

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



By your side

Monday 18 May, 2020

General Manager
Fair Work Commission
GPO Box 1944
MELBOURNE VIC 3001

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

Dear General Manager

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

I submit the following rule changes for certification.

Accordingly, I lodge with this letter a Notice Setting out the Particulars of the Alterations to the Rules of the ASU, Declarations pursuant to Section 159(1) of the Fair Work (Registered Organisations) Act 2009 and Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009.

In relation to changes to the Affirmative Action Election Sub Rule 37 c. there will be supplementary written submissions lodged as soon as possible.

The rule alteration concerns the National Rules as follows:


1. In PART I - CONSTITUTION AND OBJECTS rule 3 - DEFINITIONS sub-rule f. delete the word 'Secretaries' and insert 'Secretary' at the end of the sentence.
2. In PART II - GOVERNMENT rule 7 – NATIONAL CONFERENCE sub-rule e. insert after the words 'National Secretary' the words: ', provided that if, taking into account the happening, or likely happening, of a critical event, it is not possible to administratively and cost effectively program a National Conference for the last quarter of a year then the National Executive may determine to hold the National Conference at another time.'
3. In PART II - GOVERNMENT rule 8 - NATIONAL EXECUTIVE sub-rule b. delete the words 'Workplace Relations' and the year '1996'.
4. In PART II - GOVERNMENT rule 8 - NATIONAL EXECUTIVE paragraph ca. ii. delete the word 'two' and insert 'an'.
5. In PART II - GOVERNMENT rule 8 - NATIONAL EXECUTIVE paragraph ca. ii. delete the words 'Secretaries, each of whom shall exercise one (1) vote;' and insert 'Secretary'.
6. In PART III - NATIONAL OFFICERS rule 16 - ASSISTANT NATIONAL SECRETARIES delete in the title the word "SECRETARIES" and insert 'SECRETARY'.
7. In PART III - NATIONAL OFFICERS rule 16 – ASSISTANT NATIONAL SECRETARIES sub-rule a. delete the word 'two' and insert 'an'.
8. In PART III – NATIONAL OFFICERS rule 16 – ASSISTANT NATIONAL SECRETARIES sub-rule a. delete the word 'Secretaries' and insert 'Secretary'.

9. In PART III - NATIONAL OFFICERS rule 16 - ASSISTANT NATIONAL SECRETARIES sub-rule b. delete the word 'each' and insert 'The'.
10. In PART III - NATIONAL OFFICERS rule 16 - ASSISTANT NATIONAL SECRETARIES paragraph c.i. and c.ii delete the words 'Secretaries' wherever appearing and insert 'Secretary'.
11. In PART III - NATIONAL OFFICERS rule 16 - ASSISTANT NATIONAL SECRETARIES paragraph c.i. and c.ii. delete the words 'one of' wherever appearing.
12. In PART III - NATIONAL OFFICERS rule 17 - NATIONAL OFFICERS - LOCATION delete the word 'Secretaries' and insert 'Secretary'.
13. In PART III - NATIONAL OFFICERS rule 17 - NATIONAL OFFICERS - LOCATION delete the words 'Sydney, and at least one of the said officers shall be located in'.
14. In PART VI - DISCIPLINE rule 35 - REMOVAL OF OFFICERS sub-rule a. delete the word 'Secretaries' and insert 'Secretary'.
15. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD sub-rule a. delete the year '2019' and insert '2023'.
16. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph a.i. delete the word 'Two' and insert 'The'.
17. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph a.i. delete the word 'Secretaries' and insert 'Secretary'.
18. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph a. ii. delete the word 'two'.
19. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph a. ii. delete the word 'Secretaries' and insert 'Secretary'.
20. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.i. after the word 'that' insert the words 'at least'.
21. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.ii.1. add the word 'and' after the semi-colon.
22. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.ii.2. delete the words '(for the purposes of this sub-rule 'First Office'); and'.
23. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD delete paragraph c.ii.3.
24. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. delete the word 'where' and insert the words 'if a'.
25. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. delete the word 'candidates' and insert the word 'candidate'.
26. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. delete the word 'have' and insert the word 'has'.
27. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. delete the word 'offices' and insert the word 'office'.
28. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. after the words 'National Secretary' delete the words 'and Assistant National Secretary (First Office)'.
29. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. delete the words in brackets '(Second Office)'.

30. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii.3. delete the words in brackets '(Second Office)' wherever appearing.
31. In PART VII - ELECTIONS rule 40 - NOMINATION OF CANDIDATES sub-rule a. delete the word 'Two'.
32. In PART VII - ELECTIONS rule 40 - NOMINATION OF CANDIDATES sub-rule a. delete the word 'Secretaries' and insert 'Secretary'.
33. In PART VII - ELECTIONS rule 40 - NOMINATION OF CANDIDATES sub-rule g. delete the word 'Secretaries' and insert 'Secretary'.
34. In PART VII - ELECTIONS rule 42A - TEMPORARY APPOINTMENT paragraph a.ii. delete the word 'an'.
35. In PART VII - ELECTIONS rule 42A - TEMPORARY APPOINTMENT sub-rule f. delete the word 'Secretaries' and insert 'Secretary'.
36. In PART VIII - GENERAL – Rule 53 – MEETINGS renumber sub-rule b. as sub-rule c and insert a new sub-rule b. as follows:
 - 'b. Despite any other rule of the Union a National Executive meeting or a Branch Committee of Management meeting is to be conducted by a method by which the members of the National Executive or the respective Branch Committee of Management, as the case may be, can communicate each with each other.'

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 1400
Mobile: 0448 203 392
E-mail: rpotter@asu.asn.au

Robert Potter
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 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 18 May 2020, lodged herein are correct as follows:
 1. In PART I - CONSTITUTION AND OBJECTS rule 3 - DEFINITIONS sub-rule f. delete the word 'Secretaries' and insert 'Secretary' at the end of the sentence.
 2. In PART II - GOVERNMENT rule 7 – NATIONAL CONFERENCE sub-rule e. insert after the words 'National Secretary' the words: ', provided that if, taking into account the happening, or likely happening, of a critical event, it is not possible to administratively and cost effectively program a National Conference for the last quarter of a year then the National Executive may determine to hold the National Conference at another time.
 3. In PART II - GOVERNMENT rule 8 - NATIONAL EXECUTIVE sub-rule b. delete the words 'Workplace Relations' and the year '1996'.
 4. In PART II - GOVERNMENT rule 8 - NATIONAL EXECUTIVE paragraph ca. ii. delete the word 'two' and insert 'an'.
 5. In PART II - GOVERNMENT rule 8 - NATIONAL EXECUTIVE paragraph ca. ii. delete the words 'Secretaries, each of whom shall exercise one (1) vote;' and insert 'Secretary'.
 6. In PART III - NATIONAL OFFICERS rule 16 - ASSISTANT NATIONAL SECRETARIES delete in the title the word "SECRETARIES" and insert 'SECRETARY'.
 7. In PART III - NATIONAL OFFICERS rule 16 – ASSISTANT NATIONAL SECRETARIES sub-rule a. delete the word 'two' and insert 'an'.
 8. In PART III – NATIONAL OFFICERS rule 16 – ASSISTANT NATIONAL SECRETARIES sub-rule a. delete the word 'Secretaries' and insert 'Secretary'.
 9. In PART III - NATIONAL OFFICERS rule 16 - ASSISTANT NATIONAL SECRETARIES sub-rule b. delete the word 'each' and insert 'The'.
 10. In PART III - NATIONAL OFFICERS rule 16 - ASSISTANT NATIONAL SECRETARIES paragraph c.i. and c.ii delete the words 'Secretaries' wherever appearing and insert 'Secretary'.
 11. In PART III - NATIONAL OFFICERS rule 16 - ASSISTANT NATIONAL SECRETARIES paragraph c.i. and c.ii. delete the words 'one of' wherever appearing.
 12. In PART III - NATIONAL OFFICERS rule 17 - NATIONAL OFFICERS - LOCATION delete the word 'Secretaries' and insert 'Secretary'.
 13. In PART III - NATIONAL OFFICERS rule 17 - NATIONAL OFFICERS - LOCATION delete the words 'Sydney, and at least one of the said officers shall be located in'.

14. In PART VI - DISCIPLINE rule 35 - REMOVAL OF OFFICERS sub-rule a. delete the word 'Secretaries' and insert 'Secretary'.
15. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD sub-rule a. delete the year '2019' and insert '2023'.
16. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph a.i. delete the word 'Two' and insert 'The'.
17. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph a.i. delete the word 'Secretaries' and insert 'Secretary'.
18. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph a. ii. delete the word 'two'.
19. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph a. ii. delete the word 'Secretaries' and insert 'Secretary'.
20. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.i. after the word 'that' insert the words 'at least'.
21. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.ii.1. add the word 'and' after the semi-colon.
22. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.ii.2. delete the words '(for the purposes of this sub-rule 'First Office'); and'.
23. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD delete paragraph c.ii.3.
24. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. delete the word 'where' and insert the words 'if a'.
25. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. delete the word 'candidates' and insert the word 'candidate'.
26. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. delete the word 'have' and insert the word 'has'.
27. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. delete the word 'offices' and insert the word 'office'.
28. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. after the words 'National Secretary' delete the words 'and Assistant National Secretary (First Office)'.
29. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii. delete the words in brackets '(Second Office)'.
30. In PART VII - ELECTIONS rule 37 - ELECTIONS TO BE HELD paragraph c.iii.3. delete the words in brackets '(Second Office)' wherever appearing.
31. In PART VII - ELECTIONS rule 40 - NOMINATION OF CANDIDATES sub-rule a. delete the word 'Two'.
32. In PART VII - ELECTIONS rule 40 - NOMINATION OF CANDIDATES sub-rule a. delete the word 'Secretaries' and insert 'Secretary'.
33. In PART VII - ELECTIONS rule 40 - NOMINATION OF CANDIDATES sub-rule g. delete the word 'Secretaries' and insert 'Secretary'.
34. In PART VII - ELECTIONS rule 42A - TEMPORARY APPOINTMENT paragraph a.ii. delete the word 'an'.

35. In PART VII - ELECTIONS rule 42A - TEMPORARY APPOINTMENT sub-rule f. delete the word 'Secretaries' and insert 'Secretary'.
36. In PART VIII - GENERAL – Rule 53 – MEETINGS renumber sub-rule b. as sub-rule c and insert a new sub-rule b. as follows:
 - 'b. Despite any other rule of the Union a National Executive meeting or a Branch Committee of Management meeting is to be conducted by a method by which the members of the National Executive or the respective Branch Committee of Management, as the case may be, can communicate each with each other.'
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 ASU National Executive meeting on the 12 March 2020 determined, in the circumstances of one of the two offices of Assistant National Secretary being vacant, that a National Office Staffing Review be conducted by the National Secretary. As a result of considering that review the ASU National Executive determined that the vacant Assistant National Secretary office be abolished so that only one Assistant National Secretary office remains. The proposed amendments arise from, and are consequential upon, that determination;
 - b) Flexibility for when the National Conference, currently due in the last quarter of 2020, can be held; and
 - c) To enable the National Executive, and all Branch Committees of Management, to meet by the use of technology in other than a single physical location, which provides necessary flexibility (required due to Covid-19) and which will ensure consistency across the Branches with a number of Branch rules already providing the facility e.g. QLD Together Branch, Queensland (Services and Northern Administrative) Branch, NSW & ACT (Services) Branch, Taxation Officer's Branch, Western Australian Branch proposed NSW United Services Branch rules.
 - d) I confirm that on 11 May 2020 a Postal/Fax/E-mail Ballot was submitted to all National Executive members via e-mail and a current copy of the relevant rules with the proposed amendments using tracked changes attached hereto and marked '**Attachment A**'.
 - e) On the 14 May 2020, a total of 129 affirmative votes were received. Of the total of 129 votes allocated to members of the National Executive in accordance with sub-rule 8c, I declared the vote carried pursuant to sub-rule 8j of the rules of the ASU. Attached hereto and marked '**Attachment B**' is a copy of my correspondence to National Executive members of the 14 May 2020, 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: 18 May, 2020



Robert Potter
NATIONAL SECRETARY

PART I – CONSTITUTION AND OBJECTS

3 - DEFINITIONS

In these rules, unless the context otherwise requires:

- a. Words importing the male gender shall include the female gender and vice versa.
- b. The singular number shall also include the plural number, and the plural number the singular number.
- c. "The Union" shall mean the Australian Municipal, Administrative, Clerical and Services Union.
- d. The Australian Services Union, or the acronym ASU shall mean the trading name and abbreviation respectively of the Australian, Municipal, Administrative, Clerical and Services Union.
- e. "Branch" shall mean a branch of the Australian Municipal, Administrative, Clerical and Services Union.
- f. "National Officers" shall mean the National President, National Vice-President, the National Secretary, and the Assistant National ~~Secretaries~~ Secretary.
- g. "Branch Officers" shall mean the President, Deputy President, Vice-President, Executive President, Secretary, Assistant Secretary, Treasurer, National Executive Representative, Alternate National Executive Representative, National Conference Delegate or Alternate National Conference Delegate of any Branch of the Union.
- h. "Amalgamation Day" shall mean the date fixed by the Australian Industrial Relations Commission for the amalgamation between the Federated Clerks Union of Australia, the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union, and the Federated Municipal and Shire Council Employees' Union, to take effect.
- i. "The transition period" shall mean the period between amalgamation day and the date of the declaration of the first elections in 1995 held in accordance with Part VII - Elections.
- j. "Airlines Industry" shall mean employers operating as:

Domestic or International Carriers;
Airfreight Operators;
Airport Ground Handling Companies;
Privatised Airport Operators;
Flight Training; and
Any company, corporation, firm or person engaged in or in connection with the transport or carriage by air of passengers and/or goods

including subsidiaries of or related companies to employers operating in the industry.
- k. "Act" means the *Fair Work (Registered Organisations) Act 2009*.
- l. "Joint member" means a member who is a concurrent member of a State Union and the Union and who pays a single subscription.
- m. "State Union", in relation to an organisation, means:

- i. an association of employees which is registered under a State Act; or
- ii. an association of employees in Tasmania which is neither registered under this Act nor part of an organisation registered under this Act,

and for the purposes of this definition “State Act” means:

- iii. the Industrial Relations Act 1996 of New South Wales; or
 - iv. the Industrial Relations Act 1999 of Queensland; or
 - v. the Industrial Relations Act 1979 of Western Australia; or
 - vi. the Industrial and Employee Relations Act 1994 of South Australia; or
 - vii. an act of a State that is prescribed for the purposes of Subdivision B of Chapter 5, Part 2, Division 4 of the Act.
- n. “Subscription/s” means an amount payable by a member in accordance with rule 18.
 - o. “in writing” includes printing, typing, facsimile, text messaging, email, minute taking and other means of representing or reproducing words, figures, drawings or symbols in a visible and tangible or electronic form, in English.
 - p. “Ordinary Meeting” of the Branch Executive shall mean any one of the minimum number of meetings required each year under the relevant Branch rules.

PART II - GOVERNMENT

7 - NATIONAL CONFERENCE

- a. The Supreme Governing body of the Union shall be the National Conference with all powers and authorities as are necessary or convenient for carrying into effect these rules and the purposes of the Union.
- b. Without limiting the generality of the above, and subject to Rule 49, the National Conference shall have the power to add to, change, amend, vary, repeal and/or delete the Rules of the Union, notwithstanding any power of the National Executive to add to, change, amend, vary, repeal and/or delete the Rules of the Union.
- c. The National Conference shall comprise the members of National Executive and in addition National Conference Delegates from each of the branches in accordance with the following formula:
 - i. Two delegates from each Branch, and
 - ii. Branches with less than 1000 members, one additional delegate
 - iii. Branches with more than 1000 members, one additional delegate for the first 1000 members, and one additional delegate for each complete 1000 members thereafter.

Provided that in the event of the merger of two or more branches the branch so created shall be entitled, until the expiration of the normal terms of office of the National Conference Delegates elected by each of the merging branches, to the same number of delegates as the former branches were entitled to prior to the merger. At the first election for National Conference Delegates following the merger of Branches, the number of National Conference Delegates to which the merged Branch is entitled shall be calculated in accordance with the formula contained in this Rule, as if the Branches had not merged.

Provided further that for the purposes of this rule, the number of members in any branch shall be the number of Adult Membership Equivalent calculated in accordance with Rule 20, at the end of the half year immediately preceding the calling of nominations at each quadrennial election.

- d. Each member of the National Conference shall be entitled to one vote.
- e. The National Conference shall meet in 1996, and biennially thereafter, in the last quarter of the calendar year at a time and place to be determined by the National President and the National Secretary, provided that if, taking into account the happening, or likely happening, of a critical event, it is not possible to administratively and cost effectively program a National Conference for the last quarter of a year then the National Executive may determine to hold the National Conference at another time.
- f. Special meetings of National Conference shall be held if:
 - i. National Conference so determines, or
 - ii. A written request is received by the National Secretary from more than one third of the Branches having collectively one third of the total number of National Conference Delegates elected by Branches, or
 - iii. The National Executive so determines, or

iv. The National President and the National Secretary so determine.

A special meeting of National Conference shall be called at not less than seven days written notice, and the business of such a special meeting shall be confined to consideration of the business for which it was called, which shall appear on the notice convening the meeting.

g. The National Secretary shall notify all members of National Conference and Branches of the date and venue of the National Conference no later than fifty-six days prior to the date fixed for such Conference.

h. Agenda

i. The National Executive may place any business on the Agenda paper of a meeting of the National Conference.

ii. Each Branch shall notify the National Secretary in writing of all business it desires to place on the Agenda paper of the National Conference no later than forty-two days prior to the date fixed for such Conference, and such business shall be placed on the Agenda.

i. The Agenda paper, notices of motion and Minutes of the previous National Conference shall be posted to each member of National Conference no later than twenty-eight days prior to the date fixed for such Conference.

j. At a meeting of the National Conference a quorum shall be a majority in number of the National Conference members, and in the event of a quorum not being present within two hours after the appointed time for a meeting of National Conference, the National Secretary and the National President shall determine whether the meeting shall be adjourned for a period of up to twenty-four hours, or shall lapse.

k. The fares and expenses of members attending National Conference will be dealt with as follows :

i. The National Executive shall be responsible for the payment of the actual travel costs of all members of National Conference to National Conference, including the National Officers and shall further bear the costs of convening the conference and all costs and outgoing associated with the utilisation of conference facilities.

ii. The National Executive shall further be responsible for such expenses and allowances it may determine appropriate for the full-time National Officers while attending conference.

iii. The Branches shall be responsible for the payment of any other expenses of their National Conference Delegates and representatives including any allowance for forfeited earnings and living away from home allowance. Such allowances shall be determined by the individual branches.

l. Any National Officer unable to attend all or part of a meeting of National Conference may give a proxy to any other National Officer by written notice to the National President.

m. A delegate from any branch unable to attend all or part of National Conference may give a proxy to another National Conference Delegate from the same Branch by written notice to the National President.

n. Branches may provide in their Rules for the election of Alternate National Conference Delegates, who will be elected at the same time, and in the same manner as National Conference Delegates. Alternate National Conference Delegates will be designated "First", "Second" and so on, and shall automatically fill vacancies which occur in the office of National Conference Delegate

within the Branch, in the order in which their office is numbered, until all Alternate Delegates have been utilised. Thereafter any further Casual Vacancies shall be filled in accordance with Rule 42.

PART II – GOVERNMENT

8 - NATIONAL EXECUTIVE

- a. There shall be a National Executive of the Union. Subject to a decision of National Conference rescinding any decision of the National Executive, the National Executive shall have the powers and duties of the National Conference including the capacity to add to, change, amend, vary, repeal and/or delete rules.
- b. The National Executive shall constitute the Committee of Management of the Union as defined by the ~~Workplace Relations Act 1996~~ as amended.
- ca. The National Executive shall consist of:
 - i. the National Secretary;
 - ii. ~~two~~ an Assistant National ~~Secretaries, each of whom shall exercise one (1) vote~~ Secretary; and
 - iii. two (2) Branch National Executive Representatives from each Branch,provided that:

at, and from, the election of the National Executive to be held in 2015, if a Branch is entitled to 10 National Conference Delegates or more at an election held under sub-rule 37(a) then, for the term that follows that election, that Branch will have three (3) Branch National Executive Representatives.
- cb. Each Branch National Executive Representative shall exercise equal proportions of the Branch votes in accordance with the number of National Conferences Delegates to which that Branch National Executive Representatives' Branch is entitled in accordance with Rule 7.
- cc. The National President and the National Vice-President shall be elected by National Executive from Branch National Executive Representatives in accordance with PART VII.
- d.
 - i. Notwithstanding anything to the contrary elsewhere in these Rules, the National Executive Representatives from each Branch shall be elected by the financial members of the Branch.
 - ii. National Executive shall be responsible for the payment of travel costs and accommodation expenses and allowances for one National Executive Representative from each Branch. The cost of attendance of the second representative shall be the sole responsibility of the Branch.
 - iii. Branch Rules may provide for Branch Officers elected directly by the financial members of the Branch to be the first or second National Executive Representative of the Branch.
- e. The National Executive shall meet at least three (3) times per year.
- f. The National Secretary shall, upon a written request from branches representing a majority of members of the Union or National Executive representatives with at least one third of the votes of the branches, summon a meeting of National Executive which shall be held within seven (7) days of the receipt of the request.
- g. The National Secretary shall give at least 48 hours' notice when summoning members to meetings of the National Executive.

- h. Where the National Secretary considers that a matter or matters require urgent attention, a meeting of the National Executive shall be called by the National Secretary, who shall give such notice of the meeting as is practicable. Such meeting may be conducted by telephone, radio or any other method by which members of the National Executive are able to communicate with each other without being physically present.
- i. At any meeting of the National Executive a majority of the members of National Executive shall constitute a quorum.
- j. The National Secretary may, and shall when so requested in writing by National Executive representatives carrying at least one third of the votes of the branches on National Executive, submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the National Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, (with members exercising votes in the manner provided in sub-rule c. hereof) the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the National Executive passed at a duly constituted meeting;

Provided that, if within a period of twenty-one 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 (with members exercising votes in the manner provided in sub- rule c. hereof) and shall thereupon become a resolution of the National 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 National Executive.

- k. Any full-time National Officer unable to attend all or part of a meeting of National Executive may give a proxy to any other National Officer by written notice to the Chairperson.
- l. Any Branch representative unable to attend all or part of a meeting of National Executive may give a proxy to another member of National Executive, or to an Officer of the same Branch, by written notice to the Chairperson.

PART III – NATIONAL OFFICERS

16 - ASSISTANT NATIONAL ~~SECRETARIES~~ SECRETARY

- a. There shall be ~~two~~an Assistant National ~~Secretaries~~Secretary elected each four years in accordance with Part VII.
- b. ~~Each~~The Assistant National Secretary shall assist the National Secretary as directed, pursuant to Rule 14.
- c. In the event of that the National Secretary is on leave or otherwise absent the following shall apply:
 - i. If it is practicable for the National Secretary to do so he/she will consult with the National President and the Assistant National ~~Secretaries~~ Secretary and may appoint ~~one of~~ the Assistant National ~~Secretaries~~ Secretary to act as National Secretary during the course of the absence
 - ii. If it is impracticable for the National Secretary to consult as provided in i. The National President may after consultation with the Assistant National ~~Secretaries~~ Secretary appoint ~~one of~~ the Assistant National ~~Secretaries~~ Secretary to act as National Secretary in the absence of the National Secretary
 - iii. Provided that the National Executive may review any appointment made pursuant to i or ii above and make an alternative appointment

17 - NATIONAL OFFICERS - LOCATION

At least one of the National Secretary or the Assistant National ~~Secretaries~~ Secretary shall be located in ~~Sydney, and at least one of the said officers shall be located in~~ Melbourne.

PART VI - DISCIPLINE

35 - REMOVAL OF OFFICERS

In the case of the holders of the offices of:

- a. National President, National Vice President, National Secretary, Assistant National ~~Secretaries~~
Secretary:
 - i. At a meeting of National Executive to which the holder of any of the above offices has been summoned in writing by direction of National Executive to show cause why they should not be dealt with in accordance with this rule the National Executive may:
 1. remove that officer from any office if they have ceased according to the rules to be eligible to hold such office, or
 2. deal with that officer in accordance with sub-rule a. iv. of this Rule if the officer has been found guilty by the National Executive of:
 - a. misappropriation of funds of the Union
 - b. a substantial breach of the rules of the Union
 - c. gross misbehaviour in relation to his or her office, or
 - d. gross neglect of duty in the conduct of his or her office

The summons to show cause shall:

3. state the allegation together with the particulars thereof;
 4. disclose the evidence on which the allegation is based;
 5. be signed by the National Secretary;
 6. state the time, date and place at which the officer is to show cause;
 7. be delivered personally to the officer concerned (or posted by registered mail to the officer's last known address) at least 21 days before the meeting at which the matter is to be determined;
 8. have attached to it a copy of this rule.
- ii. Should any officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the National Executive may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this rule has been served on them.
 - iii. The evidence relating to the alleged offence should be heard by the National Executive and the officer concerned shall be heard in his or her defence personally and/or in writing.
 - iv. If in the opinion of the National Executive the officer is guilty of the alleged offence it may
 1. reprimand the officer;

2. suspend the officer for a period not exceeding three (3) months;
 3. dismiss the officer from office; or
 4. expel the officer from the Union.
- v. The National Secretary, or where appropriate the National President, shall promptly inform the officer by registered letter of the decision of the National Executive. The decision of the National Executive shall become effective immediately after it is made.
 - vi. If the National Executive suspends any officer from office pursuant to this rule it shall forthwith appoint a member of the Union eligible to perform the duties of that office for the duration of the suspension.
 - vii. Any officer expelled by the National Executive pursuant to this rule shall not be re-admitted to membership except by a vote of the National Executive.
 - viii. No officer suspended under this rule shall attend any meeting of the Union unless requested to do so by the relevant meeting.
 - ix. An officer suspended or removed from office or expelled from the Union pursuant to this rule shall have a right of appeal to a meeting of National Conference called and held in accordance with Rule 7 of these rules provided that the officer lodges a written appeal within twenty-eight (28) days of the decision against which the appeal is made. The members of the National Executive shall not participate in the hearing and determination of any appeal to the National Conference from the National Executive.
- b. Branch Officers, and the holder of any office within a Branch:
- Each Branch Committee of Management shall have in relation to the holder of any of the above offices the same powers as are conferred on the National Executive in sub-clause a. of this rule in relation to the officers dealt with therein. For the purposes of this sub-rule, a reference to duties and functions of the National Secretary and to the National Executive shall be read as references to the Branch Secretary and the Branch Committee of Management. The provisions of Sub-Rule a. subject to the remainder of this sub-rule shall apply with the necessary changes to the operations of the sub - rule.
- c. An officer suspended or removed from office or expelled from the Union pursuant to this sub - rule shall have the right of appeal to a meeting of National Executive called and held in accordance with Rule 8 of these rules provided that the officer lodges a written appeal within twenty - eight (28) days of the decision against which the appeal is made.
 - d. Any officer expelled by the Branch Committee of Management pursuant to this sub - rule shall not be re - admitted to membership except by a vote of the Branch Committee of Management of that Branch.
 - e. Where the Branch Executive is the Branch committee of management Branch rules may provide for the Branch Council to have the powers of the Branch committee of management for sub-rule b. and d.

PART VII - ELECTIONS

37 - ELECTIONS TO BE HELD

- a. Commencing in ~~2019~~ 2023, and thereafter every four years, (for this PART VII the ‘Quadrennial Elections’) an election shall be held for the purposes of electing the following National Offices:
- i. The National President
The National Vice-President
The National Secretary
~~Two~~ The Assistant National ~~Secretaries~~ Secretary
- These National Offices shall be filled by collegiate election by the National Executive in accordance with this PART with the necessary changes, except as otherwise specified in this PART.
- ii. The election of the ~~two~~ Assistant National ~~Secretaries~~ Secretary shall be conducted in accordance with the provisions of sub-rule c.
 - iii. The holders of all Branch Offices
- b. Commencing in 1995, and thereafter every two years, (for this PART VII the ‘Quadrennial Elections’) an election shall be held for such Branch Offices, the election of which is set out in the Branch Rules as being for a two year term of Office.
- c. Affirmative Action – Elections
- i. The purposes of this sub-rule c. is to ensure, in relation to Quadrennial Elections, that at least one of the offices of National Secretary or Assistant National Secretary is declared to be held by a female.
 - ii. The national returning officer shall, to achieve the purpose set out in paragraph i. of this sub-rule c., ensure when declaring the elections at each Quadrennial Election, for the offices of National Secretary and Assistant National Secretary, that the declaration process occurs in the following order:
 1. National Secretary; and
 2. Assistant National Secretary (~~for the purposes of this sub-rule ‘First Office’~~); and
 3. ~~Assistant National Secretary (for the purposes of this sub-rule ‘Second Office’)~~.
 - iii. Provided that for the purposes of the declaration process set out in paragraph ii. of this sub-rule c., where if a male candidate ~~candidate have~~ has been declared elected to the ~~offices~~ office of National Secretary ~~and Assistant National Secretary (First Office)~~, a female candidate shall be declared elected to the office of Assistant National Secretary (~~Second Office~~) as follows, if there:
 1. is only one female candidate for the office of Assistant National Secretary, then that candidate;

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

40 - NOMINATION OF CANDIDATES

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

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

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~~ Secretary
- 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 g hereof.

42A - TEMPORARY APPOINTMENT

- a. When the office of National Secretary, Assistant National Secretary, Branch Executive President, Branch Secretary, Assistant Branch Secretary or Deputy Branch Secretary is:
 - i. temporarily vacant as the respective officer is absent or unable to perform the functions of their office; or

- ii. casually vacant in accordance with these rules and the process of filling that vacancy has commenced, then the National Executive in respect of the National Secretary and ~~an~~ Assistant National Secretary, or the Branch Executive in respect of the Branch Executive President, Branch Secretary, Assistant Branch Secretary and a Deputy Branch Secretary, may temporarily appoint a person, eligible to be appointed to the respective office, to perform the functions of their office or a person is elected to casual vacancy, as the case may be.
- b. A person temporarily appointed in accordance with sub-rule a. shall:
- i. if temporarily performing the functions of the National Secretary have all the powers and duties of the National Secretary;
 - ii. if temporarily performing the functions of the Assistant National Secretary have all the powers and duties of the Assistant National Secretary;
 - iii. if temporarily performing the functions of the Branch Executive President have all the powers and duties of the Branch Executive President;
 - iv. if temporarily performing the functions of the Branch Secretary have all the powers and duties of the Branch Secretary;
 - v. if temporarily performing the functions of the Assistant Branch Secretary have all the powers and duties of the Assistant Branch Secretary; or
 - vi. if temporarily performing the functions of the Deputy Branch Secretary have all the powers and duties of the Deputy Branch Secretary.
- c. A person appointed temporarily in accordance with sub-rule a., does not hold a further vote other than the vote on National Executive, National Council, Branch Executive or Branch Council, as the case may be, that held prior to the temporary appointment.
- d. Any member of the National Executive may give notice to the other members of the National Executive of a meeting for the purpose of the National Executive making a determination in accordance with sub-rule a.
- e. Any member of a respective Branch Executive may give notice to the other members of that Branch Executive of a meeting for the purpose of that Branch Executive making a determination in accordance with sub-rule a.
- f. The National Secretary may, with the National Executive's consent, delegate such of the National Secretary's powers and authorities to the National President, Assistant National ~~Secretary~~ Secretaries Secretary and/or employees employed in relation to the National office and/or members of the National Executive as the National Secretary determines is required for the Union's efficient administration, provided always that a delegation will be in writing and that the:
- i. delegate is subject to the supervision of the National Secretary;
 - ii. delegate is subject to the direction of the National Secretary;
 - iii. delegation will be on the conditions prescribed by the National Executive and/or the National Secretary; and

- iv. delegation will be subject to termination by the National Executive or National Secretary without notice.

- g. A Branch Secretary may, with the Branch Committee of Management consent; delegate such of the Branch Secretary's powers and authorities to the Branch President, Branch Executive President, Assistant Branch Secretary and/or employees employed in relation to the Branch and/or members of the Branch Executive as the Branch Secretary determines is required for the Branch's efficient administration, provided always that a delegation will be in writing and that the:
 - i. delegate is subject to the supervision of the Branch Secretary;
 - ii. delegate is subject to the direction of the Branch Secretary;
 - iii. delegation will be on the conditions prescribed by the Branch Executive and/or the Branch Secretary; and
 - iv. delegation will be subject to termination by the Branch Executive or Branch Secretary without notice.

PART VIII - GENERAL

53 – MEETINGS

- a. Except as otherwise provided in these Rules, all meetings of elected bodies or of members shall be summoned as follows : National meetings, by the National Secretary; Branch meetings by the Branch Secretary; meetings of subordinate parts of a branch by the Secretary of such part or by the Branch Secretary. Such summons may be by notice in writing to those eligible to attend, or by advertisement, or by such other means as are reasonable in the circumstances. Notice of the meeting should be no less than seven (7) days unless the circumstances warrant lesser notice.

b. Despite any other rule of the Union a National Executive meeting or a Branch Committee of Management meeting is to be conducted by a method by which the members of the National Executive or the respective Branch Committee of Management, as the case may be, can communicate each with each other.

b.c. A general meeting of the members of the Union shall be held if:

1. The National Executive determines, or
 2. A request to summon a General Meeting is received by the National Secretary within 5 months after the end of the financial year, bearing the name, branch, address and signature of five percent of the members of the Union for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report.
- ii. Where a General Meeting for the purposes of sub-clause 2 is to be held, the National Secretary may, in consultation with the National President, determine that a series of meetings be held at different locations.
 - iii. Where a General Meeting or Meetings is or are to be held in accordance with sub-clause i.2, the National Secretary shall cause notice to be given to members by newspaper advertisement setting out the time(s) and place(s) of the meeting(s) and the business of the meeting(s).
 - iv. The quorum for a General Meeting, or series of Meetings shall be, in aggregate in the case of a series of Meetings, five percent of the members of the Union.

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



By your side

Thursday 14 May 2020

TO: All National Executive members
As addressed

By Email

Dear National Executive Member

**Postal/Fax/Email Vote No. 03/2020
Proposed National rule changes to abolish Second Assistant National Secretary Office and
amend Meeting Rules**

The result of the email ballot submitted to members of National Executive via email on 11 May 2020, regarding the above is as follows:

A total of 129 affirmative votes were received from:

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 Lapidos
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. 03/2020 is carried.

Yours faithfully

A handwritten signature in black ink, appearing to read "Robert Potter", written over a white background.

Robert Potter
NATIONAL SECRETARY