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Monday 19 December 2022

General Manager  
Fair Work Commission  
GPO Box 1944  
MELBOURNE VIC 3001

By E-mail: [ros@fwc.gov.au](mailto:ros@fwc.gov.au)

**Attention: Eve Anderson, Senior Advisor**

Dear General Manager

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

The Australian Municipal, Administrative, Clerical and Services Union (ASU) has previously lodged applications for rule alterations in Matters no. R2022/100, R2022/131 & R2022/133.

Following discussions between FWC ROS Senior Advisor Eve Anderson and ASU legal representative, John Payne, in relation to the above matters, further amendments to the rule alterations have been proposed, which have been consented to by the respective Branches and supported by an ASU National Executive vote.

Amendments have also been made to the rules of two of the Branches arising, respectively, from a restructure and an assurance of legal compliance.

The details of the proposed further amendments and compliance with rule is set out in the attached Declaration.

In the interim, if you have any queries, please contact John Nucifora - Compliance & Legal Officer ASU [jnucifora@asu.asn.au](mailto:jnucifora@asu.asn.au) or mobile 0419 595 417.

Please confirm receipt of this email.

Yours faithfully

Emeline Gaske  
Assistant National Secretary/acting 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, EMELINE GASKE, the Assistant National Secretary of the Australian Municipal, Administrative, Clerical and Services Union (**ASU**) declare:

- 1) The ASU has made application to the Fair Work Commission in matters:
  - a) R2022/100;
  - b) R2022/131; and
  - c) R2022/133.(together the **Matters**)
- 2) As at the date of the further application to amend the rules of the ASU, the subject of this declaration (**Application**), the FWC has not made a determination in relation to the Matters.
- 3) I am authorised under the rules of the ASU (Rule 42A) to give this notice of particulars of further amendments to the alterations to the rules of the ASU and to make this declaration under Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009 (Cth).
- 4) The proposed further amendments the subject of the Application are inter alia in relation to, apply to and affect the Matters and the Application must be determined in the context of the Matters.
- 5) The action taken under the ASU Rules to make the Application is set out below.
- 6) 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.*

- 7) I am the acting National Secretary, being the Assistant National Secretary temporarily acting under the rules as the National Secretary in the temporary absence of the National Secretary.
- 8) On 16 December 2022 I proposed to the National Executive, under National sub-rule 49 b.:
  - a) amendment to the National and Branch rules in the Matters; and
  - b) addition to, change, amendment, variation, repeal and/or deletion of the National and Branch rules of the ASU.

(together the **Proposed Further Rule Amendments**).
- 9) The Proposed Further Rule Amendments were submitted to the National Executive, consistently with the provisions of rule 8 j., by email.
- 10) 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) resolution A;
  - d) attachment 'EG3' being the copies of correspondence received from each of the Branches, the subject of the Proposed Further Rule Amendments, confirming that the respective Branch had consented to the Proposed Further Rule Amendments in so far as the Proposed Further Rule Amendments affected the Branch.
- 11) I annexe as '**EG1**' the Explanatory Correspondence.

- 12) I annexe as 'EG2' the preamble to resolution A and resolution A.
- 13) I annexe as 'EG3' being a bundle of correspondence from Branches.
- 14) Each member of the National Executive was forwarded, and received, a copy of the materials set out in clause 10.
- 15) The ballot opened on 16 December 2022.
- 16) By the 19 December 2022 members of the National Executive had voted in the Ballot in the manner set out in the Explanatory Correspondence, and I had, as acting National Secretary, received their ballot by email.
- 17) 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 members of the National Executive voted and the vote was in favour of the Proposed Further Rule Amendments.
- 18) On the 19 December 2022 I declared the resolution carried. I annexe as 'EG4' the declaration of the National Executive vote.
- 19) The majority required by rule 49 a., has been met.
- 20) Pursuant to Regulation 126(1)(b) the notice for these further amendments to the rule alterations has been published on the website of the ASU (**Notice**).
- 21) I annexe as 'EG5' 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:** 19 December 2022

Declared by me,

A handwritten signature in black ink, appearing to read 'Egaske', with a long horizontal flourish extending to the right.

Emeline Gaske  
Assistant National Secretary/acting National Secretary ASU

File/Our Ref: UG Votes JN:db

Friday 16 December 2022

TO: All National Executive members  
As addressed

EG1



By your side

By E-mail

Dear National Executive Member

**Email Vote No. 10/2022 - Proposed further amendments to rule alterations to national rules in R2022/100, SA&NT Branch rule alterations in R2022/131 and QSNA Branch rule alterations in R2022/133**

This is a National Executive Vote along with explanatory notes in relation to proposed further amendments to the National ASU Electoral Procedure Rule alterations in R2022/100 affecting the QLD Together, QLD (Services & Northern Administrative), Western Australian, NSW & ACT (Services), NSW United Services, and VIC & TAS Authorities & Services Branches and alterations to the South Australian and Northern Territory Branch rules in R2022/131 and QLD (Services & Northern Administrative) Branch rules in R2022/133.

I have attached:

- a preamble to the resolutions I propose;
- the resolutions proposing amendments to the ASU Rules;
- an administrative resolution supporting the rule changes and the need, if there is any, for consequential typographical and other administrative change; and
- a National Executive Voting paper.

On 13 August 2022 I forwarded the proposed amendments for consideration by the relevant Branch Committees of Management.

The respective Branches have subsequently indicated their committees of management consent to the proposed amendments.

To assist in the process of voting I have provided you with 2 alternatives on the voting paper. The first alternative is that you print, complete, sign and scan the voting paper back to me and the second alternative is that you email me from your work email address setting out how you cast your vote in relation to each of the 2 resolutions.

I commend the resolutions to you as facilitating required amendments to the rule alterations.

I request your prompt return of the voting paper.

If you have any queries in relation to completion of the voting paper, please, in the first instance contact John Nucifora at this office.

Your sincerely



Emeline Gaske  
Assistant National Secretary/acting National Secretary

Encl.

**VOTING PAPER**

**Email Vote No. 10/2022 - Proposed further amendments to rule alterations to national rules in R2022/100, SA&NT Branch rule alterations in D2022/131 and QSNA Branch rule alterations in R2022/133**

**Preamble**

As a result of extensive discussions with the FWC further consequential amendments are required in ASU applications re National Electoral Rules in R2022/100, SA/NT in R2022/131 and QSNA in R2022/133.

As acting National Secretary (NR 42A), I propose to the National Executive the amendment resolutions to the National Rules and the respective Branch Rules which are set out in resolutions A and B.

The proposed resolutions subject to this National Executive vote apply to the following National and Branch rules summarised as follows:

- **Resolution 1** – conformity amendments to proposed ASU sub-rules 71 p. and 88 b. in application R2022/100.
- **Resolution 2 - Queensland Together Branch** – typographical and conformity amendments to proposed ASU rule 79 in application R2022/100.
- **Resolution 3 – Queensland (Services and Northern Administrative) Branch** – amendments to proposed ASU rule 80 in application R2022/100.
- **Resolution 4 – Western Australian Branch** - typographical amendment to proposed ASU rule 81 in application R2022/100.
- **Resolution 5 – New South Wales & ACT (Services) Branch** - typographical and conformity amendments to proposed ASU rule 83 in application R2022/100.
- **Resolution 6 – New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch** - conformity amendment to proposed ASU rule 84 in application R2022/100.
- **Resolution 7 - Victorian and Tasmanian Authorities and Services Branch** - typographical amendments to proposed ASU rule 85 in application R2022/100.
- **Resolution 8 – Queensland (Services and Northern Administrative) Branch** - structural, typographical and conformity amendments to proposed Branch Rules 3A(vi), 12g, 15a & 15d, 18c, 22, 26 and 33 in application R2022/133.
- **Resolution 9 – South Australian and Northern Territory Branch** - consequential amendment to proposed Branch Rules in relation to insertion of a transitional rule to provide for the 2023 Quadrennial Election in application R2022/131.

The Branches have considered, and have respectively consented as required by the rules, to the proposed changes relating to their Branches; see - **Attachment 'A'**.

**Email Vote No. 10/2022 - Proposed further amendments to rule alterations to national rules in R2022/100, SA&NT Branch rule alterations in R2022/131 and QSNA Branch rule alterations in R2022/133**

**Resolution A**

In accordance with Rule 49 – Rule Alterations, the National Executive, noting the consents of the respective Branches committees of management, resolves:

**Resolution 1 – National Rules**

- (a) That proposed rule 71 p. in application R2022/100 be amended by deleting the words:

*‘, with the order of the candidates’ names to be determined by the Returning Officer conducting the respective election drawing lots’ .*

- (b) That proposed sub-rule 88 b. in application R2022/100 be amended by deleting the words:

Division Three sub-rule 26 b.	delete ‘sub-rule e. of’
Division Three sub-rule 26 b.	replace ‘41’ with ‘74’
Division Three sub-rule 33 b.	delete ‘sub-rules a., c., d, and e. of’
Division Three sub-rule 33 b.	replace ‘39’ with ‘63’
Division Three sub-rule 33 c.	replace ‘40’ with ‘67’

- (c) That proposed sub-rule 88 b. in application R2022/100 be amended by deleting the words:

Division Seven paragraph 26 c (iii).	replace ‘41 a. iii.’ with ‘71’
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and insert:

Division Seven paragraph 26 c (i).	replace ‘41 a. iii.’ with ‘71’
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- (d) That proposed sub-rule 88 b. in application R2022/100 be amended by deleting the words:

Division Seven paragraph 26 c iv.	replace ‘41 a. iii.’ with ‘71’
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**Resolution 2 – Queensland Together Branch**

- (a) That proposed rule 79 in application R2022/100 be amended by, in the 10th row of the table, deleting the word ‘2’ and insert ‘see Part II sub-rule 8 ca.’
- (b) That proposed rule 79 in application R2022/100 be amended by, in the 14th row of the table, deleting the word ‘20’ and insert ‘31’.

**Resolution 3 - Queensland (Services and Northern Administrative) Branch**

- (a) That proposed rule 80 in application R2022/100 be deleted and insert:

- a. Under this rule the office in column A is to be elected by, and from, the financial members attached to the electorate of the Branch set out opposite in column B or forming the Electoral College set out opposite in column C with the number of offices to be filled set out opposite in column D:



<b>A OFFICE</b>	<b>B ELECTORATE</b>	<b>C ELECTORAL COLLEGE</b>	<b>D NUMBER OF OFFICES</b>
Branch President	Branch		1
Branch Executive President/Second National Executive Representative	Branch		1
Branch Deputy President		Branch Executive see PART IX Division Three sub-rule 26 b.	1
Branch Industry Division Vice-President (Energy Branch Industry Division)	members attached to the Energy Branch Industry Division		1 subject to PART IX Division Three sub-rules 33 e., f. and g.
Branch Industry Division Vice-President (Local Authorities and Brisbane City Council Branch Industry Division – Local Authorities/Water Sector)	members attached to the Local Authorities and Brisbane City Council Branch Industry Division other than employees of the Brisbane City Council		1 subject to PART IX Division Three sub-rules 33 e., f. and g.
Branch Industry Division Vice-President (Local Authorities and Brisbane City Council Branch Industry Division – BCC Sector)	members attached to the Local Authorities and Brisbane City Council Branch Industry Division who are employees of the Brisbane City Council		1 subject to PART IX Division Three sub-rules 33 e., f. and g.
Branch Industry Division Vice-President (Transport and Northern Administrative Branch Industry Division – Rail Sector)	members attached to the Transport and Northern Administrative Branch Industry Division employed in rail		1 subject to PART IX Division Three sub-rules 33 e., f. and g.

Branch Industry Division Vice-President (Transport and Northern Administrative Branch Industry Division – Ports, Private and North Queensland Clerical and Administrative Sector)	members attached to the Transport and Northern Administrative Branch Industry Division employed in the: Ports and Private Sector; or North Queensland Clerical and Administrative Industry Sector		1 subject to PART IX Division Three sub-rules 33 e., f. and g.
Branch Industry Division Vice-President (Social and Community Services Branch Industry Division)	members attached to the Social and Community Services Branch Industry Division		1 subject to PART IX Division Three sub-rules 33 e., f. and g.
Branch Vice-President (Women)	members of the Branch who are women		1
Branch Vice-President (Youth)	members of the Branch who have not attained the age of 35		1
Branch Treasurer	Branch		1
Branch Secretary/First National Executive Representative	Branch		1
Assistant Branch Secretary (if any)	Branch		1
Provisional Branch Executive Member (Women)	members of the Branch who are women		see PART IX Division Three rule 34
Third National Executive Representative (if any)	Branch		see PART II sub-rule 8 ca.
National Conference Delegates	Branch		see PART II rule 7
Alternate National Conference Delegates (1st, 2nd and 3rd)	Branch		see PART IX Division Three rule 24
Branch Council Delegates	members attached to a respective Industry Division Branch Industry Divisions		see PART IX Division Three rule 18

Provisional Branch Councillors (Women)	members of the Branch who are women		see PART IX Division Three rule 34
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**Resolution 4 – - Western Australian Branch**

- (a) That proposed rule 81 in application R2022/100 be amended by, in the 5th row of the table, deleting the word 'Branch' and insert 'members of the Branch who are women'.

**Resolution 5 – New South Wales & Act (Services) Branch**

- (a) That proposed rule 83 in application R2022/100 be amended by, in the last row of the table, deleting the word '2' and insert 'see Part II sub-rule 8 ca.'.
- (b) That proposed rule 83 in application R2022/100 be amended by adding a new row to the table, immediately above the heading 'Branch Executive':

Provisional Branch Councillor (Women)	members of the Branch		PART IX Division Seven rule 36
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- (c) That proposed rule 83 in application R2022/100 be amended by deleting the heading 'Water Industry Indivision Committee of Management' and insert 'Water Industry Division Committee of Management'.
- (d) That proposed rule 83 in application R2022/100 be amended by deleting under the heading 'Water Industry Division Committee of Management' the word 'Indivision' where it appears in column A and insert 'Division'.
- (e) That proposed rule 83 in application R2022/100 be amended by deleting the heading 'Social and Community Services Industry Indivision Committee of Management' and insert 'Social and Community Services Industry Division/Sub-Division Committees of Management'.
- (f) That proposed rule 83 in application R2022/100 be amended by deleting under the heading 'Social and Community Services Industry Division/Sub-Division Committees of Management' the word 'Indivision' where it appears in column A and insert 'Division'.
- (g) That proposed rule 83 in application R2022/100 be amended by, in the 4th row of the table under the heading 'Social and Community Services Industry Division/Sub-Division Committees of Management', deleting the words 'members of the Branch employed in the Social and Community Services Industry' and insert 'members of the Branch allocated to the Social and Community Services Industry Division by the Branch Executive in accordance with ASU Rule 11.'
- (h) That proposed rule 83 in application R2022/100 be amended by deleting the heading 'Transport and Technology Industry Indivision Committee of Management' and insert 'Transport and Technology Industry Division Committee of Management'.
- (i) That proposed rule 83 in application R2022/100 be amended by deleting under the heading 'Transport and Technology Industry Division Committee of Management' the word 'Indivision' where it appears in column A and insert 'Division'.

**Resolution 6 – New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch**

- (a) That proposed rule 84 in application R2022/100 be amended by, in the last row of the table, deleting the word '1' and insert 'see Part II sub-rule 8 ca.'.

## Resolution 7 – Victorian and Tasmanian Authorities and Services Branch

- (a) That proposed rule 85 in application R2022/100 be amended by deleting the following rows of the table:

National Conference Delegates	relevant Industry Division	see PART IX Division Nine rule 14 b
National Conference Delegates (Women)	relevant Industry Division	see PART IX Division Nine rule 14 b

, and inserting:

National Conference Delegates	relevant Industry Division	see PART IX Division Nine rule 14 b. i.
National Conference Delegates	Branch	see PART IX Division Nine rule 14 b. ii.
National Conference Delegates (Women)	relevant Industry Division	see PART IX Division Nine rule 14 b. i

- (b) That proposed rule 85 in application R2022/100 be amended by, in row 7 of the table, deleting the word '1', and insert 'see Part II sub-rule 8 ca'.

## Resolution 8 - Queensland (Services and Northern Administrative) Branch

That in relation to R2022/133:

- (a) In proposed subparagraph 3A(vi) G. the word 'and' be deleted.
- (b) In proposed subparagraph 3A(vi) I. the word 'Provisional' be inserted before the word 'Branch'.
- (c) In addition in sub-rule 12 g. the words 'Deputy Branch President' be deleted and insert 'Branch Deputy President'.
- (d) In the final row of the table in proposed paragraph 15 a. i. the words 'Branch Executive Members (Women)' be deleted and insert 'Provisional Branch Executive Member (Women)'.
- (e) In proposed sub-rule 15 d. the words 'Deputy Branch President' be deleted and insert 'Branch Deputy President'.
- (f) In proposed sub rule 18c. the words 'Branch Councillor (Women)' be deleted and insert 'Provisional Branch Councillor (Women)'.
- (g) In addition rule 22 be deleted and insert:

- a. The Branch is to be represented on the National Executive by that number of National Executive Representatives provided under the National Rule 8 ca. who will exercise an equal proportion of the votes in accordance with National Rule 8 cb..
  - b. The first (1st) National Executive Representative is the Branch Secretary.
  - c. The second (2nd) National Executive Representative is the Branch Executive President.
  - d. The third (3rd) National Executive Representative (if any) will be elected at the Quadrennial Elections by, and from, the Financial Members.’
- (h) In proposed sub-rule 26 a., the word ‘the’ be inserted immediately before the words ‘Branch Executive’ where they appear in the third line of the sub-rule.
- (i) In proposed rule 26 the words ‘Deputy Branch President’ where they appear be deleted and insert ‘Branch Deputy President’.
- (j) Proposed rule 33 be deleted and insert:

### **33 - ELECTION OF BRANCH OFFICE/ POSITION HOLDERS**

- a. At the Quadrennial Elections the office or position set out in column A will be elected by, and from, the electorate set out in column B:

<b>A</b>	<b>B</b>
Branch President	Branch Financial Members
Branch Executive President/Second National Executive Representative	Branch Financial Members
Branch Deputy President	Branch Executive
Branch Industry Division Vice-President (Energy Branch Industry Division)	Financial Members attached to the Energy Branch Industry Division
Branch Industry Division Vice-President (Local Authorities and Brisbane City Council Branch Industry Division – Local Authorities/Water Sector)	Financial Members attached to the Local Authorities and Brisbane City Council Branch Industry Division other than employees of the Brisbane City Council
Branch Industry Division Vice-President (Local Authorities and Brisbane City Council Branch Industry Division – BCC Sector)	Financial Members attached to the Local Authorities and Brisbane City Council Branch Industry Division who are employees of the Brisbane City Council
Branch Industry Division Vice-President (Transport and Northern Administrative Branch Industry Division – Rail Sector)	Financial Members attached to the Transport and Northern Administrative Branch Industry Division employed in rail
Branch Industry Division Vice-President (Transport and Northern Administrative Branch Industry Division – Ports, Private and North Queensland Clerical and Administrative Sector)	Financial Members attached to the Transport and Northern Administrative Branch Industry Division employed in the: Ports and Private Sector; or North Queensland Clerical and Administrative Industry Sector

Branch Industry Division Vice-President (Social and Community Services Branch Industry Division)	Financial Members attached to the Social and Community Services Branch Industry Division
Branch Vice-President (Women)	Branch Financial Members who are women
Branch Vice-President (Youth)	Branch Financial Members who have not attained the age of 35
Branch Treasurer	Branch Financial Members
Branch Secretary/First National Executive Representative	Branch Financial Members
Assistant Branch Secretary (if any)	Branch Financial Members
Provisional Branch Executive Members (Women)	Branch Financial Members who are women
Third National Executive Representative (if any)	Branch Financial Members
National Conference Delegates	Branch Financial Members
Alternate National Conference Delegates (1st, 2nd and 3rd)	Branch Financial Members
Branch Council Delegates	Financial Members attached to a respective Industry Division
Provisional Branch Councillors (Women)	Branch Financial Members who are women

- b. In addition to the qualifications for candidates required by the National Rules a candidate for the office set out in column A must have the qualification set out opposite in column B:

<b>A</b>	<b>B</b>
Branch Vice-President (Women)	a Financial Member who is a woman
Branch Vice-President (Youth)	a Financial Member under the age of 35 years on the last day of the month preceding the opening of nominations for the Quadrennial Elections
Provisional Branch Executive members (Women)	a Financial Member who is a woman
Provisional Branch Councillors (Women)	a Financial Member who is a woman

- c. In addition to the qualifications for nominators required by the National Rules, a candidate for the office in column A must also be nominated by Financial Members as required by column B:

<b>A</b>	<b>B</b>
Branch President	two (2) members of Branch Council
Branch Industry Division Vice-President	two (2) members of Branch Council
Branch Deputy President	two (2) members of Branch Executive
Third National Executive Representative	two (2) members of Branch Council
Branch Vice-President (Women)	two (2) members of Branch Council
Branch Vice-President (Youth)	two (2) members of Branch Council
Branch Secretary	two (2) members of Branch Council
Branch Executive President	two (2) members of Branch Council
Branch Assistant Secretary (if any)	two (2) members of Branch Council
Branch Treasurer	two (2) members of Branch Council
National Conference Delegate	two (2) members of Branch Council
Alternate National Conference Delegate	two (2) members of Branch Council

Provisional Branch Executive Member (Women)	two (2) members of Branch Council
Provisional Branch Councillors (Women)	two (2) members of Branch Council

- d. Branch employees may only nominate for one (1) of the following offices, the:
- i. Branch Executive President;
  - ii. Branch Secretary; and
  - iii. Branch Assistant Secretary (if any).
- e. For the purpose of sub-rules f. and g.:
- a) 'Branch Industry Division' means severably the Financial Members attached to the:
    - i) Energy Branch Industry Division; and
    - ii) Social and Community Services Branch Industry Division; and
  - b) 'Branch Industry Division Sector' means severably the Financial Members attached to the:
    - i) Local Authorities and Brisbane City Council Branch Industry Division other than employees of the Brisbane City Council;
    - ii) Local Authorities and Brisbane City Council Branch Industry Division who are employees of the Brisbane City Council;
    - iii) Transport and Northern Administrative Branch Industry Division employed in rail; and
    - iv) Transport and Northern Administrative Branch Industry Division employed in the:
      1. Ports and Private Sector; or
      2. North Queensland Clerical and Administrative Industry Sector.
- f. Despite sub-rule a. if there are, 90 days prior to the opening of nominations for the Quadrennial Elections of the Branch, more than 5000 Financial Members attached to a Branch Industry Division or Branch Industry Division Sector, then the respective Branch Industry Division or Branch Industry Division Sector will be entitled to elect an additional Branch Industry Division Vice-President by, and from, the Financial Members attached to the respective Branch Industry Division or Branch Industry Division Sector.
- g. If a member attached to a respective Branch Industry Division or Branch Industry Division Sector is elected as:
- i. Branch President;
  - ii. Branch Vice-President (Women);
  - iii. Branch Vice-President (Youth); or
  - iv. Branch Treasurer,
- where a respective Branch Industry Division or Branch Industry Division Sector is entitled to elect a further Industry Vice-President under sub-rule f., then whilst that member holds that office the additional Branch Industry Division Vice-President to be elected under sub-rule f. will not be elected.
- (k) In proposed sub-rule 35 b. the words 'sub-rule 26 e.' be deleted and insert 'rule 26'.
- (l) Proposed sub-rule 44 e. be deleted and insert:
- e. The Member holding the office in column E is the Replacement Officer for the office under the Pre-commencement Day Rules in column F:

E	F
Branch Industry Division Vice-President (Energy Branch Industry Division)	Branch Vice-President (Energy Industry Division)
Branch Industry Division Vice-President (Local Authorities and Brisbane City Council Branch Industry Division – Local Authorities/Water Sector)	Branch Vice-President (Local Authorities and Brisbane City Council Industry Division – Local Authorities)
Branch Industry Division Vice-President (Local Authorities and Brisbane City Council Branch Industry Division – BCC Sector)	Branch Vice-President (Local Authorities and Brisbane City Council Industry Division - BCC)
Branch Industry Division Vice-President (Transport and Northern Administrative Branch Industry Division – Rail Sector)	Branch Vice-President (Transport and Northern Administrative Industry Division - Rail)
Branch Industry Division Vice-President (Transport and Northern Administrative Branch Industry Division – Ports, Private and North Queensland Clerical and Administrative Sector)	Branch Vice-President (Transport and Northern Administrative – Ports and Private)
Branch Industry Division Vice-President (Transport and Northern Administrative Branch Industry Division – Ports, Private and North Queensland Clerical and Administrative Sector)	Branch Vice-President (Transport and Northern Administrative - North Queensland Clerical and Administrative)
Branch Industry Division Vice-President (Social and Community Services Branch Industry Division)	Branch Vice-President (Social and Community Sector Industry Division)

**Resolution 9 - South Australian and Northern Territory Branch**

- (a) That in relation to application R2022/131 the following further proposed rule 32 be inserted immediately following rule 31:

**32 - TRANSITIONAL RULE 2023 QUADRENNIAL ELECTION**

- a. For the purposes of this rule the words in column A have the meaning set out opposite in column B:

A	B
<b>2023 Quadrennial Election</b>	the quadrennial elections of the Branch following the Commencement Day



<b>Branch</b>	Australian Municipal, Administrative, Clerical and Services Union, South Australian and Northern Territory Branch
<b>Commencement Day</b>	the day on which this rule is certified by the Fair Work Commission
<b>Commencement Day Rules</b>	the rules of the Branch that apply on, and from, the Commencement Day
<b>Pre commencement Day Officer</b>	those persons elected, or appointed, as officers of the Branch under the Pre-commencement Day Rules
<b>Pre-commencement Day Rules</b>	the rules of the Branch that applied on the day immediately preceding the Commencement Day

- b. The purpose of this rule is to:
- i. provide for certainty in the holding of the offices of the Branch Council during the period of transition; and
  - ii. other matters of a transitional nature.
- c. A Pre-commencement Day Officer who held office, on the day immediately preceding the Commencement Day, will continue to hold that office:
- i. under the Pre-commencement Day Rules; and
  - ii. until the declaration of an office of Branch Councillor at the 2023 Quadrennial Election under the Commencement Day Rules.
- d. Despite the Commencement Day Rules, a Pre-commencement Day Officer will, whilst holding that office, exercise their powers and discharge their obligations under the Pre-commencement Day Rules.

### **Resolution B**

In accordance with Rule 49 – Rule Alterations, the National Executive resolves:

To authorise, if resolution A (**Proposed Rule Amendments**) is approved, the National Secretary to administratively amend the Proposed Rule Amendments as may be required to ensure that the Proposed Rule Amendments 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 National Executive in making the Proposed Rule Amendments.



15 December 2022

Emeline Gaske  
Assistant National Secretary  
ASU National Office  
Via Email: [egaske@asu.asn.au](mailto:egaske@asu.asn.au)

Dear Emeline

**Re: ASU Electoral Rule Amendment - R2022/100**

I confirm that the Queensland Together Branch, notes insofar as the Branch is concerned the further amendments, set out in the proposed resolution of the National Executive, proposed to be made to application R2022/100.

The Branch Executive considers those amendments are entirely consistent with the Branch's initial proposals for amendment of the Branch rules the subject of the application R2022/100.

I consequently confirm the Branch, to the extent it is required to do so, consents to the further amendments proposed.

Yours faithfully

Alex Scott  
Branch Secretary

14 December 2022

Emeline Gaske  
Acting National Secretary  
Australian Services Union  
Ground Floor, 116 Queensberry Street  
Carlton South VIC 3053



**By your side**

By email: [egaske@asu.asn.au](mailto:egaske@asu.asn.au)

Dear Emeline,

**Re: Proposed amendments to the rules of the Queensland (Services & Northern Administrative) Branch**

I confirm the receipt of the proposed National Executive resolution in relating to further amending the National Rules - application R2022/100 and in relation to further amending the rules of the Queensland (Services and Northern Administrative) Branch - application R2022/133.

I confirm that I have consulted the members of the Branch Executive in relation to the proposed National Executive resolution and they have confirmed that the Branch consents to those further amendments to the Branch Rules and to the changes in the National Rules that impact on the Queensland (Services and Northern Administrative) Branch i.e. National Rule 80.

The Branch Executive considers those amendments reflect the restructuring of offices (Branch Industry Division Vice-Presidents) and the consequential changes made to effect that restructuring.

I consequently confirm the Branch, to the extent it is required to do so, consents to the further amendments proposed.

Yours faithfully

**Neil Henderson**  
**SECRETARY**



# Australian Services Union

## WESTERN AUSTRALIAN BRANCH



15 December 2022

Emeline Gaske  
National Assistant Secretary  
Australian Services Union  
Ground Floor, 116 Queensberry Street  
CARLTON SOUTH VIC 3053

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[branch.secretary@asuwa.org](mailto:branch.secretary@asuwa.org)  
[www.asuwa.org](http://www.asuwa.org)

Dear Emeline

**Re: ASU Electoral Rule Amendment - R2022/100**

I confirm that the Australian Services Union Western Australian Branch notes insofar as the Branch is concerned the further amendments, set out in the proposed resolution of the National Executive Council, proposed to be made to application R2022/100.

The Branch Executive Council considers those amendments are entirely consistent with the Branch's initial proposals for amendment of the Branch rules the subject of the application R2022/100.

I consequently confirm the Branch, to the extent it is required to do so, consents to the further amendments proposed.

Yours sincerely

A handwritten signature in blue ink that reads 'Wayne Wood'.

Wayne Wood  
Branch Secretary

16 December 2022

Emeline Gaske  
Assistant National Secretary  
Australian Services Union  
Ground Floor, 116 Queensberry Street  
CARLTON SOUTH VIC 3053

By email: [egaske@asu.asn.au](mailto:egaske@asu.asn.au)

Dear Emeline

**ASU Electoral Rule Amendment - R2022/100**

I confirm that the New South Wales and ACT Services Branch notes insofar as the Branch is concerned the further amendments, set out in the proposed resolution of the National Executive, proposed to be made to application R2022/100.

The Branch Executive considers those amendments are entirely consistent with the Branch's initial proposals for amendment of the Branch rules the subject of the application R2022/100.

I consequently confirm the Branch, to the extent it is required to do so, consents to the further amendments proposed.

Yours faithfully



**Angus McFarland**  
**Branch Secretary**

**From:** [Daniel Papps](#)  
**To:** [John Payne](#)  
**Cc:** [John Nucifora](#)  
**Subject:** Re:  
**Date:** Wednesday, 14 December 2022 3:02:07 PM  
**Attachments:** [csbcw-email-footer\\_0843c057-8f3d-4f58-8679-1a09768d30c7.png](#)  
[facebook\\_32x32\\_a5f96320-0d7e-47d5-b63a-85f4d628aaf7.png](#)  
[twitter\\_32x32\\_62e73ffc-45b8-439e-ad46-cf1b6ec9719f.png](#)  
[instagram\\_32x32\\_d3b6dd92-7e27-4783-bcbd-2b519ccc6515.png](#)

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Hi John,

Further to our conversation just now

I have discussed this with Graeme and he is happy with what you are proposing.

Further, Graeme has instructed me to convey to you that the US Branch consents to what is proposed on your email below.

Regards

Daniel Papps USU



**Daniel Papps**

*Manager of Industrial, Rules,  
Governance and Compliance*

**United Services Union**

**Level 7 / 321 Pitt Street,  
Sydney, NSW 2000**

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On 24 Nov 2022, at 3:00 pm, John Payne <[JohnP@hallpayne.com.au](mailto:JohnP@hallpayne.com.au)> wrote:

The information contained in this message may be confidential and may also be the subject of legal professional privilege. If you are not the intended recipient: any use, disclosure or copying of this document or any attachments is unauthorised. If you have received this message in error, please advise the sender immediately and delete it.

Dan,

Eve Anderson of the FWC registry has raised issues with the Branch tables in the proposed national electoral rule amendments.

In relation to the USU Branch Table (rule 84) the issue is over the designation of 1 office required to be elected – see the last row of the table, right hand column.

This is inconsistent with rule National Rule 8 ca. and USU Branch rule 30 (which refers back to the National Rule).



I propose to correct as follows:

- a. *That proposed rule 84 in application [insert] be amended by, in the last row of the table, deleting the word '1' and inserting in lieu 'see Part II sub-rule 8 ca.'*

This formulation is consistent with a similar change in a number of the other Branches. I do not see there is a need for reference to the Branch rule.

I will be preparing a 'remediation' resolution for the National Executive.

I may require a consent from GK on behalf of the Branch as well, but have not yet made a final determination in that regard.

Can you please confirm with GK that this is an appropriate approach.

Thanks

**John Payne | Consultant**  
**Hall Payne Lawyers**  
T 07 3017 2405 F 07 3017 2499  
[www.hallpayne.com.au](http://www.hallpayne.com.au)

*We acknowledge and respect the Aboriginal and Torres Strait Islander people as the Traditional Owners of this country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to all Traditional Owners and to their Elders past, present and emerging.*

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Emeline Gaske  
Acting National Secretary

14 December 2022



By your side

Dear Emeline

**Re: ASU Electoral Rule Amendment - R2022/100**

I confirm that the Victorian and Tasmanian Authorities and Services Branch notes insofar as the Branch is concerned the further amendments, set out in the proposed resolution of the National Executive, proposed to be made to application R2022/100.

On behalf of the Branch Executive, I consider those amendments are entirely consistent with the Branch's initial proposals for amendment of the Branch rules the subject of the application R2022/100.

I consequently confirm the Branch, to the extent it is required to do so, consents to the further amendments proposed.

Yours faithfully

Yours sincerely

Lisa Darmanin  
**Branch Secretary**



Dear Emeline

I confirm that a majority of our Committee of Management has confirmed consent for this Transitional Rule Change.

Please let me know if National Office requires anything further from our Branch

In union

Scott

**Scott Cowen**  
ASSISTANT SECRETARY  
Australian Services Union - SA + NT Branch  
(pronouns: he/him)

08 8363 1322 | [www.asusant.com](http://www.asusant.com)



Please note that the ASU office will close at 12 noon **Thursday 22 December 2022**, and will reopen **Monday 9 January 2023**.

We thank all the ASU members who continue to work over the Christmas season, delivering essential services to our community.

If you have an urgent industrial issue during this time, please leave a message on 08 8363 1322 and we will return the call as soon as possible.



Not yet a member? Join your ASU today: <https://www.asu.asn.au/asujoin>

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



Monday 19 December 2022

TO: All National Executive members  
 By email

Dear National Executive Member

**Re: Result - Email Vote No. 10/2022 - Proposed further amendments to rule alterations to national rules in R2022/100, SA&NT Branch rule alterations in R2022/131 and QSNA Branch rule alterations in R2022/133**

The result of the email ballot submitted to members of National Executive via email on 16 December 2022, regarding the above is as follows:

A total of 133 affirmative votes were received from:

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

No negative votes were received. I advise that National Executive E-mail Vote No. 10/2022 is carried.

Yours faithfully

Emeline Gaske  
 Assistant National Secretary, acting 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](#).
- On 18 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 Queensland (Services and Northern Administrative) Branch. You can download a copy of the Notice and attachments [here](#).
- On 29 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 Victorian and Tasmanian Authorities and Services Branch. You can download a copy of the Notice and attachments [here](#).
- On 19 December 2022 the Australian Services Union (ASU) lodged a notice of further amendments to the ASU Rules with the Fair Work Commission in relation to R2022/100, R2022/131 and R2022/133. You can download a copy of the Notice and attachments [here](#).