



A•S•U

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Tuesday 24 September 2019

General Manager  
Fair Work Commission  
GPO Box 1944  
MELBOURNE VIC 3001

By E-mail: [ros@fwc.gov.au](mailto:ros@fwc.gov.au)

**Australian  
Services  
Union**

**National Office  
Melbourne & Sydney**

*All correspondence to:*

Ground Floor  
116 Queensberry St  
Carlton South VIC 3053

T: (03) 9342 1400  
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australianservicesunion](https://www.facebook.com/australianservicesunion)  
TW: @ASUnion

**National Secretary**  
David Smith

**Assistant National Secretaries**  
Linda White  
Robert Potter

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 SIX TAXATION OFFICERS BRANCH as follows:

1. In Rule 35 – GENERAL MEETINGS OF THE BRANCH in sub rule (a)(ii) delete the number and words '5 (five) months' and insert the words 'the period provided by s266(1) of the Act'.
2. In rule 35 – GENERAL MEETINGS in sub rule (a)(ii) delete the number and word '10 (ten)%' and insert '5 (five) %'

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

Robert Potter  
Acting National Secretary

Encl.

**Fair Work (Registered Organisations) Act 2009**

**NOTICE SETTING OUT THE PARTICULARS OF THE ALTERATIONS TO THE RULES OF THE  
AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION  
REGULATION 126**

**DECLARATION REGULATION 126 (2)**

I, ROBERT POTTER, of Ground Floor, 116-124 Queensberry Street, Carlton South, State of Victoria:

1. I am the Acting 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 24 September 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) Jeff Lavidos, Branch Secretary of the Taxation Officers Branch and National Executive member, advised the Acting National Secretary in a letter dated 19 September 2019 that the Branch Executive consented to the proposed Rule alterations.
  - b) The proposed rule alterations relate to inconsistency between Branch Rule 35(a)(ii) and the requirements of s266 of the *Fair Work (Registered Organisations) Act 2009*.
  - c) The National Executive has determined that the declaration of the Branch Secretary of the Taxation Officers' Branch declaring that the Branch Executive has consented to the additions, changes, amendments, variations, repeal and/or deletions to the rules of the Branch in Attachment A, which have been provided to the National Executive, demonstrates consent of the Branch Executive for the purposes of National Rule 49.
  - d) I confirm that on 19 September 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 Taxation Officers Branch dated 19 September 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 23 September 2019, a total of 130 affirmative votes were received. Of the total of 130 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 23 September 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 24 September, 2019



Robert Potter  
ACTING NATIONAL SECRETARY



Australian Services Union  
Taxation Officers Branch  
116 Queensberry Street  
Carlton South 3053  
Ph. (03) 9347 6080  
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Branch Secretary: Jeff Lapidos  
[Jeff.Lapidos@asutax.asn.au](mailto:Jeff.Lapidos@asutax.asn.au)  
Ph. 0419 335 675

Mr Robert Potter  
Acting National Secretary  
Australian Services Union  
Carlton South 3053  
Email: [rpotter@asu.asn.au](mailto:rpotter@asu.asn.au)  
19 September 2019

Dear Robert,

**Re Tax Branch proposed Rule 35 alteration**

I, Jeff Lapidos, Branch Secretary of the Taxation Officers' Branch ('**Branch**'), confirm that, in accordance with the rules of the Union, the Branch Executive of the Branch resolved on 19 September 2019 to seek that the additions, changes, amendments, variations, repeal and/or deletions to the rules of the Branch set out in **Schedule A** be made by the National Executive, and consents to the National Executive making those additions, changes, amendments, variations, repeal and/or deletions to the rules of the Branch.

I would appreciate you arranging for the proposed rule change to be put to the ASU National Executive as soon as practicable.

Regards

Jeff Lapidos  
Branch Secretary

## Schedule A

*In response to the ROC correspondence re FR2018/100 dated 16 January 2019 – re Presentation of full report to relevant meeting s266 RO Act, the ASU Tax Branch Executive unanimously:*

*requests that the ASU National Executive amend rule 35 (a)(ii) (**'Branch Rule'**) of the Australian Municipal, Administrative, Clerical and Services Union DIVISION SIX – TAXATION OFFICERS' BRANCH (**'Branch'**) to correct the inconsistency between the Branch Rule and the requirements of the FW(RO)A, by replacing:*

***'5 (five) months'** with **'the period provided by s266(1) of the Act'**; and **'10 (ten) %'** with **'5 (five) %'**,*

*where they appear in the Branch Rule;*

*authorises the Branch Secretary to notify the National Secretary, or in his absence the Acting National Secretary, of the need for the requested rule alteration to be considered by the National Executive on an 'as soon as practicable basis' as the inconsistency is required to be corrected before the audit approval process can be completed by the Branch; and*

*authorises the National Secretary, or in his absence the Acting National Secretary, to make any further amendment to the rules of the Branch that may be required to ensure that the rules are:*

- i) effective at law;*
- ii) comply with the FW(RO)A; and*
- iii) consistent and typographically correct,*

*provided that any such amendments are not inconsistent with the intention of the Branch in seeking the amendment as set out in part A of this resolution."*

**DIVISION SIX****TAXATION OFFICERS' BRANCH RULES****35. GENERAL MEETINGS OF THE BRANCH**

- (a) A General Meeting of members of the Branch will be held if:
- (i) the Branch Executive determines; or
  - (ii) a request to summon a General Meeting for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report is received by the Branch Secretary within ~~5 (five) months~~ the period provided by s266(1) of the Act after the end of the financial year, bearing the name, address and signature of ~~10 (ten) %~~ 5 (five) % of the members of the Branch.
- (b) Where a General meeting is to be held in accordance with sub-rule (a) the Branch Secretary will cause notice of not less than 7 (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 will be 10 (ten) % of the members of the Branch, or 500 members, whichever is the lesser.
- (d) A General Meeting of members of the Branch may be conducted by a method by which members of the Branch are able to communicate with each other without being physically present.



A•S•U

File/Our Ref: 12.21 RP/db  
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Monday 23 September, 2019

TO: All National Executive Members  
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 03/2019 Proposed  
Taxation Officers' Branch rule changes**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 19 September 2019, regarding the above is as follows:

A total of 130 affirmative votes were received from:

- |                 |                 |
|-----------------|-----------------|
| David Smith     | Jennifer Thomas |
| Linda White     | Lynette Henson  |
| Robert Potter   | Abbie Spencer   |
| Alex Scott      | Scott Cowen     |
| Vivienne Doogan | Jeff Lapidos    |
| Kate Flanders   | Ancel Greenwood |
| Natalie Lang    | Lisa Darmanin   |
| Judith Wright   | Billy King      |
| Angus McFarland | Barry Gough     |
| Graeme Kelly    | Matt Norrey     |
| Glen McAtear    | Imogen Sturni   |
| Clare Raffan    | Paul O'Neill    |
| Neil Henderson  | Wayne Wood      |

No negative votes were received. I advise that National Executive E-mail Vote No. 03/2019 is carried.

Yours faithfully

Robert Potter  
ACTING NATIONAL SECRETARY

**Australian  
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Union**

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National Secretary  
David Smith

Assistant National Secretaries  
Linda White  
Robert Potter