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Monday 28 March 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 Seven - New South Wales and ACT (Services) Branch rules, primarily to reduce the number of positions on the Branch Executive and reduce current industry divisions from 5 to 3 by amalgamating: 1) The Water and Ports and Hunter Water Divisions and 2) The Transport and Airlines, Shipping, Travel and IT Divisions at the next (2023) quadrennial elections.

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 mobile 0419 595 417.

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**

- A. The particulars set out in this Notice are the particulars of the proposed alterations to the rules of the ASU.
- B. The proposed alterations to the rules of the ASU attached as 'A' were made in accordance with the rules of the ASU.
- C. In making the proposed alterations the following occurred, which ensured compliance with the rules of the ASU:
1. The New South Wales and ACT (Services) Branch ('**Branch**') had in March 2022 determined that there was a need to reduce the number of positions on the Branch Executive and reduce current industry divisions from 5 to 3 by amalgamating 1) The Water and Ports and Hunter Water Divisions and 2) The Transport and Airlines, Shipping, Travel and IT Divisions at the next (2023) quadrennial elections as follows:
 - a) The Water and Ports Industry Division and the Hunter Water Industry Division to amalgamate to form a new Water Division.
 - b) The existing Water and Ports Industry Division and the Hunter Water Industry Division to both become subdivisions of the new Water Division under rule 35 of the Branch Rules.
 - c) The new Water Division to be managed and controlled by an Industry Division Committee of Management comprising of 10 members.
 - d) The Transport Industry Division and the Airlines, Shipping, Travel and Information Technology Division to amalgamate to form a new Transport and Technology Division.
 - e) The existing Transport Industry Division and Airlines, Shipping, Travel and Information Industry Division to both become subdivisions of the new Transport and Technology Division under rule 35 of the Branch Rules.
 - f) The new Transport and Technology Division to be managed and controlled by an Industry Division Committee of Management comprising of 10 members
 - g) The Branch Executive to comprise of:
 - i. Secretary
 - ii. Deputy Secretary
 - iii. President
 - iv. 2 x Deputy President
 - v. Treasurer
 - vi. Vice President (Water)
 - vii. Vice-President (Transport and Technology)
 - viii. Vice President (Social and Community Services),

- ix. additional members elected by and from the members of the Industry Divisions as set out in rule 25, being one member for the first 2,000 members and one additional member for every additional 2,000 members or part thereof to be known as Branch Executive members.
2. As a consequence proposed rule alterations were prepared by Branch officers (**'tracked rules alterations'**);
 3. The proposed tracked rules alterations were endorsed by the Branch Executive of the New South Wales and ACT (Services) Branch at a meeting held on 2 March 2022;
 4. The New South Wales and ACT (Services) Deputy Branch Secretary/National Executive representative Judith Wright, requested by correspondence dated 8 March 2022 (**'correspondence'**) addressed to the National Secretary, and attached as the covering letter in **'A'**, that alterations be made to the rules of the ASU by replacing them with proposed tracked rules alterations referred to in the correspondence;
 5. Judith Wright confirmed in the Branch correspondence that the Branch Executive meeting held on 2 March 2022 had consented to the rule change as per Branch Rule 37;
 6. The tracked rules alterations proposed by the National Executive in **Attachment A** are to vary the current Branch rules;
 7. The National Executive has determined that the rule alterations were endorsed by the Branch and the Branch has consented to the alteration under ASU Rule 49;
 8. On 15 March 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;
 9. A copy of the ballot resolution is attached as **'B'**;
 10. On the 24 March 2022, more than 2/3 of the National Executive voted and voted unanimously;
 11. In accordance with ASU-Rule 8c, I declared the vote carried under ASU Rule 8j; and
 12. By correspondence on 24 March 2022, I declared the result of the ballot to the National Executive and attach the declaration as **'C'**.
- D. 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: 28 March 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 28 March 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: 28 March 2022



.....
Robert Potter
National Secretary

"Attachment A"

8 March 2022

Robert Potter
National Secretary
Australian Services Union
Ground Floor, 116 Queensberry Street
Carlton South Vic 3053

By email: rpotter@asu.asn.au

Dear Robert,

Re: Rule change - NSW and ACT Services Branch of the Australian Municipal, Administrative, Clerical and Services Union

From the next ASU election in March/April 2023, we proposing to reduce the number of positions on our Branch Executive and also to reduce our current industry divisions from 5 to 3 which will involve amalgamating:

1. The Water and Ports and Hunter Water Divisions;
2. The Transport and Airlines, Shipping, Travel and IT Divisions

In short, the rationale for these changes is to increase discussion at and participation in Branch Executive and Industry Division Committee of Management meetings; to ensure that the industry divisions remain viable; and to address inequities which currently exist with respect to representation of members in different industry divisions on Industry Division Committees of Management, Branch Executive and Branch Council.

At a meeting on 2 March 2022 the Branch Executive considered this proposal and passed the following resolution:

The Branch Executive agrees with the recommendation of the Deputy Secretary that:

1. *From the ASU election in 2023:*
 - a. *The Water and Ports Industry Division and the Hunter Water Industry Division will amalgamate to form a new Water Division.*
 - b. *The existing Water and Ports Industry Division and the Hunter Water Industry Division will both become subdivisions of the new Water Division under rule 35 of the Branch Rules.*
 - c. *The new Water Division will be managed and controlled by an Industry Division Committee of Management comprising of 10 members.*
 - d. *The Transport Industry Division and the Airlines, Shipping, Travel and Information Technology Division will amalgamate to form a new Transport and Technology Division.*
 - e. *The existing Transport Industry Division and Airlines, Shipping, Travel and Information Industry Division will both become subdivisions of the new Transport and Technology Division rule 35 of the Branch Rules.*
 - f. *The new Transport and Technology Division will be managed and controlled by an Industry Division Committee of Management comprising of 10 members.*

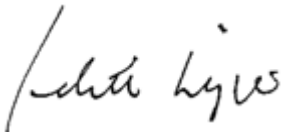
- g. The Branch Executive will comprise of:*
- i. Secretary*
 - ii. Deputy Secretary*
 - iii. President*
 - iv. 2 x Deputy President*
 - v. Treasurer*
 - vi. Vice President (Water)*
 - vii. Vice-President (Transport and Technology)*
 - viii. Vice President (Social and Community Services),*
 - ix. additional members elected by and from the members of the Industry Divisions as set out in rule 25, being one member for the first 2,000 members and one additional member for every additional 2,000 members or part thereof who shall be known as Branch Executive members.*
- 2. The ASU requests the Fair Work Commission to amend the Branch Rules in accordance with the track change documents presented to the meeting.*

The full text of the proposed amendments presented to the meeting and endorsed by Branch Executive is attachment "A".

I would be grateful if you could commit this to a vote of the National Executive and subsequently advise FWC of the rule change.

Please contact me if you wish to discuss.

Yours faithfully,



Judith Wright
Deputy Secretary

ATTACHMENT A

DIVISION SEVEN

NEW SOUTH WALES & ACT (SERVICES) BRANCH

1 - RULE NUMBERS

- a. A reference to a Rule number in these Divisional Rules prefaced by the words "National Rule" is a reference to the Rules of the Union other than those contained in Part IX thereof.
- b. A reference to a Rule number in these Divisional Rules which is not prefaced by the words "National Rule" is a reference to a Rule within this Division.

2 - BRANCH EXECUTIVE

- a. There shall be a Branch Executive which shall control and manage the affairs of the Branch subject to these rules and to policy decisions of the Branch Council. The Branch Executive shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the rules of the union. The Branch shall have autonomy in matters affecting members of the Branch only. The office of the New South Wales and ACT (Services) Branch shall be at such place as the Branch Executive shall from time to time determine.

3 - BRANCH EXECUTIVE MEMBERSHIP

- ~~a. The New South Wales and ACT (Services) Branch Executive shall consist of a President; Deputy Presidents (2); Vice President (Sydney Water); Vice President (Ports); Vice President (Transport); Vice President (Information Technology); Vice President (Social and Community Services); Vice President (Shipping and Travel); Vice President (Airlines); Vice Presidents (Women) (2); Treasurer; Secretary; Deputy Secretary [formerly known as Assistant Secretary] Executive Councillor (Sydney Water) (2); Executive Councillor (Ports); Executive Councillors (Transport) (2); Executive Councillor (Shipping and Travel); Executive Councillor (Information Technology); Executive Councillor (Social and Community Services); Executive Councillor (Hunter Water); Executive Councillor (Airlines). All members of the Branch Executive shall be elected each four (4) years in accordance with these Rules.~~

- ~~ba. Provided that on and from the quadrennial elections to be held in 2011, t~~The New South Wales and ACT (Services) Branch Executive shall comprise the following:

a President, Deputy President (2), Vice President (Water and Ports); Vice-President (Transport); Vice-President (Airlines, Shipping, Travel and Information Technology), Vice President (Social and Community Services), Vice-President (Hunter Water), Treasurer, Secretary, Deputy Secretary and additional members elected by and from the members of the Industry Divisions as set out in rule 25, being one member for the first 1,000 members and one additional member for every additional 1,000 members or part thereof who shall be known as Branch Executive members.

- ~~eb. Provided that on and from the quadrennial elections to be held in 2023, the Executive shall comprise the following:~~

~~a President, Deputy President (2), Vice President (Water); Vice-President (Transport and Technology); Vice President (Social and Community Services); Treasurer, Secretary, Deputy Secretary and additional members elected by and from the members of the Industry Divisions as set out in rule 25, being one member for the first 2,000 members and one additional member for~~

every additional 2,000 members or part thereof who shall be known as Branch Executive members.

c.

A member of the Branch Executive who ceases to be eligible for election or who ceases to be a member of the Branch shall forthwith cease to be a member of the Branch Executive.

4 - POWERS AND DUTIES

- a. The Branch Executive shall do all such things as are necessary for the control and management of the affairs of the Branch. 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-Members.
- b. The Branch Executive shall, through the Branch President and Branch Secretary, present to the Branch Council a report of the business of the preceding year.
- c. The Branch Executive may approve the establishment of Sub-Branches.
- d. All offices in the Branch, other than those of the Branch Secretary and the Deputy Branch Secretary, are honorary. No honoraria or other remuneration shall be paid to any officer in the absence of a resolution of the Branch Executive authorising the payment of an honoraria or other remuneration and specifying the amount payable.

5 - BRANCH EMPLOYEES

The Branch may employ such persons for the purposes of carrying out these rules as the Branch Executive thinks proper. Every such employee shall be employed upon terms and conditions as the Branch Executive may prescribe from time to time.

6 - MEETINGS OF THE BRANCH EXECUTIVE

- a. The Branch Executive shall meet at least once each three (3) months and at such other times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least one quarter 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.
- b. The Branch Secretary shall give at least twenty-four (24) hours' notice when summoning members to meetings of the Branch Executive.
- c. Notwithstanding anything hereinbefore contained, where in the opinion of the Branch President or Branch Secretary it is impractical to hold a meeting of Branch Executive at which members are physically present, 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, radio or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- d. The Branch Secretary may submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed at a duly constituted meeting;

Provided that, if within a period of seven 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 and shall thereupon become a resolution of the Branch 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 Branch Executive.

- e. If the Branch President is absent from a meeting of the Branch Executive, a Deputy Branch President or, in the absence of a Deputy Branch President a Vice-President, as determined by the meeting, shall act with powers of the Branch President while so acting.
- f. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Branch as proxy to exercise such vote. Provided that no member shall hold more than one (1) proxy at any meeting.
- 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 thirty (30) minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than seven (7) days nor more than fourteen (14) days. Members shall be given two (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, and to the National Secretary. A copy of the minutes of each Branch Executive meeting shall be available for the inspection by the members of the Branch during the ordinary office hours of the Branch.
- j. A member of the Branch Executive absent from three (3) consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with National Rule 35 - Removal of Officers.
- k. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.

7 - VOTING ON BRANCH EXECUTIVE

All members of Branch Executive shall have one (1) vote.

8 - BRANCH EXECUTIVE SUB-COMMITTEES

- a. The Branch Executive may establish such Sub-Committees as it deems necessary.
- b. A Sub-Committee shall be comprised of such members of the Branch Executive as the Branch Executive shall determine provided that the Branch Secretary shall be entitled to be a member of any Sub-Committee.
- c. The Branch Executive shall have the power to delegate to an Executive Sub-Committee such of its powers as it thinks fit. The Executive Sub-Committee is responsible to and under the control of the Branch Executive.

9 - BRANCH COUNCIL

There shall be a Branch Council. The Branch Council shall have power to adopt rules for its own guidance and government. The Branch Council shall meet at a time and place determined by the Branch Executive.

10 - BRANCH COUNCIL MEMBERSHIP

~~a. — Up until the declaration of the poll in the quadrennial elections to be held in 2015, the Branch Council shall consist of the Branch Executive and Councillors representing the Transport Industry, the Water and Ports Industry, the Social and Community Services Industry, the Hunter Water Industry, and the Airline, Shipping, Travel and IT Industry (known as the Private Sector Industries Group) elected in accordance with these rules and in accordance with the formula set out below:~~

| | |
|--|----------------------------------|
| Less than 200 members employed in the industry | 1 delegate |
| 200-399 | 2 delegates |
| 400-599 | 3 delegates |
| 600-999 | 4 delegates |
| Thereafter, each additional 500 or part thereof | 1 additional delegate |

~~a.b. — T~~Provided that on and from the declaration of the poll in the quadrennial elections to be held in 2015, the Branch Council shall consist of the Branch Executive and Councillors representing the Branch Industry Divisions. The Councillors shall be the members of the respective Branch Industry Division Committees of Management.

11 - POWERS AND DUTIES

- a. In addition to the powers elsewhere conferred on it by these rules the Branch Council shall, subject to the rules, determine Branch policies, consider and determine the Branch's position in respect to the National Conference agenda, make recommendations to National Conference or National Executive, receive and consider reports from the Branch President and the Branch Secretary and consider and resolve any other matter referred to it from time to time by the Branch Executive, and/or Sub-Branch or Branch Annual General Meetings.
- b. Provided that between meetings of Branch Council the Branch Executive may where necessary determine Branch policy on matters not the subject of existing Branch policy.

12 - MEETINGS OF THE BRANCH COUNCIL

- a. The Branch Council shall meet on dates and at locations to be determined by the Branch Executive. Notwithstanding anything hereinbefore contained a meeting of the Branch Council may be conducted by telephone, radio or any other method by which members of the Branch Council are able to communicate with each other without being physically present.
- b. Notwithstanding sub-rule a. herein the Branch Secretary shall, upon the request of the Branch Executive or at least one quarter of the members of the Branch Council summon a meeting of the

Branch Council to be held within thirty (30) days of the receipt of the request by the Branch Secretary.

- c. The Branch Secretary shall give at least seven (7) days notice when summoning members to meetings of the Branch Council.
- d. If the Branch President be absent from a meeting of the Branch Council, a Deputy Branch President, or in the absence of a Deputy Branch President a Vice-President as determined by the meeting, shall act with powers of the Branch President while so acting.
- e. A member of the Branch Council not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Branch as proxy to attend the meeting and to exercise such member's vote or votes, provided that no member shall hold more than one (1) proxy at any meeting.
- f. If at any meeting of the Branch Council no quorum be present at the expiry of thirty (30) minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than seven (7) days nor more than fourteen (14) days. Members shall be given two (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.
- g. The minutes of each meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Council and to the National Secretary. Upon confirmation the minutes shall be signed by the President. A copy of the minutes of each Branch Council meeting shall be available for the inspection of the members of the Branch during the ordinary office hours of the Branch.

13 - VOTING ON BRANCH COUNCIL

~~a. Each member of the Branch Council shall be entitled to one (1) vote.~~

~~ba. Provided that on and from the quadrennial elections to be held in 2015, t~~The number of votes which each member of the Branch Council shall be entitled to is as follows:

i. Each Councillor who is a member of the Branch Executive shall be entitled to one (1) _____ vote.

ii. The numbers of votes assigned to each Councillor who represents a Branch Industry Division shall be calculated in accordance with the following formula:

A. By dividing the total number of the members of the Branch Industry Division employed in the relevant industry by 250. The number of members shall be determined by the lowest number of members in each industry division as at the last day of each of the months of October, November and December in the year preceding an election, other than an election to fill a casual vacancy.

B. The number obtained by Rule 13 ~~a.~~ ~~B.~~ ii. A. shall be rounded up to the nearest whole number that can be equally divided by the number of Councillors representing a Branch Industry Division other than those Councillors who are members of the Branch Executive. This final number shall be divided between each Councillor and shall be the number of votes assigned to each Councillor.

14 - MEETINGS OF THE BRANCH

a. Annual General Meeting

The Branch Executive may determine that an Annual General Meeting of the Branch be held in addition to Annual General Meetings of industry divisions. Where an Annual General Meeting is to be held then:

- i. Members shall be given at least seven (7) days notice of such meeting.
- ii. Any financial member shall be entitled to submit a notice of motion for consideration by the Annual General Meeting which shall be included in the notice of the meeting distributed to the members, provided that such notice of motion shall be submitted to the Branch Secretary no later than 30 June in each calendar year.

b. Special General Meetings

At the written requisition of not less than ten (10) per cent of its membership, which requisition shall clearly state the business to be considered, the Branch Secretary shall call a Special General Meeting of the Branch and shall cause the same to take place within one (1) month of the date of the receipt of such requisition.

- i. Where a Special General Meeting is to be held only the business stated in the requisition for the meeting shall be considered at such meeting.
- ii. Members shall be given at least seven (7) clear days notice of such a meeting.
- iii. The notice shall contain notice of the business to be dealt with at the meeting.
- iv. Such Special General Meetings may direct the Branch Executive to conduct a plebiscite in accordance with these Rules.

Provided that the Branch Executive may determine by resolution to hold a plebiscite of the members instead of a Special General Meeting of the Branch to determine the question or request. Such plebiscite shall be held in accordance with National Rule 44 - Plebiscite.

c. General Meetings

The Branch Executive may call a General Meeting of the Branch for such purpose as it determines.

d. Consultation of the Membership

The Branch Secretary may call a meeting of members of the Branch or of a part thereof to consider matters affecting the members of the Branch or that part thereof to obtain the views of the members on the matter or matters to be considered.

e. Voting at meetings of the Branch

- i. Any member of the Branch unable to attend an Annual General Meeting, a Special General Meeting or a General Meeting or other meeting convened pursuant to this Rule may appoint another member of the Branch to exercise the member's vote at that meeting. Such proxy shall be in the prescribed form and shall be handed to the Branch Secretary prior to the commencement of the meeting. Provided that no member shall hold more than one (1) proxy at any meeting.
- ii. At Annual General Meetings, Special General Meetings or General Meetings or other meetings convened pursuant to this Rule each member shall have one (1) vote. Voting shall be by show of hands, except in such cases as the meeting shall decide otherwise. Decisions shall be by simple majority of the votes cast by those present unless otherwise determined in these rules.

15 - NATIONAL EXECUTIVE REPRESENTATIVES

The Branch shall be represented on 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. One of the National Executive Representatives shall be the Branch Secretary. The other National Executive Representatives shall be elected every (4) years by the financial members of the Branch.

16 - NATIONAL CONFERENCE DELEGATES

The Branch shall be represented on National Conference by the Branch's National Executive Representatives and by National Conference Delegates elected by and from Branch Council in accordance with the formula provided in National Rule 7.

17 - BRANCH PRESIDENT

- a. There shall be a Branch President elected every four (4) years by the financial members of the Branch.
- b. The 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.
 - ii. Be impartial in all transactions and shall see that the Rules are adhered to.
 - iii. Upon confirmation of the minutes of meetings of Branch Executive and Branch Council, sign such minutes confirming them as a true and accurate record.

18 – DEPUTY BRANCH PRESIDENTS

There shall be two (2) Deputy Branch Presidents elected every four (4) years by financial members of the Branch. A Deputy Branch President shall deputise for the Branch President when the Branch President is absent and shall chair any meetings of the Branch in the absence of the Branch President.

19 - BRANCH VICE-PRESIDENTS

- a. ~~There shall be eight (8) Branch Vice Presidents. Provided that on and from the quadrennial elections to be held in 2011~~ there shall be five (5) Branch Vice-Presidents. Provided that on and from the quadrennial elections to be held in 2023 there shall be three (3) Branch Vice-Presidents.
- b. ~~There shall be Vice Presidents representing and elected every four (4) years by the financial members of each of the following industries: Information Technology; Ports; Social and Community Services; Water; Airlines, Shipping and Travel; Transport and two (2) Vice-Presidents (Women) elected every four (4) years by the financial women members of the Branch.~~
- eb. There ~~Provided that on and from the quadrennial elections to be held in 2011, there~~ shall be Vice-Presidents representing and elected every four (4) years by the financial members of each of the following industries: Social and Community Services; Water and Ports; Transport; Airlines, Shipping, Travel and Information Technology (known as the Private Sector Industries) and Hunter Water.
- cd. Provided that on and from the quadrennial elections to be held in 2023, there shall be Vice-Presidents representing and elected every four (4) years by the financial members of each of the following industries: Social and Community Services;, Water and Transport and Technology.
- d.
- ~~e.~~ A Branch Vice-President shall assist the Branch President at all meetings in connection with the business of the Branch and generally assist in carrying out the business of the Branch.

20 - BRANCH TREASURER

- a. There shall be a Branch Treasurer elected every four (4) years by the financial members of the Branch.
- b. The Branch Treasurer shall check the accounts of the Branch as kept by the Branch Secretary and ensure that the Branch Secretary carries out the duties with respect to the accounts of the Branch.

21 - BRANCH SECRETARY

- a. There shall be a Branch Secretary elected each four (4) years by the financial members of the Branch.
- b. The Branch Secretary shall be the Chief Executive Officer of the Branch who between meetings of the Branch Executive shall conduct and manage the affairs of the Branch.
- c. The Branch Secretary shall:
- i. consult with the Branch President or in his/her absence a Deputy Branch President, or in the absence of both the Branch President and a Deputy Branch President one of the Vice-Presidents on urgent matters which require a decision between meetings of the Branch Executive which would ordinarily be subject to a Branch Executive decision.
 - ii. 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.

- iii. Be the officer to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Secretary at any meeting within the Branch, such persons shall have the right to be heard.

23 - DEPUTY BRANCH SECRETARY

- a. There shall be a Deputy Branch Secretary who shall be elected every four (4) years by financial members in the Branch. The Deputy Branch Secretary shall assist the Branch Secretary and carry out the directions and instructions of the Branch Secretary.

24 - BRANCH AUDITOR

The Branch Executive shall appoint the Branch Auditor.

25 - BRANCH INDUSTRY DIVISIONS

- a. There shall be the following Industry Divisions within the Branch:
- The Water and Ports Industry Division;
 - The Social and Community Services Industry Division;
 - The Airlines, Shipping, Travel and IT Industry Division known as the Private Sector Industries Division;
 - The Transport Industry Division;
 - The Hunter Water Industry Division;

together with such other Industry Divisions as may be established by the Branch Executive.

- b. Provided that on and from the quadrennial elections to be held in 2023 there shall be the following Industry Divisions within the Branch:

- The Water Industry Division;
- The Social and Community Services Industry Division;
- The Transport and Technology Industry Division;

together with such other Industry Divisions as may be established by the Branch Executive.

- c. Subject to these rules and to the control of the Branch Executive, the affairs of each Industry Division shall be managed and controlled by an Industry Division Committee of Management. All members of all Industry Division Committees of Management shall be elected each four (4) years in accordance with the rules.

- bd. An Industry Division Committee of Management shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the Rules of the Union.

26 - INDUSTRY DIVISION COMMITTEE OF MANAGEMENT MEMBERSHIP

- a. Water and Ports Industry Division Committee of Management

- (i) —The Water and Ports Industry Division Committee of Management shall consist of a President, Vice President, Treasurer and three (3) Executive members who shall form the Executive and twelve (12) Committee Members. Members of the Water and Ports

Industry Division Committee of Management shall hold office for a period of four (4) years. All members of the Water and Ports Industry Division Committee of Management shall be elected by all financial members of the Branch employed in the Water and Ports Industry Division in accordance with these rules.

- (ii) ~~Provided that on and from the quadrennial elections to be held in 2023, the Water and Ports Industry Division Committee of Management will be renamed the Water -Industry Division Committee of Management and shall consist of -a President, Vice President, and eight (8) Committee Members. Members of the Water Industry Division Committee of Management shall hold office for a period of four (4) years. All members of the Water Industry Division Committee of Management shall be elected by all financial members of the Branch employed allocated to-in the Water Industry Division by the Branch Executive in accordance with National Rule 11-in accordance with these rules.~~

~~b~~. ~~_____~~ Social and Community Services Division Committee of Management

- (i) The Social and Community Services Division Committee of Management shall consist of the President, one (1) Vice-President (New South Wales), one (1) Vice-President (Australian Capital Territory) and an additional four (4) Committee members elected by all financial members of the Branch employed in the Social and Community Services Industry. There shall also be one (1) committee member representing each Sub-Division established in accordance with Rule 35. Committee members shall be elected by all financial members of the relevant Sub-Division.
- (ii) The President shall be elected by all financial members of the Branch ~~employed in allocated to~~ the Social and Community Services Industry- ~~Division by the Branch Executive in accordance with National Rule 11~~ ~~in accordance with the rules.~~
- (iii) The Vice-President (New South Wales) shall be elected by all financial members of all Sub-Divisions created pursuant to Rule 35 other than the Australian Capital Territory Sub-Division.
- (iv) The Vice-President (Australian Capital Territory) shall be elected by all financial members of the Australian Capital Territory Sub-Division.

~~c~~

~~e.~~

~~_____~~ Transport Industry Division Committee of Management

- ~~(i) The Transport Industry Division Committee of Management shall consist of a President, Vice President who shall be the Deputy Industry President, Vice President (Women), Treasurer and two (2) Executive Members who shall form the executive of the Transport Industry together with Committee members. The number of Committee members shall be determined in accordance with the formula set out in Rule 10.~~
- ~~(ii) The Branch Vice President (Transport), Branch Executive Councillors (Transport) and all Branch Councillors shall ex officio hold the corresponding positions in the Transport Industry Division Committee of Management, all other members of the Transport Industry Division Committee of Management shall be elected in accordance with the provisions of National Rule 41 (a) (iii) which shall also apply to any election required to fill a vacant position.~~
- ~~(iii) From the quadrennial elections to be held in 2011 the Branch Vice President (Transport), Branch Executive members (Transport) and all Branch Councillors shall ex officio hold the corresponding positions in the Transport Industry Division Committee of Management. All other members of the Transport Industry Division Committee of Management shall be~~

~~elected in accordance with the provisions of the National Rule 41 (a) (iii) which shall also apply to any election required to fill a vacant position.~~

~~(iv)~~ ~~On and from the quadrennial election to be held in 2015~~ ~~†~~The Transport Industry Division Committee of Management shall comprise a President, Vice President (Women), Treasurer and five (5) committee members who shall be elected in accordance with the provisions of National Rule 41 a. iii. In addition, the ~~-~~Industry Division Vice President who shall be the Branch Vice President (Transport) and the Executive Councillors (Transport), elected in accordance with rule 3 (b), shall also be members of the Industry Division Committee of Management.

~~(ii)~~ Notwithstanding the above any persons who holds a Committee of Management position ex-officio may, if they wish to nominate for election to a different position in the Transport Industry Division Committee of Management, resign from their ex-officio position without resigning from their office in the Branch.

~~(iii)~~ Provided that on and from the quadrennials elections to be held in 2023, the Transport Industry Division Committee of Management shall be renamed the Transport and Technology Industry Division Committee of Management and shall comprise a President, Vice President, Treasurer and seven (7) committee members elected by all financial members of the Branch allocated to the Transport and Technology Industry Division by the Branch Executive in accordance with National Rule 11.who shall be elected in accordance with the provisions of National Rule 41 a. iii.

~~dd.~~ Hunter Water Industry Division Committee of Management

~~(i)~~ ~~On and from the quadrennial elections to be held in 2019, †~~The Hunter Water Industry Division Committee of Management shall consist of a President and Vice-President together with six (6) committee members who shall be elected by all financial members of the Branch employed in the Hunter Water Industry in accordance with these rules.

~~(ii)~~ ~~Notwithstanding any other provision of these Rules, until the declaration of the poll in the quadrennial elections to be conducted in the Branch in 2019, the Hunter Water Industry Division Committee of Management shall consist of the following:-~~

- ~~• President~~
- ~~• Vice President~~
- ~~• Divisional Secretary~~
- ~~• Divisional Assistant Secretary~~
- ~~• Four (4) Committee members (Wages employees)~~
- ~~• Four (4) Committee members (Salary employees)~~

~~(iii)~~ Provided that on and from the quadrennial elections to be held in 2023, the Hunter Water Industry Division Committee of Management shall cease to exist.

~~ee.~~ Airlines, Shipping, Travel and IT Industry Division Committee of Management

The Committee of Management shall be known as the Airlines, Shipping, Travel and IT Industry Committee of Management and shall consist of a President, a Vice-President, and six (6) Committee Members. All Members of the Airlines, Shipping, Travel and IT Industry Division Committee of Management shall be elected by all financial members of the Branch employed in the Airlines, Shipping, Travel and IT Industry in accordance with these rules.

Provided that on and from the quadrennial elections to be held in 2023, the Airlines, Shipping, Travel and IT Industry Division Committee of Management shall cease to exist.

- ff. The Branch Secretary and the Deputy Branch Secretary shall be ex-officio members of all Industry Division Committees of Management.

27 - POWERS AND DUTIES

- a. The Industry Division Committee of Management shall, subject to the control of the Branch Executive do all such things as are necessary for the control and management of the industrial affairs of the Industry Division and shall have autonomy with respect to industrial affairs of that Industry Division subject to the Rules and to Branch and National Policy.
- b. The Industry Division Committee of Management shall through its President or Secretary present to each general meeting of the Industry Division a report of the Business since the preceding general meeting.
- c. The Industry Division Committee of Management shall through its Secretary or President, as requested by the Branch Executive, submit a report of the Business of the preceding year and/or such other matter as the Branch Executive requires.

28 - INDUSTRY DIVISION COMMITTEE OF MANAGEMENT MEETINGS

- a. Each Industry Division Committee of Management shall meet ordinarily at least once each three (3) months and at such other times as its members may determine. Provided that a meeting of the Industry Division Committee of Management shall be held when determined by the Industry Division President, any two (2) members of the Industry Division Committee of Management or the Branch Secretary. At least twenty four (24) hours notice shall be given to all members of the Committee when a meeting is called. Notwithstanding anything hereinbefore contained a meeting of any Industry Division Committee of Management may be conducted by telephone, radio or any other method by which members of the Industry Division Committee of Management are able to communicate with each other without being physically present.
- b. A member of an Industry Division Committee of Management not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Industry Division as proxy to attend the meeting and to exercise such member's vote. Provided that no member shall hold more than one (1) proxy at any meeting.
- c. At any meeting of an Industry Division Committee of Management a majority of the total membership of the Industry Division Committee shall constitute a quorum.

29 - INDUSTRY DIVISION GENERAL MEETINGS

The provisions of Rule 14 shall apply save that there shall be no requirements to hold an Industry Division Annual General Meeting unless the appropriate Industry Division Committee of Management resolves to the contrary.

29A - INDUSTRY DIVISIONAL DELEGATES COUNCIL

- a. The Branch Executive, shall, upon the request of an Industry Divisional Committee of Management establish Designated Work Groups within the Division for the purpose of the establishment of an Industry Divisional Delegates Council.
- b. A Designated Work Group is a group of members who either work in either:
 - i) A single workplace, or,
 - ii) A regional or local area, or
 - iii) A defined group.
- c. Each Designated Work Group shall be entitled to elect two delegates who are entitled to attend the Industry Divisional Delegates Council.
- d. The Industry Divisional Delegates Council would meet at least two times in each year and will comprise the Secretary, the Deputy Secretary, and the members of the Industry Divisional Committee of Management. Notwithstanding anything hereinbefore contained a meeting of the Industry Divisional Delegates Council may be conducted by telephone, radio or any other method by which members of the Industry Divisional Delegates Council are able to communicate with each other without being physically present.
- e. Delegates will be entitled to vote at the Industry Divisional Delegates Council on the basis of the following formula; total number of members in the Designated Work Group divided by 5 with the result divided by 2.
- f. Industry Divisional Delegates Councils shall provide advice to Industry Division Committees of Management in relation to matters that pertain to that Industry Division.

30 - INDUSTRY DIVISION PRESIDENT

The Industry Division President shall be the official head of the Industry Division and shall:

- a. Preside at all meetings of the Industry Division when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
- b. Be impartial in all transactions and shall see that the Constitution and Rules are adhered to.

31 - INDUSTRY DIVISION VICE-PRESIDENT

An Industry Division Vice-President shall assist the Industry Division President at all meetings and shall act for the President at meetings when the President is unavailable.

32 - INDUSTRY DIVISION TREASURER

The Industry Division Treasurer shall:

- a. Keep or cause to be kept in appropriate books of account a correct statement of all moneys received and expended by the Industry Division.
- b. Submit to the Industry Division Committee of Management all accounts for payment and make or cause to be made all authorised payments from the funds of the Industry Division.

- c. Prepare and present or cause to be prepared and presented to each meeting of the Industry Division Committee of Management an up-to-date financial statement and, when called upon to do so by the Industry Division President, produce all relevant books in support of same.
- d. Submit to the Branch Executive, books, accounts and receipts annually, or as may be required or directed by the Branch Executive.

33 – INDUSTRY DIVISION SECRETARY

Where there is an Industry Division Secretary he/she shall be nominally responsible to the Industry Division Committee of Management for the conduct and management of the affairs of the Industry Division and shall take advice from the Industry Division President, or if not available, an Industry Division Vice-President as to the course to be pursued in any matter pending the next meeting of the Industry Division Committee of Management.

34 - INDUSTRY DIVISION AUDITOR

- a. The Industry Division Auditor shall be the Branch Auditor as appointed by the Branch from time to time.
- b. The Industry Division Auditor shall audit the books and financial statements of the Industry Division Committee of Management at the end of each financial year and at such other times as the Industry Division Committee of Management shall direct, shall have access to and examine all registers, books, papers, deeds, documents and accounts of the Industry Division Committee of Management and may examine any office-bearers or officer of the same in regard to the accounts, and is hereby authorised to obtain from any bank in which the Industry Division funds are deposited or invested a written statement from the bankers as to the balance of the account or accounts.
- c. The Industry Division Auditor shall furnish a written statement that all documents and statements certified to are in accordance with law and the Rules of the Union, or, if unable to certify to the correctness of any of them, report forthwith to the Industry Division Committee of Management in what respect they are incorrect.
- d. The Industry Division Auditor shall have power to place before the Industry Division Committee of Management any suggestions concerning the financial affairs of the Industry Division.
- e. In the event of an Auditor so appointed being unable to act or refusing to act or resigning, the Industry Division Committee of Management shall appoint an Auditor qualified as aforesaid as a replacement.

35 - INDUSTRY SUB-DIVISIONS

- a. The Branch Executive may upon the recommendation of an Industry Division Committee of Management approve the establishment of an Industry Sub-Division representing such group or groups of members as the Branch Executive determines.
- b. There shall be in each Sub-Division a Committee of Management which shall meet at least twice per year and shall have such members, officers and office-bearers as determined by the Branch Executive. The Branch Executive shall have the power to determine rules and/or procedures for the election of Industry Sub-Division Committees of Management.

- c. Industry Sub-Division Committees of Management shall subject to these rules, National and Branch policy and to the control of the Industry Division Committee of Management, conduct and manage the affairs of the Sub-Industry Division and shall have the power to adopt rules for its own guidance and government. Such rules shall be consistent with the rules of the Union and of the Branch and shall be submitted to and may be disallowed in whole or in part from time to time by the Branch Executive.
- d. Notwithstanding sub-rules a., b. and c. the following shall apply to the Social and Community Services Industry Division:
 - i. Sub-Divisions shall be established in the Social and Community Services Industry Division. Such Sub-Divisions shall be on the basis of either a geographical region or a sector of the social and community services industry. Provided that there shall be an Australian Capital Territory Sub-Division.
 - ii. A member may be a member of only one Sub-Division of the Social and Community Services Industry Division at any one time. On joining the Union in accordance with Part V of the National Rules a member shall be allocated membership of a Sub-Division. Where a Sub-Division does not exist as provided for in these Rules in accordance with a member's place of work or place of residence, then that member shall be allocated to the nearest Sub-Division available.
 - iii. The Social and Community Services Industry Division Committee of Management shall, subject to these Rules, the National Conference and the Branch Council, establish a standard set of minimum requirements for the Sub-Divisions specifying their function, powers, relationship to the Industry Division Committee of Management and their means of operation.
 - iv. Only Sub-Divisions which are approved by the Social and Community Services Industry Division Committee of Management shall operate as such within these Rules. The Industry Division Committee of Management shall formally approve Sub-Divisions if they have been formed on the following basis:
 - A. not less than ten (10) financial members of the Social and Community Services Industry Division shall sign a written request to the Industry Division Committee of Management for the formation of a Sub-Division, specifying the coverage of the proposed Sub-Division;
 - B. at the first meeting of the Social and Community Services Industry Division Committee of Management after receipt of such a request, the Committee is satisfied that the coverage of the proposed Sub-Division is clear and ensures a better participation of ordinary members, shall call a formation meeting of the members affected. If the Committee refuses the request, it shall notify the applicants in writing outlining the reasons for its decision and informing the applicants that they have twenty-one (21) days from the date of notice in which to appeal to the Branch Executive against the decision;
 - C. an appeal shall be in writing and outline the grounds of appeal. The appeal shall be considered at the next meeting of the Branch Executive immediately following receipt thereof. The Branch Executive shall consider the case put by the applicants and by the Committee of Management and shall confirm or overturn the Committee of Management's decision. Such decision by the Branch Executive shall be binding;
 - D. all members within the coverage of the proposed Sub-Division shall be given at least fourteen (14) days notification of the formation meeting, specifying the place, date

and hour of the meeting and stating the motions to be voted on. These shall include the following: "That the Committee of Management be called upon to approve the formation of the Sub-Division" and "That the Sub-Division shall adopt the standard set of minimum requirements for Sub-Divisions.";

- E. the Committee of Management shall appoint one (1) of its members to attend the formation meeting and report to the Committee;
- F. the quorum in the formation meeting shall be eight (8) financial members of the Union eligible to join the proposed Sub-Division. A motion shall be declared carried on the basis of a simple majority of eligible members voting in the affirmative;
- G. if the motions contained in paragraph D. herein are carried, an interim convenor shall be elected from the floor;
- H. the Sub-Division gains official standing after approval by the Social and Community Services Industry Division Committee of Management. All members within the coverage of the new Sub-Division shall receive notice of its approval and of the first meeting of the Sub-Division to be held within forty (40) days from the date of approval, including a call for nominations for the offices of the Sub- Division;
- v. A. The offices of all Sub-Divisions shall be Convenor, Assistant Convenor, Industry Division Committee of Management member, Proxy Industry Division Committee of Management Member. Nothing in these Rules shall prohibit the same person holding more than one (1) office within the Sub-Division. The term of office for all offices shall be four (4) years.
B. At the first meeting of the Sub-Division, elections for all offices shall be conducted by a Returning Officer appointed by the Social and Community Services Industry Division Committee of Management. Elections shall be on the basis of simple majority. The term of office for these positions shall be until the first ordinary elections conducted in accordance with these Rules. Ordinary elections for offices in all Sub-Divisions shall be conducted in accordance with Part VII of the National Rules.
- vi. Each Sub-Division may hold an Annual General Meeting. Notice of the time, place and agenda of the Sub-Division Annual General Meeting shall be sent at least seven (7) days in advance to all financial members of the Sub-Division. A quorum for the Annual General Meeting shall be eight (8) financial members of the Sub-Division.

36 - PROPORTIONAL REPRESENTATION

- a. Notwithstanding any provisions of these Branch Rules, women shall be represented among Branch Councillors as follows:-
 - i. Where the Branch has more than 50% women financial members, not less than 30% of such offices shall be filled by women.
 - ii. Where the Branch has more than 30% but less than 50% women financial members, not less than 20% of such offices shall be filled by women.
 - iii. Where the Branch has more than 10% but less than 30% women financial members, not less than 10% of such offices shall be filled by women.

- b. At each election, in addition to the requirements of Part VII of the National Rules, and any other requirements of the Branch Rules, the Branch Secretary shall provide to the Returning Officer a certificate showing the percentage of women financial members in the Branch.
- c. In the case of Branch Councillors nominations will be called in each election for ten (10) positions of Provisional Branch Councillor (Women) to be elected by the financial members of the Branch.
- d. In the event that, at the declaration of the election the number of women elected as Branch Councillors representing Industry Divisions does not equal or exceed the number required by the relevant provision of sub-rule a. of this Rule, the Returning Officer shall declare elected the number of Branch Councillors (Women) beginning with the candidate who polled the greatest number of votes for the position of Provisional Branch Councillor (Women), and declaring elected further such candidates in order of the greatest number of votes, received, until the requisite number of offices filled by women in accordance with sub-rule a. is achieved.
- e. If the required number of offices of Branch Councillors representing Industry Divisions are filled by women, or if only one (1) or some of the Provisional Branch Councillors (Women) are required to be declared elected, the Returning Officer's Report and Declaration will show the names and votes obtained by all candidates for the provisional offices, showing the undeclared candidates who polled the highest votes for each such office.
- f.
 - i. In the event that the number of nominations for the positions of Provisional Branch Councillor does not exceed ten (10), all the candidates who have nominated may agree amongst themselves as to their order of election.
 - ii. To give effect to their order of election, all candidates who have nominated shall provide to the Returning Officer a statement signed by all of them agreeing to an order of election.
 - iii. Such statement shall be provided to the Returning Officer within seven (7) days of the close of nominations. If such a statement is provided to the Returning Officer within the time required, no election shall be necessary for the positions of Provisional Branch Councillor (Women).
 - iv. Provided that if no statement is provided within the time required, an election will be held for the positions in accordance with sub-rule c. of this Rule.
- g. In the event of a Casual Vacancy arising in the office of Branch Councillor (Women) the candidate with the next greatest number of votes shall automatically fill such vacancy.
- h. A Branch Councillor (Women) shall exercise one (1) vote on Branch Council.

37 - RULES AMENDMENTS

No amendment shall be made to this Division Seven or a new Division Seven made or Division Seven deleted or replaced (whether pursuant to National Rule 49 or not) without the consent of the New South Wales and ACT (Services) Branch by way of a majority vote of the Branch Executive in support of such an amendment.

38 - FUND DISBURSEMENT

- a. Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of two (2) of the following officers:
 - i. Branch President.

- ii. Branch Secretary.
- b. All disbursements shall be certified as correct by the Branch Executive and where paid by cheque shall be signed by the Treasurer and the Secretary or by the President and the Secretary. Where the President is not immediately available a Deputy Branch President may sign, provided that the Branch Executive may authorise other persons to sign cheques on behalf of the Branch.

39 – 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.

40 – BRANCH ELECTIONS

- a. Only members of Branch Council may nominate eligible members for the offices of Branch President, Branch Deputy Presidents, Branch Vice Presidents, Branch Secretary, Branch Treasurer, Deputy Branch Secretary, National Executive Representative.
- b. Only members of Branch Council may nominate or be nominated for the office of National Conference Delegates.

"Attachment B"

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



By your side

Tuesday 15 March, 2022

TO: All National Executive members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 03/2022
Proposed New South Wales & ACT (Services) Branch rule change**

The New South Wales & ACT (Services) Branch notified me in writing in correspondence dated 8 March 2022 (**Attachment A**), that in accordance with Rule 49 – RULE ALTERATIONS, the Branch proposes rule alterations included 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 2 March 2022 in accordance with Branch Rules.

Please find attached the voting paper in relation to Attachment A with the proposed amendments to the ASU National Rules. The proposed alterations only affect the New South Wales & ACT (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

A handwritten signature in black ink, appearing to read "Robert Potter".

Robert Potter
NATIONAL SECRETARY

Encl.

VOTING PAPER
Proposed New South Wales & ACT (Services) Branch rule change

Preamble:

National Executive notes:

- A. Notification by the New South Wales & ACT (Services) Branch in correspondence to the National Secretary, dated 8 March 2022, in relation to the Branch Executive decision to endorse rule alterations to reduce the number of positions on the Branch Executive and reduce current industry divisions from 5 to 3 by amalgamating 1) The Water and Ports and Hunter Water Divisions and 2) The Transport and Airlines, Shipping, Travel and IT Divisions at the next (2023) quadrennial elections as follows:
- a) The Water and Ports Industry Division and the Hunter Water Industry Division to amalgamate to form a new Water Division.
 - b) The existing Water and Ports Industry Division and the Hunter Water Industry Division to both become subdivisions of the new Water Division under rule 35 of the Branch Rules.
 - c) The new Water Division to be managed and controlled by an Industry Division Committee of Management comprising of 10 members.
 - d) The Transport Industry Division and the Airlines, Shipping, Travel and Information Technology Division to amalgamate to form a new Transport and Technology Division.
 - e) The existing Transport Industry Division and Airlines, Shipping, Travel and Information Industry Division to both become subdivisions of the new Transport and Technology Division under rule 35 of the Branch Rules.
 - f) The new Transport and Technology Division to be managed and controlled by an Industry Division Committee of Management comprising of 10 members
 - g) The Branch Executive to comprise of:
 - i. Secretary
 - ii. Deputy Secretary
 - iii. President
 - iv. 2 x Deputy President
 - v. Treasurer
 - vi. Vice President (Water)
 - vii. Vice-President (Transport and Technology)
 - viii. Vice President (Social and Community Services),
 - ix. additional members elected by and from the members of the Industry Divisions as set out in rule 25, being one member for the first 2,000 members and one additional member for every additional 2,000 members or part thereof to be known as Branch Executive members.

- B. The Branch Executive endorsed the proposed rule alterations on 2 March 2022 in accordance with Branch Rule 37 – Rules Amendments.

Recommendation 1

1. The National Executive having considered the correspondence dated 2 March 2022 from the Deputy 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 included in **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 A**.

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 A that are required to ensure that the additions, changes, amendments, variations, repeals and/or deletions set out in Attachment A are typographically correct and consistent, and in compliance with the law, provided that no such amendment alters the intention to the rules at Attachment A consented to by the Branch.

When responding via email please indicate in your message *your preference* as follows:

"I (include your name) 'support' or 'do not support' or 'abstain from voting on' the recommendations in Vote No. 03/2022 proposed New South Wales & ACT (Services) Branch rule changes."

Return to: Robert Potter, National Secretary rpotter@asu.asn.au

"Attachment C"

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



Thursday 24 March 2022

TO: All National Executive members
As addressed

By Email

Dear National Executive Member

**Postal/Fax/Email Vote No. 03/2022
Proposed New South Wales & ACT (Services) Branch rule change**

The result of the email ballot submitted to members of National Executive via email on 15 March 2022, regarding the above is as follows:

A total of 123.67 affirmative votes were received from:

| | |
|-----------------|-----------------|
| Robert Potter | Kathleen Cotter |
| Emeline Gaske | Abbie Spencer |
| Alex Scott | Scott Cowen |
| Sharon Abbott | Jeff Lapidus |
| 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. 03/2022 is carried.

Yours faithfully

Robert Potter
NATIONAL SECRETARY