



A•S•U

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

Thursday 4 April, 2019

General Manager
Fair Work Commission
GPO Box 1944
MELBOURNE VIC 3001

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

Dear General Manager

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

I submit the following rule change for certification.

Accordingly, I lodge with this letter a Notice Setting out the Particulars of the Alterations to the Rules of the ASU, Declaration 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 arises out of an Australian Electoral Commission Post Election Report (E2018/92) and concerns National Sub Rule 40 i as follows:

1. In PART VII – ELECTIONS rule 40 – NOMINATION OF CANDIDATES sub-rule i. after the words 'sub-rule 40' delete the letter 'e' and insert the letter 'g'.

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

Yours faithfully

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

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

National Secretary
David Smith

Assistant National Secretaries
Linda White
Robert Potter

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 Alteration to the Rules of the Union".
2. The particulars set out in this 'Notice Setting out the Particulars of the Alteration to the Rules of the Australian Municipal, Administrative, Clerical and Services Union' dated 4 April 2019, 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) The Australian Electoral Commission sent a Post-Election report to the ASU Queensland Together Branch in (E2018/92) on 6 December 2018 which referred to a drafting error in sub-rule 40 i. Reference to sub-rule 40 e when correctly interpreted should be sub-rule 40 g.
 - b) I confirm that on 1 April 2019 a Postal/Fax/E-mail Ballot was submitted to all National Executive members via e-mail and a current copy of the relevant rule with the proposed amendment using tracked changes attached hereto and marked '**Attachment A**'.
 - c) On the 4 April 2019, a total of 124.33 affirmative votes were received. Of the total of 138 votes allocated to members of the National Executive in accordance with sub-rule 8c, I declared the vote carried pursuant to sub-rule 8j of the rules of the ASU. Attached hereto and marked '**Attachment B**' is a copy of my correspondence to National Executive members on the 4 April 2019, declaring the result of the ballot.
5. Pursuant to Regulation 126(1)(b) the notice for this rule alteration has been published on the ASU website and can be viewed at www.asu.asn.au/about/rules.
6. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED: Thursday 4 April, 2019



David Smith
NATIONAL SECRETARY

PART VII – ELECTIONS

40 - NOMINATION OF CANDIDATES

- a. The returning officer shall call for nominations for:

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

by notice in writing to all members of National Executive on the Wednesday following the expiration of 28 days after the completion and declaration of all Branch elections for the offices of Branch National Executive Representatives, or the first Wednesday in July which ever is the earlier.

- b. The returning officer shall call for all other nominations on the first Wednesday in March, by placing a notice on the Union’s website.
- c. All notices calling for nominations shall specify the dates, times, places and postal addresses for the receipt of nominations by the returning officer.
- d. Nominations shall close 21 days after they are called.
- e. All candidates must be nominated by two members of the Union who are financial members to, and by, the end of the month preceding the calling of nominations, with the candidate’s consent in writing.
- f. i. A group of eligible members may nominate as members of a “Team Nomination” which must have a name.
- ii. The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive in any other way.
- iii. In determining which Team Nomination may use a name (which is not a candidate’s name) regard is to be had to all relevant factors including the history of use of the name in question.
- iv. If, in the view of the Branch returning officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Branch returning officer must:
- approach the candidate for Branch Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination’s name as the Branch returning officer thinks necessary; and
- if such changes are not made, decide whether to accept the Team Nomination.
- v. A Team Nomination must nominate an eligible member (or the required number of members) for each office for which nominations have been called whereupon each person will be considered to have nominated for each office concerned.
- vi. A Team Nomination must be in writing and signed by each candidate.

- vii. No member of a Team Nomination may nominate in the election other than for that Team Nomination.
 - viii. The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.
 - ix. In the event of a withdrawal in accordance with sub-rule viii, the person who has withdrawn can be replaced by another eligible member who has not nominated as a candidate for any office, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination. Provided that the returning officer must be notified of the change before the time and date set by the returning officer for the sending of the ballot paper to the printer for printing.
 - x. The discovery of a candidate's ineligibility will not affect the validity of the election to office of any other member of a Team Nomination of which that candidate is a member.
- g. In addition to the qualifications for nominators set out in e. hereof, only members of the National Executive may nominate candidates for the offices of:
- National President;
 - National Vice President;
 - National Secretary; and
 - Assistant National Secretaries
- h. Only members attached to a Branch may nominate candidates for an office within that Branch.
- i. In addition to the qualifications for nominators set out in e. and h. hereof only members allocated to an Industry Division, Sub Branch, Section, District, Zone or any other subordinate part created by or in a Branch pursuant to these rules, may nominate candidates for offices for which the members of such Industry Division, Sub Branch, Section, District, Zone or subordinate part, form the sole electorate. Provided that this sub-rule shall not apply to offices which are nominated pursuant to sub-rule 40 [e-g](#) hereof.



A•S•U

File/Our Ref: 12.21 DS/db
Your Ref:
Please quote in reply

Thursday 4 April, 2019

TO: All National Executive Members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 01/2019 Proposed
National rule change**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 1 April 2019, regarding the above is as follows:

A total of 124.33 affirmative votes were received from:

David Smith	Abbie Spencer
Linda White	Scott Cowen
Robert Potter	Jeff Lapidis
Alex Scott	Ancel Greenwood
Vivienne Doogan	Lisa Darmanin
Judith Wright	Billy King
Angus McFarland	Wendy Phillips
Graeme Kelly	Matt Norrey
Stephen Birney	Imogen Sturni
Sharon Sewell	Paul O'Neill
Neil Henderson	Wayne Wood
Jennifer Thomas	
Lynette Henson	

No negative votes were received. I advise that National Executive E-mail Vote No. 01/2019 is carried.

Yours faithfully

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

David Smith
NATIONAL SECRETARY

**Australian
Services
Union**

**National Office
Melbourne & Sydney**

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

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

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

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

**National Secretary
David Smith**

Assistant National Secretaries
Linda White
Robert Potter