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Wednesday 25 January 2023

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 of the Division Eleven – Victorian Private Sector Branch rules.

The Victorian Private Sector Branch notified the ASU Acting National Secretary in writing, in correspondence from the Branch Secretary dated 21 December 2022, that the Branch Executive had on 20 December 2022 consented to the proposed rule alterations and requested the National Executive approve them.

The proposed rule alterations effect the Branch election table in Sub-rule 19 a. clarifying the 'whole branch' electorate for the offices of 'Branch Vice President – Women', 'Branch Executive Members – Women' and 'National Conference Delegates – Women' consistent with ASU Sub-Rule 87 a.

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

If you have any queries, please, in the first instance, contact John Nucifora, who has carriage of the matter on behalf of the ASU, on jnucifora@asu.asn.au mob: 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 18 January 2023 I proposed to the National Executive, as the National Secretary, an addition to, change, amendment, variation, repeal and/or deletion of the 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' 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 the Branch request communication.
- 10) I annexe, as '**RP4**' attachment 'B' the tracked changes of the proposed alterations.
- 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 18 January 2023.
- 13) By the 25 January 2023 members 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 in favour of the Proposed Rule Alteration.

- 15) On the 25 January 2023, I declared the resolution 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: Wednesday 25 January 2023

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



Wednesday 18 January 2023

TO: All National Executive members
As addressed

By E-mail

Dear National Executive Member

Email Vote No. 01/2023
Proposed Victorian Private Sector Branch rule changes

This is a National Executive Vote, along with an explanatory preamble, in relation to proposed alterations to the Victorian Private Sector Branch ('Vic PS') Branch rules with respect to the Branch election Table in Sub-Rule 19 a.

The Vic PS Branch notified Emeline Gaske, Acting National Secretary in writing in correspondence, dated 21 December 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 Executive on 20 December 2022 in accordance with Branch Rule 25.

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 Vic PS Branch Rules. The proposed alterations only affect the VIC PS 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

Robert Potter
NATIONAL SECRETARY

encl.

Email Vote No. 01/2023
Proposed Victorian Private Sector Branch rule alterations

Preamble

The Victorian Private Sector Branch Executive endorsed the proposed rule alterations on 20 December 2022 in accordance with Branch Rule 25 – Alteration of Rules.

The proposed rule alterations seek to make certain the custom and practice of the Branch in relation to the electorate in sub-rule 19 a. for the offices of:

1. Branch Vice President - (Women) – rule 14;
2. Branch Executive – rule 4; and
3. National Conference Delegates – rule 11.

The proposed amendments to the Victorian Private Sector Branch rules are included in the Branch Secretary correspondence to the Acting National Secretary, dated 21 December 2022 '**Attachment A**', referring to the Branch Executive 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 Vic PS 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.

Resolution 1

In accordance with ASU Rule 49 – Rule Alterations, the National Executive having considered the Branch correspondence to the Acting 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 Victorian Private Sector 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.

ASU Electoral Rule Amendment

 Imogen Sturni
To:  Emeline Gaske
Cc:  David Leydon;  John Nucifora
 You forwarded this message on 21/12/2022 11:41 AM.

  Reply  Reply All  Forward  

Wed 21/12/2022 11:12 AM

Dear Emeline,

Please see below the resolution passed by the ASU Victorian Private Sector Branch Executive at its meeting on 20 December 2022.

Resolution

The Branch Executive requests that, and consents to, the National Executive make the following amendments to the rules of the Branch:

1. that rule 19 be amended by deleting in column B the words “woman members by the whole membership” and in lieu insert “whole membership.”

If you require anything further please don't hesitate to contact me.

Kind regards,



Imogen Sturni
Branch Secretary
Victorian Private Sector Branch

Phone: 03 9342 3300
Mobile: 0433 339 656
Email: isturni@asupsvic.org

116 Queensberry Street,
Carlton South VIC 3053

PO Box 447
Carlton South VIC 3053

www.asu.org



The ASU acknowledges the Traditional Custodians of the land on which we work, the Wurundjeri People of the Kulin Nation. We pay our respects to Elders past, present and emerging. Always was, always will be Aboriginal land.

Please note that the ASU office will close at 12noon on **Friday 23 December 2022**, and will reopen **Thursday 5 January 2023**.

We thank all 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 03 9342 3300 and we will return your call as soon as possible.



19 – ELECTION OF BRANCH OFFICE HOLDERS

- a. Quadrennial Elections will be held to elect to the offices set out in column A from the electorate set out in column B, the:

A - OFFICE	B - ELECTORATE
Branch President	whole membership
Branch Vice-President - Women	women members by the whole membership whole membership
Branch Secretary/First National Executive Representative	whole membership
Assistant Branch Secretary/Second National Executive Representative	whole membership
Branch Executive Members	whole membership
Branch Executive Members – Women	women members by the whole membership whole membership
National Conference Delegates	whole membership
National Conference Delegates – Women	women members by the whole membership whole membership
Alternate National Conference Delegates	whole membership
Branch Conference Delegates	members of the airlines branch industry division
Branch Conference Delegates	members of the private sector branch industry division

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By your side

Wednesday 25 January 2023

TO: All National Executive members
By email

Dear National Executive Member

Re: Result - Email Vote No. 01/2023 proposed Victorian Private Sector Branch rule changes

The result of the email ballot submitted to members of National Executive via email on 18 January 2023, regarding the above is as follows:

A total of 122.83 affirmative votes were received from:

Robert Potter	Jennifer Thomas
Alex Scott	Kate Cotter
Sharon Abbott	Scott Cowen
Dee Spink	Jeff Lapidus
Angus McFarland	Ancel Greenwood
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

No negative votes were received. I advise that National Executive E-mail Vote No. 01/2023 is carried.

Yours faithfully

A handwritten signature in black ink, appearing to be "R Potter", written over a light blue horizontal line.

Robert Potter
National Secretary



About

About >

Rules >

Coverage >

Structure >

National Executive >

National Conference >

Officials >

History >

ASUjoin >

Member benefits >

Privacy Policy >

Disclaimer >

Copyright >

Why join the ASU? >

Governance & public notices >

Home » About » Rules



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](#).
- On 25 January 2023 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 Private Sector Branch. You can download a copy of the Notice and attachments [here](#)