under these rules, the National Executive, or a Branch Executive, as the case may be, shall terminate the appointment, and appoint a replacement for the balance of the term set out in sub-clause a. or b. hereof, whichever is applicable.~~
- e. ~~National Returning Officers shall be responsible for the conduct of all elections for National Offices set out in Sub-rule 37a.i.; Branch Returning Officers shall be responsible for the conduct of all elections for Branch Offices set out in sub-rule 37 a.ii. and b., except where any election for National or Branch Office or Offices must be conducted by the Australian Electoral Office as prescribed by the Act.~~
- f. ~~The National Returning Officer may appoint Branch Returning Officers to act as Deputies for the conduct of elections where members of more than one Branch are eligible to vote.~~
- g. ~~Plebiscites conducted pursuant to Rule 44, in which the members of more than one Branch are eligible to vote, will be conducted by the National Returning Officer.~~
- h. ~~Plebiscites conducted pursuant to Rule 44, in which the members of only one Branch are eligible to vote, will be conducted by the Branch Returning Officer appointed by the Branch concerned.~~
 - a. National Executive at its meeting immediately following the elections held pursuant to sub-rule 37 a., shall appoint a national returning officer.
 - b. Branch Councils (or the governing bodies of Branches), at their meetings immediately following amalgamation day and thereafter at their meetings immediately following the elections held pursuant to sub-rule 37 a., shall appoint branch returning officers.
 - c. Returning officers shall not be holders of any office in, or be employees of, the Union or of a Branch, Section, Division, or Sub-Branch of the Union.
 - d. In the event of a returning officer being unable to discharge the duties of the office, or becoming a candidate in any election under these rules, the National Executive, or a Branch Executive, as the case

may be, shall terminate the appointment, and appoint a replacement for the balance of the term set out in sub-rule a. or b. hereof, whichever is applicable.

- e. National returning officers shall be responsible for the conduct of all elections for National Offices set out in sub-rule 37a.i.; branch returning officers shall be responsible for the conduct of all elections for Branch Offices set out in sub-rule 37 a.iii. and b., except where any election for national, branch or other offices must be conducted by the Australian Electoral Office as prescribed by the Act.
- f. The national returning officer may appoint branch returning officers to act as deputies (for this PART VII the 'Deputies') for the conduct of elections where members of more than one Branch are eligible to vote.
- g. Plebiscites conducted pursuant to Rule 44, in which the members of more than one Branch are eligible to vote, will be conducted by the national returning officer.
- h. Plebiscites conducted pursuant to Rule 44, in which the members of only one Branch are eligible to vote, will be conducted by the branch returning officer appointed by the Branch concerned.

39 - ELIGIBILITY OF CANDIDATES

- a. ~~(i)~~ Only members of the Union who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, shall be eligible to be nominated for any ~~O~~office within the Union. For the purposes of this Sub-rule, financial membership of an organisation whose members have, by means of an amalgamation, become members of the Union, shall be counted in the calculation of any period of membership.
- ~~(ii)~~b. Only members of National Executive who are otherwise eligible in accordance with this Rule shall be eligible to be nominated for any of the National Offices set out in Rule 37.a.i.
- ~~b. Deleted.~~
- c. In addition to the qualifications set out in a. and b. hereof, only members attached to a Branch may be nominated for election to any of the Branch Offices of that Branch.
- d. In addition to the qualifications set out in a, b. and c. hereof, only members allocated to an Industry Division, Sub-Branch, Section, District, Zone or other subordinate part created by or in a Branch pursuant to these Rules, may be nominated for an ~~O~~office for which the members of such Industry Division, Sub-Branch, Section, District, Zone or subordinate part, form the sole electorate.
- e. In addition to the qualifications set out in a.i. hereof, only ~~women-female~~ members may be nominated for Branch Offices designated in the Branch Rules as reserved for women.

40 - NOMINATION OF CANDIDATES

- a. The ~~r~~Returning ~~O~~officer shall call for nominations for:

National President
 National Vice-President
 National Secretary
 Two Assistant National Secretaries

by notice in writing to all members of National Executive on the Wednesday following the expiration of 28 days after the completion and declaration of all Branch elections for the offices

of Branch National Executive Representatives, or the first Wednesday in July which-ever is the earlier.

b. ~~The Returning Officer shall call for nominations on the first Wednesday in March, by placing advertisements in newspapers as follows:~~

i. ~~In the case of elections in which members attached to more than one Branch are eligible to vote: in one National newspaper and at least one major Capital City daily newspaper circulating in the State in which members eligible to vote reside, and such regional newspapers circulating in areas where eligible members may reside where such members do not have in the opinion of the Returning Officer reasonable access to Capital City daily newspapers on the day of their issue.~~

ii. ~~In the case of elections where only members attached to one Branch are eligible to vote: in at least one major Capital City daily newspaper circulating in the State in which eligible members reside, and such regional newspapers circulating in areas where eligible members may reside, where such members do not have in the opinion of the Returning Officer, reasonable access to Capital City daily newspapers on the day of their issue.~~

The returning officer shall call for all other nominations on the first Wednesday in March, by placing a notice on the Union's website.

c. All ~~advertisements or~~ notices calling for nominations shall specify the dates, times, places and postal addresses for the receipt of nominations by the ~~R~~Returning ~~O~~fficer.

d. Nominations shall close 21 days after they are called.

e. All candidates must be nominated by two members of the Union who are financial members to, and by, the end of the month preceding the calling of nominations, with the candidate's consent in writing.

f. i. A group of eligible members may nominate as members of a "Team Nomination" which must have a name.

ii. The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive ~~of in~~ any other way.

iii. In determining which Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.

iv. ~~If, in the view of the Branch Returning Officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch Returning Officer must:~~

~~(a) Approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Branch Returning Officer thinks necessary; and~~

~~(b) If such changes are not made, decide whether to accept the Team Nomination.~~

If, in the view of the Branch returning officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch returning officer must:

approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Branch returning officer thinks necessary; and

if such changes are not made, decide whether to accept the Team Nomination.

- v. ~~A Team Nomination must nominate an eligible (or the required number of people) for each position for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.~~

A Team Nomination must nominate an eligible member (or the required number of members) for each office for which nominations have been called whereupon each person will be considered to have nominated for each office concerned.

- vi. A Team Nomination must be in writing and signed by each candidate.
- vii. No member of a Team Nomination may nominate in the election other than for that Team Nomination.
- viii. The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.
- ix. ~~In the event of a withdrawal in accordance with sub-rule viii, the person who has withdrawn can be replaced by another eligible person who has nominated as a candidate for any position, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination. Provided that the Returning Officer must be notified of the change before the time and date set by the Returning Officer for the sending of the ballot paper to the printer for printing.~~

In the event of a withdrawal in accordance with sub-rule viii, the person who has withdrawn can be replaced by another eligible member who has not nominated as a candidate for any office, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination. Provided that the returning officer must be notified of the change before the time and date set by the returning officer for the sending of the ballot paper to the printer for printing.

- x. The discovery of a candidate's ineligibility will not affect the validity of the election to office of any other member of a Team Nomination of which that candidate is a member.
- g. i. ~~In addition to the qualifications for nominators set out in e. hereof, only members of the National Executive may nominate candidates for the offices of:~~
- ~~National President
National Vice President
National Secretary~~
- ii. ~~In addition to the qualifications for the nominators set out in sub-rule e., only a Branch National Executive Representative may nominate a candidate for the office of Assistant National Secretary.~~

In addition to the qualifications for nominators set out in e. hereof, only members of the National Executive may nominate candidates for the offices of:

[National President;](#)
[National Vice President;](#)
[National Secretary; and](#)
[Assistant National Secretaries.](#)

~~h.~~ Deleted.

~~i.h.~~ Only members attached to a Branch may nominate candidates for [an O](#)ffice within ~~the~~ [that](#) Branch.

~~j.i.~~ In addition to the qualifications for nominators set out in e. and h. hereof only members allocated to an Industry Division, Sub Branch, Section, District, Zone or any other subordinate part created by or in a Branch pursuant to these rules, may nominate candidates for offices for which the members of such Industry Division, Sub Branch, Section, District, Zone or subordinate part, form the sole electorate. Provided that this sub-rule shall not apply to offices which are nominated pursuant to sub-rule 40 e hereof.

41 - PROCEDURE AT ELECTIONS

- a. Where the number of candidates exceeds the number of offices to be filled by election, a secret postal ballot shall be held as hereafter provided:
 - i. in the case of National Officers, of members of National Executive who shall exercise their voting entitlements in accordance with Rule 8;
 - ii. in the case of Branch Offices, of all financial members attached to the Branch in which a ballot is necessary: [and](#)
 - iii. in the case of Sub Branch, Division, Section, District, Zone or other subordinate part of a Branch, of the [financial](#) members allocated to the Sub Branch, Division, Section, District, Zone or other subordinate part of a Branch in which a ballot is necessary.
- b. The ballot shall open no later than four weeks after the close of nominations, and shall close 21 days thereafter.
- c. The procedures to be followed in all elections held pursuant to this rule shall be as follows:
 - i. In the conduct of any election, the [R](#)eturning [O](#)fficer upon finding a nomination to be defective shall, before rejecting the nomination, notify the member concerned of the defect and, where it is practicable to do so, give the member the opportunity of remedying the defect within a period, of not less than seven (7) days after being notified.
 - ii. If a member is nominated for more than one full time office in any one election, such member must, within seven days after the close of nominations, advise the [R](#)eturning [O](#)fficer, in writing, which one of such full time offices the member wishes to stand for, and withdraw any nomination or nominations for the other full time office or offices for which the said member was nominated, failing which, the [r](#)eturning [O](#)fficer shall reject all nominations for full time [positions-offices](#) submitted for that member.
 - iii. If a member is nominated for more than one office on the same Conference, Executive, Council or other body within the Union, or is nominated for the office of Member and Alternative Member, or for more than one Office of Alternative Member, of the same Conference, Executive, Council or other body, such member must, within seven days (7) after the close of nominations, advise the [R](#)eturning [O](#)fficer in writing which one of

such ~~positions~~ offices the member wishes to stand for, and withdraw any nomination or nominations for the other offices for which the said member was nominated, failing which, the ~~r~~Returning Officer shall reject all the nominations for offices referred to in this sub - rule for that member.

- iv. Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint by notice in writing to the ~~R~~Returning Officer or Deputy ~~Returning Officer~~ as the case may be, a scrutineer for any and each place at which the election is conducted.

Scrutineers so appointed, may be present and scrutinise every act performed or directed by the ~~R~~Returning Officer, Deputy ~~Returning Officer~~ or their agents in connection with the election.

The ~~R~~Returning Officer shall notify all scrutineers of the dates, times and place at which it is proposed to take each step in any election.

- v. If at the close of nominations only the required number of nominations have been received for any offices the members nominated for such offices shall be declared elected pursuant to Rule 43, and the ~~R~~Returning Officer shall proceed to conduct a ballot in accordance with these rules for any offices for which more than the required number of nominations was received.

Provided however that the ~~R~~Returning Officer may allow a member to withdraw a nomination for any office for which such member was a candidate, in writing, within seven (7) days of the close of nominations, in which case, if there is then only the required number of nominations remaining, those candidates shall be declared elected pursuant to Rule 43.

- vi. For the purpose of an election, the roll of voters in each Branch shall close on the fifteenth day of the month immediately preceding the date of calling nominations, and only members shown in the records of the Branch on that date as financial shall be eligible to vote in the election, and to have a ballot paper forwarded to them.

Each Branch Secretary shall, when required by the ~~R~~Returning Officer, or no later than thirty days after the close of nominations provide to the ~~R~~Returning Officer, and to the National Secretary a certified list of members eligible to vote, showing the name and the residential or postal address appearing in the Branch records in respect of each eligible member.

The National Secretary shall, when required by the ~~R~~Returning Officer, or no later than seven days after the close of nominations provide to the ~~R~~Returning Officer a certified list of members of the National Executive entitled to vote, and the number of votes each is entitled to cast in accordance with Rule 8.

- vii. To safeguard against irregularity the ~~R~~Returning Officer shall ensure that all ballot papers are printed on security paper of the same weight and colour and that the printing is of the same colour.

~~The~~ ~~R~~Returning Officer shall take all steps reasonable and necessary to certify the number of ballot papers printed, to secure the ballot papers prior to dispatch, to secure surplus ballot papers and ballot papers returned unclaimed, and to ensure that no additional ballot papers are printed without the written authorisation of the ~~R~~Returning Officer.

The Returning Officer shall ensure that all envelopes in which ballot papers are sent to and returned by members are of such a type and weight, as prescribed by the Act, that the secrecy of the ballot is preserved.

The Returning Officer shall make such arrangements with Australia Post as will, for the dispatch by post, and the return by prepaid post of ballot papers, ensure that no unauthorised person has access to the ballot papers.

- viii. In the case of the election of National Officers, the Returning Officer shall prepare and forward by prepaid post to each member of National Executive entitled to vote the number of ballot papers to which he or she is entitled, together with a prepaid, return addressed envelope and a declaration envelope in the form prescribed ~~in the Workplace Relations RAO Regulations~~ by the Act, in which the ballot paper or ballot papers, as the case may be, shall be returned by the National Executive member:

Where the number of votes to which any National Executive member is entitled includes one half or one third of one vote the Returning Officer shall issue the requisite number of ballot papers with a ballot paper marked “one half or one third of one vote”.

In the case of Branch ~~Elections Offices~~ the Returning Officer shall prepare and forward or cause to be forwarded by pre-paid post to each member entitled to vote a ballot paper with a declaration envelope in the form prescribed by the ~~Workplace Relations RAO Regulations Act~~, in which the ballot paper is to be sealed and a prepaid, return addressed envelope for the return of the ballot paper in the declaration envelope without expense to the member.

Each ballot paper shall bear the initials of the Returning Officer, or a facsimile of those initials, but shall not bear any mark that would disclose the identity of the member voting.

1. If there is at least one Team Nomination the ballot paper must have two parts divided by a horizontal line.
2. (a) The position of all candidates names and Team Nomination names on the ballot paper shall be determined by drawing lots.
 - (b) The name of the incumbent person (if any) shall be indicated by an asterisk.
3. The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in two ways:
 - (a) Bby completing the first part of the ballot paper (voting “above the line”), by voting each member of a Team Nomination by marking a Team Box with a cross (“X”) in which case only one Team Box should be marked; or
 - (b) Bby completing the second part of the ballot paper (voting “below the line”), by voting for individual candidates (including members of a Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the elections with a cross (“X”); ~~in respect of the positions offices for which an election is being conducted.~~
 - (e) If there are not two parts to the ballot paper, the instructions referred to in paragraph (b) hereof shall appear on the ballot paper with the necessary changes.

4. The ballot papers must also contain:
- (a) ~~t~~he date and time of closing of the ballot; and on the first part:
 - (b) ~~t~~he name of each Team Nomination; and
 - (c) ~~B~~boxes beside the names of the Team Nominations;
- but otherwise be unmarked in that part.
5. The ballot papers must contain on the second part (or on the ballot paper itself in the event there is no Team Nomination):
- (a) ~~t~~he name of the ~~position-office~~ being elected;
 - (b) ~~T~~he name of each candidate, as each name appears on the nomination form, for election to the ~~_positionoffice~~;
 - (c) ~~T~~he name of the Team Nomination of each candidate (where applicable);
 - (d) ~~B~~boxes beside the names of the candidates.

To ensure the secrecy of the ballot, the ~~R~~eturning ~~O~~fficer shall remove the flap or label contained on the declaration envelope before removing the ballot paper from the envelope.

The ballot paper shall be posted to each eligible member at the address shown on the certified list or lists provided by Branch Secretaries in accordance with vi. hereof.

Any eligible member who will be unable to receive a ballot paper at the residential or postal address appearing in the branch records may lodge a request with the ~~R~~eturning ~~O~~fficer for an absent vote together with an address where such member can receive communications and if any member has done so the ~~R~~eturning ~~O~~fficer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

~~x.ix~~ ~~Each voter shall be entitled to cast as many votes as there are candidates to be elected, by placing an X next to the name of a candidate or candidates, and the candidate or candidates securing the highest number of votes shall be declared elected, unless Branch Rules provide otherwise.~~

~~ix.x.~~ The ~~r~~eturning ~~O~~fficer shall arrange for the collection and counting of the Ballot papers in the presence of the scrutineers present at the appointed time and place.

If any ballot paper is challenged during the counting of the ballot papers the ~~r~~eturning ~~O~~fficer shall cause that ballot paper to be set aside and whether or not the votes recorded on that ballot paper are admitted to the ballot, shall ensure that it is kept separately from the ballot papers not challenged.

~~x.~~ ~~Each voter shall be entitled to cast as many votes as there are candidates to be elected, by placing an X next to the name of a candidate or candidates, and the candidate or candidates securing the highest number of votes shall be declared elected, unless Branch Rules provide otherwise.~~

- xi. A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.
- xii. 1. Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.
2. If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.
- xiii. In the event of there being a tie a candidate who, at the date of nominating, holds the office in question shall be declared elected by the ~~R~~returning ~~O~~fficer. If there is no such candidate then, in the event of there being a tie, the result of the ballot shall be determined by lot by the ~~R~~returning ~~O~~fficer.
- xiv. The returning officer may for the conduct of an election under this rule, where it is practicable to do so, utilise an electronic balloting system as an alternative to the paper balloting system, provided that the electronic balloting system utilised must ensure the security and secrecy of the ballot to the same extent that this PART VII provides, and further provided that nothing prevents the returning officer conducting an election partly by means of an electronic balloting system and partly by means of a paper balloting system as is otherwise provided by this rule so as to ensure that each member entitled to vote in an election under this PART VII is given the opportunity to vote.
- d. Notwithstanding the provisions of this rule, in the case of elections for the Offices of National Conference Delegate, or Alternate National Conference Delegate in the following Branches:
- New South Wales and ACT (Services) Branch;
- South Australian and Northern Territory Branch; and
- Queensland (Services and Northern Administrative) Branch.
- ~~O~~nly members of Branch Council shall be eligible to vote.
- Where such a ballot is necessary it shall be conducted by the Branch ~~r~~Returning ~~O~~fficer at a properly summoned meeting of the Branch Council.
- In such elections ballot papers shall be issued to each eligible voter by the ~~r~~Returning ~~O~~fficer, who shall be provided by the Branch Secretary with a voters roll, and who shall take all such steps as are reasonable and necessary to preserve the secrecy of the ballot.
- e. Notwithstanding anything in this rule, where Branch rules provide for offices to be filled by collegiate elections, at a meeting of the Electoral College or a postal ballot, where an ordinary meeting of the Electoral College is not practicable, the following procedure shall apply.
- i. The ~~R~~returning ~~O~~fficer shall call for nominations from among eligible members of the Conference, Council, Executive or body, howsoever named which forms the electoral college, hereinafter referred to as the Electoral College, by means of post or email to the address or email address provided on the Branch membership register.

~~ii.~~ The returning officer shall notify each member of the Electoral College of the opening and closing time of nominations.

~~ii.iii~~ The ~~r~~Returning ~~O~~fficer shall notify each member of the Electoral College of the opening and closing time of the ballot.

~~iii.~~ ~~Nominations shall close at noon on the first day of the meeting of the Electoral college.~~

iv. Nominations shall be in writing, endorsed by two financial members of the Electoral College and signed by the candidate.

If the ~~R~~eturning ~~O~~fficer finds a nomination to be defective the ~~R~~eturning ~~O~~fficer shall before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so give the person the opportunity of remedying the defect within a period of not less than 24 hours from the time of receipt of advice that the nomination is defective.

v. ~~If~~ at the close of nominations, only the required number of nominations have been received for any of the offices, the ~~R~~eturning ~~O~~fficer shall declare such candidates elected.

vi. If there are more than the required number of candidates for any office, the ~~R~~eturning ~~O~~fficer shall conduct an election by secret ballot of the members of the Electoral College, ~~at the meeting specified in the Rules, or at a properly summoned meeting thereof, either at a summoned meeting or a postal ballot where an ordinary meeting of the Electoral College is not practicable.~~

vii. Any candidates may appoint a scrutineer, and the provisions of this Rule in relation to scrutineers shall apply with the necessary changes.

viii. The ~~R~~eturning ~~O~~fficer shall arrange for the preparation of ballot papers on which the candidates' names shall appear in alphabetical order.

ix. ~~The Returning Officer shall initial and hand to each member of the Electoral College a ballot paper. Each member shall cast a vote by completing the ballot paper by striking out the name of each candidate the voter does not wish to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Returning Officer at the meeting.~~

The returning officer shall initial and provide to each member of the Electoral College a ballot paper. Each member shall be entitled to cast as many votes as there are candidates to be elected by placing an 'X' next to the name of the candidate for whom they wish to vote.

Where a ballot occurs at a meeting the completed ballot paper is to be placed in the ballot box in the control of the returning officer at the meeting.

Where a ballot occurs by postal ballot the procedures of this rule for postal ballots are to apply.

x. Any member who will not be present at the meeting at which ~~the a~~ ballot is to be held may lodge a request with the ~~R~~eturning ~~O~~fficer for an absent vote, together with an address where such member can receive communications, and, if any member has done so, the ~~R~~eturning ~~O~~fficer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

- xi. The ~~candidate or~~ candidates securing the highest number of votes shall be declared elected.
- xii. The ~~R~~eturning ~~O~~fficer shall declare the result in writing as soon as the count is completed to the relevant Branch Secretary as the case may be.
- xiii. ~~The candidate or candidates elected shall take office upon the declaration by the Returning Officer of the result of the election and each shall hold office until their successors are elected.~~

The candidates elected shall assume office upon the declaration by the returning officer and shall remain in office until their successors are declared elected or a casual vacancy occurs.

- xiv. Where the Rules provide for the filling of casual vacancies by means of an election by a Branch Committee of Management, Executive, Council, Conference or like Electoral College, and members other than members of the Electoral College are eligible to be nominated, the elections shall be conducted in accordance with this sub-rule, with the necessary changes.

~~41A~~ ~~ELECTION OF ASSISTANT NATIONAL SECRETARIES BY PROPORTIONAL REPRESENTATION~~

- ~~a. Notwithstanding anything else in these Rules the two offices of Assistant National Secretary shall be filled by a collegiate election by and from National Executive, by means of a proportional representation method of election.~~
- ~~b. Except for method of election set out in this Rule, the election shall be conducted at the same time and in the same manner as the election for National Officers contained in PART VII.~~
- ~~c. The method of voting shall be preferential, that is by placing "1", "2", "3" etc in the square opposite the candidates in the order of the voter's preference. Voters must place a number in every square, in accordance with the number of candidates, or their vote shall be ruled informal.~~
- ~~d. The quota of votes necessary to be elected in the ballot for the two offices will be one third of the total number of formal votes cast plus one vote, or, if one third of the votes cast is a whole number and a fraction, the next highest whole number.~~
- ~~e. At the close of the ballot, the Returning Officer shall count the formal ballot papers according to the first preference votes.~~
- ~~f. The candidate or candidates who receive a quota of first preference votes shall be declared elected.~~
- ~~g. In the event that one candidate is declared elected in accordance with sub-rule f. his or her surplus first preference votes (the number of first preference votes received in excess of the quota) shall be distributed to the remaining candidates according to the second preference recorded. The ballot papers used for the distribution of the surplus shall be selected by the Returning Officer at random from the total number of ballot papers recording a first preference vote for the elected candidate. The surplus will be distributed with a value of one vote or one half vote, as the case may be.~~

- ~~h. If after the distribution of the surplus of the first elected candidate, a second candidate has achieved a quota, that second candidate shall be declared elected.~~
- ~~i. If after the distribution of the surplus of the first elected candidate, no candidate has achieved a quota, the votes of the candidate who received the lowest number of primary votes shall be distributed to the remaining candidates with a value of one vote or one half vote as the case may be, in accordance with the second preference recorded on those ballot papers, and that candidate is eliminated.~~
- ~~j. If, after the distribution of the second preference votes in accordance with sub-rule j., no candidate has achieved a quota, the second preference votes of the candidate who received the second lowest number of first preference votes, followed by those of the candidate who received the third lowest number of first preference votes, and so on, shall be distributed to the remaining candidates until a second candidate has achieved a quota. When a second candidate has achieved a quota, he or she is declared elected.~~
- ~~k. For the purposes of sub-rule i., and j., second preference shall mean and include the second preference, or the highest order of preference shown on the relevant ballot papers for candidates who have not been declared elected or eliminated from the ballot. Distributed preference votes shall have value of one vote or one half vote as the case may be, the candidates whose preferences are distributed in accordance with sub-rules i. and j. shall be eliminated from the ballot.~~

42 - CASUAL VACANCIES

- a. A casual vacancy shall occur in any office within the Union, where the holder of an office dies, resigns, is removed from office, or ceases to hold office, in accordance with the Rules and such vacancies shall be filled in accordance with this rule.
- b. Where a casual vacancy occurs, and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, whichever is the greater, the vacancy shall be filled by election in accordance with ~~Part~~PART VII.
- c. Where a casual vacancy occurs and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy shall be filled as follows, in the case of casual vacancy in the office of:
- i. National President, National Vice-President: The National Executive shall appoint by resolution one of its members to the office for the unexpired portion of the term, provided that where the member who held the office prior to the occurrence of the casual vacancy also held the office of Branch National Executive Representative and a vacancy has also occurred in that office, an appointment shall not be made until the casual vacancy in the office of Branch National Executive Representative is filled;
 - ii. National Secretary: The National Executive may despite rule ~~39(a)(ii)~~39 b. appoint by resolution, to the vacant office of National Secretary, an eligible member of the Union for the unexpired portion of the term.;
 - iii. Assistant National Secretary: The National Executive may despite rule ~~39(a)(ii)~~39 b. appoint by resolution, to the vacant office of the Assistant National Secretary, an eligible member of the Union for the unexpired portion of the term, provided that only those Branches (including such Branches if they have since merged), whose National

Executive Representative nominated the Assistant Secretary whose office has become vacant, may nominate a replacement;

- iv. Branch Office holders: The Branch Council (or the governing body of the Branch) or the Branch Executive may appoint or elect an eligible member, in accordance with the Branch Rules, for such unexpired portion of the term, provided that when electing an eligible member to a casual vacancy they must also determine a date to open nominations for the election;
- v. Offices within a Sub Branch, Section, District, Zone or other subordinate part within a Branch: The relevant Executive may appoint an eligible member, or the Branch Executive or Branch Council (or the governing body of a Branch) may elect an eligible member, in accordance with the Branch rules, to the office for the unexpired portion of the term.

42A - TEMPORARY APPOINTMENT

- a. When the office of National Secretary, Assistant National Secretary, Branch Executive President, Branch Secretary, Assistant Branch Secretary or Deputy Branch Secretary is:
 - i. temporarily vacant as the respective officer is absent or unable to perform the functions of their office; or
 - ii. casually vacant in accordance with these rules and the process of filling that vacancy has commenced, then the National Executive in respect of the National Secretary and an Assistant National Secretary, or the Branch Executive in respect of the Branch Executive President, Branch Secretary, Assistant Branch Secretary and a Deputy Branch Secretary, may temporarily appoint a person, eligible to be appointed to the respective office, to perform the functions of their office or a person is elected to casual vacancy, as the case may be.
- b. A person temporarily appointed in accordance with sub-rule a. shall:
 - i. if temporarily performing the functions of the National Secretary have all the powers and duties of the National Secretary;
 - ii. if temporarily performing the functions of the Assistant National Secretary have all the powers and duties of the Assistant National Secretary;
 - iii. if temporarily performing the functions of the Branch Executive President have all the powers and duties of the Branch Executive President;
 - iv. if temporarily performing the functions of the Branch Secretary have all the powers and duties of the Branch Secretary;
 - v. if temporarily performing the functions of the Assistant Branch Secretary have all the powers and duties of the Assistant Branch Secretary; or
 - vi. if temporarily performing the functions of the Deputy Branch Secretary have all the powers and duties of the Deputy Branch Secretary.
- c. A person appointed temporarily in accordance with sub-rule a., does not hold a further vote other than the vote on National Executive, National Council, Branch Executive or Branch Council, as the case may be, that held prior to the temporary appointment.

- d. Any member of the National Executive may give notice to the other members of the National Executive of a meeting for the purpose of the National Executive making a determination in accordance with sub-rule a.
- e. Any member of a respective Branch Executive may give notice to the other members of that Branch Executive of a meeting for the purpose of that Branch Executive making a determination in accordance with sub-rule a.
- f. The National Secretary may, with the National Executive's consent, delegate such of the National Secretary's powers and authorities to the National President, Assistant National Secretaries and/or employees employed in relation to the National office and/or members of the National Executive as the National Secretary determines is required for the Union's efficient administration, provided always that a delegation will be in writing and that the:
- i. delegate is subject to the supervision of the National Secretary;
 - ii. delegate is subject to the direction of the National Secretary;
 - iii. delegation will be on the conditions prescribed by the National Executive and/or the National Secretary; and
 - iv. delegation will be subject to termination by the National Executive or National Secretary without notice.
- g. A Branch Secretary may, with the Branch Committee of Management consent; delegate such of the Branch Secretary's powers and authorities to the Branch President Branch Executive President, Assistant Branch Secretary and/or employees employed in relation to the Branch and/or members of the Branch Executive as the Branch Secretary determines is required for the Branch's efficient administration, provided always that a delegation will be in writing and that the:
- i. delegate is subject to the supervision of the Branch Secretary;
 - ii. delegate is subject to the direction of the Branch Secretary;
 - iii. delegation will be on the conditions prescribed by the Branch Executive and/or the Branch Secretary; and
 - iv. delegation will be subject to termination by the Branch Executive or Branch Secretary without notice.

43 - ASSUMPTION AND TENURE OF OFFICE

- a. The ~~R~~returning ~~O~~fficer shall declare the results of the election:
- i. where the number of candidates for all offices to be elected in the same election, do not exceed the number of offices to be filled, fourteen days after the close of nominations.
 - ii. where a ballot is necessary for all or some of the offices to be elected in the same election seven days, after the close of the ballot.
- b. Candidates elected to any office shall assume office upon the declaration of the ballot by the ~~R~~returning ~~O~~fficer and shall remain in office until their successors are declared elected.

- ~~e. — Provided that where an election has been conducted in accordance with these Rules and no successor has been duly elected the Returning Officer shall immediately conduct a further election as though a casual vacancy existed pursuant to Rule 42.~~
- ~~d. — Provided further that where an election is held for a number of positions on a collective body and there are fewer nominations received than offices to be filled, the term of office of any previous holder of such office, who has not been nominated in the said election, shall cease on the date of the declaration of the election by the Returning Officer.~~
- ~~e. — The Returning Officer shall forward to the National Secretary a copy of the declaration of any election conducted pursuant to PART VII of these Rules, immediately following the date of such declaration.~~
- c. An officer immediately ceases to hold their office if the officer ceases to be a member of the Union.
- d. Provided that where an election has been conducted for an office in accordance with these rules and no successor is elected, then the returning officer is to as soon as practicable conduct a further election under this PART VII (for this rule ‘Subsequent Election’), provided that the returning officer does not need to conduct a Subsequent Election where:
- i there are no members in the electorate; or
- ii where a Subsequent Election has been conducted for a vacant office and a determination has been made, pursuant to sub-rule e., by the respective governing body in relation to the vacant office.
- e. In the event that insufficient nominations are received at a Subsequent Election for vacant offices in an election where there are multiple offices of the same type to be elected at the election (for this rule ‘Multi-Member Electorates’), the respective governing body may determine that the office will not be filled until the next Quadrennial Elections, and if so determining will, as soon as practicable, advise the Registered Organisations Commission.
- f. The respective governing body must not make a determination under sub-rule e. if the effect of that determination would result in meetings of the body in relation to which the vacancy exists being inquorate.
- g. Where an election is held for a Multi-Member Electorate and there are fewer nominations received than offices to be filled, the term of the office holder who respectively held the office on the day preceding the declaration under sub-rule a. i., shall, despite sub-rule b., cease on the date of the declaration, by the returning officer, of that election.
- h. A returning officer shall forward to the National Secretary a copy of the declaration of an election conducted pursuant to this PART VII, immediately on making the declaration.



A•S•U

File/Our Ref: [DS/db 12.21](#)
Your Ref:
Please quote in reply

Friday 17 August, 2018

TO: All National Executive Members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 06/2018 Proposed
National rule changes**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 14 August 2018, regarding the above is as follows:

A total of 133.67 affirmative votes were received from:

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

No negative votes were received. I advise that National Executive E-mail Vote No. 06/2018 is carried.

Yours faithfully

Tel: +61 3 9342 1401
Mobile: 0419 644 238
E-mail: dsmith@asu.asn.au

David Smith
NATIONAL SECRETARY

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**National Secretary
David Smith**

**Assistant National Secretaries
Linda White
Robert Potter**