

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



**By your side**

Friday 16 July, 2021

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 alterations 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 EIGHT - NEW SOUTH WALES LOCAL GOVERNMENT, CLERICAL, ADMINISTRATIVE, ENERGY, AIRLINES & UTILITIES BRANCH ("Branch") as follows:

1. In Branch Rule 24 – ORDINARY BRANCH CONFERENCE delete sub-rule m. and insert as follows:  
  
‘m. Nothing prevents the determinations to be made under sub-rule k. being made at an out of session meeting of the Branch Executive.’
2. In Branch Rule 26 – BRANCH CONFERENCE IN COUNCIL SESSION delete sub-rule n. and insert as follows:  
  
‘n. Nothing prevents the determinations to be made under sub-rule l. being made at an out of session meeting of the Branch Executive.’
3. In Branch Rule 27 – HOLDING BRANCH CONFERENCE IN COUNCIL SESSION insert new sub-rule b. as follows:  
  
‘b. A Branch Conference in Council session under rule 26 is to be conducted by a method by which the respective members of the Branch Conference in Council Session can communicate each with each other.’
4. In Branch Rule 28 – SPECIAL BRANCH CONFERENCE delete sub rule o. and insert as follows:  
  
‘o. Nothing prevents the determinations to be made under sub-rule m. being made at an out of session meeting of the Branch Executive.’
5. In Branch Rule 31 – ELECTION OF POSITIONS insert new sub-rule h. as follows:  
  
‘h. Where a casual vacancy occurs in a position of Sub-Branch Committee Member and there exists no corresponding branch office in the State Entity, then the vacancy will be filled by appointment by the Sub-Branch Committee with a person who is eligible under these Branch Rules to nominate for the respective position.’

6. In Branch Rule 32 – ELECTION OF FRONT BENCH POSITIONS insert new sub-rule e. as follows:

'e. Where a casual vacancy occurs in a position elected under sub-rule a. and there exists no corresponding branch office in the State Entity, then the vacancy will be filled by appointment by the Sub-Branch Committee with a person who is eligible under these Branch Rules to nominate for the respective position.'

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).

Yours faithfully



Robert Potter  
**National Secretary**

**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 16 July 2021, 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 Branch and National Executive member, advised the National Secretary in a letter dated 28 June 2021 and marked '**Annexure A**', that the Branch Executive consented to the proposed Rule alterations.
  - b) The proposed rule alterations relate to amendments to Rules 24, 26, 27, 28, 31 and 32.
  - c) The National Executive has determined that the notification of the Branch Secretary, Annexure A, advising that the Branch Executive had consented to the, amendments to the rules of the Branch demonstrates consent of the Branch Executive for the purposes of National Rule 49.
  - d) I confirm that on 7 July 2021 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 Branch letter, Annexure A and a copy of the relevant rules with the proposed amendments using tracked changes attached hereto and marked '**Annexure B**'.
  - e) On the 14 July 2021, a total of 132 affirmative votes were received. Of the total of 132 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 '**Annexure C**' is a copy of my correspondence to National Executive members of the 14 July 2021, 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:** 16 July, 2021



Robert Potter  
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

28 June 2021

Robert Potter  
Acting National Secretary  
Australian, Municipal, Administrative, Clerical and Services Union  
Ground Floor, 116 Queensberry Street  
CARLTON SOUTH VIC 3053

Contact: Graeme Kelly  
Ref: 20190107DPA02USB

Also by email: Robert Potter <[rpotter@asu.asn.au](mailto:rpotter@asu.asn.au)>

Dear Mr Potter,

## **New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch – Rule Alteration**

I, Graeme Kelly, Branch Secretary, of the New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch ("**Branch**") confirm that, in accordance with the rules of the Union, the Branch Executive of the Branch resolved on 21 June 2021 to seek that the additions, changes, amendments, variations, repeal and/or deletions to the rules of the Branch, by deleting sub-rules 24(m), 26(n), and 28(o), of the current Branch rules and inserting the new rules 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,

A handwritten signature in black ink, appearing to read 'G Kelly'.

Graeme Kelly OAM  
BRANCH SECRETARY

## **SCHEDULE A**

### **24 – ORDINARY BRANCH CONFERENCE**

- m. Nothing prevents the determinations to be made under sub-rule k. being made at an out of session meeting of the Branch Executive.

### **26 – BRANCH CONFERENCE IN COUNCIL SESSION**

- n. Nothing prevents the determinations to be made under sub-rule l. being made at an out of session meeting of the Branch Executive.

### **27 – HOLDING BRANCH CONFERENCE IN COUNCIL SESSION**

- b. A Branch Conference in Council session under rule 26 is to be conducted by a method by which the respective members of the Branch Conference in Council Session can communicate each with each other.

### **28 – SPECIAL BRANCH CONFERENCE**

- o. Nothing prevents the determinations to be made under sub-rule m. being made at an out of session meeting of the Branch Executive.

### **31 – ELECTION OF POSITIONS**

- h. Where a casual vacancy occurs in a position of Sub-Branch Committee Member and there exists no corresponding branch office in the State Entity, then the vacancy will be filled by appointment by the Sub-Branch Committee with a person who is eligible under these Branch Rules to nominate for the respective position.

### **32 – ELECTION OF FRONT BENCH POSITIONS**

- e. Where a casual vacancy occurs in a position elected under sub-rule a. and there exists no corresponding branch office in the State Entity, then the vacancy will be filled by appointment by the Sub-Branch Committee with a person who is eligible under these Branch Rules to nominate for the respective position.

**DIVISION EIGHT**

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

**24 – ORDINARY BRANCH CONFERENCE**

- a. An Ordinary Branch Conference is a forum at which Branch Conference Delegates may consult with the members of the Branch Executive on:
- i. the activities of the Branch; and
  - ii. the development of policy priorities of the Branch for the period to the next Branch Conference.
- b. An Ordinary Branch Conference is comprised of:
- i. the Branch Executive; and
  - ii. Branch Conference Delegates from each Sub-Branch under paragraph d ii..
- c.
- i. The number of Branch Conference Delegates a respective Sub-Branch is entitled to is the number in column B that appears opposite the number in column A, where the number in column A represents the number of Financial Industrial Members attached to that Sub-Branch on 31 December in the year immediately preceding an Ordinary Branch Conference:

<b>A</b>	<b>B</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

Annexure B.

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

- ii. Despite paragraph i. if the number of Financial Industrial Members attached to a Sub-Branch exceeds 15,000, on 31 December in the year immediately preceding an Ordinary Branch Conference then that Sub-Branch is entitled to an additional Branch Conference Delegate for each additional 500 Financial Industrial Members it has attached to it.
- d. Not less than three (3) months prior to the date on which an Ordinary Branch Conference commences:
  - i. the Sub-Branch Committee of a respective Sub-Branch is to determine, having regard to its entitlement to Branch Conference Delegates under sub-rule c. for the purposes of sub-rule b., the Branch Conference Delegates from their Sub-Branch who may attend the Ordinary Branch Conference, provided that the members of the Sub-Branch Committee, who are not otherwise under these Branch Rules entitled to attend an Ordinary Branch Conference, are to be appointed and in the event there are more members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates the Sub-Branch Committee will determine its delegation from amongst the members of the Sub-Branch Committee and in the event there are less members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates the Sub-Branch Committee will appoint as Branch Conference Delegates the Sub-Branch Committee will appoint the further Branch Conference Delegates from the Financial Industrial Members attached to the Sub-Branch;
  - ii. the Sub-Branch Secretary of that Sub-Branch is to notify the Branch Secretary, on the Delegate's Credential Form, of the names of the Branch Conference Delegates from their Sub-Branch who the Sub-Branch Committee has determined may attend the Ordinary Branch Conference; and

- iii. in the event that a Branch Conference Delegate notified to the Branch Secretary under sub-rule d ii. is unable to attend the Ordinary Branch Conference, the Sub-Branch Committee may appoint, subject to the approval of the Branch Secretary, another member of the Sub-Branch Committee, or in the event there are less members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates, a Financial Industrial Member attached to the Sub-Branch, to attend the Ordinary Union Conference as a Branch Conference Delegate.
- e. A quorum for an Ordinary Branch Conference is a majority of the Branch Executive and half the number of Branch Conference Delegates entitled to vote at the Ordinary Branch Conference, and in the absence at any time of a quorum, the Ordinary Branch Conference will not proceed until a quorum is present.
- f. A recommendation of an Ordinary Branch Conference is determined by a simple majority of votes cast in favour of the recommendation.
- g. Each person comprising an Ordinary Branch Conference under this rule is entitled to one (1) vote other than the Chairperson, who is entitled to a casting vote only.
- h. An Ordinary Branch Conference cannot bind the Branch and its deliberations are recommendatory only.
- i. The Branch Secretary must submit recommendations determined by an Ordinary Branch Conference to the Branch Executive for the Branch Executive's prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on each day that the business of an Ordinary Branch Conference is conducted.
- j. The Branch Secretary is at the commencement of business on the second day, and each subsequent day, of an Ordinary Branch Conference to provide a verbal report to the Ordinary Branch Conference on the determination of the Branch Executive on each recommendation made by the Ordinary Branch Conference on the previous day.
- k. The Branch Secretary is, in relation to recommendations determined by an Ordinary Branch Conference on the final day of business of the Ordinary Branch Conference, to submit those recommendations to the Branch Executive for the Branch Executive's prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on the final day that the business of the Ordinary Branch Conference is conducted.
- l. The Branch Secretary is to provide to each Sub-Branch Secretary, within 14 days of the conduct of the meeting under sub-rule k., a written report of the Branch Executive determinations in relation to each recommendation made by an Ordinary Branch Conference.
- m. Nothing prevents the determinations to be made under sub-rule k. being made at an out of session meeting of the Branch Executive.

**Deleted:** Nothing prevents the determinations to be made under sub-rules k. being made at an out of session meeting of the Branch Executive.

#### 26 – BRANCH CONFERENCE IN COUNCIL SESSION

- a. A Branch Conference in Council Session is a forum at which Industrial Members entitled to attend under this rule may consult with the members of the Branch Executive on:
  - i. the activities of the Branch; and
  - ii. the development of policy priorities of the Branch for the period to the next Branch Conference.



- b. A Branch Conference in Council Session is comprised of the:
- i. Branch Executive;
  - ii. Sub-Branch President of each Sub-Branch; and
  - iii. Sub-Branch Secretary of each Sub-Branch.
- c. In the event that a Sub-Branch President or Sub-Branch Secretary is unable to attend a Branch Conference in Council Session, the respective Sub-Branch may appoint a Sub-Branch Committee Member from their Sub-Branch to attend the Branch Conference in Council Session and exercise the voting entitlement of the Sub-Branch President or Sub-Branch Secretary, as the case may be.
- d. A quorum for a Branch Conference in Council Session is a majority of the Branch Executive members and such number of Sub-Branch Presidents and Secretaries, or Sub-Branch Committee Members appointed in accordance with sub-rule c., whose voting entitlement, under sub-rule e., constitutes a majority of the total number of votes for persons, excluding the Branch Executive, entitled to vote at the Branch Conference in Council Session, and in the absence at any time of a quorum the Branch Conference will not proceed until a quorum is present.
- e. Each person comprising a Branch Conference in Council Session under sub-rule b. and set out in column A is entitled to exercise the number of votes set out opposite in column B:

A	B
Chairperson	a casting vote
a member of the Branch Executive	one (1) vote
a Sub-Branch President	the number of votes equalling one-half of the number of Branch Conference Delegates to which the Sub-Branch is entitled under paragraph 24 c.
a Sub-Branch Secretary	the number of votes equalling one-half of the number of Branch Conference Delegates to which the Sub-Branch is entitled under paragraph 24 c.

- f. Nothing in sub-rule e. prevents a person holding more than one (1) office or position set out in column A of sub-rule e. from exercising the cumulative number of votes to which that office or position is entitled to exercise under column B of sub-rule e..
- g. Despite sub-rule f. the Chairperson is not entitled to exercise a vote as a member of a Branch Executive.
- h. A recommendation of a Branch Conference in Council Session is determined by a simple majority of votes cast in favour of the recommendation.

- i. A Branch Conference in Council Session cannot bind the Branch and its deliberations are recommendatory only.
- j. The Branch Secretary must submit recommendations determined by a Branch Conference in Council Session to the Branch Executive for the Branch Executive's prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on each day that the business of a Branch Conference in Council Session is conducted.
- k. The Branch Secretary is at the commencement of business on the second day, and each subsequent day, of a Branch Conference in Council Session to provide a verbal report to the Branch Conference in Council Session on the determination of the Branch Executive on each recommendation made by the Branch Conference in Council Session on the previous day.
- l. The Branch Secretary is, in relation to recommendations determined by the Branch Conference in Council Session on the final day of business of a Branch Conference in Council Session, to submit those recommendations to the Branch Executive for the Branch Executive's prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on the final day that the business of the Branch Conference in Council Session is conducted.
- m. The Branch Secretary is to provide to each Sub-Branch Secretary, within 14 days of the conduct of the meeting under sub-rule 1., a written report of the Branch Executive determinations in relation to each recommendation made by the Branch Conference in Council Session.
- n. Nothing prevents the determinations to be made under sub-rule l. being made at an out of session meeting of the Branch Executive.

**Deleted:** Nothing prevents the determinations to be made under sub-rules j. or l. being made at an out of session meeting of the Branch Executive.

#### **27 – HOLDING BRANCH CONFERENCE IN COUNCIL SESSION**

- a. Commencing in 2020, a Branch Conference in Council Session under rule 26 is to be held biennially at a time and place determined by the Branch Executive.
- b. A Branch Conference in Council session under rule 26 is to be conducted by a method by which the respective members of the Branch Conference in Council Session can communicate each with each other.

#### **28 – SPECIAL BRANCH CONFERENCE**

- a. The Branch Executive may convene a Special Branch Conference, at a time and place determined by the Branch Executive, on:
  - i. its own determination; or
  - ii. at the written request of at least 50% of the Sub-Branches.
- b. The business for a Special Branch Conference is the business determined by the Branch Executive or in the written request under paragraph a. ii., and only that business may be conducted at the Special Branch Conference.
- c. A Special Branch Conference is comprised of:
  - i. the Branch Executive; and

- ii. Branch Conference Delegates from each Sub-Branch under paragraph d..
- d.
- i. The number of Branch Conference Delegates a respective Sub-Branch is entitled to is the number in column B opposite the number in column A, where the number in column A represents the number of Financial Industrial Members attached to that sub-Branch on 31 December in the year immediately preceding the Branch Conference.

<b>A</b>	<b>B</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 - 3540	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 - 90000	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

Annexure B.

13001 – 13500	34
13501 – 14000	35
14001 – 14500	36
14501 – 15000	37

- ii. Despite paragraph i. if the number of Financial Industrial Members attached to a Sub-Branch exceeds 15,000, on 31 December in the year immediately preceding the Special Branch Conference then that Sub-Branch is entitled to elect an additional Branch Delegate for each additional 500 Financial Industrial Members it has attached to it.
- e. Each Sub-Branch is to receive at least six (6) weeks' notice of the time, place, and business of the Special Branch Conference.
- f. Not less than four (4) weeks prior to the date on which a Special Branch Conference commences:
  - i. the Sub-Branch Committee of a respective Sub-Branch is to determine, having regard to its entitlement to Branch Conference Delegates under sub-rule d. for the purposes of sub-rule c., the Branch Conference Delegates from their Sub-Branch who may attend the Special Branch Conference, provided that the members of the Sub-Branch Committee, who are not otherwise under these Branch Rules entitled to attend a Special Branch Conference, are to be appointed and in the event there are more members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates the Sub-Branch Committee will determine its delegation from amongst the members of the Sub-Branch Committee and in the event there are less members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates the Sub-Branch Committee will appoint the further Branch Conference Delegates from the Financial Industrial Members attached to the Sub-Branch;
  - ii. the Sub-Branch Secretary of that Sub-Branch is to notify the Branch Secretary, on the Delegate's Credential Form, of the names of the Branch Conference Delegates from their Sub-Branch who the Sub-Branch Committee has determined may attend the Special Branch Conference; and
  - iii. in the event that a Branch Conference Delegate notified to the Branch Secretary under sub rule f ii. is unable to attend the Special Branch Conference, the Sub-Branch Committee may appoint, subject to the approval of the Branch Secretary, another member of the Sub-Branch Committee, or in the event there are less members of the Sub-Branch Committee than the Sub-Branch is entitled to appoint as Branch Conference Delegates, a Financial Industrial Member attached to the Sub-Branch, to attend the Special Union Conference as a Branch Conference Delegate.
- g. A quorum for a Special Branch Conference is a majority of the Branch Executive and half the number of Branch Conference Delegates entitled to vote at the Special Branch Conference, and in the absence at any time of a quorum, the Special Branch Conference will not proceed until a quorum is present.
- h. A recommendation of a Special Branch Conference is determined by a simple majority of votes cast in favour of the recommendation.
- i. Each person comprising a Special Branch Conference under sub-rule c. is determined by a simple majority of votes cast in favour of the recommendation.

- j. A Special Branch Conference cannot bind the Branch and its deliberations are recommendatory only.
- k. The Branch Secretary must submit recommendations determined by a Special Branch Conference to the Branch Executive for the Branch Executive’s prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on each day that the business of a Special Branch Conference is conducted.
- l. The Branch Secretary is at the commencement of business on the second day, and each subsequent day, of a Special Branch Conference to provide a verbal report to the Special Branch Conference on the determination of the Branch Executive on each recommendation made by the Special Branch Conference on the previous day.
- m. The Branch Secretary is, in relation to recommendations determined by the Special Branch Conference on the final day of business of a Special Branch Conference, to submit those recommendations to the Branch Executive for the Branch Executive’s prompt consideration at a meeting of the Branch Executive to be held immediately after the conclusion of business on the final day that the business of a Special Branch Conference is conducted.
- n. The Branch Secretary is to provide to each Sub-Branch Secretary, within 14 days of the conduct of the meeting under sub-rule m., a written report of the Branch Executive determinations in relation to each recommendation made by the Special Branch Conference.
- o. ~~Nothing prevents the determinations to be made under sub-rule m. being made at an out of session meeting of the Branch Executive.~~

**Deleted:** Nothing prevents the determinations to be made under sub-rules k. or m. being made at an out of session meeting of the Branch Executive.

**31 – ELECTION OF POSITIONS**

- a. For the purpose of this rule the words in column A have the meaning assigned opposite in column B:

A	B
Workplace	a workplace determined under paragraph d. i.
Returning Officer	a person appointed by the Branch Executive under paragraph d. ii.

- b. Commencing in 2023 and thereafter, and concurrent with an election held for officers under rule 30, a Quadrennial Election will be held to elect a Financial Industrial Member to a position set out in column A by, and from, the electorate set out opposite in column B:

A	B
Sub-Branch Committee Members	Financial Industrial Members attached to the Sub-Branch who work in a Workplace determined by the Branch Executive in accordance with paragraph d. i.

- c. For the purpose of the election under sub-rule b., the following National Rules apply as if the positions to be elected were officers:
  - i. National Rule 39;
  - ii. National Rule 40 b.-f., h. and i.; and

- iii. National Rule 43 a.-c..
- d. The Branch Executive will, for the purposes of elections under this rule:
  - i. at a meeting held prior to the end of the Quadrennial Term, determine the workplaces or combinations of workplaces, from which Sub-Branch Committee members may be elected by and from; and
  - ii. appoint a person to act as a returning officer, under National Rule 38 b., to conduct an election under this rule.
- e. Despite sub-rules b., c. and d., if an election is held for a branch office in the State Entity that corresponds to the similar position in a Sub-Branch required to be filled by election under sub-rule b., a person elected to a corresponding office in the branch of the State Entity will be appointed by the Branch Executive to the similar position in the respective Sub-Branch.
- f. A Branch Employee is not eligible to nominate for, or be elected to, any position identified in sub-rule b..
- g. Where a casual vacancy occurs in a position of Sub-Branch Committee Member and an election or appointment to the casual vacancy occurs in the State Entity in respect of a branch office that corresponds to the similar position in a Sub-Branch, then the person elected or appointed in the State Entity will, subject to these Branch Rules, hold the position on the respective Sub-Branch Committee.
- h. Where a casual vacancy occurs in a position of Sub-Branch Committee Member and there exists no corresponding branch office in the State Entity, then the vacancy will be filled by appointment by the Sub-Branch Committee with a person who is eligible under these Branch Rules to nominate for the respective position.

**32 – ELECTION OF FRONT BENCH POSITIONS**

- a. At the next Sub-Branch meeting occurring after an election conducted pursuant to Branch Rule 31, an election conducted under these Branch Rules 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;

<b>A</b>	<b>B</b>
Sub-Branch President	Sub-Branch Committee Members of a respective Sub-Branch
Sub-Branch Vice President	Sub-Branch Committee Members of a respective Sub-Branch
Sub-Branch Secretary	Sub-Branch Committee Members of a respective Sub-Branch
Sub-Branch Treasurer	Sub-Branch Committee Members of a respective Sub-Branch

- b. For the purpose of the election under sub-rule a., the following National Rules apply as if the positions to be elected were offices:
  - i. National Rule 39;
  - ii. National Rule 41 e.; and
  - iii. National Rule 43a.-c..
- c. Despite sub-rules a. and b., if an election is held for a branch office in the State Entity that corresponds to the similar position in a Sub-Branch required to be filled by election under sub-rule a., a person elected to a corresponding office in the branch of the State Entity will be appointed by the Branch Executive to the similar position in the respective Sub-Branch.
- d. Where a casual vacancy occurs in a position elected under sub-rule a. and an election or appointment to the casual vacancy occurs in the State Entity in respect of a branch office corresponding to the position, then the person elected or appointed in the State Entity will, subject to these Branch Rules, hold the position on the respective Sub-Branch Committee.

e. Where a casual vacancy occurs in a position elected under sub-rule a. and there exists no corresponding branch office in the State Entity, then the vacancy will be filled by appointment by the Sub-Branch Committee with a person who is eligible under these Branch Rules to nominate for the respective position.

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



Wednesday 14 July, 2021

TO: All National Executive members  
As addressed

By Email

Dear National Executive Member

**Postal/Fax/Email Vote No. 03/2021  
Proposed NSW US Branch rule changes**

The result of the email ballot submitted to members of National Executive via email on 7 July 2021, regarding the above is as follows:

A total of 132 affirmative votes were received from:

Robert Potter	Lynette Henson
Emeline Gaske	Abbie Spencer
Alex Scott	Scott Cowen
Vivienne Doogan	Jeff Lapidus
Kate Flanders	Ancel Greenwood
Natalie Lang	Lisa Darmanin
Judith Wright	Billy King
Angus McFarland	Barry Gough
Graeme Kelly	Matt Norrey
Glen McAtear	Imogen Sturni
Sharon Sewell	Paul O'Neill
Neil Henderson	Wayne Wood
Jennifer Thomas	

No negative votes were received. I advise that National Executive E-mail Vote No. 03/2021 is carried.

Yours faithfully

Robert Potter  
NATIONAL SECRETARY