

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



Wednesday 2 February, 2022

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

On behalf of the ASU, I submit for certification the proposed alterations of the Division Nine - Victorian and Tasmanian Authorities and Services Branch rules, primarily to abolish the office of Branch Executive President, vary related rules, including the future office of Second National Executive representative, update the Affirmative Action rule and remove specific time based rules.

I have attached, as part of the application for the rule alterations:

- a) a Notice Setting out the Particulars of the Alterations to the Rules of the ASU; and
- b) my Declaration in relation to the matters set out in the notice.

Please note that a brief written submission will be lodged in the next few weeks outlining the reasons for the proposed rule alterations.

If you have any queries please, in the first instance, contact Mr John Nucifora, who has carriage of the matter on behalf of the ASU, on jnucifora@asu.asn.au tel (03) 9342 1477.

Yours faithfully



Robert Potter
National Secretary


Encl.

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

1. The particulars set out in this Notice are the particulars of the proposed alterations to the rules of the ASU.
2. The proposed alterations to the rules of the ASU attached as 'A' were made in accordance with the rules of the ASU.
3. In making the proposed alterations the following occurred, which ensured compliance with the rules of the ASU:
 - a) the Victorian and Tasmanian Authorities and Services Branch ('Branch') had in December 2021 determined that there was a need to abolish the office of Branch Executive President and proposed rule alterations to give effect to this;
 - b) the Branch considered it appropriate for related Branch rules to also be varied accordingly as follows:
 - the transferral of some Branch Executive President powers and responsibilities to the office of Deputy Branch Secretary and Branch President;
 - attach the Second National Executive representative office to the Deputy Branch Secretary at the next Branch quadrennial elections (2023);
 - the abolishment of redundant time based Branch rules such as Branch Rule 5A – Transitional Rule – Branch Executive; and
 - proposed variations to the Branch Affirmative Action Rule 20C to ensure equal representation of persons who do not identify as male;
 - c) as a consequence proposed rule alterations were prepared by Branch officers during the latter part of 2021 ('tracked rules alterations');
 - d) the proposed tracked rules alterations were endorsed by the Branch Executive of the Victorian and Tasmanian Authorities and Services Branch at a meeting held on 6 December 2021;
 - e) the Victorian and Tasmanian Authorities and Services Branch Secretary/National Executive member Lisa Darmanin, requested by correspondence dated 16 December 2021 ('correspondence') emailed to the National Office on 4 January 2022, and attached as 'B', that alterations be made to the rules of the ASU by replacing them with proposed tracked rules alterations referred to in the correspondence as 'Schedule A';
 - f) Lisa Darmanin confirmed in the Branch correspondence that the Branch Executive meeting held on 6 December 2021 had consented to the rule change as per Branch Rule 27;
 - g) the Branches' proposed original tracked rules alterations have been amended by the National Executive to remove typographical error and to ensure internal consistency, that the alteration has not, however, altered the intention of the proposed rules alterations;
 - h) the tracked rules alterations proposed by the National Executive in **Attachment A** are to vary the current Branch rules;
 - i) the National Executive has determined that as the rule alterations were endorsed by the Branch and the Branch has consented to the alteration under ASU Rule 49;
 - j) on 21 January 2022 in accordance with ASU Rule 8.j. a ballot seeking that the Branch rules be replaced with the rules set out in Attachment A, together with a copy of the correspondence, was submitted to the members of the National Executive by email;

- k) a copy of the ballot resolution is attached as 'C';
 - l) on the 31 January 2022, more than 2/3 of the National Executive voted and voted unanimously;
 - m) in accordance with ASU-Rule 8c, I declared the vote carried under ASU Rule 8j; and
 - n) by correspondence on 31 January 2022, I declared the result of the ballot to the National Executive and attach the declaration as 'D'.
 - o) The current Branch Executive President office holder: Mr Billy King has confirmed in writing, attached as 'E' that, consistent with voting with the Branch Executive to support the abolishment of the office, he has also agreed to the truncation of the current term of office and otherwise serving the rest of the term of the Second National Executive office now also proposed to be subject to a rule alteration for the next ASU quadrennial election in 2023.
4. 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.

Dated: 2 February, 2022



.....
Robert Potter
National Secretary

DECLARATION REGULATION 126 (2)

I, Robert Potter, of Ground Floor, 116-124 Queensberry Street, Carlton South, State of Victoria declare the following:

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 (**Act**).
2. I am authorised for, and on behalf of, the ASU, to:
 - a. sign the 'Notice Setting out the Particulars of the Alterations to the Rules of the Union' (**Notice**); and
 - b. make this declaration.
3. The particulars set out in the Notice being the particulars of the proposed alterations to the rules of the ASU dated 2 February 2022 are correct.
4. The proposed alterations to the rules of the ASU were made in accordance with the rules of the ASU.
5. That the particulars set out in the Notice are true and correct to the best of my knowledge and belief.

Dated: 2 February 2022



.....
Robert Potter
National Secretary

Attachment A

SCHEDULE A

DIVISION NINE

VICTORIAN AND TASMANIAN AUTHORITIES AND SERVICES BRANCH

1 - NAME

The name of the Branch shall be the Victorian and Tasmanian Authorities and Services Branch of the Australian Municipal, Administrative, Clerical and Services Union.

2 - REGISTERED OFFICE

The registered office of the Branch shall be at 116-124 Queensberry Street, Carlton South, Victoria, or such other place as may be determined by the Branch Executive from time to time.

3 - MEMBERSHIP OF THE BRANCH

- a. Every member of the Union in the State of Victoria who was attached to the Victorian Services and Energy Branch and every member of the MEU/Private Sector Victorian Branch who was allocated to the Local Authorities Division of that Branch on the day preceding the establishment of the Victorian Authorities and Services Branch shall be attached to the Branch, together with every member who but for the establishment of the Branch would have been attached to the Victorian Services and Energy Branch or the MEU/Private Sector Victorian Branch and allocated to the Local Authorities Division of that Branch.
- b. Every member of the Union in the State of Tasmania.

4 - ALLOCATION OF MEMBERS

The Branch shall have Industry Divisions. Every member attached to the Branch, and every employee who is a member of the union attached to the Branch, shall be allocated by the Branch Executive to one of the Industry Divisions.

5 – BRANCH EXECUTIVE

- a. The Branch Executive shall manage the affairs of the Branch and shall be the Committee of Management of the Branch within the meaning of the Fair Work (Registered Organisations) Act 2009.
- b. The Branch Executive shall, subject to sub-rule c., consist of the Branch President, Branch Senior Vice President, Branch Vice President (Women), ~~Branch Executive President~~, Branch Secretary, Deputy Branch Secretary, Assistant Branch Secretary (2), Branch Executive Member (Youth) and Branch Executive Members from the following Industry Divisions:

Local Authorities – 8 (4 of whom shall be women)

Social and Community Services – 3 (2 of whom shall be women)

Water and Energy – 2 (1 of whom shall be a woman)

Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines – 1.

Attachment A

- c. Notwithstanding the other provisions of these Branch Rules, from the declaration of results of the election to be held in 2019, there shall be not less than two (2) officers on Branch Executive who are employed or usually employed in, and reside in, Tasmania.
- i. To ensure compliance with sub-rule 5 c., nominations will be called in each Quadrennial Election for two (2) Branch Executive Member (Tasmania) to be elected by, and from, Financial Members who are employed or usually employed in, and reside in, Tasmania.
 - ii. Financial Members elected as Branch Executive Member (Tasmania) are only elected to an office and will only become members of Branch Executive in the event that, at the declaration of the election, the number of Tasmanian members elected to the offices on Branch Executive, set out at sub-rule 5 b., does not equal or exceed the number required by the relevant provision of sub-rule 5 c.
 - iii. In the event that, at the declaration of the election, the number of Tasmanian members elected to the offices on Branch Executive set out at sub-rule 5 b. is less than two (2), the Returning Officer will declare elected Branch Executive Member (Tasmania), beginning with the candidate who polled the greatest number of votes for Branch Executive Member (Tasmania), and declaring elected further such candidates in order of the greatest number of votes received, until the required number of offices are filled by Tasmanian members in accordance with sub-rule 5 c.
- d. All officers and other members of the Branch Executive shall be elected each 4 years.
- e. Only members below the age of 30 years on the day on which nominations close shall be eligible to be nominated for the office of Branch Executive Member (Youth).
- f. The Branch shall have autonomy in matters affecting members of the Branch only.

~~5A – TRANSITIONAL RULE – BRANCH EXECUTIVE~~

~~Notwithstanding any other provision of these Rules, until the declaration of the poll in the elections to be conducted in the Branch in 2019, the Branch Executive shall consist of the Branch President, Branch Senior Vice President, Branch Vice President (Women), Branch Executive President, Branch Secretary, Branch Executive Member (Youth) and Branch Executive Members from the following Industry Divisions:~~

~~Local Authorities – 8 (4 of whom shall be women)~~

~~Social and Community Services – 3 (2 of whom shall be women)~~

~~Water and Energy – 2 (1 of whom shall be a woman)~~

~~Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines – 1~~

6 - POWERS AND DUTIES OF BRANCH EXECUTIVE

- a. The Branch Executive shall do all such things as are necessary for the control and management of the affairs of the Branch.
- b. The Branch Executive shall establish Industry Divisions, and may from time to time vary their number and composition as it deems necessary. The Branch Executive may establish Industry Sub-Divisions within Industry Divisions.
- c. The Branch Executive shall fully investigate all grievances and disputes of members which may be laid before it and any charge against members in accordance with National Rule 36 - Misconduct.
- d. The Branch Executive shall through the ~~Branch Executive President and~~ Branch Secretary present to the branch Conference a report of the business of the Branch since the last report.
- e. Subject to National Rule 49, Branch Executive may add to, amend, alter or rescind these rules.

6A – BRANCH SUB-COMMITTEES

- a. The Branch Executive may establish or revoke Branch sub-committees.
- b. A determination of a Branch sub-committee does not bind the Branch Executive and is recommendatory only.
- c. A Branch sub-committee can only consider the matters referred to it by the Branch Executive.
- d. The Branch Executive will determine the Branch Executive members (if any) who will comprise a Branch sub-committee.
- e. Sub-rule d. does not prevent the Branch Executive from appointing a Financial Member, with the member's consent, to a Branch sub-committee.
- f. Sub-rule d. does not prevent the Branch Executive determining to:
 - i. appoint a professional advisor to assist a Branch sub-committee; and
 - ii. pay the professional advisor an appropriate fee subject to policy binding the ASU in respect of the Branch.
- g. The Branch Secretary ~~and the Branch Executive President are~~ is entitled to be a member of a Branch sub-committee.
- h. A Branch sub-committee is responsible to, and under the control of, the Branch Executive.
- i. A Branch sub-committee must regularly report to the Branch Executive.

7 - MEETINGS OF THE BRANCH EXECUTIVE

- a. The Branch Executive shall meet at such times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least forty per cent of the members of the Branch Executive summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary. Where the Branch President and the Branch Secretary consider it appropriate, meetings may be conducted by telephone, or by any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- b. The Branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Branch Executive.
- c. Notwithstanding anything hereinbefore contained, where the Branch President, or the Branch Secretary ~~or the Branch Executive President~~ consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- d. If the Branch President is absent from a meeting of the Branch Executive, the Branch Senior Vice-President shall act with the powers of the Branch President. If both the Branch President and the Branch Senior Vice-President are absent from a meeting of the Branch Executive the Branch Vice-President (Women) shall act with the powers of the Branch President.
- e. Each member of the Branch Executive shall be entitled to one vote.
- f. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing another member of the Branch or the Branch Executive as proxy to exercise such member's vote.
- g. At any meeting of the Branch Executive a majority of the total membership of the Branch Executive shall constitute a quorum.
- h. If at any meeting of the Branch Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- i. The minutes of each Branch Executive meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive.
- j. A member of the Branch Executive absent from 3 consecutive meetings thereof without satisfactory explanation may be removed from office in accordance with National Rule 35 - Removal of Officers.

Attachment A

- k. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.
- l. An out of session ballot of the Branch Executive:
 - i. may be conducted when the Branch Secretary ~~or Branch Executive President~~ determines that a matter needs to be dealt with expeditiously by a ballot of the Branch Executive;
 - ii. is to be conducted by means of:
 - post;
 - E-mail;
 - other print/electronic communication; and/or
 - a mixture of those means,and when conducted:
 - iii. the Branch Secretary ~~or Branch Executive President~~ determining to conduct the ballot will also determine a time limit in which the ballots must be received but which will be not less than 14 days; provided that a shorter time limit for email ballots may be determined but which will be not less than 3 days; and
 - iv. the determination of the ballot will, unless these rules otherwise require, be by simple majority of the votes cast.

8 - BRANCH EMPLOYEES

The Branch Executive may, on behalf of the Branch, employ such persons for the purposes of carrying out these rules as the Branch Executive thinks proper. Such employees shall be employed upon such terms and conditions as the Branch Executive may prescribe from time to time. The allocation of duties and responsibilities to employees shall be the responsibility of the Branch Secretary ~~and the Branch Executive President~~.

9 – BRANCH CONFERENCE

- a. Subject to these Rules the supreme government of the Branch shall be vested in the Branch Conference.
- b. Branch Conference shall be composed of the following persons each of whom shall be entitled to attend on the basis of one person one vote:
 - i. The members of the Branch Executive;
 - ii. Branch conference delegates elected by and from the financial members of each Industry Division as follows:
 - Local Authorities – 32 (16 of whom shall be women)
 - Social and Community Services – 12 (6 of whom shall be women)

Attachment A

Water and Energy – 6 (3 of whom shall be women)

Information Technologies, Transport, Shipping and Travel, Clerical and Administrative and Airlines – 4 (2 of whom shall be women)

- c. The Branch Secretary shall notify all Branch Conference Delegates of the decision to hold a Branch Conference within 14 days of the decision and shall request Branch Conference Delegates to consider forwarding agenda items for the consideration of Branch Conference, no later than 21 days prior to the Conference.
- d. The Branch Secretary shall notify all Industry Division Committees, Standing Committees established by the Branch Executive, delegates and workplace delegates of the decision to hold a Branch Conference and shall request them to consider forwarding agenda items for consideration by Branch Conference, no later than 21 days prior to the Conference.
- e. The Branch Executive shall endorse the agenda for Branch Conference.
- f. The business of Conference shall include:
 - i. Agenda items submitted in accordance with Sub-rules c. and d. hereof;
 - ii. Consideration of the Auditors Report;
 - iii. Consideration of National Conference Agenda Items.
- g. A copy of the agenda for Branch Conference shall be forwarded to Conference Delegates by the Branch Secretary at least 14 days prior to Conference.
- h. The business of Conference shall be limited to the matters appearing on the agenda. Provided that additional items may be considered if supported by a two-thirds majority of Conference Delegates eligible to attend.

10 – MEETINGS OF BRANCH CONFERENCE

- a. Branch Conference shall meet at least twice every four years at such time and place as the Branch Executive may determine.

At a meeting of Branch Conference a quorum shall be a majority of those eligible to attend.

Where a quorum is not present, Branch Executive may determine to hold a meeting of those present, provided that any resolutions passed and the conference agenda items shall be considered at the next meeting of Branch Executive.

11- SPECIAL MEETINGS OF BRANCH CONFERENCE

- a. The Branch Executive or a majority of branch conference delegates may convene a special meeting of Branch Conference in order to deal with specified issues.
- b. A special meeting of Branch Conference shall deal only with the issues specified in the notice convening the Conference. No less than 14 days notice shall be provided to Delegates.

12 - NATIONAL EXECUTIVE REPRESENTATIVES

The Branch shall be represented on the National Executive by National Executive Representatives, as determined by National Rule 8, who shall exercise an equal proportion of the votes as determined by National Rule 7 and National Rule 10. The First National Executive Representative shall be the Branch Secretary. From the elections scheduled for 2023, the Second National Executive Representative shall be the ~~Branch Executive President~~ Deputy Branch Secretary. The other National Executive Representative shall be elected every four (4) years by the financial members of the Branch.

For the period commencing from the abolishment of the office of Branch Executive President until the scheduled elections in 2023, the holder of the office of Branch Executive President at the time of that office's abolishment shall continue to hold the office of Second National Executive Representative. If the office becomes vacant then it will be filled in accordance with these rules.

13 - ALTERNATE NATIONAL EXECUTIVE REPRESENTATIVE

- a. There shall be an Alternate National Executive Representative elected every four years by the financial members of the Branch.
- b. In the event of a casual vacancy arising in the office of National Executive Representative the Alternate National Executive Representative shall forthwith fill the vacancy.

14 - NATIONAL CONFERENCE DELEGATES

- a. The Branch shall be represented on National Conference by the National Executive Representatives, Branch President, Branch Senior Vice President, Branch Vice-President (Women), Deputy Branch Secretary, Assistant Branch Secretary (2) and additional National Conference Delegates elected every four years by the financial members of the Branch in accordance with the formula provided in National Rule 7 - NATIONAL CONFERENCE.
- b. When the number of National Conference Delegates to be elected is calculated in accordance with National Rule 7 and the five positions held by the Branch Officers in accordance with sub-rule a. are deducted the remaining positions will be allocated as follows:
 - i. One National Conference Delegate, and one National Conference Delegate (Women) elected from eligible members allocated to each Industry Division.
 - ii. The remaining National Conference Delegates elected by and from eligible members from the whole membership.

14A - TRANSITIONAL RULE - NATIONAL CONFERENCE DELEGATES

Notwithstanding any other provision of these Rules, on certification of this Rule by the General Manager of the Fair Work Commission, and until the declaration of the poll in the elections to be conducted in the Branch in 2015, the National Conference Delegates, National Conference Delegate (Women), Alternative National Conference Delegates, and Alternative National Conference Delegate (Women) elected by the

Attachment A

whole Branch membership from each Industry Division shall remain as that elected by the Branch membership in the previous quadrennial election.

15 – ALTERNATE NATIONAL CONFERENCE DELEGATES

- a. One Alternate National Conference Delegate, and one Alternate National Conference Delegate (Women) shall be elected from each Industry Division every four years.
- b. In the event of a casual vacancy arising in the office of National Conference Delegate, the Alternate National Conference Delegate from the same Industry Division shall forthwith fill the vacancy.
- c. In the event of a casual vacancy arising in the office of National Conference Delegate (Women), the Alternate National Conference Delegate (Women) from the same Industry Division shall forthwith fill the vacancy.
- d. Only eligible women members may nominate or be nominated for the office of Alternate National Conference Delegate (Women).
- e. Alternate National Conference Delegates and Alternate National Conference Delegates (Women) will be nominated from the eligible members of each Industry Division, and elected by the financial members of the Branch.
- f. When a casual vacancy arises in the office of National Conference Delegate, or National Conference Delegate (Women), and there is no Alternate available deriving from the corresponding Industry Division, the casual vacancy shall be filled in accordance with National Rule 42.

16 - BRANCH PRESIDENT

- a. There shall be a (Honorary) Branch President elected every 4 years by the financial members of the Branch.
- b. The (Honorary) Branch President shall be the official head of the Branch and shall:
 - i. Preside at all meetings of the Branch when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders; and
 - ii. Be impartial in all transactions and shall see that the Rules are adhered to.
- c. Upon confirmation of the minutes of meetings of Branch Executive and Branch Conference, sign such minutes confirming them as a true and accurate record.

17 - BRANCH SENIOR VICE PRESIDENT

- a. There shall be a (Honorary) Branch Senior Vice-President elected every four years by the financial members of the Branch.
- b. The (Honorary) Branch Senior Vice-President shall deputise for the Branch President when he or she is absent and shall chair meetings in his or her absence.

18 BRANCH VICE PRESIDENT (WOMEN)

- a. There shall be a (Honorary) Branch Vice-President (Women) elected every four years by and from the members of the Branch. Only eligible women members of the Branch shall be nominated for the office of (Honorary) Branch Vice-President (Women).
- b. The (Honorary) Branch Vice-President (Women) shall deputise for the Branch President and Branch Senior Vice-President when both are absent and shall chair meetings in their absence.
- c. The (Honorary) Branch Vice-President (Women) shall be ex-officio a member of the Branch Women's Committee and the Branch Women's Conference and shall chair meetings of both bodies.

19 - ~~BRANCH EXECUTIVE PRESIDENT AND~~ BRANCH SECRETARY

- a. There shall be ~~one Branch Executive President and~~ one Branch Secretary elected every four years by the financial members of the Branch ~~one of whom shall be a woman~~.
- b. The ~~Branch Executive President and the~~ Branch Secretary shall:
 - i. be the Executive Officers of the Branch, who between meetings of the Branch Executive and Branch Conference shall conduct and manage the affairs of the Branch and, in consultation with each other, do all things necessary to be done by or on behalf of an organisation registered under the Fair Work (Registered Organisations) Act 2009;
 - ii. have the right to ~~determine that either one or both of them be the Officers to~~ attend or be represented and to be heard on any matter at any meeting within the Branch;
 - iii. provided that where another person or persons represents ~~either or both~~ the ~~Branch Executive President and~~ Branch Secretary at any meeting within the Branch, such person or persons shall have the right to be heard;
 - iv. have the right to ~~determine that either one or both of them be empowered to~~ inspect or examine or cause to be inspected and examined all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Branch;
 - v. consult with ~~each other and~~ the Branch President on urgent matters which require a decision between meetings of the Branch Executive and which ordinarily would be the subject of a Branch Executive decision, provided that such decisions shall be reported to the next Branch Executive meeting;
 - vi. generally perform such other duties as are allocated to them by the Branch Executive or Branch Conference;
 - ~~vii. — in the event that there is a failure to reach agreement on any matter arising from this Rule, the matter will be referred to the Branch Executive for determination.~~
- c. Notwithstanding any other provision of these rules, in the absence of the Branch Secretary, the Branch Executive can temporarily appoint the ~~Branch Executive President~~ Deputy Branch Secretary to perform the duties of the Branch Secretary.

Attachment A

- d. ~~This~~ ~~ese~~ positions shall be a salaried officers of the Union.

20 – BRANCH SECRETARY – ADDITIONAL POWERS

The Branch Secretary in addition to the powers and duties conferred by these Rules shall:

- a. be the Chief Administrative Officer of the Branch;
- b. be the Officer to be sued or to sue on behalf of the Branch;
- c. prepare and furnish all returns, statements, declarations or the like required by law and without limiting the generality of the foregoing comply with all provisions of the Fair Work (Registered Organisations) Act 2009;
- d. see that the accounts of the Branch are kept and presented to each meeting of the Branch Executive;
- e. ~~together with the Branch Executive President~~ prepare a report for Branch Conference setting out the activities of the Branch since the immediately preceding Branch Conference.
- f. keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.

20A – DEPUTY BRANCH SECRETARY

- a. ~~Commencing on the date of certification of this rule there shall be a position of Deputy Branch Secretary.~~ DELETED
- b. ~~On certification of this rule the Branch Executive shall appoint a member to the position of Deputy Branch Secretary.~~ DELETED
- c. ~~In the 2019 Branch Quadrennial Elections an election will be conducted for the office of Deputy Branch Secretary.~~ DELETED
- d. On, and from, the date of declaration of the Branch offices in the 2019 Branch Quadrennial Elections there shall be an office of Deputy Branch Secretary.
- e. ~~The rights of the Deputy Branch Secretary contained in sub-rules i. and j. do not apply until a Deputy Branch Secretary is declared elected, and holds office, in accordance with this rule.~~ DELETED
- f. From the election held in 2019 the office of Deputy Branch Secretary shall be elected every four years by, and from, the financial members of the Branch.

Attachment A

g. The Deputy Branch Secretary shall assist the Branch Secretary ~~and the Branch Executive President~~ and shall carry out the directions of the Branch Secretary ~~and/or the Branch Executive President in the absence of the Branch Secretary.~~

h. When the office of Branch Secretary ~~or the Branch Executive President~~ 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; ~~and~~

~~iii. the Branch Secretary (in case of a temporary absence of the Branch Executive President) or the Branch Executive President (in case of a temporary absence of the Branch Secretary) considers that the operations of the Branch will be unacceptably hindered by the temporary absence,~~

then the Branch ~~Executive Secretary or the Branch Executive President, as the case may be,~~ shall appoint the Deputy Branch Secretary to perform the functions of the ~~respective~~ office until the office is no longer temporarily vacant or a person is elected to the casual vacancy as the case may be.

~~i. DELETED~~

~~i. When the offices of Branch Secretary and the Branch Executive President are both:~~

~~j.~~

~~k. temporarily vacant as the officers are absent or unable to perform the functions of their office; or~~

~~l.~~

~~m. casually vacant in accordance with these rules and the process of filling those vacancies has commenced,~~

~~then the Branch Executive shall appoint the Deputy Branch Secretary to perform the functions of the Branch Secretary until the office is no longer temporarily vacant or a person is elected to the casual vacancy, as the case may be.~~

~~h.j.~~ When the Deputy Branch Secretary is temporarily performing the functions of Branch Secretary ~~an officer~~ in accordance with sub-rule 20A h. ~~or i.~~ the Deputy Branch Secretary shall:

i. have all the powers and duties of that office; and

ii. not hold a further vote other than the vote that the Deputy Branch Secretary held (if any) prior to being temporarily appointed.

~~h.k.~~ Terms and elections for the Deputy Branch Secretary will be aligned with terms and elections for other offices.

Attachment A

20B – ASSISTANT BRANCH SECRETARIES

- a. ~~In the 2019 Branch Quadrennial Elections an election will be conducted for two (2) offices of Assistant Branch Secretary. DELETED~~
- b. On, and from, the date of declaration of the Branch offices in the 2019 Branch Quadrennial Elections there shall be two (2) Assistant Branch Secretaries.
- c. From the election held in 2019, the two (2) offices of Assistant Branch Secretary shall be elected every four (4) years by, and from, the financial members of the Branch.
- d. The Assistant Branch Secretaries shall assist the Branch Secretary ~~and Branch Executive President~~ and shall carry out the directions of the Branch Secretary ~~and/or the Branch Executive President in the absence of the Branch Secretary.~~
- e. ~~DELETED~~
- e. ~~In circumstances where:
 - i. ~~the Branch Executive considers that the operations of the Branch will be unacceptably hindered by the temporary absence of the Branch Executive President; and~~
 - ii. ~~the Deputy Branch Secretary has been appointed to perform the duties of the Branch Secretary in accordance with 20A h.;~~the Branch Executive shall appoint an Assistant Branch Secretary to perform the functions of the Branch Executive President until the office is no longer temporarily vacant or a person is elected to the casual vacancy as the case may be.~~
- f. When the office of Deputy Branch Secretary is:
 - i. temporarily vacant as the officer is absent or unable to perform the functions of their office; or
 - ii. casually vacant in accordance with these rules; and
 - iii. where sub-rule 20A ~~ih.~~ would otherwise apply,
 - an Assistant Branch Secretary shall be appointed in accordance with 20A ~~ih.~~ as if ~~he or she~~they were Deputy Branch Secretary.
- g. ~~In circumstances where:
 - i. ~~the Branch Executive considers that the operations of the Branch will be unacceptably hindered by the temporary absence of the Branch Executive President; and~~~~

Attachment A

~~ii. — an Assistant Branch Secretary has been appointed to perform the duties of the Branch Secretary in accordance with sub-rule 20B f.;~~

~~the Branch Executive shall appoint the remaining Assistant Branch Secretary to perform the functions of the Branch Executive President until the office is no longer temporarily vacant or a person is elected to the casual vacancy as the case may be.~~

20C – AFFIRMATIVE ACTION

- a. At least one ~~woman~~ person who does not identify as male must hold an office of Branch Secretary or Deputy Branch Secretary; and at least one person who does not identify as male must hold an office of ~~or~~ Assistant Branch Secretary.
- b. For the purposes of paragraph a., at each Quadrennial Election the declaration of the elections for the offices of Deputy Branch Secretary and Assistant Deputy Branch Secretary shall occur in the following order:
- i. Deputy Branch Secretary;
 - ii. Assistant Deputy Branch Secretary ~~(for the purposes of this sub-rule ‘first office’)~~; and
 - iii. Assistant Branch Secretary (for the purposes of this sub-rule ‘second first office’); and
 - ~~iii.iv.~~ Assistant Branch Secretary ~~(for the purposes of this sub-rule ‘second office’)~~.
- c. Where a male candidates ~~has~~ have been declared elected to the offices of Deputy Branch Secretary and Assistant Branch Secretary (first office), a female candidate who does not identify as male candidate shall be declared elected to the office of Assistant Deputy Branch Secretary ~~(second office)~~ as follows, if there:
- i. is only one female candidate who does not identify as male for the office of Assistant Deputy Branch Secretary then that candidate;
 - ii. was more than one female candidate who does not identify as male for the office of Assistant Deputy Branch Secretary then the female candidate who does not identify as male who received the highest number of votes of the female candidates who does not identify as male; or
 - iii. were no female candidates who do not identify as male for the office of Assistant Deputy Branch Secretary the election shall not be declared in relation to the office of Assistant Deputy Branch Secretary ~~(second office)~~ and nominations shall be recalled by the Returning Officer for the office of Assistant Deputy Branch Secretary ~~(second office)~~, provided that

Attachment A

only ~~female~~ members who do not identify as male, who are otherwise eligible, may nominate in that election.

d. Where a male candidate has been declared elected to the office of Assistant Branch Secretary (first office), a candidate who does not identify as male shall be declared elected to the office of Assistant Branch Secretary (second office) as follows, if there:

i. is only one candidate who does not identify as male for the office of Assistant Branch Secretary then that candidate;

ii. was more than one candidate who does not identify as male for the office of Assistant Branch Secretary then the candidate who does not identify as male who received the highest number of votes of the candidates who ~~do~~s not identify as male; or

iii. were no ~~female~~ candidates who do not identify as male for the office of Assistant Branch Secretary the election shall not be declared in relation to the office of Assistant Branch Secretary (second office) and nominations shall be recalled by the Returning Officer for the office of Assistant Branch Secretary (second office), provided that only ~~female~~ members who do not identify as male, who are otherwise eligible, may nominate in that election.

21 - BRANCH AUDITOR

The Branch Executive shall appoint a Branch Auditor in accordance with the Act.

22 - RETURNING OFFICER

Branch Executive shall appoint a Returning Officer who shall not be a holder of any office in, or be an employee of the Union or a Branch.

23 - ELECTION OF BRANCH OFFICE HOLDERS

a. Commencing in 20~~23~~¹⁹ and thereafter in every fourth year an election shall be held to elect the office set out in column A from the electorate set out immediately opposite in Column B:

A – OFFICE	B – ELECTORATE
Branch President/National Conference delegate	whole membership
Branch Senior Vice President/National Conference delegate	whole membership
Branch Vice President (Woman)/National	whole membership

Attachment A

Conference Delegate	
Branch Secretary/First National Executive Representative	whole membership
Branch Executive President <u>Deputy Branch Secretary</u> /Second National Executive Representative	whole membership
Deputy Branch Secretary/National Conference delegate	whole membership
Assistant Branch Secretary (2)/National Conference delegate (2)	whole membership
National Executive Representative	whole membership
Alternate National Executive Representative	whole membership
Branch Executive Members	Industry Divisions
Branch Executive Women Members/National Conference delegates	Industry divisions
Branch Executive Member (Youth)	whole membership
National Conference Delegates	Industry divisions
National Conference Delegates (Women)	Industry divisions
Alternate National Conference Delegates	Industry divisions
Alternate National Conference Delegates (Women)	Industry divisions
Branch Conference Delegates	Industry divisions
Branch Conference Delegates (Women)	Industry Divisions
Provisional Branch Executive Member (Tasmania)	Tasmanian membership

- b. Only eligible women members may nominate for the offices of Branch Vice-President (Women), Branch Executive Members (Women), National Conference Delegates (Women), Alternative National Conference Delegates (Women) and Branch Conference Delegates (Women).
- c. Prior to the 2023 elections, the Deputy Branch Secretary concurrently holds the office of National Conference Delegate. Prior to the 2023 elections the office of Second National Executive Representative is filled in accordance with Rule 12 of these branch rules.
- ~~i. Provided that in the elections the result of the election for the office of Branch Secretary shall be declared before the result of the election for Branch Executive President.~~

Attachment A

- ~~ii. — Provided further than in elections for the Branch Secretary and Branch Executive President where a male candidate has been declared elected for the office of Branch Secretary only a female candidate shall be declared elected to the office of Branch Executive President.~~
- ~~iii. — When clause ii. of this sub rule is to be applied in a ballot the female candidate with the highest number of votes, disregarding any higher number of votes achieved by a male candidate or candidates, shall be declared elected.~~
- ~~iv. — When clause ii. of this sub rule is to be applied in a ballot and there is only one female candidate, such candidate shall be declared elected.~~
- ~~v. — When clause ii. of this sub rule is to be applied in a ballot and there are no female candidates, the election for the office of Branch Executive President shall not be declared and nominations will be recalled provided that only eligible women members may nominate for the said office.~~

24 - BRANCH INDUSTRY DIVISIONS

- a. Where the Branch Executive considers it appropriate Branch Executive may establish an Industry Division Committee in any Industry Division. Such Committee shall be comprised of Workplace Delegates and/or active members and shall provide advice to the Branch Executive on industrial affairs, organising, campaigning within the Industry Division.
- b. An Industry Division Committee may, subject to the approval of Branch Executive, adopt rules for its own guidance and government.
- c. Subject to sub-rules a. and b. hereof Industry Division Rules shall provide for Women Members of Industry Division Committees in a manner consistent with the proportion of women members allocated to the Industry Division.

Attachment A

- d. An Industry Division Committee may recommend to the Branch Executive that an Industry Sub Division or Industry Sub Divisions be established within the Industry Division.
- e. Executive Members representing an Industry Division shall be ex-officio members of the Industry Division Committees, in their Division.

25 - FUND DISBURSEMENT

- a. Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of the Branch ~~Executive~~ President and the Branch Secretary.
- b. All disbursements shall be certified as correct by the Branch Executive and where paid by cheque shall be signed by the Branch Secretary and the Branch ~~Executive~~ President. Where the Branch ~~Executive~~ President is not immediately available the Deputy Branch ~~President~~ Secretary may sign.

26 - GENERAL MEETINGS

- a. A General Meeting of members of the Branch shall be held if:
 - i. The Branch Executive so 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 months after the end of the financial year, bearing the name, address and signature of five percent of the members of the Branch.
- b. Where a General Meeting is to be held in accordance with sub-rule a. the Branch Secretary shall cause notice of not less than 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 shall be five percent of the members of the Branch, or five hundred members, whichever is the lesser.

27 – ALTERATION OF RULES

- a. Subject to the approval of National Executive or National Conference, the Branch Executive may amend these Branch rules.
- b. National Conference or National Executive shall not amend these Branch rules unless the Branch Executive by resolution agrees to the amendment.

Attachment B

16 December 2021

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



By your side

By email: rpotter@asu.asn.au; JNucifora@asu.asn.au

Dear Robert,

Re: Victorian and Tasmanian Authorities and Services Branch – Rule Alteration

I, Lisa Darmanin, Branch Secretary, of the Victorian and Tasmanian Authorities and Services Branch (“Branch”) confirm that, in accordance with the rules of the Union, the Branch Executive of the Branch resolved on 6 December 2021 to seek that additions, changes, amendments, variations, repeal and/or deletions to the current rules of the Branch, as 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.

Yours sincerely,

Lisa Darmanin
BRANCH SECRETARY

Attachment C

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



Friday 21 January, 2022

TO: All National Executive members
As addressed

By E-mail

Dear National Executive Member

Postal/Fax/Email Vote No. 01/2022
Proposed Victorian and Tasmanian Authorities and Services Branch rule change

The Victorian and Tasmanian Authorities and Services Branch notified me in writing in correspondence dated 16 December 2021 (**Attachment 'A'**), emailed to me on 4 January 2022, that in accordance with Rule 49 – RULE ALTERATIONS, the Branch proposes rule alterations (**Attachment 'B'** as per Schedule A referred to in Attachment A) be considered for approval by the National Executive.

The proposed rule alterations were considered and consented to by the Branch Executive on 6 December 2021 in accordance with Branch Rule 27.

Please find attached the voting paper in relation to Attachment B with the proposed amendments to the ASU National Rules. The proposed alterations only affect the Victorian and Tasmanian Authorities and Services Branch and I recommend that you vote to support them.

I request your prompt response so that the proposed amendments (if adopted by the National Executive) can be submitted to the Fair Work Commission for certification.

If you have any queries in regards to this request, please do not hesitate to contact John Nucifora at this office.

Yours faithfully

Robert Potter
NATIONAL SECRETARY

Encl.

VOTING PAPER
Proposed Victorian and Tasmanian Authorities and Services Branch rule change

Preamble:

National Executive notes:

- a. notification by the Victorian and Tasmanian Authorities and Services Branch in correspondence to the National Secretary, dated 16 December 2021, in relation to the need to abolish the office of Branch Executive President and proposed rule alterations to give effect to this;
- b. as a consequence the proposed transferral of some of the Branch Executive President powers and responsibilities to the office of Deputy Branch Secretary and Branch President accordingly;
- c. the proposed retention of the current Second National Executive office holder for the full term of that office;
- d. the Branch request to attach the Second National Executive office to the Deputy Branch Secretary at the next Branch quadrennial elections (2023);
- e. the abolishment of redundant time based Branch rules such as Branch Rule 5A – Transitional Rule – Branch Executive;
- f. proposed variations to the Branch Affirmative Action Rule 20C to ensure equal representation of persons who do not identify as male;
- g. the Branch Executive endorsed the proposed rule alterations on 6 December 2021 in accordance with Branch Rule 27 – Alteration of Rules; and
- h. the proposed rule alterations endorsed by the Branch have been corrected for typographical error; such correction has not, however, resulted in an alteration to the intention or the substance of the rule alterations proposed by the Branch.

Recommendation 1

1. The National Executive having considered the correspondence dated 16 December 2021 from the Branch Secretary to the National Secretary declaring that the Branch had consented to the additions, changes, amendments, variations, repeal and/or deletions to the rules of the Branch in the attached **Attachment A**, which has been provided to the National Executive, and demonstrates consent of the Branch for the purposes of National Rule 49, hereby resolves to make additions, changes, amendments, variations, repeals and/or deletions to the rules of the Branch as follows:
 - a. Make new Branch Rules in accordance with the tracked changes to the current Branch Rules in **Attachment B**.

Recommendation 2

2. That National Executive directs, as a consequence of recommendation 1, the:
 - a. National Secretary to lodge with the Fair Work Commission the rules made in accordance with recommendation 1; and

- b. Authorises the National Secretary, prior to lodging the rules made in accordance with recommendation 1 with the Fair Work Commission as required by recommendation 2(a), to make any further amendments to the rules in Attachment B that are required to ensure that the additions, changes, amendments, variations, repeals and/or deletions set out in Attachment B are typographically correct and consistent, and in compliance with the law, provided that no such amendment alters the intention to the rules at Attachment B consented to by the Branch.

I support the recommendations:

YES

NO

Signed:

Print Name:

Dated:

Please complete and return to: Robert Potter, National Secretary rpotter@asu.asn.au

Attachment D

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



Monday 31 January 2022

TO: All National Executive members
As addressed

By Email

Dear National Executive Member

**Postal/Fax/Email Vote No. 01/2022
Proposed Victorian and Tasmanian Authorities and Services Branch rule change**

The result of the email ballot submitted to members of National Executive via email on 21 January 2022, regarding the above is as follows:

A total of 116.67 affirmative votes were received from:

Robert Potter	Abbie Spencer
Alex Scott	Scott Cowen
Sharon Abbott	Jeff Lapidos
Natalie Lang	Ancel Greenwood
Judith Wright	Lisa Darmanin
Angus McFarland	Billy King
Graeme Kelly	Barry Gough
Glen McAtear	Matt Norrey
Sharon Sewell	Imogen Sturni
Neil Henderson	Paul O'Neill
Jennifer Thomas	Wayne Wood

No negative votes were received. I advise that National Executive E-mail Vote No. 01/2022 is carried.

Yours faithfully

Robert Potter
NATIONAL SECRETARY

Attachment E

1 February 2022

General Manager
Fair Work Commission
GPO Box 1944
MELBOURNE VIC 3001



By your side

Dear General Manager

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

I write this letter in support of the ASU's application to amend its rules in relation to the Victorian and Tasmanian Authorities and Services Branch.

At the time of writing, I hold office as the Branch Executive President of the ASU's Victorian and Tasmanian Authorities and Services Branch.

On 6 December 2021 I participated in a meeting of the Branch's committee of management, which is known as the Branch Executive. At that meeting the Executive considered amendments to the rules of the Branch that included abolishing the Branch Executive President office that I currently hold.

The current term of office for all ASU officers is due to end in the first half of 2023. The abolishment of the Branch Executive President office therefore truncates the term of office for which ASU members elected me.

I support the abolishment and truncation of the Branch Executive President office. I voted in favour of the rule changes and indeed they were passed unanimously by the committee of management.

The abolishment will improve the efficiency of the Branch's operations by reducing the number of salaried officers and enabling a redistribution of duties among remaining officers and Branch staff where appropriate.

The abolishment will not substantially impact member capacity to participate in the running of the Branch. The Branch Executive President office is but 1 of 5 full time salaried officers, 1 of 16 on the committee of management, and 1 of 70 on the Branch Conference, which is the Branch's supreme governing body.

The proposed rule changes includes the attachment of the Second National Executive Representative office to the Deputy Branch Secretary proposed to commence at the next ASU quadrennial election in 2023. However I intend to remain in this office for the remainder of the current term.

If you have any queries please contact me by email (bking@asuvictas.com.au).

Yours sincerely



Raymond (Billy) King
Branch Executive President
Australian Services Union