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Friday 11 November 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 attached proposed alterations to the Division Ten – South Australian and Northern Territory Branch rules.

The Branch notified me in writing, in correspondence from the Branch Secretary dated 27 October 2022, that the South Australian and Northern Territory Branch Executive had on 26 October 2022 consented to the proposed rule alterations and requested the National Executive approve them.

The proposed rule alterations seek to:

- i) amend Branch rules 5 and 23 to reduce the number of Branch Councillors representing the following Industry Sections from 28 to 18:
 - Commercial
 - Energy
 - Local Government
 - Community Services
 - Finance
- ii) better reflect the number of members in the above Industry Sections;
- iii) restore the number of Industry Section Branch Councillors (18) to that prior to the 2018 rule alterations in matter no. R2018/243; and
- iv) address the ongoing concern with some Branch Council meetings not proceeding because of a lack of a quorum potentially effecting democratic decisions of the Branch.

I have attached, as part of the application for the rule alterations my Declaration in relation to the matters set out in this notice.

I can confirm that the proposed rule alterations do not truncate the current branch office but rather restore the number of Branch Councillors to that which previously applied and are intended to improve democratic processes of the Branch .

It is requested that this application be considered in conjunction with Matter No. R2022/100 in relation to electoral rule alterations lodged by the ASU on 29 August 2022.

If you have any queries, please, in the first instance, contact John Nucifora, who has carriage of the matter on behalf of the ASU, email jnucifora@asu.asn.au mobile 0419 595 417.

Yours faithfully



Robert Potter
National Secretary

Encl.

DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*

ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the Fair Work (Registered Organisations) Act 2009)

I, ROBERT POTTER, the National Secretary of the Australian Municipal, Administrative, Clerical and Services Union (**ASU**) declare:

- 1) I am authorised under the rules of the ASU to give this notice of particulars of alteration to the rules of the ASU and to make this declaration as required by Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009 (Cth).
- 2) The alterations were made in accordance with the ASU Rules and the action taken under the ASU Rules is set out below.
- 3) Rules 8 cb. and j. and 49 a. and b. relevantly provide for rule alterations:

8 - NATIONAL EXECUTIVE

cb. Each Branch National Executive Representative shall exercise equal proportions of the Branch votes in accordance with the number of National Conferences Delegates to which that Branch National Executive Representatives' Branch is entitled in accordance with Rule.

j. The National Secretary may, and shall when so requested in writing by National Executive representatives carrying at least one third of the votes of the branches on National Executive, submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the National Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, (with members exercising votes in the manner provided in sub-rule c. hereof) the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the National Executive passed at a duly constituted meeting;

Provided that, if within a period of twenty-one days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed (with members exercising votes in the manner provided in sub- rule c. hereof) and shall thereupon become a resolution of the National Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the National Executive

49 - RULE ALTERATIONS

a. The Rules may be added to, changed, amended, varied, repealed and/or deleted by a resolution of the National Conference or a resolution of the

National Executive carried by a majority of votes cast in accordance with Rules 7 and 8 respectively.

b. Any proposed addition to, change, amendment, variation, repeal and/or deletion of the rules shall be submitted by a Branch Committee of Management or a member of the National Executive to the National Secretary or be proposed by the National Secretary for submission to National Conference or the National Executive in accordance with Rules 7 and 8 respectively, provided that Rules 6, 7, 8, 9, 10, 14, 16, 21, 46, 47 and 49 shall not be altered unless seventy percent of the votes entitled to be cast are cast in favour, and provided further a Branch Rule shall not be added to, changed, amended, varied, repealed and/or deleted, without the consent of the Committee of Management of the Branch or the Branch Council of the Branch where the Branch Rules so provide.

- 4) On 28 October 2022 I proposed to the National Executive, as the National Secretary, an addition to, change, amendment, variation, repeal and/or deletion of the South Australian and Northern Territory ("SA/NT") Branch rules (**Proposed Rule Alteration**) under sub-rule 49 b..
- 5) The Proposed Rule Alterations were submitted to the National Executive, consistent with the provisions of rule 8 j., by E-mail.
- 6) The materials submitted by email were:
 - a) explanatory correspondence from me in relation to how a vote was to be cast in the ballot (**Explanatory Correspondence**);
 - b) a preamble to the resolution;
 - c) resolutions 1 and 2;
 - d) attachment 'A' and 'B' to resolution 1.
- 7) I annexe as '**RP1**' the explanatory correspondence from me in relation to how a vote was to be cast in the ballot.
- 8) I annexe as '**RP2**' the preamble to the resolution and resolution 1 and 2.
- 9) I annexe, as '**RP3**', attachment 'A' to resolution 1 outlining tracked changes to the Branch rules.
- 10) I annexe, as '**RP4**' attachment 'B' to resolution 1, correspondence from the SA/NT Branch requesting the rule changes and otherwise indicating consent.
- 11) Each member of the National Executive was forwarded, and received, a copy of the materials set out in clause 6.
- 12) The ballot opened on 28 October 2022.
- 13) By close of business on the 11 November 2022 each member of the National Executive had voted in the Ballot in the manner set out in the Explanatory Correspondence, and I had, as National Secretary, received their ballot by email.
- 14) Rule 8 cb. provides that a Branch National Executive Representative exercises a proportional vote in accordance with the number of National Conferences Delegates to which the Branch of the National Executive Representative is entitled. It is, however, unnecessary for the proportional value of the vote of each member of the National Executive to be calculated as each member of the National Executive voted and the vote was unanimously in favour of the Proposed Rule Alteration.

- 15) On the 11 November 2022 I declared the resolution unanimously carried. I annexe as '**RP5**' the declaration of the National Executive vote.
- 16) The majority required by rule 49 a., has been met.
- 17) Pursuant to Regulation 126(1)(b) the notice for this rule alteration has been published on the website of the ASU (**Notice**).
- 18) I annexe as '**RP6**' a screenshot of the Notice.

I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED: 11 November 2022

Declared by me,

A handwritten signature in black ink, appearing to read 'R Potter', written in a cursive style.

Robert Potter
NATIONAL SECRETARY ASU

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



By your side

Friday 28 October 2022

TO: All National Executive members
As addressed

By E-mail

Dear National Executive Member

Email Vote No. 06/2022
Proposed South Australian and Northern Territory Branch rule changes

This is a National Executive Vote, along with an explanatory preamble, in relation to proposed alterations to the South Australian and Northern Territory Branch ('SA & NT') Branch rules with respect to Branch Council.

The SA & NT Branch notified me in writing in correspondence, dated 27 October 2022, that the Branch proposes rule alterations to be considered for approval by the National Executive. The proposed rule alterations were considered and consented to by the Branch Council on 26 October 2022 in accordance with Branch Rule 30.

In accordance with ASU Rule 49 – RULE ALTERATIONS the proposed rule alterations are provided for approval by the National Executive via an email vote pursuant to ASU Sub-rule 8 j.

Please find attached the voting paper in relation to the two resolutions for the proposed alterations to the ASU SA & NT Branch Rules. The proposed alterations only affect the South Australian and Northern Territory Branch and I recommend that you vote to support them.

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

If you have any queries in relation 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", written over a white background.

Robert Potter
NATIONAL SECRETARY

encl.

Preamble

The South Australian and Northern Territory Branch Council endorsed the proposed rule alterations on 26 October 2022 in accordance with Branch Rule 30 – Amendment of Rules.

The proposed rule alterations seek to:

- i) amend Branch rules 5 and 23 to reduce the number of Branch Councillors representing the following Industry Sections from 28 to 18:
 - Commercial
 - Energy
 - Local Government
 - Community Services
 - Finance
- ii) better reflect the number of members in the above industry sections;
- iii) restore the number of Industry Section Branch Councillors (18) to that prior to the 2018 rule alterations in matter no. R2018/243; and
- iv) address the ongoing concern with some Branch Council meetings not proceeding because of a lack of a quorum potentially effecting democratic decisions of the Branch.

The proposed amendments to the South Australian and Northern Territory Branch rules are included in the Branch Secretary correspondence to the National Secretary, dated 27 October 2022 **‘Attachment A**, referring to the Branch Council decision to endorse the rule alterations in **‘Attachment B’**.

The correspondence confirms that the Branch has consented to the additions, changes, amendments, variations, repeal and/or deletions to the rules of the Branch included in Attachment A and demonstrates consent of the Branch for the purposes of National Rule 49.

Consequently, as National Secretary, I propose to the National Executive the alterations to the SA & NT Branch Rules of the ASU which are set out in the tracked changes in **Attachment ‘B’**, together with the other consequential amendments and authorities set out in resolutions 1 and 2.

Email Vote No. 06/2022
Proposed South Australian and Northern Territory Branch rule alterations

Resolution 1

In accordance with ASU Rule 49 – Rule Alterations, the National Executive having considered the Branch correspondence 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** resolves:

To amend the South Australian and Northern Territory Branch rules in accordance with the tracked changes to the current Branch Rules in **Attachment B**.

Resolution 2

In accordance with Rule 49 – Rule Alterations, if Resolution 1 is approved, the National Executive resolves:

- a. To direct the National Secretary to lodge with the Fair Work Commission the rules made in accordance with Resolution 1; and
- b. To authorise the National Secretary to administratively amend the proposed rule alterations as may be required to ensure that the proposed rule alterations are:
 1. lawful;
 2. consistent with the rules of the ASU that have not been amended;
 3. internally consistent; and
 4. typographically correct,

provided that any such amendment is not inconsistent with the intention of the Branch in making the proposed rule alterations.

DIVISION TEN

SOUTH AUSTRALIAN AND NORTHERN TERRITORY BRANCH RULES

1 - NAME

The name of the branch shall be the South Australian and Northern Territory Branch.

2 - REGISTERED OFFICE

The registered office of the Branch shall be situated at 41 King William Road, Unley, S.A., or in such place as may be determined upon from time to time by the Branch Council.

3 - BRANCH CONFERENCE

- a. There shall be a Branch Conference consisting of the members of the Branch Council and delegates from the following Industry Sections:

Airlines & Federal Awards, Commercial, Finance, Energy, Local Government, Community Services, Legal Industry and Northern Territory.

Financial Members attached to an industry division	Number of Delegates	Number of Delegates (Women)
Less than 399	one (1)	-
400 to 999	two (2)	2
1000 to 2999	three (3)	3
2999 to 4999	four (4)	4

- b. The number of Branch Conference Delegates shall be determined by the number of financial members in each Branch Industry Section as at the last day of November in the year preceding an election.
- c. In addition to the powers elsewhere conferred on it by these rules the Branch Conference 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 Assistant Secretary and Branch Secretary and consider and resolve any other matter referred to it from time to time by the Branch Council and/or Industry Section, Sub-Section or Branch General Meetings.
- d. Provided that between meetings of the Branch Conference the Branch Council may where necessary determine Branch policy on matters not the subject of existing Branch policy.

4 - MEETINGS OF THE BRANCH CONFERENCE

- a. The Branch Conference shall meet at least annually on a date and at a location to be determined by the Branch Council.
- b. Notwithstanding sub-rule a. herein the Branch Secretary shall, upon the request of the Branch Council or at least one quarter of the members of the Branch Conference summon a meeting of the Branch Conference to be held within 30 days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary shall give at least 7 days notice when summoning members to meetings of the Branch Conference.

- d. If the Branch President be absent from a meeting of the Branch Conference, the Branch Deputy President, or in the absence of the Branch Deputy President a Branch Vice-President as determined by the meeting, shall act with powers of the Branch President while so acting.
- e. A member of the Branch Conference not present at a meeting or part thereof may appoint in writing another member of the Branch Conference as proxy to attend the meeting and to exercise such member's vote or votes, provided that no member shall hold more than one proxy at any meeting.
- f. If at any meeting of the Branch Conference 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 is 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 Conference and to the National Secretary. Upon confirmation the minutes shall be signed by the President. A copy of the minutes of each Branch Conference meeting shall be available for the inspection of the members of the Branch during the ordinary office hours of the Branch.

5 - BRANCH COUNCIL

On and from, the date of declaration of the Branch offices in the 2023 Branch Quadrennial Elections ~~the~~ Branch Council shall consist of the President, two Vice-Presidents, two Vice-Presidents (Women), a Deputy President elected from the four Vice-Presidents, the Branch Secretary, the Branch Assistant Secretary and ~~twenty eight (28)~~ eighteen (18) Branch Councillors elected by and from the following Industry Sections.

Section	Industry	Members (General)	Members (Women)
1	Airlines & Federal Awards	1	1
2	Commercial	<u>31</u>	<u>31</u>
3	Energy	<u>21</u>	<u>21</u>
4	Local Government	<u>32</u>	<u>32</u>
5	Community Services	3	<u>32</u>
6	Finance	1	<u>+</u>
7	Legal Industry	1	-
8	Northern Territory	1	-

6 - POWERS AND DUTIES OF BRANCH COUNCIL

- a. The Branch Council shall do all such things as are necessary for the control and management of the affairs of the Branch, subject to these rules and to policy decisions of the Branch Conference.
- b. On, and from, the date of declaration of the Branch offices in the 2019 Branch Quadrennial Elections, the Branch Council shall cease to be the Committee of Management.
- c. The Branch Council shall have power to delegate such of its powers (express or implied) on such terms as it considers appropriate and as it thinks necessary to:

- i. The Branch Secretary; or
 - ii. An Industry Section Organising Committee and in relation to such delegation, to allocate such funds to an Industry Section Organising Committee as are necessary for the conduct of the affairs of the Industry Section; or
 - iii. The Branch Executive
- d. The Branch Council 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.
 - e. The Branch Council shall through the Branch Assistant Secretary and Secretary present to the Branch Conference a report of the business of the preceding year.
 - f. The Branch Council and/or the Branch Conference may instruct the National Executive members and the National Conference Delegates representing the Branch or their proxy how to vote on National Conference and National Executive.
 - g. The Branch Council may upon the recommendation of a Branch Industry Section Organising Committee approve the establishment of an Industry Sub-Section.
 - h. A Branch shall have autonomy in matters affecting members of the Branch only.
 - i. Subject to the National Rules, it may initiate and conduct all organising campaigns, actions, proceedings, claims, industrial disputes and other matters, appoint agents, solicitors or counsel to appear for and to represent the Union or any of its members in any arbitral, legal or other proceedings.
 - j. It may fix and alter the salaries and allowances of officers of the Branch and may exercise its powers in relation to Branch employees as set out in Rule 9.
 - k. It may demand, sue for and recover and keep possession of all books, accounts and other property of the Union.

7 - MEETINGS OF BRANCH COUNCIL

- a. The Branch Council shall meet at least once each three 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 Council summon a meeting of the Branch Council 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 24 hours notice when summoning members to meetings of the Branch Council.
- c. Notwithstanding anything hereinbefore contained, where the Branch President, Branch Secretary or Branch Assistant Secretary consider that a matter requires urgent attention, a meeting of the Branch Council 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 Council are able to communicate with each other without being physically present.

- d. If the Branch President is absent from a meeting of the Branch Council, the Branch Deputy President or, in the absence of the Branch Deputy President a Branch 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 Council as proxy to exercise such vote. Provided that no member shall hold more than one proxy at any meeting.
- f. At any meeting of the Branch Council a majority of the total membership of the Branch Council shall constitute a quorum.
- g. If at any meeting of the Branch Council 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.
- h. The minutes of each Branch Council meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Council, and if requested, to the National Secretary. A copy of the minutes of each Branch Council meeting shall be available for the inspection by the members of the Branch during the ordinary office hours of the Branch.
- i. A member of the Branch Council absent from 3 consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with National Rule 35 - Removal of Offices.
- j. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.
- k. The Branch Secretary may submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the Branch Council. 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 Council 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 Council 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 Council.

8 - BRANCH EXECUTIVE

The Branch Executive:

- a. shall consist of the Branch President, the Branch Deputy President, the Branch Vice-Presidents, the Branch Secretary and the Branch Assistant Secretary;
- b. on, and from, the date of declaration of the Branch offices in the 2019 Branch Quadrennial Elections, shall be the Committee of Management;
- c. shall be subject to the direction and control of the Branch Council;

- d. shall undertake such functions as are delegated to it by the Branch Council;
- e. shall meet as required and shall report to each meeting of the Branch Council;
- f. may appoint Workplace Representatives of the Branch and may dispense with the service of any Representative;
- g. may deal with correspondence received by the Branch;
- h. may deal with applications for membership;
- i. may deal with resignations and clearances;
- j. may authorise expenditure by the Branch and pass all accounts for payment but may not incur an extraordinary expense exceeding \$50,000 without the prior approval of the Branch Council;
- k. may attempt to settle any dispute arising between an employer and a member or members of the Union;
- l. in the event of an emergency, may decide all questions affecting the welfare of the Branch;
- m. may deal with any matter which is within the powers and duties of the Branch Council and which has been specifically delegated to the Branch Executive to perform. The Branch Executive shall give a complete report to the Branch Council of any action taken pursuant to this clause.
- n. 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 as 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.

9 - BRANCH EMPLOYEES

The Branch Council may employ such persons for the purposes consistent with these rules as the Branch Council thinks proper. Such employees shall be employed upon such terms and conditions as the Branch Council may prescribe from time to time. The Branch Council may dismiss staff, and may pay such salaries and allowances as it deems proper. The supervision of and the allocation of duties and responsibilities to employees shall be the responsibility of the Branch Secretary in conjunction with the Branch Assistant Secretary (or by a person to whom these functions are delegated by the Branch Secretary).

10 - INDUSTRY SECTIONS

- a. In addition to the Industry Sections otherwise recognised by these rules, Industry Sections of not less than 75 members may be established by the Branch Council on an industry, award or locality

basis or a combination of same. Each member of the Branch shall be allocated to an Industry Section by the Branch Council. Members may not be allocated to more than one Industry Section.

- b. Subject to the approval of the Branch Council, Industry Sections may frame their own rules and alter, make, amend or rescind same. When approved by the Branch Council the rules of an Industry Section shall be binding on all members of the Industry Section. If a rule or a decision of an Industry Section is inconsistent with any rule of the Branch, except for the titles of office holders, the latter shall prevail and the Industry Section rules and decisions shall, to the extent of any such inconsistency, be void.
- c. Subject to these rules and the control and direction of Branch Council, an Industry Section shall have autonomy in relation to industrial and organising matters and policies affecting only members of that Industry Section.
- d. The functions of an Industry Section shall be to formulate, discuss and prepare strategies in relation to organising and claims in relation to industrial matters and policies affecting members of the section. All such strategies and claims shall be submitted to the Branch Council for consideration and appropriate action.
- e. An Industry Section shall elect Branch Conference delegates in accordance with rule 3.
- f. An Industry Section may hold an Annual General Meeting of the members of the Industry Section on or before the last day of August of each year. Members shall be given at least seven days clear notice of such meeting.
- g. Industry Section Organising Committee
 - i. There shall be an Industry Section Organising Committee (“the Organising Committee”) with respect to each Industry Section which shall consist of a Convenor, Deputy Convenor and Co-ordinator/Secretary, who shall be the officers of the relevant Industry Section together with such number of committee members as the Section decides.
 - ii. Subject to these rules all matters relating to the election of the Organising Committee shall be as provided by Industry Section rules which may provide for the election of the Organising Committee to be held at the same time and in the manner provided for the election of Branch Conference delegates for the Industry Section.
 - iii. All members of the Organising Committee shall be financial members allocated to the Section.
- h. Subject to these rules where an Industry Section determines that the relevant Organising Committee shall include 2 or more committee members the following shall apply:
 - i. Subject to these rules at least 50% of the Organising Committee Members offices so determined shall be Organising Committee Members (Women).
 - ii. Provided that if the percentage of financial women members of the relevant Industry Section is equal to or less than 30% of the total membership of the Section, the number of Organising Committee Members (Women) offices so determined must be equivalent to at least 33% of the total number of Organising Committee Members offices so determined.
 - iii. Elections for the position of Organising Committee Members (Women) and Organising Committee Members shall be held separately.
- i. Powers and Duties of the Industry Section Organising Committee.

The Organising Committee shall

- i. Under the control of the Branch Council conduct the affairs of the Section.
- ii. Meet when summoned by the Industry Section Co-ordinator/Secretary and as required under these rules.
- iii. Carry out all decisions of the Branch Council, Branch Executive or Branch Conference and of all special and general meetings of the Section.
- iv. Report regularly to the Branch Executive and Branch Council on all matters affecting the interests of the members of the Section.
- v. Report through the Convenor or Co-Ordinator/Secretary on the business of the preceding year to the Annual General Meeting of the Industry Section.
- j. The Organising Committee shall meet at least once each three months and at such other times as its members may determine. The Organising Committee Convenor, or any 2 members of the Organising Committee, may summon a meeting of the Organising Committee.
- k. The Organising Committee Co-Ordinator/Secretary shall give at least 24 hours notice when summoning members to meetings of the Organising Committee.
- l. The Organising Committee Co-Ordinator/ Secretary shall promptly forward to the Branch Secretary a copy of the minutes of all meetings held.
- m. The Organising Committee shall be bound by and shall observe all decisions of the Branch Council, Branch Executive and Branch Conference.
- n. The Organising Committee may recommend the establishment of Industry Sub-Sections, but approval to establish an Industry Sub-Section shall rest with the Branch Council.
- o. No Organising Committee shall have power to determine policy or to perform functions in relation to the enforcement of rules or to exercise any of the functions of management of the Branch.
- p. Where the number of financial members of an Industry Section is less than 75 members, the Branch Council may abolish that Section.

11 - INDUSTRY SUB-SECTIONS

- a. Branch Council may upon the recommendation of an Industry Section Organising Committee approve the establishment of an Industry Sub-Section representing such group or groups of members as the Branch Council determines.
- b. There shall be in each Sub-Section a Sub-Section Organising Committee which shall meet at least quarterly and shall have such members, officers and office-bearers as determined by the Branch Council. The Branch Council shall have the power to determine rules and/or procedures for the election of Sub-Section Organising Committees.
- c. Sub-Section Organising Committees shall subject to these rules, National and Branch policy and to the control of the Industry Section Organising Committee, conduct and manage the affairs of

the Industry Sub-Section 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 Council.

12 - NETWORKS

- a. Branch Council may approve the establishment of Organising Networks representing such group or groups of members as the Branch Council determines.
- b. The Organising Networks may comprise members from any of the Industry Sections specified in Rule 5.
- c. Each Organising Network shall meet quarterly and have such members, officers and office-bearers as determined by Branch Council. The Branch Council shall have the power to determine rules and/or procedures for election of officers within Organising Networks.
- d. Organising Networks may, subject to these rules, National and Branch policy and to the control of Branch Council develop and promote such policies and issues and engage in such activities as nominated by the Organising Network. The Organising Network may adopt rules for its own guidance and government. Such rules must 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 Council.
- e. Organising Networks shall:
 - i. Report regularly to the Branch Executive and Branch Council on all matters affecting the interests of members of the Organising Networks.
 - ii. Report through the responsible officers elected by the Organising Network once per year at a quarterly meeting on the business of the preceding year.

13 - BRANCH PRESIDENT

Commencing with the 2019 Quadrennial Elections there shall be a Branch President elected every four (4) years by the financial members of the Branch.

The President shall:

- a. Preside at all meetings of the Union. Preserve order and administer impartially, the rules of the Union and shall exercise a casting vote only.
- b. Be ex-officio a member of all committees elected by the Branch.
- c. Upon confirmation of the minutes of meetings of Branch Council, Branch Executive and Branch Conference, sign such minutes confirming them as a true and accurate record.

14 - DEPUTY PRESIDENT

- a. At the first meeting of the Branch Council after the four (4) yearly election commencing with the 2019 Quadrennial Elections, of the Vice-Presidents or at such other times when the Branch Deputy President position is vacant, one of the four Vice-Presidents elected pursuant to Rule 15 shall be elected Branch Deputy President. Such election shall be conducted in accordance with

Sub-rule 41 e of the National Rules. The Branch Deputy 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.

- b. In the absence of the President or if that office is vacant, the Deputy President shall preside at all meetings and shall possess all the powers and authority of the President.

15 - BRANCH VICE PRESIDENTS

- a. Commencing with the 2019 Quadrennial Elections there shall be one Branch Vice-President and one Branch Vice-President (Women) elected every four (4) years by the financial members allocated to the Energy and Local Government Industry Sections.
- b. Commencing with the 2019 Quadrennial Elections there shall be one Branch Vice-President and one Branch Vice-President (Women) elected every four (4) years by the financial members allocated to the Airlines & Federal Awards, Commercial, Finance, Community Services, Legal Industry and Northern Territory Industry Sections.

16 - BRANCH SECRETARY

- a. There shall be a Branch Secretary elected every four 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 Council shall conduct and manage the affairs of the Branch in consultation with the Branch Assistant Secretary. The Branch Secretary may delegate such of his or her powers or functions to another officer or employee of the Branch as is necessary for the effective management of the Branch.
- c. The Branch Secretary shall:
 - i. consult with the Branch Assistant Secretary and Branch President, or in his/her absence the Branch Deputy President, or in the absence of both the Branch President and the Branch Deputy President one of the Vice-Presidents on urgent matters which require a decision between meetings of the Branch Council which would ordinarily be subject to a Branch Council 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.
 - iv. 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 Act.
 - v. see that the accounts of the Union are kept and presented to each meeting of the Branch Council.
 - vi. supervise the employees of the Branch and allocate the duties and responsibilities to employees in conjunction with the Branch Assistant Secretary.

- vii. exercise such powers as are delegated to the Branch Secretary by the Branch Council.
 - viii. fix salaries and allowances of employees of the Branch in the absence of a specific directive of the Branch Council dealing with the same subject matter.
- d. This position shall be full-time.

17 - BRANCH ASSISTANT SECRETARY

- a. There shall be a Branch Assistant Secretary elected every four years in accordance with the rules.
- b. The Branch Assistant Secretary shall:
 - i. be an Executive Officer of the Union, who between meetings of the Branch Council shall conduct and manage the affairs of the Branch in consultation with the Branch Secretary.
 - ii. have the right 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 Assistant Secretary or at any other meeting within the Branch such person shall have the right to be heard.
 - iii. generally perform such other duties as are allocated by the Branch Council and/or Branch Executive and/or Branch Secretary from time to time.
- c. In the absence of the Branch Secretary, the Branch Assistant Secretary shall act as the Branch Secretary.
- d. This position shall be full-time.

18 - MEETINGS OF THE BRANCH

- a. Special General Meetings

At the written requisition of not less than 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 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 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 Council to conduct a plebiscite in accordance with these Rules.

Provided that the Branch Council 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.

b. General Meetings

- i. A general meeting of the members of the Branch shall be held if:
1. The Branch Council so determines, or
 2. A request to summon a General Meeting 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 for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report.
- ii. Where a General Meeting is to be held in accordance with clause i. hereof, 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.
- iii. The quorum for a General Meeting of the Branch shall be five percent of the members of the Branch, or two hundred members, whichever is the lesser.

c. Consultation with 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.

d. Voting at meetings of the Branch

- i. any member of the Branch unable to attend a General Meeting, a Special 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 proxy at any meeting.
- ii. At General Meetings, Special General Meetings or other meetings convened pursuant to this Rule each member shall have one 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.

19 - WORKPLACE REPRESENTATIVES CONFERENCE

- a. A Workplace Representatives Conference shall be held annually.
- b. A Workplace Representative Conference shall consist of the members of Branch Conference, the members of Industry Section Organising Committees, Sub-Section Committees, Branch Networks and an unlimited number of Workplace Representatives.
- c. The Workplace Representatives Conference shall provide advice to Branch Council and Branch Executive on the planning, development and implementation of Branch organising and industrial strategies.

20 - AUDITOR

Branch Conference shall appoint an Auditor.

21- NATIONAL EXECUTIVE MEMBERS

- a. The Branch shall be represented on National Executive by two National Executive Representatives. The First National Executive Representative shall be the Branch Secretary. The Second National Executive Representative shall be the Branch Assistant Secretary.
- b. The election shall be conducted in accordance with PART VII.

22- NATIONAL CONFERENCE DELEGATES

- a. The Branch shall be represented on National Conference as follows:
 - i. by the Branch’s National Executive Representatives;
 - ii. and by further National Conference Delegates elected by and from the Branch Conference in the number determined by the formula provided in National Rule 7.
- b. The National Conference Delegates shall be elected at the first Branch Conference following the quadrennial elections which commence in 2003, and shall hold office for four years.
- c. The First, Second and Third Alternate National Conference Delegates shall be elected at the first Branch Conference following the quadrennial elections which commence in 2003, and shall hold office for four years.
- d. The elections shall be conducted in accordance with PART VII.

23 - BRANCH ELECTIONS

- a. Commencing in ~~2019~~2023 and thereafter a quadrennial election will be held to elect a person to office set out in column A by, and from, the electorate set out in column B;

A – OFFICE	B - ELECTORATE
Branch President	Whole membership
Branch Vice President	Members of the Energy and Local Government Industry Sections
Branch Vice President (Women)	Members of the Energy and Local Government Industry Sections
Branch Vice President	Members of the Airlines & Federal Awards, Commercial, Finance, Community Services, Legal Industry and Northern Territory Industry Sections
Branch Vice President (Women)	Members of the Airlines & Federal Awards, Commercial, Finance, Community Services, Legal Industry and Northern Territory Industry Sections
Deputy President	Members of the Branch Council
Branch Secretary/First National Executive Representative	Whole membership
Branch Assistant Secretary/Second National Executive Representative	Whole membership
Branch Councillor	Airlines and Federal Awards members
Branch Councillor (Women)	Airlines and Federal Awards members
Branch Councillor	Commercial members
Branch Councillor (Women) (↔)	Commercial members
Branch Councillor	Energy members
Branch Councillor (Women)	Energy members

Branch Councillor (2)	Local Government members
Branch Councillor (Women) (3) (2)	Local Government members
Branch Councillor (3)	Community Services members
Branch Councillor (Women) (2)	Community Services members
Branch Councillor	Finance members
Branch Councillor (Women)	Finance members
Branch Councillor	Legal Industry
Branch Councillor	Northern Territory
Branch Conference Delegate	Airlines and Federal Awards members
Branch Conference Delegate	Commercial members
Branch Conference Delegate (Women)	Commercial members
Branch Conference Delegate	Energy members
Branch Conference Delegate (Women)	Energy members
Branch Conference Delegate	Local Government members
Branch Conference Delegate (Women)	Local Government members
Branch Conference Delegate	Community Services members
Branch Conference Delegate (Women)	Community Services members
Branch Conference Delegate	Finance members
Branch Conference Delegate	Legal Industry members
Branch Conference Delegate	Northern Territory members
Branch Conference Delegate (Women)	Northern Territory members
National Conference Delegates	Branch Conference members
Alternate National Conference Delegates (First, Second and Third)	Branch Conference members

- b. At each quadrennial election in addition to the requirements of PART VI 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 and/or Industry Section in which an election is to be conducted.
- c. Only women members (who are otherwise eligible) may be nominated for the offices of Branch Vice President (Women), Branch Conference Delegate (Women), Branch Councillor (Women), or Industry Section Organising Committee Member (Women).
- d. Both men and women members (who are otherwise eligible) may be nominated for all other offices of the Branch including (but not exclusively) the offices of Branch Vice President, Branch Conference Delegate, Branch Councillor and Industry Section Organising Committee Member.
- e. Only the four Vice Presidents elected pursuant to Rule 15 may be nominated for the office of Branch Deputy President.

24- RETURNING OFFICER

Branch Conference shall appoint a Returning Officer who shall not be the holder of any other office in, and not an employee of the Union, or of a Branch, Industry Section.

25- TENURE OF OFFICE

Delegates or representatives elected or appointed by the Branch Conference shall hold office for such time as the Conference determines or until their successors are elected or appointed.

26- FUNDS AND DISBURSEMENTS

- a. All withdrawals of moneys from the bank shall be authorised by either the President, Deputy President or Vice-President and counter-authorised by either the Branch Secretary or Branch Assistant Secretary.
- b. The Branch Council may where it deems necessary authorise Industry Section banking and shall arrange for the opening of Industry Section bank accounts and shall give and may withdraw or change the authority for persons, not being less than two, to operate such accounts. All funds to the credit of such accounts plus interest shall be the property of the Branch as provided by this rule and shall only be expended for purposes authorised by the Rules. The authority for Industry Section Banking given by Branch Council in accordance with this rule may be included in the rules of the Industry Section.

27- DISTINGUISHED MEMBERS CERTIFICATE

The Conference may award a Distinguished Member's Certificate to any member who has had at least 15 years membership of the Branch, or in the case of those 60 years of age or over, shall have had at least ten years membership of the Branch, and have performed distinguished service to or on behalf of the Union.

28- POLITICAL AFFILIATION

- a. The Branch shall not affiliate with any political party unless authorised to do so by a ballot of the whole membership held on such question in manner as provided by National Rule 44.
- b. In the event that a ballot of members decides to affiliate to any political party any member shall have the right to "contract out" from any such affiliation by notice thereof in writing to the Secretary and such member shall be excluded from any such affiliation.
- c. In the event that the Branch Conference decides to contribute funds to any political party any member shall have the right to "contract out" from any such contribution by notice thereof in writing to the Secretary and such member shall be excluded from making payment of such contribution.

29 – SUBSCRIPTIONS

In addition to payment of subscriptions in the manner provided by National Rule 18e, subscriptions may be paid monthly, fortnightly, or weekly, or at such intervals and in such manner as may be agreed between a member and the Branch Secretary.

30 – AMENDMENT OF RULES

The Branch Conference or the Branch Council may add to, alter, amend or rescind these rules:

- a. By decision made at a meeting, or by postal or facsimile ballot;
- b. No alteration to these Rules shall be effective until the approval of the National Executive to such alteration has been sought and obtained.

31 – TRANSITIONAL PROVISIONS

- a. Industry Divisions duly established and in existence immediately prior to the commencement of this rule shall be and be deemed after such commencement to be Industry Sections in accordance with these rules. Provided that:
 - i. The rights and privileges of the relevant Industry Division and its members shall continue subject to the rules of the Branch; and
 - ii. Persons holding an office or a position within an Industry Division or within the Branch by election from an Industry Division shall continue in such office or position after the introduction of this rule, subject to the rules of the Branch.
 - iii. At the time of the elections for Branch Conference Delegates from Industry Sections next held after the commencement of these rules pursuant to Rule 10e. the Industry Sections of Retail, Commercial and TAB/TOTE shall cease to exist and members formerly in those Sections shall be allocated to the Commercial Industry Section, and the Industry Sections of Airlines and Federal Awards shall cease to exist and members formerly in those Sections shall be allocated to the Airlines & Federal Awards Industry Section.
- b. The person holding the office of President, Vice-President and Secretary of an Industry Division Committee of Management respectively immediately prior to the commencement of this rule shall after such commencement be and be deemed to be the holder of the office of Convenor, Deputy Convenor and Co-Ordinator/Secretary of the Organising Committee of the relevant Industry Section respectively.
- c. The persons referred to in the sub-rule b. hereof shall hold the offices of Convenor, Deputy Convenor and Secretary/Co-Ordinator respectively in accordance with these rules until the declaration of the first election held after the commencement of this rule for the offices of Convenor, Deputy Convenor and Co-Ordinator/Secretary of the Organising Committees of those Industry Sections which are to continue to exist pursuant to Rule 3a.
- d. Persons elected by Industry Divisions existing prior to the commencement of this rule as Branch Conference Delegates and Branch Committee of Management members shall continue to hold office as Branch Conference Delegates and Branch Councillors in accordance with these rules until the declaration of the election for Branch Conference Delegates and Branch Councillors next held after the commencement of these rules.
- e. The holder of the office of Alternate National Executive Representative elected in 2003 shall continue to hold that office until the declaration of the elections in 2007. If during that period the office becomes vacant it shall cease to exist.



By your side

27 October 2022

Mr Robert Potter
National Secretary
Australian Services Union

VIA EMAIL

Dear Robert

On Wednesday 26 October 2022 the Australian Services Union SA + NT Branch Council passed a resolution authorising a change to our Branch rules.

The following motion was passed:

The Australian Services Union SA + NT Branch Council confirms that, in accordance with the rules of the Union, members resolved on the 26 October 2022 to consent to the additions, changes, amendments, variations, repeal and/or deletions to the rules of the Union, inclusive of the rules (if any ,or any consequential, changes) of the Branch as set out in the proposed rule changes circulated to all members of Branch Council on Tuesday 18 October 2022.

I have attached a draft copy of the minutes from this meeting, and a document containing the rules with tracked changes.

While technically our committee of management is our Branch Executive, I made the decision to present this motion at Branch Council as I felt it was more democratic to expand the conversation to include Branch Councilors. Obviously Branch Executive forms part of the Branch Council who passed the motion unanimously.

I ask that this proposed rule change now be circulated for a vote of National Executive members.

In solidarity

Abbie Spencer
SECRETARY
Australian Services Union – SA + NT Branch

File/Our Ref: UG NE Vote RP:db
 Your Ref:
 Please quote in reply



Friday 11 November 2022

TO: All National Executive members
 By email

Dear National Executive Member

Re: Result - Email Vote No. 06/2022 - Proposed South Australian and Northern Territory Branch rule changes

The result of the email ballot submitted to members of National Executive via email on 28 October 2022, regarding the above is as follows:

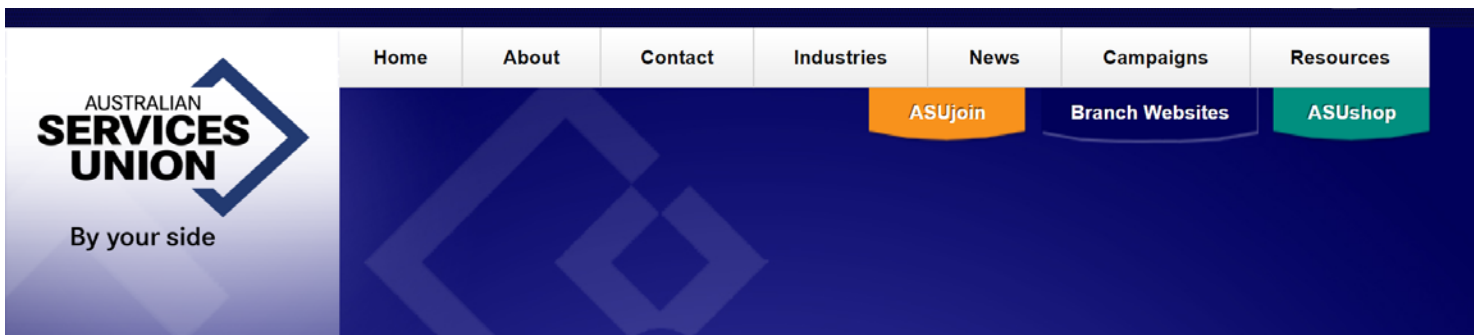
A total of 134 affirmative votes were received from:

Robert Potter	Kate Cotter
Emeline Gaske	Abbie Spencer
Alex Scott	Scott Cowen
Dee Spink	Jeff Lapidos
Sharon Abbott	Ancel Greenwood
Angus McFarland	Lisa Darmanin
Judith Wright	Billy King
Tom Patton	Barry Gough
Graeme Kelly	Imogen Sturni
Glen McAtear	Cassie Farley
Sharon Sewell	Paul O'Neill
Neil Henderson	Wayne Wood
Jennifer Thomas	

No negative votes were received. I advise that National Executive E-mail Vote No. 06/2022 is carried unanimously.

Yours faithfully

Robert Potter
 NATIONAL SECRETARY



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ASU Rules

There are separate rules covering all entities of the "ASU". These rules can be found at the links below "Federally registered union rules" and "State registered union rules".

All employee organisations (unions) registered under the *Fair Work (Registered Organisations) Act 2009* are governed by rules which set out the way they are run and are responsible to their members.

To ensure good governance within unions, we must lodge documents as required by the *Fair Work (Registered Organisations) Act 2009* and the *Fair Work (Registered Organisations) Regulations 2009*. [Those documents can be found here.](#)

If you have any queries about Rules matters, please [email us](#).

Notice of alteration to ASU rules

- On 29 August 2022 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission. You can download a copy of the Notice and attachments [here](#).
- On 15 September 2022 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission in relation to the Queensland (Services & Northern Administrative) Branch. You can download a copy of the Notice and attachments [here](#).
- On 11 November 2022 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission in relation to the South Australian and Northern Territory Branch. You can download a copy of the Notice and attachments [here](#).