



**A•S•U**

File/Our Ref: 12.21 JN/gw  
Your Ref:  
Please quote in reply

Wednesday 03 October, 2018

General Manager  
Fair Work Commission  
GPO Box 1944  
MELBOURNE VIC 3001

By E-mail: [ros@fwc.gov.au](mailto: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 DIVISION EIGHT NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES AND UTILITIES BRANCH as follows:

1 In Rule 5 – BRANCH CONFERENCE delete sub rule b. i. and insert as follows:

'b. i. Commencing in the 2019 Branch Quadrennial Elections the Branch Conference shall consist of the Branch Executive and of delegates from the Sub Branches of the Branch.

A	B
Sub Branch Membership Numbers	Number of Delegates
1 – 300	2
301 – 550	4
551 – 649	5
650 – 749	6
750 – 849	7
850 – 949	8
950 – 1049	9
1050 – 1549	10
1550 – 2049	11
2050 – 2549	12
2550 – 3049	13
3050 – 3549	14
3550 – 4249	15
4250 – 4749	16
4750 – 5249	17
5250 – 5749	18
5750 – 6249	19
6250 – 6749	20
6750 – 7000	21
7001 - 7500	22
7501 - 8000	23

**Australian Services Union**

National Office  
Melbourne & Sydney

All correspondence to:

Ground Floor  
116 Queensberry St  
Carlton South VIC 3053

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

E: [info@asu.asn.au](mailto:info@asu.asn.au)  
W: [www.asu.asn.au](http://www.asu.asn.au)

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

National Secretary  
David Smith

Assistant National Secretaries  
Linda White  
Robert Potter

8001 - 8500	24
8501 - 9000	25
9001 - 9500	26
9501 - 10000	27
10001 - 10500	28
10501 - 11000	29
11001 - 11500	30
11501 - 12000	31
12001 - 12500	32
12501 - 13000	33
13001 - 13500	34
13501 - 14000	35
14001 - 14500	36
14501 - 15000	37

2. In Rule 5 – BRANCH CONFERENCE insert a new sub rule b. ii. as follows:

'ii. Commencing in the 2019 Branch Quadrennial Elections, should a Sub Branch's membership exceed 15,000 members, it shall be entitled to an additional delegate for each additional 500 members over and above 15,000. A Sub Branch shall not be entitled to an additional delegate on a pro rata basis if the additional membership is less than the full increment of 500 members.'

3. Delete Rule 6A –DELETED and insert as follows:

**'RULE 6A – TRANSITIONAL RULE – 2019 SCHEDULED BRANCH ELECTION AND AMALGAMATION OF SUB BRANCHES**

- a. This rule shall prevail, to the extent of any inconsistency, over any other rule of the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch.
  - b. For all purposes relating to the scheduled 2019 election and thereafter, the Metropolitan Salaried Officers' Sub Branch and the Sydney Sub Branch are dissolved and a new, amalgamated Sub Branch called the Sydney Metropolitan Sub Branch will be constituted.
  - c. For all purposes relating to the scheduled 2019 election and thereafter, the references made to the Metropolitan Salaried Officers' Sub Branch and the Sydney Sub Branch in rule 6 b., rule 6 c., rule 9 a., rule 9 c., rule 9 d., rule 34 a., and in the Schedule to the Branch Rules shall be read and understood as a singular reference to the Sydney Metropolitan Sub Branch.
  - d. For the purposes of rule 6 b., the Sydney Metropolitan Sub Branch shall be entitled to four Committee members.
  - e. For the purposes of rule 6 c., the Sydney Metropolitan Sub Branch shall elect four Committee members.
  - f. For the purposes of rule 9 c., the Sydney Metropolitan Sub Branch shall elect four Committee members.'
4. In Rule 9 – ELECTION OF BRANCH OFFICE HOLDERS – in sub rule a. delete from the table the two rows labelled 'Additional Committee Member of the Branch Executive' in Column A and 'Metropolitan Salaried Officers' and 'Sydney Sub Branch financial Members' in Column B.
5. In Rule 9 – ELECTION OF BRANCH OFFICE HOLDERS – in sub rule a. above the row labelled 'National Conference Delegates' in Column A and 'Branch financial members' in Column B insert the words 'Additional Committee Members of the Branch Executive (3)' in Column A and the words 'The Sydney Metropolitan Sub Branch' in Column B.

6. In Rule 26 - BRANCH LIFE MEMBERSHIP sub rule c. after the word 'elections', insert the words ', nor nominate any person to hold Office'.
7. In Rule 38 – SUB BRANCH SECRETARY in sub rule b., delete paragraph i. and ii.
8. In Rule 38 – SUB BRANCH SECRETARY in sub rule b., renumber existing iii. and iv. to i. and ii respectively.

If you require further information, please do not hesitate to contact me at this office.

Yours faithfully



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

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 03 October 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) Graeme Kelly, Branch Secretary of the New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Branch and National Executive member, advised the National Secretary in a letter dated 12 September 2018 that the Branch Conference consented to the proposed Rule alterations on 12 September 2018.
  - b) The proposed variations are as follows:
    - Sub Branch number of delegates
    - Amalgamation of the 'Metropolitan Salaried Officers' and 'Sydney' Sub Branches to form the 'Sydney Metropolitan Sub Branch'
    - Branch life membership
    - Sub branch Secretary rule
  - c) The National Executive has determined that the letter from the Branch Secretary of the NSW Local Government, Clerical, Administrative, Energy, Airlines and Utilities Branch declaring that the Branch Conference had consented to the amendments to the rules of the Branch, which have been provided to the National Executive, demonstrates consent of the Branch Conference for the purposes of National Rule 49.
  - d) I confirm that on 26 September 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 12 September 2018 attached hereto and marked '**Attachment A**' and a current copy of the relevant rules with the proposed amendments using tracked changes attached hereto and marked '**Attachment B**'.
  - e) On the 03 October 2018, a total of 117.83 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 on the 03 October 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](http://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:** Wednesday 03 October, 2018



David Smith  
NATIONAL SECRETARY



**United Services Union**  
 Level 7, 321 Pitt St, Sydney NSW 2000  
 p (02) 9265 8211 | e [united@usu.org.au](mailto:united@usu.org.au)  
 f (02) 9261 2265 | Support Team 1300 136 604

12 September 2018

Mr David Smith  
 National Secretary  
 Australian Municipal, Administrative, Clerical and Services Union  
 Ground Floor  
 116 Queensbury Street  
 CARLTON SOUTH VIC 3053

**BY EMAIL: [dsmith@asu.asn.au](mailto:dsmith@asu.asn.au)**

Dear Sir

**AMENDMENTS TO THE RULES OF THE NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES BRANCH OF THE AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION (“THE BRANCH”)**

At the recent Biannual Conference of the Branch held at Tweed Heads a resolution was passed on 12 September 2018 in relation to changes to the rules of the Branch. The focus of those changes was mainly on the sub-branch amalgamation and consequential amendments flowing from that amalgamation.

The resolution was passed in accordance with the Branch rules. On behalf of the Branch I request that you submit these rule changes to the National Executive for approval by resolution and submission to the Fair Work Commission.

To aid the process, I attach as MS Word documents:

1. A list of the proposed rule changes to Division Eight.
2. A marked up copy of Division Eight of the Rules highlighting each rule change.

These two documents are also attached as a hardcopy.

If you wish to discuss any aspect of the matters, I am of course available. Thank you for your assistance.

Yours faithfully,

Graeme Kelly  
 Branch Secretary  
 NSW Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch of the Australian Municipal, Administrative, Clerical and Services Union

**RULE CHANGES RESOLVED BY THE CONFERENCE OF THE NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES BRANCH OF THE AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION ON 12 SEPTEMBER 2018**

*Amendment to Rule 5 – BRANCH CONFERENCE*

- I. At sub-rule 5 b. i. insert the following additional rows to the existing table immediately beneath the existing final row:

7001 – 7500	22
7501 - 8000	23
8001 – 8500	24
8501 – 9000	25
9001 – 9500	26
9501 – 10000	27
10001 – 10500	28
10501 – 11000	29
11001 – 11500	30
11501 – 12000	31
12001 – 12500	32
12501 – 13000	33
13001 – 13500	34
13501 – 14000	35
14001 – 14500	36
14501 – 15000	37

- II. Insert the following text immediately underneath that table:

“Should a Sub Branch’s membership exceed 15,000 members, it shall be entitled to an additional delegate for each additional 500 members over and above 15,000. A Sub Branch shall not be entitled to an additional delegate on a pro rata basis if the additional membership is less than the full increment of 500 members.”

*Amendment to Rule 6A – DELETED*

- I. Rename the rule to: “Rule 6A – Transitional Rule – 2019 scheduled Branch Election and amalgamation of Sub Branches”
- II. Substitute a new Rule as follows:

**Rule 6A – Transitional Rule – 2019 scheduled Branch Election and amalgamation of Sub Branches**

- a. This rule shall prevail, to the extent of any inconsistency, over any other rule of the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch.
- b. For all purposes relating to the scheduled 2019 election and thereafter, the Metropolitan Salaried Officers’ Sub Branch and the Sydney Sub Branch are dissolved and a new, amalgamated Sub Branch called the Sydney Metropolitan Sub Branch will be constituted.
- c. For all purposes relating to the scheduled 2019 election and thereafter, the references made to the Metropolitan Salaried Officers’ Sub Branch and the Sydney Sub Branch in rule 6 b., rule 6 c., rule 9 a., rule 9 c., rule 9 d., rule 34 a., and in the Schedule to the Branch Rules shall be read and understood as a singular reference to the Sydney Metropolitan Sub Branch.
- d. For the purposes of rule 6 b., the Sydney Metropolitan Sub Branch shall be entitled to four Committee members.
- e. For the purposes of rule 6 c., the Sydney Metropolitan Sub Branch shall elect four Committee members
- f. For the purposes of rule 9 c., the Sydney Metropolitan Sub Branch shall elect four Committee members

*Amendment to Rule 9 – Election of Branch Office Holders*

- I. For all purposes relating to the scheduled 2019 election and thereafter, at sub-rule 9 a., delete from the table the two rows labelled “Additional Committee Member of the Branch Executive” in Column A and “Metropolitan Salaried Officers’ financial members” and “Sydney Sub Branch financial members” in Column B.
- II. Insert in lieu the following row immediately above the row labelled “National Conference Delegates” in Column A and “Branch financial members” in Column B:

Additional Committee Members of the Branch Executive (3)	The Sydney Metropolitan Sub Branch
--	------------------------------------

*Amendment to Rule 26 –BRANCH LIFE MEMBERSHIP*

- I. Amend Rule 26c. to:
  - a. Delete the full stop after the word “*elections*” and substitute a comma.
  - b. Immediately after that comma insert the following text:

“nor nominate any person to hold Office and shall not be able to exercise any of the rights of a member under these Rules.”

*Amendment to Rule 38 – SUB BRANCH SECRETARY*

- I. At sub rule 38 b., delete the existing sub sections i. and ii.
- II. Renumber the existing sub rules 38 b.iii. and sub rule 38 b. iv. to become 38 b. i. and ii. respectively.



---

## DIVISION EIGHT

### NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES BRANCH RULES

#### 1 – NAME OF BRANCH

- a. The name of the Branch shall be the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch, of the Australian Municipal, Administrative, Clerical and Services Union.
- b. The trading name of the Branch shall be the United Services Branch.

#### 2 – REGISTERED OFFICE OF BRANCH

- a. The registered office of the Branch shall be at Level 7/321 Pitt Street, Sydney, or such other place as the Branch Executive may appoint from time to time.
- b. The Branch Secretary shall notify the National Secretary of any change of address of the registered office of the Branch.

#### 3 – MEMBERSHIP OF THE BRANCH

- a. From the date of commencement of these rules, hereinafter referred to as “commencement day” all members attached to the former MEU New South Wales Branch, and all members attached to the former New South Wales Clerical and Administrative Branch shall be attached to the New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch, together with all members subsequently attached to the Branch pursuant to National Rule 10.
- b. Notwithstanding any other rule, all members of the Federated Municipal and Shire Council Employees Union of Australia New South Wales Division as registered under the Industrial Relations Act 1996 (NSW), who are members of the Union, shall be attached to the New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch in accordance with National Rule 56.

#### 4 – DELETED

#### 5 – BRANCH CONFERENCE

- a. Subject to these Rules the supreme government of the Branch shall be vested in Branch Conference.
- b. i. Branch Conference shall consist of the Branch Executive and of delegates from the Sub Branches of the Branch.

A	B
Sub Branch Membership Numbers	Number of Delegates
1 – 300	2
301 – 550	4
551 – 649	5
650 – 749	6
750 – 849	7
850 – 949	8
950 – 1049	9
1050 – 1549	10
1550 – 2049	11

2050 – 2549	12
2550 – 3049	13
3050 – 3549	14
3550 – 4249	15
4250 – 4749	16
4750 – 5249	17
5250 – 5749	18
5750 – 6249	19
6250 – 6749	20
6750 - 7000	21
<b><u>7001 – 7500</u></b>	<b><u>22</u></b>
<b><u>7501 – 8000</u></b>	<b><u>23</u></b>
<b><u>8001 – 8500</u></b>	<b><u>24</u></b>
<b><u>8501 – 9000</u></b>	<b><u>25</u></b>
<b><u>9001 – 9500</u></b>	<b><u>26</u></b>
<b><u>9501 – 10000</u></b>	<b><u>27</u></b>
<b><u>10001 – 10500</u></b>	<b><u>28</u></b>
<b><u>10501 – 11000</u></b>	<b><u>29</u></b>
<b><u>11001 – 11500</u></b>	<b><u>30</u></b>
<b><u>11501 – 12000</u></b>	<b><u>31</u></b>
<b><u>12001 – 12500</u></b>	<b><u>32</u></b>
<b><u>12501 – 13000</u></b>	<b><u>33</u></b>
<b><u>13001 – 13500</u></b>	<b><u>34</u></b>
<b><u>13501 – 14000</u></b>	<b><u>35</u></b>
<b><u>14001 – 14500</u></b>	<b><u>36</u></b>
<b><u>14501 – 15000</u></b>	<b><u>37</u></b>

**Should a Sub Branch’s membership exceed 15,000 members, it shall be entitled to an additional delegate for each additional 500 members over and above 15,000. A Sub Branch shall not be entitled to an additional delegate on a pro rata basis if the additional membership is less than the full increment of 500 members.**

- c. The Chairman shall have a casting vote only.
- d. i. In addition to powers elsewhere conferred on it by these Rules, Branch Conference shall have the general management and control of the affairs of the Branch, and unless specific provision is made to the contrary it shall have the powers conferred by these Rules on the Branch Executive or on a meeting of a Sub Branch or on the Committee of Management of a Sub Branch, and it shall have all such powers and authorities as are necessary or convenient for carrying into effect these Rules and the purposes of the Branch.
- ii. Branch Conference may exercise any power conferred on it by these Rules, notwithstanding that the Branch Executive or a meeting of a Sub Branch or the Committee of Management of a Sub Branch has exercised a like power in the same matter, and where a decision of Branch Conference is inconsistent with a decision of the Branch Executive or a meeting of a Sub Branch or the Committee of Management of a Sub Branch, the decision of Branch Conference shall prevail.
- e. Branch Conference shall meet biennially at such time and place as the Branch Conference may determine from time to time.
- f. Not less than one month immediately prior to the date specified for a meeting of Branch Conference, a Sub Branch Secretary shall notify the Branch Secretary on a “Delegate’s Credential” form, supplied by the Branch Secretary, of the full names of the Delegates from the Sub Branch to Branch Conference.

- 
- g. Each Sub Branch shall bear and pay the travelling and other expenses of its delegates to Branch Conference.
  - h. At a meeting of Branch Conference a quorum shall be half the number of delegates notified to the Branch Secretary pursuant to sub-rule b. hereof, and in the absence of a quorum at any time Branch Conference shall not proceed, until a quorum is present.
  - i. In the event of the Branch President and the Branch Vice-President being absent from a meeting of Branch Conference, then the delegates present shall elect a Chairperson of the meeting.
  - j.
    - i. In alternating years between biennial Branch Conferences, there shall be a meeting of Branch Conference in Council Session.
    - ii. The time and place of the meeting of Branch Conference in Council Session shall be fixed by Branch Executive.
    - iii. Branch Conference in Council Session shall consist of the Branch Executive and the Presidents and Secretaries of each Sub Branch.
    - iv. Each member of the Branch Executive shall be entitled to exercise one vote and the President and Secretary of each Sub Branch shall each be entitled to exercise one half of the number of votes corresponding to the number of Branch Conference delegates to which the Sub Branch is entitled in accordance with sub-rule b. of this Rule.
    - v. Branch Conference in Council Session shall have all of the powers vested in Branch Conference by these Rules.
    - vi. A quorum for Branch Conference in Council Session shall consist of a majority of Branch Executive members and such number of Sub Branch Presidents and Secretaries whose voting entitlement constitutes a majority of the total number of Branch Conference delegates determined in accordance with sub-rule b. of this Rule.

## **6 – BRANCH EXECUTIVE**

- a. There shall be a Branch Executive, which shall consist of the Branch President, the Branch Vice-President, the Branch Treasurer, the Branch Secretary, and ordinary Committee members for each Sub-Branch (subject to b. herein).
- b. The Committee members shall come from the Sub Branches, with one from each Sub Branch, except the Metropolitan Salaried Officers' Sub Branch, and the Sydney Sub-Branch who each shall be entitled to two Committee members.
- c. Each Sub-Branch shall elect one Committee member of the Branch Executive, who shall be elected from eligible members allocated to the Sub-Branch, provided that the Metropolitan Salaried Officers' Sub-Branch and the Sydney Sub-Branch shall elect two Committee members.
- d. For the purposes of this Rule, employees of the Branch shall be those in receipt of a salary paid by the Branch. Persons in receipt of payments arising from their appointment as directors of a trustee of a superannuation fund, or as trustees of such a fund or as service providers, shall not, by that reason alone, be deemed to be employees of the Branch.
- e. Between meetings of Conference the government of the Branch in all respects shall be vested in the Branch Executive, which for that purpose shall have all the powers, authorities, functions and duties of Branch Conference other than setting the subscription. Nothing in this sub-rule, however, shall affect in any way the powers conferred by these Rules on any specified officer or officers to act in cases of emergency.

- 
- f. The Branch Executive shall be the Committee of Management of the Branch.
  - g. Meetings of the Branch Executive shall be held at such time and place as the Branch Executive may determine from time to time. Provided that the Branch Secretary may summon a meeting of the Branch Executive at any time, and shall do so whenever so directed by the Branch President.
  - h. At a meeting of the Branch Executive, a quorum shall be a majority of Branch Executive Members, and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Branch Executive, the meeting shall lapse.
  - i. Where the Branch Secretary and Branch President consider a matter or matters require urgent attention, a meeting of the Branch Executive shall be called by the Branch Secretary who shall give such notice of the meeting as is practicable. Such meetings may be conducted by telephone, or any method by which members of the Branch Executive are able to communicate with each other without being physically present.
  - j. 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 the 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.

#### **6A – DELETED TRANSITIONAL RULE – 2019 SCHEDULED BRANCH ELECTION AND AMALGAMATION OF SUB BRANCHES**

- a. This rule shall prevail, to the extent of any inconsistency, over any other rule of the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch.**
- b. For all purposes relating to the scheduled 2019 election and thereafter, the Metropolitan Salaried Officers' Sub Branch and the Sydney Sub Branch are dissolved and a new, amalgamated Sub Branch called the Sydney Metropolitan Sub Branch will be constituted.**
- c. For all purposes relating to the scheduled 2019 election and thereafter, the references made to the Metropolitan Salaried Officers' Sub Branch and the Sydney Sub Branch in rule 6 b., rule 6 c., rule 9 a., rule 9 c., rule 9 d., rule 34 a., and in the Schedule to the Branch Rules shall be read and understood as a singular reference to the Sydney Metropolitan Sub Branch.**
- d. For the purposes of rule 6 b., the Sydney Metropolitan Sub Branch shall be entitled to four Committee members.**
- e. For the purposes of rule 6 c., the Sydney Metropolitan Sub Branch shall elect four Committee members**
- f. For the purposes of rule 9 c., the Sydney Metropolitan Sub Branch shall elect four Committee members**

**7 – DELETED**

**8 – DELETED**

**9 – ELECTION OF BRANCH OFFICE HOLDERS**

- a. Commencing in 2019 and thereafter a quadrennial election will be held to elect a person to office set out in column A by, and from, the electorate set out in column B:

A	B
Branch President/Second National Executive Representative	Branch financial members
Branch Vice President	Branch financial members
Branch Secretary/First National Executive Representative	Branch financial members
Branch Treasurer	Branch financial members
Committee Members of the Branch Executive (1 per Sub Branch)	Relevant Sub Branch financial members
<del>Additional Committee Member of the Branch Executive</del>	<del>Metropolitan Salaried Officers' financial members</del>
<del>Additional Committee Member of the Branch Executive</del>	<del>Sydney Sub Branch financial members</del>
<b><u>Additional Committee Members of the Branch Executive (3)</u></b>	<b><u>The Sydney Metropolitan Sub Branch</u></b>
National Conference Delegates	Branch financial members
Alternate National Conference Delegates (6)	Branch financial members
Third National Executive Representative if required	Branch financial members
Sub Branch Committee of Management members	Relevant Sub Branch financial members

- b. Commencing in 2019 and at the first meeting of each Sub Branch Committee of Management following the quadrennial elections in accordance with sub-rule e. of National Rule 41 – PROCEDURE AT ELECTIONS; an election will be held to elect a person to a position set out in column A by, and from, the electorate set out in column B. Notwithstanding National sub-rule 41 e. vi. the Returning Officer may conduct this election by postal ballot, if the Returning Officer determines that it is impractical to attend a Sub Branch Committee of Management meeting in person.

A	B
Sub Branch President/First Branch Conference Delegate	Relevant Sub Branch Committee of Management
Sub Branch Secretary/Second Branch Conference Delegate	Relevant Sub Branch Committee of Management
Sub Branch Vice President/Third Branch Conference Delegate	Relevant Sub Branch Committee of Management
Sub Branch Treasurer/Fourth Branch Conference Delegate	Relevant Sub Branch Committee of Management
Additional Sub Branch Delegates to Branch Conference	Relevant Sub Branch Committee of Management
Sub Branch Alternate Delegates to Branch Conference	Relevant Sub Branch Committee of Management

- c. Each Sub-Branch shall elect one Committee member of the Branch Executive, who shall be elected from financial members allocated to the Sub-Branch, provided that the Metropolitan Salaried Officers' Sub-Branch and the Sydney Sub-Branch shall each elect two Committee members.

- 
- d. The Sub Branch Committee of Management consists of the Sub Branch President, the Sub Branch Vice President, the Sub Branch Treasurer, the Sub Branch Secretary, the Sub Branch Delegates to Branch Conference and such number of Committee Members as the Sub Branch determines subject to endorsement by the Branch Executive.

Provided that the maximum number of Committee Members for any Sub Branch shall not exceed thirty, other than the Metropolitan and Salaried Officers' Sub Branch and the Sydney Sub Branch which may each have up to forty Committee Members.

- e. All Branch Executive Members allocated to a Sub Branch, but not elected to the Committee of Management of the Sub Branch, will be deemed ex-officio members of the Sub Branch Committee of Management.
- f. The number of Sub Branch alternate Delegates to Branch Conference shall be the balance of the Sub Branch Committee of Management members not elected to a position with a right to attend Branch Conference.
- g. A candidate shall not be permitted to nominate for more than one position on the Branch Executive.
- h. A candidate shall not be permitted to nominate for more than one position on a Sub Branch Committee of Management set out in sub-rule d.

#### **10 – THE RETURNING OFFICER**

- a. The Returning Officer shall be appointed by the Branch Conference at the first meeting of the Branch Conference immediately following the declaration of the Ballot in each ordinary Branch Election. The Returning Officer shall hold the position until the appointment of a successor.
- b. The Returning Officer shall not be the holder of any office in nor be an employee of the Union or of any Branch, Section or Division of the Union.

#### **11 – BRANCH FUNDS**

- a. The Branch Executive shall have the control, custody, administration and management of all income and assets which constitute the Branch Fund in accordance with National Rule 21 – PROPERTY AND FUNDS.
- b. Branch funds shall be banked in any registered financial institution as the Branch Executive may determine from time to time in such one or more accounts as the Branch Executive may from time to time determine.

#### **12 – BRANCH PRESIDENT**

- a. The Branch President shall be elected each four years by the financial members of the Branch.
- b. The Branch President shall –
- i. be Chairperson of Branch Conference, of meetings of the Branch Executive, of meetings of members or representatives of the Branch at which the Branch President is present;
  - ii. superintend the discussion of all business tabled for consideration at such a meeting;
  - iii. enforce the Rules of the Branch and preserve good order among the members present;
  - iv. possess (and may exercise) an ordinary vote and a casting vote: Provided that at Branch Conference the Chairperson shall have a casting vote only;

- 
- v. sign the minutes of the proceedings of meetings adopted by a meeting at which the Branch President is present.
  - vi. have the right to attend or be represented and to be heard on any matter at any meeting of the Union, provided that where another person represents the Branch President at any meeting with the Union, such person shall have the right to be heard.
- c. The Branch President shall be paid such honorarium as may be prescribed by Branch Executive from time to time.

### **13 – DELETED**

### **14 – BRANCH VICE-PRESIDENT**

- a. The Branch Vice-President shall be elected each four years by the financial members of the Branch.
- b. The Branch Vice-President shall assist the Branch President in the discharge of the duties of the office.
- c. In the absence of the Branch President from a meeting, the Branch Vice-President shall be Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Branch President.
- d. The Branch Vice-President may be paid such honorarium as may be prescribed by Branch Executive from time to time.

### **15 – BRANCH TREASURER**

- a. The Branch Treasurer shall be elected each four years by the financial members of the Branch.
- b. The Branch Treasurer shall:
  - i. check the accounts of the Branch as kept by the Branch Secretary;
  - ii. present all accounts of the Branch to each meeting of Branch Conference and Branch Executive;
  - iii. generally perform such other duties as are allocated to the Treasurer by Branch Conference or Branch Executive from time to time; and
  - iv. hand over all books and other property belonging to the Branch in the Treasurer's hands as directed by Branch Conference or the Branch Executive.
- c. The Branch Treasurer shall be paid such honorarium as may be prescribed by Branch Executive from time to time.

### **16 – BRANCH SECRETARY**

- a. The Branch Secretary shall be elected each four years by the financial members of the Branch.
- b. The Branch Secretary may be paid such salary as may be prescribed by the Branch Executive from time to time.
- c. The Branch Secretary shall be the Chief Executive Officer of the Branch, and, subject to any direction given by Branch Conference or the Branch Executive, shall:
  - i. control and manage the office and employees of the Branch;

- 
- ii. have charge of the records of the Branch including a register of members showing the name, residential and postal addresses, Sub-Branch and financial status of each member, and be responsible for the recording, filing and safe keeping thereof;
  - iii. keep accurate, permanent records of the activities of the Branch and of all property of the Union in the hands of the Branch;
  - iv. see that the accounts of the Branch are kept and presented for audit in accordance with these Rules;
  - v. prepare and furnish all returns, statements, declarations or the like required by law;
  - vi. prepare a report for each meeting of Branch Conference setting out the activities of the Branch since the immediately preceding report;
  - vii. prepare a financial statement for each meeting of Branch Conference, or more often if so directed by the Branch Executive, setting out the financial dealings of the Branch since the immediately preceding report and the financial position of the Branch as at the date of the report;
  - viii. have authority to represent the Branch before Tribunals under the Fair Work Act 2009, and other relevant Acts.
  - ix. hand over all books and other property belonging to the Branch, as directed by Branch Conference or the Branch Executive.
  - x. generally perform such other duties as are allocated by Conference or the Branch Executive from time to time.
  - xi. have the right to attend or be represented and to be heard on any matter at any meeting of the Union, provided that where another person represents the Branch Secretary at any meeting with the Union, such person shall have the right to be heard.
- d. Pending an election to fill any vacancy in the office of Branch Secretary or during any period that the Branch Secretary is unable to carry out the functions of the office, the Executive may appoint any person eligible to be elected Branch Secretary to be Acting Branch Secretary. The person so appointed shall, whilst so Acting and subject to any directions of the Executive, have the powers, rights and duties of the Branch Secretary under the Rules of the Union.
  - e. Prior to or during any temporary absence of the Branch Secretary, the Branch Secretary may appoint any person eligible to be elected Branch Secretary to be Acting Branch Secretary. The person so appointed shall, whilst so Acting and subject to any directions of the Executive, have the powers, rights and duties of the Branch Secretary under the Rules of the Union.

**17 – DELETED**

**18 – NATIONAL CONFERENCE DELEGATES AND NATIONAL EXECUTIVE REPRESENTATIVES**

- a.
  - i. The Branch will be represented on the National Conference by its National Executive Representatives and National Conference Delegates.
  - ii. The Branch President shall be the second National Executive Representative of the Branch.
  - iii. The additional National Conference Delegates, and the Alternate National Conference Delegates, shall be elected in accordance with National Rule 7 – NATIONAL CONFERENCE.



- 
- b. In the event of casual vacancies arising in the office of National Conference Delegate such vacancies shall be filled by the Alternate National Conference Delegates in the order 1<sup>st</sup> to 6<sup>th</sup>.
  - c. The Branch Secretary shall be the First National Executive Representative of the Branch.

### **19 – SPECIAL BRANCH CONFERENCE**

- a. The Branch Executive may convene a Special Conference on its own initiative or at the request of at least fifty percent of the Sub Branches.
- b. Special Conference shall consist of the Branch Executive and the Delegates to Branch Conference.
- c. All Branch Executive members and all Delegates to Branch Conference shall receive at least four weeks notice of the time and place of the Special Conference.
- d. The Branch Executive shall determine the agenda items for the Special Conference. The agenda shall be notified to the Delegates and Branch Executive members at least four weeks prior to the Special Conference.
- e. Special Conference shall have the same powers and authorities as conferred on Branch Conference in Rule 4.
- f. Rule 4, Branch Conference, shall apply with the necessary changes, to Special Conference.

### **20 – POWER TO IMPOSE LEVY**

The Branch Executive may impose at any time a levy upon the members of the Union attached to the Branch in furtherance of the objects of the Union as prescribed by National Rule 4 and it may prescribe to the conditions necessary or convenient to give effect to the imposition of such levy.

### **21 – ADEQUACY OF NOTICE**

Any Rule of these Rules which requires that notice otherwise than by publication in a newspaper shall be given, or that any document shall be forwarded, to a member shall be deemed to be complied with if the notice or document be forwarded by prepaid letter to the address of the member last furnished pursuant to these Rules, or if there be no such address, to the address furnished by the member when applying for admission to membership of the Union.

### **22 – AFFILIATION**

The Branch Executive may by resolution affiliate the Branch with a Branch of the ACTU or other organisations having aims and philosophies compatible with those of the Union.

### **23 – ALTERATION OF BRANCH RULES**

- a. Subject to the approval of National Executive, the Branch Conference or the Branch Executive may amend the Branch Rules.
- b. Branch Conference shall not amend the Branch Rules unless notice of the proposed amendment has been given to the Branch Secretary not less than two months before the date of Branch Conference, and notice of the proposed amendment is posted to all Branch Conference delegates, together with the Agenda paper, not less than 14 days before the date of Branch Conference.

- 
- c. Branch Executive shall not amend the Branch rules unless notice of the proposed amendment has been given to the Branch Secretary not less than 2 months before the date of Branch Executive, and notice of the proposed amendment is posted to all Branch Executive members, together with the Agenda paper, not less than 14 days before the date of the Branch Executive.

## **24 – QUORUMS**

In the case of a general meeting of members of a Sub Branch the quorum shall be five financial members.

## **25 – AUDIT OF BRANCH FUNDS**

The Branch Executive shall appoint an Auditor.

## **26 – BRANCH LIFE MEMBERSHIP**

- a. The Branch Conference may confer life membership of the Branch upon a financial member who has retired from the industry having not less than twenty-five continuous years of membership of the Union whom Branch Conference considers merits life membership by reason of long years of active and faithful service to the Union.
- b. A life member shall be obliged to pay all moneys due and owing to the Union up to the date upon which life membership is conferred, but thereafter shall not be obliged to pay to the Union any entrance fee, subscription or levy.
- c. A life member shall not be eligible to stand for office nor vote in elections, **nor nominate any person to hold Office and shall not be able to exercise any of the rights of a member under these Rules.**

## **27 – DISTINGUISHED SERVICE CERTIFICATE**

- a. Any person who has performed distinguished service on behalf of the Branch may be granted a Distinguished Service Certificate should the Branch Conference so decide.
- b. The Branch Conference, Branch Executive, or any Sector may propose the granting of a Distinguished Service Certificate.

## **28 – BRANCH GENERAL MEETINGS**

- a. A General Meeting of members of the Branch shall be held if:
- i. The Branch Executive so determines, or
  - ii. A request to summon a General Meeting is received by the Branch Secretary within 5 months after the end of the financial year bearing the name, address and signature of five percent of the members of the Branch for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report.
- b. Where a General meeting is to be held in accordance with sub-rule a. the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- c. The quorum for a General meeting of the Branch shall be five percent of the members of the Branch, or five hundred members, whichever is the lesser.

---

**29 – DELETED**

**30– SUB BRANCHES OF THE BRANCH**

- a. The Branch shall consist of such Sub Branches, the establishment of which is confirmed by these Rules, together with such Sub Branch or Sub Branches as the Branch Executive may establish from time to time.
- b. The establishment of each of the Sub Branches, specified in the Schedule to these Rules is confirmed, and such Sub Branches shall be deemed to be established pursuant to these Rules.
- c. The Branch Executive may constitute from time to time such other Sub Branch or Sub Branches of the Branch as it deems fit. Action under this Sub Rule may be taken by the Branch Executive on its own motion or upon petition to the Branch Executive by not less than twenty financial members.
- d. The Branch Executive may alter, from time to time, any existing Sub Branch or the name thereof and it may dissolve a Sub Branch at any time and give such directions with regard to funds and other property of the Branch then in the hands of the Sub Branch as it deems fit.
- e. A Sub Branch shall be bound by these Rules, as they provide, from time to time.
- f. The Branch Executive shall allocate the members of the Union to Sub Branches and shall be the final arbiter of which Sub Branch a member is allocated and/or to which Sub Branch the member may be re-allocated. Such allocation of a member or re-allocation of a member shall be at the sole discretion of the Branch Executive and may occur at any time.

**31– NAME OF SUB BRANCH**

The name of a Sub Branch shall be the name assigned to the Sub Branch by or pursuant to Rule 24 of these Rules, and it shall be expressed thus: “NEW SOUTH WALES LOCAL GOVERNMENT CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES BRANCH (INSERT THE NAME OF THE SUB BRANCH)”.

**32– SUB BRANCH REGISTER OF MEMBERS**

A register of the names of the members and the residential address or private postal address of the members attached to a Sub Branch, shall be kept by the Sub Branch Secretary.

**33– CHANGE OF MEMBER’S ADDRESS**

A member changing their residential address or private postal address shall furnish particulars of the new residential address or private postal address to the Sub Branch Secretary of the Sub Branch to which they are attached, or were attached prior to such change of address, within fourteen days of such change.

**34– COMMITTEE OF MANAGEMENT**

- a. Subject to these Rules, the management of a Sub Branch shall be vested in a Committee of Management, consisting of the Sub Branch President, the Sub Branch Vice-President, the Sub Branch Treasurer, the Sub Branch Secretary, Sub Branch Delegates to Branch Conference and such number of Committee Members as the Sub Branch determines subject to endorsement by the Branch Executive. Provided that the maximum number of Committee Members for any Sub Branch shall not exceed thirty other than each of the Metropolitan and Salaried Officers’ Sub Branch and the Sydney Sub Branch which may each have up to forty Committee Members.

- 
- b. The Sub Branch Committee of Management will determine which Alternate Delegate will replace a Sub Branch Conference Delegate unable to attend Conference.

### **35– ELECTION OF SUB BRANCH COMMITTEE OF MANAGEMENT**

The election of a Committee of Management of a Sub Branch shall be held each four years. The first four yearly election shall be held in 2003.

### **36– SUB BRANCH PRESIDENT**

- a. A Sub Branch President shall:
- i. be Chairperson of meetings, of the Sub Branch, of the Committee of Management, of members or representatives, attached to the Sub Branch at which the Sub Branch President is present;
  - ii. superintend the discussion of all business tabled for consideration at such a meeting;
  - iii. enforce the Rules of the Sub Branch and preserve good order among members present;
  - iv. possess (and may exercise) an ordinary vote and a casting vote; and
  - v. sign the minutes of proceedings of meetings adopted by a meeting at which the Sub Branch President is present.

### **37– SUB BRANCH VICE-PRESIDENT**

- a. A Sub Branch Vice-President shall assist the Sub Branch President in the discharge of the duties of the office.
- b. In the absence of the Sub Branch President from a meeting, the Sub Branch Vice-President shall be the Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Sub Branch President.

### **38– SUB BRANCH SECRETARY**

- a. A Sub Branch Secretary shall be responsible for the performance of the administrative work of the Sub Branch, and in particular shall –
- i. carry out the obligations specifically imposed by these Rules;
  - ii. keep the records of the Sub Branch, and the minutes of meetings of the Sub Branch and of the Committee of Management thereof;
  - iii. keep the Branch Secretary informed of the names and addresses of members of the Union recorded in the Sub Branch Register of Members, and the deletions there from;
  - iv. arrange for all meetings of the Sub Branch and of the Committee of Management thereof, and the giving of due notice to members;
  - v. generally perform such other duties as are allocated by the Committee of Management of the Sub Branch from time to time; and
  - vi. hand over all books and other property belonging to the Union or the Branch, as directed by the Committee of Management of the Sub Branch and or as directed by the Branch Secretary.

- 
- vii. check the accounts as kept by the Sub Branch Treasurer.
  - b.
    - ~~i. The Sub Branch Secretary of the Newcastle Sub Branch, Energy and Utilities Sub Branch, the Local Government Officers' Association Sub Branch and the Power Distribution Employees Sub Branch, shall be full time.~~
    - ~~ii. Each such Sub Branch Secretary will be elected each four years by secret postal vote of financial members of the respective Sub Branches. The provisions of Part VII of the National Rules insofar as they are applicable shall apply, with the necessary changes, to any such election.~~
    - i.** Each such Sub Branch Secretary shall take instructions from the Branch Secretary and carry out duties as directed by the Branch Secretary or by the Branch Executive or the Committee of Management.
    - ii.** Each such Sub Branch Secretary shall as regularly required, give a written report of activities undertaken, to the Branch Secretary and the Branch Executive.

### **39– SUB BRANCH TREASURER**

- a. A Sub Branch Treasurer shall:
  - i. sign all cheques as required by these Rules;
  - ii. keep the accounts of the Sub Branch and present them for audit pursuant to these Rules;
  - iii. present bank pass books of all accounts of the Sub Branch to each meeting of the Sub Branch and to the Committee of Management thereof;
  - iv. generally perform such other duties as are allocated by the Committee of Management of the Sub Branch from time to time; and
  - v. hand over all books and other property belonging to the Sub Branch as directed by the Committee of Management of the Sub Branch.

### **40– MEETINGS OF SUB BRANCH**

- a. Meetings of a Sub Branch shall be held at such time and place as the Committee of Management of the Sub Branch may determine from time to time: Provided that a meeting shall be held in the month of November or December and such meeting shall be the Annual General Meeting:

Provided further that a meeting of a Sub Branch shall be held upon petition signed by not less than five hundred financial members or half the financial members of the Sub Branch, whichever is the less, and lodged with the Sub Branch Secretary.
- b. A Sub Branch Secretary shall, at least twenty-eight days prior to each Annual General Meeting, notify in writing each delegate, in every organisation attached to the Sub Branch of the date, time and place of the forthcoming Annual General Meeting.
- c. At a meeting of a Sub Branch a quorum shall be five and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of a Sub Branch the meeting shall lapse.
- d. In the event of the Sub Branch President and the Sub Branch Vice- President being absent from a meeting of a Sub Branch, then the members present shall elect a Chairperson of the meeting.

---

## 41 – MEETINGS OF SUB BRANCH COMMITTEE OF MANAGEMENT

- a. Meetings of the Sub Branch Committee of Management shall be held at such time and place as the Committee of Management may determine from time to time: Provided that it shall not meet less frequently than quarterly. The Sub Branch Secretary may summon a meeting of the Sub Branch Committee of Management at any time, and shall do so whenever so directed by the Sub Branch President, Branch President or Branch Secretary
- b. At a meeting of the Sub Branch Committee of Management a quorum shall be five, and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Sub Branch Committee of Management the meeting shall lapse.
- c. In the event of the Sub Branch President and the Sub Branch Vice- President being absent from a meeting of the Sub Branch Committee of Management, then the members present shall elect a Chairperson of the meeting.

## 42 – TRANSITIONAL RULES

- a. For the purpose of this rule:
  - i. ‘Commencement Day’ means the day on which alterations to rule 9 – ELECTION OF BRANCH OFFICE HOLDERS are certified by the Fair Work Commission.
- b. Continuation in office until 2019 election
  - i. The holders of the following Branch Offices immediately before the Commencement Day shall continue in office until the next scheduled ordinary elections within the Branch in 2019. Any casual vacancy will be followed for the then existing offices. In the year 2019 elections shall be conducted for the Branch office holders in accordance with sub-rule 9 a. and Part VII of the National Rules.
    - (1) Branch President
    - (2) Branch Vice President
    - (3) Branch Secretary/First National Executive Representative
    - (4) Branch Treasurer
    - (5) National Conference Delegates
    - (6) First, Second, Third, Fourth, Fifth and Sixth Alternate National Conference Delegates
    - (7) Committee Members of the Branch Executive
    - (8) Sub-Branch Committee of Management Members
    - (9) Second National Executive Representative
    - (10) Third National Executive Representative
    - (11) Alternate National Executive Representative
  - ii. The holders of the following Sub Branch Offices immediately before the Commencement Day shall continue in office until the next scheduled ordinary elections within the Branch in 2019. Any casual vacancy will be followed for the then existing offices. In the year 2019 elections shall be conducted for the Branch office holders in accordance with sub-rule 9 b. and Part VII of the National Rules.
    - (1) Sub Branch President
    - (2) Sub Branch Secretary
    - (3) Sub Branch Vice President
    - (4) Sub Branch Treasurer
    - (5) Sub Branch Delegates to Branch Conference
    - (6) Sub Branch Alternate Delegates to Branch Conference

---

## SCHEDULE

List of Sub-Branches established pursuant to Rule 30.

Central West  
Energy & Utilities  
Metropolitan Salaried Officers'  
Murray  
Newcastle  
New England  
Northern  
North Western  
Riverina  
Southern  
Sydney  
Sydney Clerical & Administrative  
Airlines  
ACT Clerical & Administrative

**DIVISION EIGHT**

**NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES BRANCH RULES**

**1 – NAME OF BRANCH**

- a. The name of the Branch shall be the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch, of the Australian Municipal, Administrative, Clerical and Services Union.
- b. The trading name of the Branch shall be the United Services Branch.

**2 – REGISTERED OFFICE OF BRANCH**

- a. The registered office of the Branch shall be at Level 7/321 Pitt Street, Sydney, or such other place as the Branch Executive may appoint from time to time.
- b. The Branch Secretary shall notify the National Secretary of any change of address of the registered office of the Branch.

**3 – MEMBERSHIP OF THE BRANCH**

- a. From the date of commencement of these rules, hereinafter referred to as “commencement day” all members attached to the former MEU New South Wales Branch, and all members attached to the former New South Wales Clerical and Administrative Branch shall be attached to the New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch, together with all members subsequently attached to the Branch pursuant to National Rule 10.
- b. Notwithstanding any other rule, all members of the Federated Municipal and Shire Council Employees Union of Australia New South Wales Division as registered under the Industrial Relations Act 1996 (NSW), who are members of the Union, shall be attached to the New South Wales Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch in accordance with National Rule 56.

**4 – DELETED**

**5 – BRANCH CONFERENCE**

- a. Subject to these Rules the supreme government of the Branch shall be vested in Branch Conference.
- b. ~~i. Branch Conference shall consist of the Branch Executive and of delegates from the Sub Branches of the Branch.~~  
Commencing in the 2019 Branch Quadrennial Elections the Branch Conference shall consist of the Branch Executive and of delegates from the Sub Branches of the Branch.

A	B
Sub Branch Membership Numbers	Number of Delegates



**ATTACHMENT B**

1—300	2
301—550	4
551—649	5
650—749	6
750—849	7
850—949	8
950—1049	9
1050—1549	10
1550—2049	11
2050—2549	12
2550—3049	13
3050—3549	14
3550—4249	15
4250—4749	16
4750—5249	17
5250—5749	18
5750—6249	19
6250—6749	20
6750—7000	21

<u>A</u>	<u>B</u>
<u>Sub Branch Membership Numbers</u>	<u>Number of Delegates</u>
<u>1 – 300</u>	<u>2</u>
<u>301 – 550</u>	<u>4</u>
<u>551 – 649</u>	<u>5</u>
<u>650 – 749</u>	<u>6</u>
<u>750 – 849</u>	<u>7</u>
<u>850 – 949</u>	<u>8</u>
<u>950 – 1049</u>	<u>9</u>
<u>1050 – 1549</u>	<u>10</u>
<u>1550 – 2049</u>	<u>11</u>
<u>2050 – 2549</u>	<u>12</u>
<u>2550 – 3049</u>	<u>13</u>
<u>3050 – 3549</u>	<u>14</u>
<u>3550 – 4249</u>	<u>15</u>
<u>4250 – 4749</u>	<u>16</u>
<u>4750 – 5249</u>	<u>17</u>
<u>5250 – 5749</u>	<u>18</u>
<u>5750 – 6249</u>	<u>19</u>
<u>6250 – 6749</u>	<u>20</u>
<u>6750 – 7000</u>	<u>21</u>
<u>7001 - 7500</u>	<u>22</u>
<u>7501 - 8000</u>	<u>23</u>
<u>8001 - 8500</u>	<u>24</u>
<u>8501 - 9000</u>	<u>25</u>
<u>9001 - 9500</u>	<u>26</u>
<u>9501 - 10000</u>	<u>27</u>
<u>10001 - 10500</u>	<u>28</u>
<u>10501 - 11000</u>	<u>29</u>
<u>11001 - 11500</u>	<u>30</u>
<u>11501 - 12000</u>	<u>31</u>
<u>12001 - 12500</u>	<u>32</u>
<u>12501 - 13000</u>	<u>33</u>
<u>13001 - 13500</u>	<u>34</u>

## ATTACHMENT B

<a href="#">13501 - 14000</a>	<a href="#">35</a>
<a href="#">14001 - 14500</a>	<a href="#">36</a>
<a href="#">14501 - 15000</a>	<a href="#">37</a>

- ‘ii. Commencing in the 2019 Branch Quadrennial Elections, should a Sub Branch’s membership exceed 15,000 members, it shall be entitled to an additional delegate for each additional 500 members over and above 15,000. A Sub Branch shall not be entitled to an additional delegate on a pro rata basis if the additional membership is less than the full increment of 500 members.’
- c. The Chairman shall have a casting vote only.
- d. i. In addition to powers elsewhere conferred on it by these Rules, Branch Conference shall have the general management and control of the affairs of the Branch, and unless specific provision is made to the contrary it shall have the powers conferred by these Rules on the Branch Executive or on a meeting of a Sub Branch or on the Committee of Management of a Sub Branch, and it shall have all such powers and authorities as are necessary or convenient for carrying into effect these Rules and the purposes of the Branch.
- ii. Branch Conference may exercise any power conferred on it by these Rules, notwithstanding that the Branch Executive or a meeting of a Sub Branch or the Committee of Management of a Sub Branch has exercised a like power in the same matter, and where a decision of Branch Conference is inconsistent with a decision of the Branch Executive or a meeting of a Sub Branch or the Committee of Management of a Sub Branch, the decision of Branch Conference shall prevail.
- e. Branch Conference shall meet biennially at such time and place as the Branch Conference may determine from time to time.
- f. Not less than one month immediately prior to the date specified for a meeting of Branch Conference, a Sub Branch Secretary shall notify the Branch Secretary on a “Delegate’s Credential” form, supplied by the Branch Secretary, of the full names of the Delegates from the Sub Branch to Branch Conference.
- g. Each Sub Branch shall bear and pay the travelling and other expenses of its delegates to Branch Conference.
- h. At a meeting of Branch Conference a quorum shall be half the number of delegates notified to the Branch Secretary pursuant to sub-rule b. hereof, and in the absence of a quorum at any time Branch Conference shall not proceed, until a quorum is present.
- i. In the event of the Branch President and the Branch Vice-President being absent from a meeting of Branch Conference, then the delegates present shall elect a Chairperson of the meeting.
- j. i. In alternating years between biennial Branch Conferences, there shall be a meeting of Branch Conference in Council Session.

## ATTACHMENT B

- ii. The time and place of the meeting of Branch Conference in Council Session shall be fixed by Branch Executive.
- iii. Branch Conference in Council Session shall consist of the Branch Executive and the Presidents and Secretaries of each Sub Branch.
- iv. Each member of the Branch Executive shall be entitled to exercise one vote and the President and Secretary of each Sub Branch shall each be entitled to exercise one half of the number of votes corresponding to the number of Branch Conference delegates to which the Sub Branch is entitled in accordance with sub-rule b. of this Rule.
- v. Branch Conference in Council Session shall have all of the powers vested in Branch Conference by these Rules.
- vi. A quorum for Branch Conference in Council Session shall consist of a majority of Branch Executive members and such number of Sub Branch Presidents and Secretaries whose voting entitlement constitutes a majority of the total number of Branch Conference delegates determined in accordance with sub-rule b. of this Rule.

### 6 – BRANCH EXECUTIVE

- a. There shall be a Branch Executive, which shall consist of the Branch President, the Branch Vice-President, the Branch Treasurer, the Branch Secretary, and ordinary Committee members for each Sub-Branch (subject to b. herein).
- b. The Committee members shall come from the Sub Branches, with one from each Sub Branch, except the Metropolitan Salaried Officers' Sub Branch, and the Sydney Sub-Branch who each shall be entitled to two Committee members.
- c. Each Sub-Branch shall elect one Committee member of the Branch Executive, who shall be elected from eligible members allocated to the Sub-Branch, provided that the Metropolitan Salaried Officers' Sub-Branch and the Sydney Sub-Branch shall elect two Committee members.
- d. For the purposes of this Rule, employees of the Branch shall be those in receipt of a salary paid by the Branch. Persons in receipt of payments arising from their appointment as directors of a trustee of a superannuation fund, or as trustees of such a fund or as service providers, shall not, by that reason alone, be deemed to be employees of the Branch.
- e. Between meetings of Conference the government of the Branch in all respects shall be vested in the Branch Executive, which for that purpose shall have all the powers, authorities, functions and duties of Branch Conference other than setting the subscription. Nothing in this sub-rule, however, shall affect in any way the powers conferred by these Rules on any specified officer or officers to act in cases of emergency.
- f. The Branch Executive shall be the Committee of Management of the Branch.
- g. Meetings of the Branch Executive shall be held at such time and place as the Branch Executive may determine from time to time. Provided that the Branch Secretary may summon a meeting of the

Branch Executive at any time, and shall do so whenever so directed by the Branch President.

- h. At a meeting of the Branch Executive, a quorum shall be a majority of Branch Executive Members, and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Branch Executive, the meeting shall lapse.
- i. Where the Branch Secretary and Branch President consider a matter or matters require urgent attention, a meeting of the Branch Executive shall be called by the Branch Secretary who shall give such notice of the meeting as is practicable. Such meetings may be conducted by telephone, or any method by which members of the Branch Executive are able to communicate with each other without being physically present.
- j. 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 the 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.

**6A – DELETED**

**RULE 6A – TRANSITIONAL RULE – 2019 SCHEDULED BRANCH ELECTION AND AMALGAMATION OF SUB BRANCHES**

- a. This rule shall prevail, to the extent of any inconsistency, over any other rule of the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch.
- b. For all purposes relating to the scheduled 2019 election and thereafter, the Metropolitan Salaried Officers' Sub Branch and the Sydney Sub Branch are dissolved and a new, amalgamated Sub Branch called the Sydney Metropolitan Sub Branch will be constituted.
- c. For all purposes relating to the scheduled 2019 election and thereafter, the references made to the Metropolitan Salaried Officers' Sub Branch and the Sydney Sub Branch in rule 6 b., rule 6 c., rule 9 a., rule 9 c., rule 9 d., rule 34 a., and in the Schedule to the Branch Rules shall be read and understood as a singular reference to the Sydney Metropolitan Sub Branch.
- d. For the purposes of rule 6 b., the Sydney Metropolitan Sub Branch shall be entitled to four Committee members.
- e. For the purposes of rule 6 c., the Sydney Metropolitan Sub Branch shall elect four Committee members

f. For the purposes of rule 9 c., the Sydney Metropolitan Sub Branch shall elect four Committee members

**7 – DELETED**

**8 – DELETED**

**9 – ELECTION OF BRANCH OFFICE HOLDERS**

a. Commencing in 2019 and thereafter a quadrennial election will be held to elect a person to office set out in column A by, and from, the electorate set out in column B:

A	B
Branch President/Second National Executive Representative	Branch financial members
Branch Vice President	Branch financial members
Branch Secretary/First National Executive Representative	Branch financial members
Branch Treasurer	Branch financial members
Committee Members of the Branch Executive (1 per Sub Branch)	Relevant Sub Branch financial members
<del>Additional Committee Member of the Branch Executive</del>	<del>Metropolitan Salaried Officers' financial members</del>
<del>Additional Committee Member of the Branch Executive</del>	<del>Sydney Sub Branch financial members</del>
<del>Additional Committee Members of the Branch Executive (3)</del>	<del>The Sydney Metropolitan Sub Branch</del>
National Conference Delegates	Branch financial members
Alternate National Conference Delegates (6)	Branch financial members
Third National Executive Representative if required	Branch financial members
Sub Branch Committee of Management members	Relevant Sub Branch financial members

b. Commencing in 2019 and at the first meeting of each Sub Branch Committee of Management following the quadrennial elections in accordance with sub-rule e. of National Rule 41 – PROCEDURE AT ELECTIONS; an election will be held to elect a person to a position set out in column A by, and from, the electorate set out in column B. Notwithstanding National sub-rule 41 e. vi. the Returning Officer may conduct this election by postal ballot, if the Returning Officer determines that it is impractical to attend a Sub Branch Committee of Management meeting in person.

A	B
Sub Branch President/First Branch Conference Delegate	Relevant Sub Branch Committee of Management
Sub Branch Secretary/Second Branch Conference Delegate	Relevant Sub Branch Committee of Management
Sub Branch Vice President/Third Branch Conference Delegate	Relevant Sub Branch Committee of Management
Sub Branch Treasurer/Fourth Branch Conference Delegate	Relevant Sub Branch Committee of Management
Additional Sub Branch Delegates to Branch	Relevant Sub Branch Committee of Management

## ATTACHMENT B

Conference	Management
Sub Branch Alternate Delegates to Branch Conference	Relevant Sub Branch Committee of Management

- c. Each Sub-Branch shall elect one Committee member of the Branch Executive, who shall be elected from financial members allocated to the Sub-Branch, provided that the Metropolitan Salaried Officers' Sub-Branch and the Sydney Sub-Branch shall each elect two Committee members.
- d. The Sub Branch Committee of Management consists of the Sub Branch President, the Sub Branch Vice President, the Sub Branch Treasurer, the Sub Branch Secretary, the Sub Branch Delegates to Branch Conference and such number of Committee Members as the Sub Branch determines subject to endorsement by the Branch Executive.

Provided that the maximum number of Committee Members for any Sub Branch shall not exceed thirty, other than the Metropolitan and Salaried Officers' Sub Branch and the Sydney Sub Branch which may each have up to forty Committee Members.

- e. All Branch Executive Members allocated to a Sub Branch, but not elected to the Committee of Management of the Sub Branch, will be deemed ex-officio members of the Sub Branch Committee of Management.
- f. The number of Sub Branch alternate Delegates to Branch Conference shall be the balance of the Sub Branch Committee of Management members not elected to a position with a right to attend Branch Conference.
- g. A candidate shall not be permitted to nominate for more than one position on the Branch Executive.
- h. A candidate shall not be permitted to nominate for more than one position on a Sub Branch Committee of Management set out in sub-rule d.

### 10 – THE RETURNING OFFICER

- a. The Returning Officer shall be appointed by the Branch Conference at the first meeting of the Branch Conference immediately following the declaration of the Ballot in each ordinary Branch Election. The Returning Officer shall hold the position until the appointment of a successor.
- b. The Returning Officer shall not be the holder of any office in nor be an employee of the Union or of any Branch, Section or Division of the Union.

### 11 – BRANCH FUNDS

- a. The Branch Executive shall have the control, custody, administration and management of all income and assets which constitute the Branch Fund in accordance with National Rule 21 – PROPERTY AND FUNDS.
- b. Branch funds shall be banked in any registered financial institution as the Branch Executive may determine from time to time in such one or more accounts as the Branch Executive may from time to time determine.

**12 – BRANCH PRESIDENT**

- a. The Branch President shall be elected each four years by the financial members of the Branch.
- b. The Branch President shall –
  - i. be Chairperson of Branch Conference, of meetings of the Branch Executive, of meetings of members or representatives of the Branch at which the Branch President is present;
  - ii. superintend the discussion of all business tabled for consideration at such a meeting;
  - iii. enforce the Rules of the Branch and preserve good order among the members present;
  - iv. possess (and may exercise) an ordinary vote and a casting vote: Provided that at Branch Conference the Chairperson shall have a casting vote only;
  - v. sign the minutes of the proceedings of meetings adopted by a meeting at which the Branch President is present.
  - vi. have the right to attend or be represented and to be heard on any matter at any meeting of the Union, provided that where another person represents the Branch President at any meeting with the Union, such person shall have the right to be heard.
- c. The Branch President shall be paid such honorarium as may be prescribed by Branch Executive from time to time.

**13 – DELETED**

**14 – BRANCH VICE-PRESIDENT**

- a. The Branch Vice-President shall be elected each four years by the financial members of the Branch.
- b. The Branch Vice-President shall assist the Branch President in the discharge of the duties of the office.
- c. In the absence of the Branch President from a meeting, the Branch Vice-President shall be Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Branch President.
- d. The Branch Vice-President may be paid such honorarium as may be prescribed by Branch Executive from time to time.

**15 – BRANCH TREASURER**

- a. The Branch Treasurer shall be elected each four years by the financial members of the Branch.
- b. The Branch Treasurer shall:

## ATTACHMENT B

- i. check the accounts of the Branch as kept by the Branch Secretary;
  - ii. present all accounts of the Branch to each meeting of Branch Conference and Branch Executive;
  - iii. generally perform such other duties as are allocated to the Treasurer by Branch Conference or Branch Executive from time to time; and
  - iv. hand over all books and other property belonging to the Branch in the Treasurer's hands as directed by Branch Conference or the Branch Executive.
- c. The Branch Treasurer shall be paid such honorarium as may be prescribed by Branch Executive from time to time.

### 16 – BRANCH SECRETARY

- a. The Branch Secretary shall be elected each four years by the financial members of the Branch.
- b. The Branch Secretary may be paid such salary as may be prescribed by the Branch Executive from time to time.
- c. The Branch Secretary shall be the Chief Executive Officer of the Branch, and, subject to any direction given by Branch Conference or the Branch Executive, shall:
  - i. control and manage the office and employees of the Branch;
  - ii. have charge of the records of the Branch including a register of members showing the name, residential and postal addresses, Sub-Branch and financial status of each member, and be responsible for the recording, filing and safe keeping thereof;
  - iii. keep accurate, permanent records of the activities of the Branch and of all property of the Union in the hands of the Branch;
  - iv. see that the accounts of the Branch are kept and presented for audit in accordance with these Rules;
  - v. prepare and furnish all returns, statements, declarations or the like required by law;
  - vi. prepare a report for each meeting of Branch Conference setting out the activities of the Branch since the immediately preceding report;
  - vii. prepare a financial statement for each meeting of Branch Conference, or more often if so directed by the Branch Executive, setting out the financial dealings of the Branch since the immediately preceding report and the financial position of the Branch as at the date of the report;
  - viii. have authority to represent the Branch before Tribunals under the Fair Work Act 2009, and other relevant Acts.
  - ix. hand over all books and other property belonging to the Branch, as directed by Branch Conference or the Branch Executive.



## **ATTACHMENT B**

- x. generally perform such other duties as are allocated by Conference or the Branch Executive from time to time.
  - xi. have the right to attend or be represented and to be heard on any matter at any meeting of the Union, provided that where another person represents the Branch Secretary at any meeting with the Union, such person shall have the right to be heard.
- d. Pending an election to fill any vacancy in the office of Branch Secretary or during any period that the Branch Secretary is unable to carry out the functions of the office, the Executive may appoint any person eligible to be elected Branch Secretary to be Acting Branch Secretary. The person so appointed shall, whilst so Acting and subject to any directions of the Executive, have the powers, rights and duties of the Branch Secretary under the Rules of the Union.
- e. Prior to or during any temporary absence of the Branch Secretary, the Branch Secretary may appoint any person eligible to be elected Branch Secretary to be Acting Branch Secretary. The person so appointed shall, whilst so Acting and subject to any directions of the Executive, have the powers, rights and duties of the Branch Secretary under the Rules of the Union.

### **17 – DELETED**

### **18 – NATIONAL CONFERENCE DELEGATES AND NATIONAL EXECUTIVE REPRESENTATIVES**

- a.
  - i. The Branch will be represented on the National Conference by its National Executive Representatives and National Conference Delegates.
  - ii. The Branch President shall be the second National Executive Representative of the Branch.
  - iii. The additional National Conference Delegates, and the Alternate National Conference Delegates, shall be elected in accordance with National Rule 7 – NATIONAL CONFERENCE.
- b. In the event of casual vacancies arising in the office of National Conference Delegate such vacancies shall be filled by the Alternate National Conference Delegates in the order 1<sup>st</sup> to 6<sup>th</sup>.
- c. The Branch Secretary shall be the First National Executive Representative of the Branch.

### **19 – SPECIAL BRANCH CONFERENCE**

- a. The Branch Executive may convene a Special Conference on its own initiative or at the request of at least fifty percent of the Sub Branches.
- b. Special Conference shall consist of the Branch Executive and the Delegates to Branch Conference.
- c. All Branch Executive members and all Delegates to Branch Conference shall receive at least four weeks notice of the time and place of the Special Conference.

## ATTACHMENT B

- d. The Branch Executive shall determine the agenda items for the Special Conference. The agenda shall be notified to the Delegates and Branch Executive members at least four weeks prior to the Special Conference.
- e. Special Conference shall have the same powers and authorities as conferred on Branch Conference in Rule 4.
- f. \_\_\_\_\_—Rule 4, Branch Conference, shall apply with the necessary changes, to Special \_\_\_\_\_ Conference.

### 20 – POWER TO IMPOSE LEVY

The Branch Executive may impose at any time a levy upon the members of the Union attached to the Branch in furtherance of the objects of the Union as prescribed by National Rule 4 and it may prescribe to the conditions necessary or convenient to give effect to the imposition of such levy.

### 21 – ADEQUACY OF NOTICE

Any Rule of these Rules which requires that notice otherwise than by publication in a newspaper shall be given, or that any document shall be forwarded, to a member shall be deemed to be complied with if the notice or document be forwarded by prepaid letter to the address of the member last furnished pursuant to these Rules, or if there be no such address, to the address furnished by the member when applying for admission to membership of the Union.

### 22 – AFFILIATION

The Branch Executive may by resolution affiliate the Branch with a Branch of the ACTU or other organisations having aims and philosophies compatible with those of the Union.

### 23 – ALTERATION OF BRANCH RULES

- a. Subject to the approval of National Executive, the Branch Conference or the Branch Executive may amend the Branch Rules.
- b. Branch Conference shall not amend the Branch Rules unless notice of the proposed amendment has been given to the Branch Secretary not less than two months before the date of Branch Conference, and notice of the proposed amendment is posted to all Branch Conference delegates, together with the Agenda paper, not less than 14 days before the date of Branch Conference.
- c. Branch Executive shall not amend the Branch rules unless notice of the proposed amendment has been given to the Branch Secretary not less than 2 months before the date of Branch Executive, and notice of the proposed amendment is posted to all Branch Executive members, together with the Agenda paper, not less than 14 days before the date of the Branch Executive.

### 24 – QUORUMS

In the case of a general meeting of members of a Sub Branch the quorum shall be five financial members.

**25 – AUDIT OF BRANCH FUNDS**

The Branch Executive shall appoint an Auditor.

**26 – BRANCH LIFE MEMBERSHIP**

- a. The Branch Conference may confer life membership of the Branch upon a financial member who has retired from the industry having not less than twenty-five continuous years of membership of the Union whom Branch Conference considers merits life membership by reason of long years of active and faithful service to the Union.
- b. A life member shall be obliged to pay all moneys due and owing to the Union up to the date upon which life membership is conferred, but thereafter shall not be obliged to pay to the Union any entrance fee, subscription or levy.
- c. A life member shall not be eligible to stand for office nor vote in elections nor nominate any person to hold Office.

**27 – DISTINGUISHED SERVICE CERTIFICATE**

- a. Any person who has performed distinguished service on behalf of the Branch may be granted a Distinguished Service Certificate should the Branch Conference so decide.
- b. The Branch Conference, Branch Executive, or any Sector may propose the granting of a Distinguished Service Certificate.

**28 – BRANCH GENERAL MEETINGS**

- a. A General Meeting of members of the Branch shall be held if:
  - i. The Branch Executive so determines, or
  - ii. A request to summon a General Meeting is received by the Branch Secretary within 5 months after the end of the financial year bearing the name, address and signature of five percent of the members of the Branch for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report.
- b. Where a General meeting is to be held in accordance with sub-rule a. the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- c. The quorum for a General meeting of the Branch shall be five percent of the members of the Branch, or five hundred members, whichever is the lesser.

**29 – DELETED**

**30– SUB BRANCHES OF THE BRANCH**

- a. The Branch shall consist of such Sub Branches, the establishment of which is confirmed by these Rules, together with such Sub Branch or Sub Branches as the Branch Executive may establish from time to time.

## **ATTACHMENT B**

- b. The establishment of each of the Sub Branches, specified in the Schedule to these Rules is confirmed, and such Sub Branches shall be deemed to be established pursuant to these Rules.
- c. The Branch Executive may constitute from time to time such other Sub Branch or Sub Branches of the Branch as it deems fit. Action under this Sub Rule may be taken by the Branch Executive on its own motion or upon petition to the Branch Executive by not less than twenty financial members.
- d. The Branch Executive may alter, from time to time, any existing Sub Branch or the name thereof and it may dissolve a Sub Branch at any time and give such directions with regard to funds and other property of the Branch then in the hands of the Sub Branch as it deems fit.
- e. A Sub Branch shall be bound by these Rules, as they provide, from time to time.
- f. The Branch Executive shall allocate the members of the Union to Sub Branches and shall be the final arbiter of which Sub Branch a member is allocated and/or to which Sub Branch the member may be re-allocated. Such allocation of a member or re-allocation of a member shall be at the sole discretion of the Branch Executive and may occur at any time.

### **31– NAME OF SUB BRANCH**

The name of a Sub Branch shall be the name assigned to the Sub Branch by or pursuant to Rule 24 of these Rules, and it shall be expressed thus: “NEW SOUTH WALES LOCAL GOVERNMENT CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES BRANCH (INSERT THE NAME OF THE SUB BRANCH)”.

### **32– SUB BRANCH REGISTER OF MEMBERS**

A register of the names of the members and the residential address or private postal address of the members attached to a Sub Branch, shall be kept by the Sub Branch Secretary.

### **33– CHANGE OF MEMBER’S ADDRESS**

A member changing their residential address or private postal address shall furnish particulars of the new residential address or private postal address to the Sub Branch Secretary of the Sub Branch to which they are attached, or were attached prior to such change of address, within fourteen days of such change.

### **34– COMMITTEE OF MANAGEMENT**

- a. Subject to these Rules, the management of a Sub Branch shall be vested in a Committee of Management, consisting of the Sub Branch President, the Sub Branch Vice-President, the Sub Branch Treasurer, the Sub Branch Secretary, Sub Branch Delegates to Branch Conference and such number of Committee Members as the Sub Branch determines subject to endorsement by the Branch Executive. Provided that the maximum number of Committee Members for any Sub Branch shall not exceed thirty other than each of the Metropolitan and Salaried Officers’ Sub Branch and the Sydney Sub Branch which may each have up to forty Committee Members.
- b. The Sub Branch Committee of Management will determine which Alternate Delegate will replace a Sub Branch Conference Delegate unable to attend Conference.

**35– ELECTION OF SUB BRANCH COMMITTEE OF MANAGEMENT**

The election of a Committee of Management of a Sub Branch shall be held each four years. The first four yearly election shall be held in 2003.

**36– SUB BRANCH PRESIDENT**

- a. A Sub Branch President shall:
  - i. be Chairperson of meetings, of the Sub Branch, of the Committee of Management, of members or representatives, attached to the Sub Branch at which the Sub Branch President is present;
  - ii. superintend the discussion of all business tabled for consideration at such a meeting;
  - iii. enforce the Rules of the Sub Branch and preserve good order among members present;
  - iv. possess (and may exercise) an ordinary vote and a casting vote; and
  - v. sign the minutes of proceedings of meetings adopted by a meeting at which the Sub Branch President is present.

**37– SUB BRANCH VICE-PRESIDENT**

- a. A Sub Branch Vice-President shall assist the Sub Branch President in the discharge of the duties of the office.
- b. In the absence of the Sub Branch President from a meeting, the Sub Branch Vice-President shall be the Chairperson of such meeting and for that purpose shall have all the duties and may exercise all the powers of the Sub Branch President.

**38– SUB BRANCH SECRETARY**

- a. A Sub Branch Secretary shall be responsible for the performance of the administrative work of the Sub Branch, and in particular shall –
  - i. carry out the obligations specifically imposed by these Rules;
  - ii. keep the records of the Sub Branch, and the minutes of meetings of the Sub Branch and of the Committee of Management thereof;
  - iii. keep the Branch Secretary informed of the names and addresses of members of the Union recorded in the Sub Branch Register of Members, and the deletions there from;
  - iv. arrange for all meetings of the Sub Branch and of the Committee of Management thereof, and the giving of due notice to members;
  - v. generally perform such other duties as are allocated by the Committee of Management of the Sub Branch from time to time; and

## ATTACHMENT B

- vi. hand over all books and other property belonging to the Union or the Branch, as directed by the Committee of Management of the Sub Branch and or as directed by the Branch Secretary.
- vii. check the accounts as kept by the Sub Branch Treasurer.

~~b. i. The Sub Branch Secretary of the Newcastle Sub Branch, Energy and Utilities Sub Branch, the Local Government Officers' Association Sub Branch and the Power Distribution Employees Sub Branch, shall be full time.~~

~~ii. Each such Sub Branch Secretary will be elected each four years by secret postal vote of financial members of the respective Sub Branches. The provisions of Part VII of the National Rules insofar as they are applicable shall apply, with the necessary changes, to any such election.~~

~~b. iii.i.~~ Each such Sub Branch Secretary shall take instructions from the Branch Secretary and carry out duties as directed by the Branch Secretary or by the Branch Executive or the Committee of Management.

~~iv.ii.~~ Each such Sub Branch Secretary shall as regularly required, give a written report of activities undertaken, to the Branch Secretary and the Branch Executive.

### 39– SUB BRANCH TREASURER

- a. A Sub Branch Treasurer shall:
  - i. sign all cheques as required by these Rules;
  - ii. keep the accounts of the Sub Branch and present them for audit pursuant to these Rules;
  - iii. present bank pass books of all accounts of the Sub Branch to each meeting of the Sub Branch and to the Committee of Management thereof;
  - iv. generally perform such other duties as are allocated by the Committee of Management of the Sub Branch from time to time; and
  - v. hand over all books and other property belonging to the Sub Branch as directed by the Committee of Management of the Sub Branch.

### 40– MEETINGS OF SUB BRANCH

- a. Meetings of a Sub Branch shall be held at such time and place as the Committee of Management of the Sub Branch may determine from time to time: Provided that a meeting shall be held in the month of November or December and such meeting shall be the Annual General Meeting:

Provided further that a meeting of a Sub Branch shall be held upon petition signed by not less than five hundred financial members or half the financial members of the Sub Branch, whichever is the less, and lodged with the Sub Branch Secretary.

- b. A Sub Branch Secretary shall, at least twenty-eight days prior to each Annual General Meeting, notify in writing each delegate, in every organisation attached to the Sub Branch of the date, time and place of the forthcoming Annual General Meeting.

## **ATTACHMENT B**

- c. At a meeting of a Sub Branch a quorum shall be five and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of a Sub Branch the meeting shall lapse.
- d. In the event of the Sub Branch President and the Sub Branch Vice- President being absent from a meeting of a Sub Branch, then the members present shall elect a Chairperson of the meeting.

### **41 – MEETINGS OF SUB BRANCH COMMITTEE OF MANAGEMENT**

- a. Meetings of the Sub Branch Committee of Management shall be held at such time and place as the Committee of Management may determine from time to time: Provided that it shall not meet less frequently than quarterly. The Sub Branch Secretary may summon a meeting of the Sub Branch Committee of Management at any time, and shall do so whenever so directed by the Sub Branch President, Branch President or Branch Secretary
- b. At a meeting of the Sub Branch Committee of Management a quorum shall be five, and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Sub Branch Committee of Management the meeting shall lapse.
- c. In the event of the Sub Branch President and the Sub Branch Vice- President being absent from a meeting of the Sub Branch Committee of Management, then the members present shall elect a Chairperson of the meeting.

### **42 – TRANSITIONAL RULES**

- a. For the purpose of this rule:
  - i. 'Commencement Day' means the day on which alterations to rule 9 – ELECTION OF BRANCH OFFICE HOLDERS are certified by the Fair Work Commission.
- b. Continuation in office until 2019 election
  - i. The holders of the following Branch Offices immediately before the Commencement Day shall continue in office until the next scheduled ordinary elections within the Branch in 2019. Any casual vacancy will be followed for the then existing offices. In the year 2019 elections shall be conducted for the Branch office holders in accordance with sub-rule 9 a. and Part VII of the National Rules.
    - (1) Branch President
    - (2) Branch Vice President
    - (3) Branch Secretary/First National Executive Representative
    - (4) Branch Treasurer
    - (5) National Conference Delegates
    - (6) First, Second, Third, Fourth, Fifth and Sixth Alternate National Conference Delegates
    - (7) Committee Members of the Branch Executive
    - (8) Sub-Branch Committee of Management Members
    - (9) Second National Executive Representative
    - (10) Third National Executive Representative
    - (11) Alternate National Executive Representative

## ATTACHMENT B

ii. The holders of the following Sub Branch Offices immediately before the Commencement Day shall continue in office until the next scheduled ordinary elections within the Branch in 2019. Any casual vacancy will be followed for the then existing offices. In the year 2019 elections shall be conducted for the Branch office holders in accordance with sub-rule 9 b. and Part VII of the National Rules.

- (1) Sub Branch President
- (2) Sub Branch Secretary
- (3) Sub Branch Vice President
- (4) Sub Branch Treasurer
- (5) Sub Branch Delegates to Branch Conference
- (6) Sub Branch Alternate Delegates to Branch Conference



**SCHEDULE**

List of Sub-Branches established pursuant to Rule 30.

Central West  
Energy & Utilities  
Metropolitan Salaried Officers'  
Murray  
Newcastle  
New England  
Northern  
North Western  
Riverina  
Southern  
Sydney  
Sydney Clerical & Administrative  
Airlines  
ACT Clerical & Administrative



A•S•U

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

Wednesday, 26 September 2018

TO: All National Executive members  
 As addressed

By E-mail

Dear National Executive Member,

**Postal/Fax/Email Vote No. 09/2018**  
**Proposed New South Wales Local Government, Clerical, Administrative,  
 Energy, Airlines and Utilities Branch rule change**

The New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Branch has notified in writing as per the attached letter dated 12 September 2018 **Attachment A** that, in accordance with Rule 49 - RULE ALTERATIONS, they request the following rule changes be considered for approval.

In **Attachment A** Graeme Kelly, Branch Secretary and National Executive member, has outlined the proposed amendments to the ASU National Rules DIVISION EIGHT.

The rule changes were considered and consented to by the Branch Conference on 12 September 2018, in accordance with the Branch Rules.

The proposed variations are as follows:

- Sub Branch number of delegates
- Amalgamation of the 'Metropolitan Salaried Officers' and 'Sydney' Sub Branches to form the 'Sydney Metropolitan Sub Branch'
- Branch life membership
- Sub branch Secretary rule

Please find attached the voting paper with the proposed amendments to the ASU National Rules. The changes only affect the New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Branch and I recommend that you vote to support them.

Attached and marked **Attachment B** is the current rules with the proposed amendments using tracked changes for your information.

I request your prompt response in regards to the attached recommendation so that the proposed amendments to the ASU National Rules – DIVISION EIGHT can be submitted to the Fair Work Commission for certification, as soon as possible.

If you have any queries in regards to this request please do not hesitate to contact John Nucifora at this office.

Yours faithfully

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

David Smith  
 NATIONAL SECRETARY

[enc](#)

**Australian  
 Services  
 Union**

**National Office  
 Melbourne & Sydney**

*All correspondence to:*

Ground Floor  
 116 Queensberry St  
 Carlton South VIC 3053

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

E: [info@asu.asn.au](mailto:info@asu.asn.au)  
 W: [www.asu.asn.au](http://www.asu.asn.au)

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

**National Secretary**  
 David Smith

**Assistant National Secretaries**  
 Linda White  
 Robert Potter

**VOTING PAPER**  
**Proposed New South Wales Local Government, Clerical, Administrative,  
Energy, Airlines and Utilities Branch rule changes**

National Executive notes the proposed alterations to the rules of the Branch consented to by the Branch Conference on 12 September 2018.

The proposed variations are as follows:

- Sub Branch number of delegates
- Amalgamation of the Metropolitan Salaried Officers' and Sydney sub branches to form the Sydney Metropolitan sub branch
- Branch life membership
- Sub branch Secretary rule

The National Executive having considered the correspondence received from the Branch Secretary of the New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Branch **Attachment A** confirming that the Branch Conference, has consented to the proposed amendments to the rules of the Branch in **Attachment B** determines that the Branch has demonstrated its consent for the purposes of National Rule 49 and hereby resolves to amend the current rules of the Australian Municipal, Administrative, Clerical and Services Union DIVISION EIGHT New South Wales Local Government, Clerical, Administrative, Energy, Airlines and Utilities Branch as follows:

**Recommendation:**

A. To approve the following amendments of the Australian Municipal, Administrative, Clerical and Services Union Rules DIVISION EIGHT BRANCH:

1. In Rule 5 – BRANCH CONFERENCE delete sub rule b. i. and insert as follows:

'b. i. Commencing in the 2019 Branch Quadrennial Elections the Branch Conference shall consist of the Branch Executive and of delegates from the Sub Branches of the Branch.

A	B
Sub Branch Membership Numbers	Number of Delegates
1 – 300	2
301 – 550	4
551 – 649	5
650 – 749	6
750 – 849	7
850 – 949	8
950 – 1049	9
1050 – 1549	10
1550 – 2049	11
2050 – 2549	12
2550 – 3049	13
3050 – 3549	14
3550 – 4249	15
4250 – 4749	16
4750 – 5249	17
5250 – 5749	18
5750 – 6249	19
6250 – 6749	20
6750 – 7000	21
7001 - 7500	22
7501 - 8000	23

8001 - 8500	24
8501 - 9000	25
9001 - 9500	26
9501 - 10000	27
10001 - 10500	28
10501 - 11000	29
11001 - 11500	30
11501 - 12000	31
12001 - 12500	32
12501 - 13000	33
13001 - 13500	34
13501 - 14000	35
14001 - 14500	36
14501 - 15000	37

2. In Rule 5 – BRANCH CONFERENCE insert a new sub rule b. ii. as follows:

- ii. Commencing in the 2019 Branch Quadrennial Elections, should a Sub Branch's membership exceed 15,000 members, it shall be entitled to an additional delegate for each additional 500 members over and above 15,000. A Sub Branch shall not be entitled to an additional delegate on a pro rata basis if the additional membership is less than the full increment of 500 members.'

3. Delete Rule 6A –DELETED and insert as follows:

**'RULE 6A – TRANSITIONAL RULE – 2019 SCHEDULED BRANCH ELECTION AND AMALGAMATION OF SUB BRANCHES**

- a. This rule shall prevail, to the extent of any inconsistency, over any other rule of the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch.
  - b. For all purposes relating to the scheduled 2019 election and thereafter, the Metropolitan Salaried Officers' Sub Branch and the Sydney Sub Branch are dissolved and a new, amalgamated Sub Branch called the Sydney Metropolitan Sub Branch will be constituted.
  - c. For all purposes relating to the scheduled 2019 election and thereafter, the references made to the Metropolitan Salaried Officers' Sub Branch and the Sydney Sub Branch in rule 6 b., rule 6 c., rule 9 a., rule 9 c., rule 9 d., rule 34 a., and in the Schedule to the Branch Rules shall be read and understood as a singular reference to the Sydney Metropolitan Sub Branch.
  - d. For the purposes of rule 6 b., the Sydney Metropolitan Sub Branch shall be entitled to four Committee members.
  - e. For the purposes of rule 6 c., the Sydney Metropolitan Sub Branch shall elect four Committee members.
  - f. For the purposes of rule 9 c., the Sydney Metropolitan Sub Branch shall elect four Committee members.'
4. In Rule 9 – ELECTION OF BRANCH OFFICE HOLDERS – in sub rule a. delete from the table the two rows labelled 'Additional Committee Member of the Branch Executive' in Column A and 'Metropolitan Salaried Officers' financial members' and 'Sydney Sub Branch financial members' in Column B.
5. In Rule 9 – ELECTION OF BRANCH OFFICE HOLDERS – in sub rule a. above the row labelled 'National Conference Delegates' in Column A and 'Branch financial members' in Column B insert the words 'Additional Committee Members of the Branch Executive (3)' in Column A and the words 'The Sydney Metropolitan Sub Branch' in Column B.

---

**National Executive  
VOTE No.: 09/2018  
Page 3 of 3**

---

6. In Rule 26 - BRANCH LIFE MEMBERSHIP sub rule c. after the word 'elections', insert the words '  
'; nor nominate any person to hold Office'.
7. In Rule 38 – SUB BRANCH SECRETARY in sub rule b., delete paragraph i. and ii.
8. In Rule 38 – SUB BRANCH SECRETARY in sub rule b., renumber existing iii. and iv. to i. and ii respectively.

- B. To authorise the National Secretary to make any necessary amendments to these proposed rules that may be required to ensure that they are:
- a) effective at law; and
  - b) consistent and typographically correct, provided that any such amendments are not inconsistent with the intention of the proposed rules.

---

*I support the recommendation:*

YES

NO

---

Signed

---

Print Name

---

Dated

**Please complete and return to:**  
David Smith, ASU National Secretary Email: [dsmith@asu.asn.au](mailto:dsmith@asu.asn.au)