



A•S•U

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Tuesday 28 May, 2019

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, 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 concerns the National Rule DIVISION FIVE – WESTERN AUSTRALIAN BRANCH as follows:

1. In Rule 6 – POWERS AND DUTIES OF THE BRANCH EXECUTIVE COUNCIL sub rule m. delete the words 'except in the case of political parties'.
2. In rule 25 – POLITICAL AFFILIATION delete sub rule a. and insert a new sub rule a. as follows:
  - 'a. The Branch may affiliate with a political party:
    - i. By resolution of the Branch Executive Council, or
    - ii. Where the Branch Executive Council, by resolution, decides to hold a ballot of the whole membership on such a question in a manner as provided by National Rule 44.'
3. In rule 25 – POLITICAL AFFILIATION sub rule b. after the words 'In the event that' insert the words 'a resolution of the Branch Executive Council or'.

If you require further information, please do not hesitate to contact me at this office or John Nucifora [jnucifora@asu.asn.au](mailto: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](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

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australianservicesunion](https://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 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 28 May 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) Wayne Wood, Branch Secretary of the Western Australian Branch and National Executive member, advised the National Secretary in a letter dated 24 May 2019 that the Branch Executive Council had consented to the proposed Rule alterations.
  - b) The proposed rule alterations relate to political affiliation of the Branch in Branch Rules 6 and 25.
  - c) The National Executive has determined that the letter from the Branch Secretary of the Western Australian Branch declaring that the Branch Executive Council had consented to the amendments to the rules of the Branch, which have been provided to the National Executive, demonstrates consent of the Branch Executive Council for the purposes of National Rule 49.
  - d) I confirm that on 27 May 2019 a Postal/Fax/E-mail Ballot was submitted to all National Executive members via e-mail and members were provided with a copy of the letter from the Western Australian Branch dated 24 May 2019 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 28 May 2019, a total of 138 affirmative votes were received. Of the total of 138 votes allocated to members of the National Executive in accordance with sub-rule 8c, I declared the vote carried pursuant to sub-rule 8j of the rules of the ASU. Attached hereto and marked '**Attachment C**' is a copy of my correspondence to National Executive members of the 28 May 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](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:** Tuesday 28 May, 2019



David Smith  
NATIONAL SECRETARY



# Australian Services Union

## WESTERN AUSTRALIAN BRANCH

Attachment A



Ref: RC0519a/Wayne

24 May 2019

David Smith  
ASU National Secretary  
Ground Floor, 116 Queensberry Street,  
Carlton South VIC 3053

102 East Parade  
East Perth 6004  
PO Box 8208  
Perth Business Centre  
Perth WA 6849  
Tel: (08) 9427 7777  
Country Callers: 1800 064 657  
branch.secretary@asuwa.org  
www.asuwa.org

Dear David,

### **RE: ASU WA BRANCH RULE VARIATION: Rule 25 - POLITICAL AFFILIATION**

Further my letter dated 22 May 2019 and subsequent discussions with John Nucifora, I am writing to inform you that the WA Branch Executive Council has passed a resolution by email ballot to vary the rules of this Branch to allow the Branch Executive Council the power to make the decision to affiliate with the Labor Party.

ASU WA is facing one of our greatest threats once again – privatisation. On this occasion, it comes to us from the Department of Local Government which is proposing changes to the Local Government Act to allow Local Government Councils to form Beneficial Enterprises or Council Controlled Organisations.

As part of a strategy to prevent these so-called Beneficial Enterprises, we have started campaigning with members on the ground in our efforts to Keep Local Government Local. While we are doing our best to recruit members and grow our union and organise workers in the workplace, we need a political strategy to influence the Government.

We intend to put forth a resolution rejecting the Department of Local Government and WALGA's efforts to privatise local government at the WA Labor State Conference in August 2019. We believe both factions of the Labor Party as well as members of cabinet will support our resolution, however to do so, ASU WA Branch will need to be affiliated with the Labor Party.

The resolution passed by the ASU WA Branch Executive is as follows:

**TO: BRANCH EXECUTIVE COUNCIL EMAIL BALLOT – 23 MAY 2019**  
**FROM: WAYNE WOOD – BRANCH SECRETARY**  
**SUBJECT BRANCH RULE VARIATION FOR POLITICAL AFFILIATION**

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### **Resolution:**

**E38/19 Moved: Wayne Wood Seconded: Nigel Rainford**

- That the Report be noted;
- That the ASU WA Branch Executive Council resolves:
  - To rescind Resolution 1 (E33/19) passed at the Branch Executive Council meeting on 21 May 2019 and replace with the points as follows;

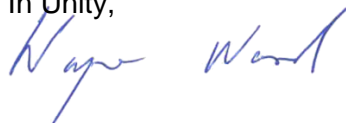
- **To approve the following amendments of the Australian Municipal, Administrative, Clerical and Services Union Rules DIVISION FIVE WESTERN AUSTRALIAN BRANCH:**
  1. **In Rule 6 – POWERS AND DUTIES OF THE BRANCH EXECUTIVE COUNCIL sub rule m. delete the words ‘except in the case of political parties’.**
  2. **In rule 25 - POLITICAL AFFILIATION delete sub rule a. and insert as follows:**
    - ‘a. The Branch may affiliate with a political party:**
      - i. By resolution of the Branch Executive Council, or**
      - ii. Where the Branch Executive Council, by resolution, decides to hold a ballot of the whole membership on such a question in a manner as provided by National Rule 44.’**
  3. **In Rule 25 - POLITICAL AFFILIATION sub rule b. after the words ‘In the event that ‘insert the words ‘a resolution of the Branch Executive Council or’**
- **To authorise the Branch Secretary to submit to the National Secretary the proposed amendments to be considered by the National Executive as per Rule 21 c.**
- **To authorise the National Secretary to make any necessary amendments to these proposed rules that may be required to ensure that they are:**
  - **effective at law; and**
  - **consistent and typographically correct, provided that any such amendments are not inconsistent with the intention of the proposed rules.**

**Carried unanimously.**

I write to formally request that this matter be considered by the National Executive Council. Given the proximity of the State Conference, I would appreciate if this can be expedited to ensure that we can meet the timeline.

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

In Unity,



Wayne Wood  
Branch Secretary

**DIVISION FIVE  
WESTERN AUSTRALIAN BRANCH**

**6 – POWERS AND DUTIES OF THE BRANCH EXECUTIVE COUNCIL**

- a. The Branch Executive Council shall do all such things as are necessary for the control and management of the affairs of the Branch.
- b. The Branch Executive Council may of its own motion, or may on the recommendation of a Division meeting carried by a majority of financial members present at the Division meeting, establish a Divisional Committee(s) and Divisional Sub-Group Committee(s) and may disband, amalgamate or re-organise such Committees.
- c. Where the Branch Executive Council establishes such Committees it will determine the role, function and allocation of resources to them. It may from time to time alter, amend, rescind or make by-laws for the conduct of any Divisional Committee(s) or Divisional Sub-Group Committee(s).
- d. Branch Executive Council may appoint financial members from their Division to their Divisional Committee or Divisional Sub-Group Committee and determine their role within the Committee. In appointing members to a Divisional Committee or Divisional Sub-Group Committee, the Branch Executive Council shall adhere to the principles of proportional representation established in Rule 19 wherever practicable.
- e. Branch Executive Councillors representing a Division shall be a member of any Divisional Committee or Divisional Sub-Group Committee established for that Division on an ex-officio basis.
- f. Branch Executive Council will convene and determine the agenda, time, date and place of the Annual Delegates Conference. Branch Executive Council may invite an unlimited number of financial members who it considers are active within their workplace to attend.
- g. Where the number of financial members of a Division, calculated in accordance with Rule 8, falls below 100 financial members the Branch Executive Council shall prepare a report to Branch Executive Council.
- h. The Branch Executive Council shall carry out its responsibilities regarding Discipline pursuant to National Rules 35 and 36.
- i. The Branch Executive Council shall receive and consider the Auditor's Reports.
- j. The Branch Executive Council may employ such persons for the purposes of carrying out these Rules as the Branch Executive Council thinks proper. Such employees shall be employed on such terms and conditions as the Branch Executive Council may prescribe from time to time. The Branch Executive Council shall allocate each employee, who is a member of the Union, to a Division.
- k. The Branch Executive Council shall fix the expenses, honoraria and allowances consistent with National Rule 21.
- l. The Branch Executive Council shall subject to the Rules, determine Branch policies, consider and determine the Branch's position in respect to the National Conference agenda, make recommendations to National Conference or National Executive and may provide guidance to the National Executive Representatives from the Branch.
- m. The Branch Executive Council shall decide the questions of affiliation ~~except in the case of political parties~~.

**25 – POLITICAL AFFILIATION**

- ~~a. The Branch shall not affiliate with any political party unless authorised to do so by a ballot of the whole membership held on such question in manner as provided by National Rule 44.~~
- a. The Branch may affiliate with a political party:
  - i. By resolution of the Branch Executive Council, or
  - ii. Where the Branch Executive Council, by resolution, decides to hold a ballot of the whole membership on such a question in a manner as provided by National Rule 44.
- b. In the event that a resolution of the Branch Executive Council or a ballot of members decides to affiliate to any political party any member shall have the right to “opt out” from any such affiliation by notice thereof in writing to the Secretary and such member shall be excluded from any such affiliation.
- c. In the event that the Branch Executive Council decides to contribute funds to any political party any member shall have the right to “opt out” from any such contribution by notice thereof in writing to the Secretary and such member shall be excluded from making payment of such contribution.



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Tuesday 28 May, 2019

TO: All National Executive Members  
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 02/2019 Proposed  
Western Australian Branch rule changes**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 27 May 2019, regarding the above is as follows:

A total of 138 affirmative votes were received from:

David Smith  
Linda White  
Robert Potter  
Alex Scott  
Vivienne Doogan  
Kate Flanders  
Natalie Lang  
Judith Wright  
Angus McFarland  
Graeme Kelly  
Glen McAtear  
Clare Raffan  
Neil Henderson

Jennifer Thomas  
Lynette Henson  
Abbie Spencer  
Scott Cowen  
Jeff Lapidus  
Ancel Greenwood  
Lisa Darmanin  
Billy King  
Barry Gough  
Matt Norrey  
Imogen Sturni  
Paul O'Neill  
Wayne Wood

No negative votes were received. I advise that National Executive E-mail Vote No. 02/2019 is carried.

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

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TW: @ASUnion

**National Secretary  
David Smith**

**Assistant National Secretaries**  
Linda White  
Robert Potter