

File/Our Ref: UG 12.21 JN/db
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Tuesday 12 December 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 Division Two A – Queensland Together Branch rules.

The Queensland Together Branch notified me in writing, in correspondence from the Branch Secretary dated 5 December 2023, that the proposed rule alterations were consented to by over 75% of the Branch Council via a postal ballot and requested the National Executive approve them.

The proposed rule alterations seek to improve the administrative, representational, and democratic processes of the union as follows:

- Modernising and clarifying the intent of a number of Branch rules;
- Branch Conference to determine Sub-Divisions and zones for the Branch – amended Branch Rule 20 (b) ii & iii;
- Creation of a full time President option as determined by Branch Conference prior to each election – amended Branch Rule 22;
- Branch Executive, Branch Council and National Conference proposed to be elected by all Branch Conference Delegates – amended Branch Rule 31;
- Enabling Branch policy for Workplace Delegates to be elected by members not appointed by Branch Executive- new Branch Rule 42;
- Removal of Separate Executive and ALP affiliation to be decided on a Division basis by removing current Branch Rules 42 and 50;
- The provision for cross agency delegate structures to be recognised in the rules while also allowing for agency committee or Common Interest Groups to also be created by Conference delegates – new Branch Rule 43;
- Dispute Resolution process – proposed Branch Rules to enable the Branch to develop policies relating to disputes between members (new Branch Rule 44) with local delegates (new Branch Rule 45) and with union staff (new Branch Rule 46);
- Clarification of the role of Conference Delegates representing Regional Zones and Aboriginal and Torres Strait Islander members – amended Branch Rule 47;
- Aboriginal and Torres Strait Islander Conference Delegates to determine Branch Policy on any matter specific to Aboriginal and Torres Strait Island members – new Branch Rule 48; and
- Inserting transitional provisions ensuring there is no truncation of an existing elected office as a result of the proposed rule alterations – amended Transitional Rule 54.

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 5 December 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; and
 - 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 including the Branch request communication and the proposed alterations to the Branch rules.
- 10) Each member of the National Executive was forwarded, and received, a copy of the materials set out in paragraph 6.
- 11) The ballot opened on 5 December 2023.
- 12) By the 11/12/2023 all 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.
- 13) 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.

- 14) On the 11/12/2023, I declared the resolution carried. I annexe as '**RP4**' the declaration of the National Executive vote.
- 15) The majority required by rule 49 a., has been met.
- 16) Pursuant to Regulation 126(1)(b) the notice for this rule alteration has been published on the website of the ASU (**Notice**).
- 17) I annexe as '**RP5**' a screenshot of the Notice.
- 18) I declare:
 - that the alterations were made in accordance with the rules of the PFA;
 - the action taken under the rules of the PFA to make the alterations is set out in this notice; and
 - that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Signed:



Robert Potter
National Secretary

Dated: 12 December 2023

File/Our Ref: UG Votes JN:db

Tuesday 5 December 2023



By your side

TO: All National Executive members

By Email

Dear National Executive Member

Email Vote No. 05/2023 - Proposed Queensland Together Branch rule alterations

This is a National Executive Vote, along with an explanatory preamble, in relation to proposed alterations to the Queensland Together Branch ('QT') Branch rules with respect to a range of structural and representational improvements.

The QT Branch notified me in writing in an email dated 5 December 2023, 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 over 75% of the Branch Council via a postal ballot in accordance with Branch Rules 18 - Postal Ballot of Branch Council and 51 – Alteration of Rules.

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 National Rules. The proposed alterations only affect the QT 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", is written over a light blue horizontal line.

Robert Potter
National Secretary

encl.

Email Vote No. 05/2023
Proposed Queensland Together Branch rule alterations

Preamble

The Queensland Together Branch Council endorsed the proposed rule alterations via a postal ballot in accordance with Branch Rule 18 – Postal Ballot of Branch Council and Branch Rule 51 – Alteration of Rules.

The proposed rule alterations seek to improve the administrative, representational and democratic processes of the union as follows:

- Clarification of the role of Conference Delegates representing Regional Zones and Aboriginal and Torres Strait Islander members;
- Workplace Delegates to be elected;
- Workplace Structures to be created and elected;
- Aboriginal and Torres Strait Islander Conference Delegates to determine Branch Policy;
- Conference to determine Sub-Divisions and zones for the Branch;
- Role of Divisions in elections;
- Role for Divisions in policy;
- Dispute Resolution process and
- Recognition of a full time President option.

The proposed amendments to the Queensland Together Branch rules are set out in **Attachment 'A'**, which includes the Branch communication to the National Secretary dated 5 December 2023, referring to the Branch Council decision to endorse rule alterations.

The correspondence confirms that over 75% of the Branch Council 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 National Rules of the ASU which are as per tracked changes in **Attachment 'A'**, 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 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 Queensland Together Branch rules in accordance with the tracked changes to the current Branch Rules in **Attachment A**.

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.

RP3

Attachment A

From: Alex Scott <Alex.Scott@together.org.au>
Sent: Tuesday, December 5, 2023 8:28 am
To: Robert Potter <rpotter@asu.asn.au>
Cc: John Payne <johnp@hallpayne.com.au>
Subject: (4231735) Branch Rules

Hi Robert

The Together Branch has been working with John Payne on a redraft of our Branch Rules.

The attached document is the formatted version of the rules.

The Branch has accepted the amendments and drafting as proposed by John Payne to our original rules.

The Branch Council has adopted by flying minute the new rules, including John's suggestions.

The flying minute of our Council was approved by Branch Council with more than 75% supported (as required to change some rules).

The new rules provided for a range of things but include new rules for election of workplace delegates and also for dispute resolution. We need to commence these workplaces delegate elections in the new year, so we would request that the National Executive approval commence as soon as possible so the changes can be submitted to the Commission prior to the Christmas.

Is this possible?

Alex Scott
Branch Secretary
Together - ASU

DIVISION TWO A

~~1-~~ QUEENSLAND TOGETHER BRANCH RULES

~~a.1 - 1-~~ NAME

~~a.~~ ~~a.~~ The name of the Branch is the Australian Municipal, Administrative, Clerical and Services Union, Together Branch.

~~b.2 - 2-~~ REGISTERED OFFICE

~~a.~~ ~~a.~~ Unless otherwise determined by the Branch Executive, the registered office of the Branch is ~~32 Peel Street, South Brisbane~~ 43 Peel Street, South Brisbane.

~~a.~~ _____

~~3 - 3-~~ DEFINITIONS

a. In these Branch rules, unless ~~the a~~ contrary intention appears, the words in column A have the meaning set out opposite in column B:

A	B
Act	the Fair Work (Registered Organisations) Act 2009
ASU	the Australian Municipal, Administrative, Clerical and Services Union
Auditor	a person appointed in accordance with these Branch Rules who is qualified under the Act
Branch	the Australian Municipal, Administrative, Clerical and Services Union, Together Branch
Branch Conference Delegate	severably the delegates provided under rule 20(b)(i) to (iv)
Branch Communication	a communication by print and/or electronic media from the Branch to the members attached to the Branch
Branch Councillor	severably a person holding office on Branch Council under sub-rules 14 a.ii. and iii.;
Branch Employee	an employee of the ASU engaged in relation to, and performing services for, the Branch
Branch Executive Office	means severably the offices of: <ul style="list-style-type: none">• Branch President;• Branch Senior Vice-President;• three (3) Branch Industry Division Vice-Presidents;• Branch Secretary;

	<ul style="list-style-type: none"> • <u>two</u> (2) Branch Assistant Secretaries; • <u>Branch Treasurer</u>; • <u>Branch Assistant Treasurer</u>; • <u>ten</u> (10) Other Branch Executive Members; and • <u>Branch Executive Member (Women)</u> (if any);
Branch Fund	the Branch fund of the Branch
Branch Industry Division	severably, the: Public Service Industry Division; Public Health Industry Division; and General Industry Division
Branch Journal	a publication produced or adopted by the Branch and which is provided free of charge to financial members by means of print or electronic media
Branch Rules	rules 1 – 553 (inclusive) of these Branch rules
Branch Vice-President	severably a: <ul style="list-style-type: none"> • <u>Branch Senior Vice-President</u>; and • <u>Branch Industry Division Vice-President</u>
Branch Website	the website established by the Branch for communication
Employer	employers of Branch members
Industry Sub-division	those sub-divisions of a Branch Industry Division determined <u>under these Branch Rules</u>
National Rules	the rules of the ASU, other than the rules of the branches of the ASU
Newspaper Advertisement	a public notice circulating in relevant geographical locations
Paid Officer	a person elected to an office, but who may perform their obligations on a full-time or part-time basis, as determined by these Branch Rules
Quadrennial Election	the election required by these Branch Rules to be held each four (4) years in accordance with the National Rules
Regional Zone	those Regional Zones determined <u>under these Branch Rules</u>

'''

~~c.~~ **4 - INTERPRETATION**

4 -

~~d.~~ In these Branch Rules unless the context indicates a contrary contention:

a. singular words includes the plural and vice versa;

b. words importing any gender include every gender;

c. all dollar (\$) amounts are in Australian currency;

d. all references to statutes will be construed so as to include all regulations or codes of practice made under the statute and any statutory modification, replacement or re-enactment of the statute (whether before or on or after the date of these Branch Rules) for the time being in force;

e. where any word or phrase is given a defined meaning in these Branch Rules, any other part of speech or grammatical form in respect of such word or phrase will have a corresponding meaning;

f. words denoting individuals include corporations and vice versa;

g. a reference to a party includes that party's executors, administrators and/or permitted assigns, or being a corporation, its successors or permitted assigns;

~~a. singular words includes the plural and vice versa;~~

~~b. words importing any gender include every gender;~~

~~c. all dollar (\$) amounts are in Australian currency;~~

~~d. all references to statutes will be construed so as to include all regulations or codes of practice made under the statute and any statutory modification, replacement or re-enactment of the statute (whether before or on or after the date of these Branch Rules) for the time being in force;~~

~~e. where any word or phrase is given a defined meaning in these Branch Rules, any other part of speech or grammatical form in respect of such word or phrase will have a corresponding meaning;~~

~~f. words denoting individuals include corporations and vice versa;~~

~~g. a reference to a party includes that party's executors, administrators and/or permitted assigns, or being a corporation, its successors or permitted assigns;~~

~~h. a reference to a corporation includes a reference to all related corporations;~~

h.

~~h.~~ a reference to a member is to a member of the Branch but does not include an associate member;

i.

~~i.~~ a reference to a financial member means a member of the Branch financial in accordance with these Branch Rules;

j.

~~j.~~ every agreement or undertaking expressed or implied by which more than one person covenants, agrees, undertakes or appoints or are deemed to do so will be deemed to bind and extend to such persons and to any two (2) or greater number of them jointly and to each of them severally; ~~extend to such persons and to any two (2) or greater number of them jointly and to each of them severally;~~

k.

~~k.~~ a reference to a corporation exercising a power means a corporation's representative exercising that power on behalf of the corporation;

l.

~~l.~~ signature and signing means due execution of a document by a person, corporation or other relevant entity and include signing by an agent or attorney or representative (if a body corporate);

m.

~~m.~~ document headings, rule headings, schedule headings and the table of contents are for convenience only and will not affect the interpretation of these Branch Rules;

n.

~~n.~~ a reference to a "rule" is a reference to a particular rule of these Branch Rules;

o.

~~o.~~ a reference to a "sub-rule" means a sub-rule of the rule in which the reference to the sub-rule is made;

p.

~~p.~~ a reference to a "part" means a part of the sub-rule in which the reference to the part is made;

q.

~~q.~~ a reference to a "sub-part" means a sub-part of the part in which the reference to a sub-part is made;

r.

~~s.~~ a reference to a “schedule” will be a reference to a schedule to, and forming part of, these Branch Rules;

~~s.~~

~~t.~~ a reference to a “month” is a reference to calendar months;

~~t.~~

~~u.~~ a reference to a “financial year” is the period from 1 July to 30 June;

~~u.~~

~~v.~~ a reference to a “majority” means at least half (1/2) the number of the votes cast;

~~v.~~

~~w.~~ where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must be reckoned exclusive of such day or the day of such act or event;

~~w.~~

~~x.~~ where the last day of any period prescribed or allowed for the doing of anything falls on a day which is a Saturday, Sunday or public holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or public holiday in that place;

~~x.~~

~~y.~~ a reference to the performance of a duty by any officer or person is inclusive of a reference to the officer or person causing the duty to be discharged and/or inclusive of the duty, or a part of the duty, being discharged by any other officer or person, entitled to hold a delegation in accordance with these Branch Rules, and holding a written delegation permitting the performance of the duty or part of the duty as the case may be;

~~y.~~

~~z.~~ a word or expression that is not defined in these Branch Rules, but is defined in the National Rules has the meaning given by the National Rules;

~~z.~~

~~aa.~~ “in writing” includes printing, typing, facsimile, text messaging, email and other means of representing or reproducing words, figures, drawings or symbols in a visible and tangible or electronic form, in English;

~~aa.~~

~~bb.~~ an agreement or document means that agreement or document as amended, novated or supplemented;

~~bb.~~

~~cc.~~ to appoint means to appoint in writing;

cc.

~~dd.~~ each paragraph or sub-paragraph in a list is to be read independently from the others in the list;

dd.

~~ee.~~ a reference to a person giving consent means prior written consent; and

ee.

~~ff.~~ ff. a reference to a “written confirmation” includes a confirmation being given electronically.

~~e.~~ 5 - MEMBERSHIP OF THE BRANCH

5 -

a. Branch members will be attached to the Branch in accordance with the National Rules.

~~f.6 - 6~~ - BRANCH INDUSTRY SUB-DIVISIONS/DIVISIONS

a. Subject to this rule the:

i. Branch Industry Divisions established under these Branch rules will be published on the Branch Website; and

a. ~~, the~~ Branch Industry Sub-divisions and their attachment (if any) to the three (3) Branch Industry Divisions, established under these Branch rules will be published on the Branch Website, are provided under Schedule 1.

ii.

~~b.~~ For the purposes of these Branch rules a Branch Industry Sub-division may only be attached to one (1) Branch Industry Division at a time.

b.

~~e.~~ A person who becomes a member:

c.

i. is to be attached to a Branch Industry Sub-division; and

ii. may only be attached to one (1) Branch Industry Sub-division at a time.

ii.

~~d.~~ The Branch Council-Executive will, subject to this rule, attach the member under sub-rule c..

d.

~~e.~~ Despite sub-rule c., the Branch ~~Executive Council~~ may alter the attachment of a member to a Branch Industry Sub-division where the circumstances of the member change.

~~e.~~ _____

~~f.~~ The Branch ~~Conference Council~~ may, but no later than three (3) months prior to the opening of nominations for a Branch Quadrennial Election, determine the allocation and/or reallocation of members to Branch Industry Sub-divisions.

~~f.~~ _____

~~g.~~ The Branch ~~Conference Council~~ may, but no later than three (3) months prior to the opening of nominations for a Branch Quadrennial Election, determine the allocation of Branch Industry Sub-divisions to Branch Industry Divisions.

~~g.~~ _____

~~h.~~ A determination under sub-rules f. or g continues to have effect until a subsequent determination is made under respectively sub-rule f. or g., ~~as the case may be.~~

~~h.~~ _____

~~i.~~ Subject to sub-rules f. and g. the Branch ~~Executive Council~~ may, if machinery of government changes occur, determine the allocation and/or reallocation of:

~~i.~~ _____

i. members to Branch Industry Sub-divisions; and/or

~~ii.~~ Branch Industry Sub-divisions to Branch Industry Divisions.

~~ii.~~ _____

~~j.~~ For the purposes of these Branch rules, a member is a member of the Branch Industry Sub-division and the Branch Industry Division (if any) to which they are attached by the Branch ~~Executive Council~~.

~~j.~~ _____

~~k.~~ The Branch ~~Council Conference~~ may, subject to sub-rule l., delegate its authority under this rule to ~~Branch Executive; and/or~~

~~l.~~ ~~ii.~~ ~~attach, and/or alter the attachment of, members to~~ the Branch Secretary.

~~k.~~ _____

~~m.~~ The Branch ~~Council Executive~~ may, ~~subject to this rule,~~ determine an administrative regulation for the:

~~l.~~ _____

i. attachment of members to a ~~Branch Industry Division by the Branch Secretary;~~

~~i.~~ ~~ii.~~ Branch Industry Sub-division by the Branch Secretary; ~~and/or~~

~~ii.~~ ~~iii.~~ circumstances when a delegation to the Branch Executive will occur.

~~g.~~ ~~7~~ **BRANCH EXECUTIVE**

7-

~~a.~~ The Branch Executive consists of the:

a.

~~i.~~ Branch President;

i.

~~ii.~~ Branch Senior Vice-President;

ii.

~~iii.~~ three (3) Branch Industry Division Vice-Presidents;

iii.

~~iv.~~ Branch Secretary;

iv.

~~v.~~ two (2) Branch Assistant Secretaries;

v.

~~vi.~~ Branch Treasurer;

vi.

~~vii.~~ Branch Assistant Treasurer;

vii.

~~viii.~~ ten (10) Other Branch Executive Members; and

viii.

~~ix.~~ Branch Executive Member (Women) (if any).

ix.

b. ~~b.~~ The Branch Executive Officers will be elected at the Quadrennial Elections.

c. ~~c.~~

~~i.~~ The number of members of the Branch Executive, provided for by sub-rule a. is subject to the Branch Returning Officer confirming, at the declaration of the Quadrennial Election for the Branch, that the provisions of rule 38 have been met.

i.

~~ii.~~ In the event that the provisions of rule 38 have not been met, then nominations will be promptly called in accordance with these Branch Rules for that number of the offices of Branch Executive Member (Women) as are required to be elected to achieve compliance with the provisions of rule 38.

ii.

~~iii.~~ The offices of Branch Executive Member (Women) (if any) for which nominations are to be called under part ii. are allocated to Branch Industry Divisions in proportion to the number of Other Branch Executive Members elected from each Branch Industry Division.

~~iv. Only Branch Conference Delegates who are women, attached to the Branch Industry Divisions from which the Branch Executive Member (Women) are to be elected, may nominate for the office of Branch Executive Member (Women).~~

~~v. Those members elected to the office of Branch Executive Member (Women), subject to this rule will:~~

~~iii.~~

~~A. hold office until the declaration of the next Quadrennial Election, they resign or they are removed from office in accordance with the National Rules or these Branch Rules; and~~

~~A.~~

~~B. be entitled to exercise the same powers and have the same obligations as other members of the Branch Executive.~~

~~B.~~

~~vi. This sub-rule does not prevent the elections for the other offices of the Branch Executive from being declared, and those officers declared elected take office, even though there is a requirement for an election for an office, or offices, of Branch Executive Member (Women).~~

~~iv.~~

~~d. A member of the Branch Executive who ceases to be a member attached to the Branch immediately ceases to be a Branch Executive Officer.~~

~~d. e. A member of the Branch Executive continues to hold office as a Branch Executive Officer irrespective of whether the respective member is attached, during their term of office, to a different Industry Division from the Industry Division that they were elected from.~~

~~h. 8 -~~ **BRANCH EXECUTIVE - POWERS AND DUTIES**

8 -

~~a. The Branch Executive will, subject to the National Rules and these Branch Rules ~~49~~, determine the policy of the Branch and manage its affairs.~~

~~a.~~

~~b. The Branch Secretary will cause a report to be furnished to the next ordinary Branch Council meeting on the determinations, made and the actions taken by, the Branch Executive.~~

~~b.~~

~~c. The Branch Executive has the power to appoint Branch Employees.~~

~~c.~~

~~d.~~ Branch Employees will be employed on the terms and conditions the Branch Executive determines, subject to any relevant awards and agreements binding on the ASU.

~~d.~~

~~e.~~ The Branch Executive has the power to engage service providers.

~~e.~~

~~f.~~ The Branch Executive will determine what services are required to be provided to the Branch that are necessary and appropriate to perform the obligations required by these Branch Rules.

~~f.~~

~~g.~~ ~~g.~~ Service providers will be engaged on terms and conditions as the Branch Executive determines, subject to any Branch policy.

~~i.~~ ~~9~~ - BRANCH EXECUTIVE - MEETINGS

9 -

~~a.~~ The Branch Executive will meet at such times as its members determine, with at least six (6) meetings, including four (4) quarterly ordinary meetings each calendar year.

~~a.~~

~~b.~~ The Branch Secretary will, upon the request of the Branch President or at least one half (1/2) of the Branch Executive Officers, summon a Branch Executive meeting to be held within seven (7) days of the Branch Secretary's receipt of the request.

~~b.~~

~~c.~~ The Branch Secretary will give at least 24 hours' notice when summoning members to Branch Executive meetings.

~~c.~~

~~d.~~ Despite sub-rule c. where the Branch President or the Branch Secretary consider that a matter requires urgent attention, a Branch Executive meeting must be called by the Branch Secretary who will give notice of the meeting to the Branch Executive Officers as is practicable in the circumstances.

~~d.~~

~~e.~~ A Branch Executive meeting may be conducted by a method by which the Branch Executive Officers can communicate each with each other.

~~e.~~

~~f.~~ If the Branch President is absent from a Branch Executive meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will act as the chair with the powers of the Branch President.

f.

g. If the Branch President and the Branch Senior Vice-President are absent from a Branch Executive meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will act as the chair with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will act, then those members of the Branch Executive in attendance at the meeting will determine which of the Branch Vice-Presidents will act.

g.

h. Determinations of the Branch Executive will be by majority.

h.

i. A member of the Branch Executive not present at a Branch Executive meeting, or part of a meeting, may appoint another member of the Branch Executive as proxy to exercise their vote, and the Branch Executive Member proxy will do so in addition to that Branch Executive Members' own vote, provided that a member of the Branch Executive may only hold one proxy vote.

i.

j. Quorums for Branch Executive meetings are 50% of the Branch Executive Officers, entitled to attend and vote, and a proxy appointed under sub-rule i. counts for quorum.

j.

k. If at a Branch Executive meeting no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven (7) days nor more than 14 days and the Branch Executive Officers will be given two (2) clear days' notice, by the Branch Secretary, of the date, time and place to which the meeting has been adjourned.

k.

l. If at the adjourned meeting quorum is not present within 15 minutes of the time the meeting commences then those present will be deemed to be a quorum for the purpose of the business to be determined, provided that only the unfinished business of the adjourned meeting may be dealt with.

l.

m. The minutes of each Branch Executive meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Executive.

m.

~~j.~~ ~~10~~ - VOTING ON BRANCH EXECUTIVE

10 -

~~a.~~ a. Voting on Branch Executive is, for those offices set out in column A, an entitlement to exercise the vote set out in column B:

A	B
Branch President	One (1) vote
Branch Senior Vice-President	One (1) vote
Branch Industry Division Vice-Presidents	One (1) vote each
Branch Secretary	One (1) vote
Branch Assistant Secretaries	One (1) vote each
Branch Treasurer	One (1) vote
Branch Assistant Treasurer	One (1) vote
Branch Other Executive Member	One (1) vote each
Branch Executive Member (Women) (if any)	One (1) vote each

~~k.~~ ~~11~~ - BRANCH EXECUTIVE BALLOT

11 -

~~a.~~ a. Where the Branch Secretary considers a matter is urgent, a ballot of the Branch Executive may be conducted on matters by means of registered post, facsimile transfer, computer e-mail or by other electronic or telegraphic means as may be available, provided that in any such ballot:

a.

~~i.~~ i. a majority of the Branch Executive Officers, exercising a majority of the votes entitled to be cast and so voting, will constitute a quorum;

i.

~~ii.~~ ii. determinations will be by simple majority of the votes cast; and

ii.

~~iii.~~ iii. no votes can be cast by proxy.

iii.

~~b.~~ ~~b.~~ In any ballot conducted under sub-rule a. of the Branch Executive, the Branch Executive Officers will be entitled to exercise the same number of votes as they would be severably entitled to exercise upon questions for determination by the Branch Executive in meeting assembled.

~~l.~~ ~~12~~ - COMMITTEE OF MANAGEMENT

12 -

~~a.~~ ~~a.~~ The Branch Executive is the committee of management of the Branch.

~~m.~~ ~~13~~ - BRANCH AUTONOMY

13 -

~~a.~~ ~~a.~~ The Branch has autonomy in matters affecting members only.

~~n.~~ ~~14~~ - BRANCH COUNCIL

14 -

~~a.~~ The Branch Council consists of the persons elected to and holding, in accordance with these Branch Rules, the offices of:

~~a.~~

~~i.~~ Branch Executive Officer;

~~i.~~

~~ii.~~ 40 Branch Council Delegates elected by, and from, the Branch Conference; and

~~ii.~~

~~iii.~~ Branch Council Delegate (Women) (if any).

~~iii.~~

~~b.~~ The Branch Council Delegates will be elected at the Quadrennial Elections.

~~b.~~

~~c.~~

~~c.~~

~~i.~~ The number of members of the Branch Council, provided for by sub-rule a. is subject to the Branch Returning Officer confirming, at the declaration of the Quadrennial Election for the Branch, that the provisions of rule 38 have been met.

~~i.~~

~~ii.~~ In the event that the provisions of rule 38 have not been met, then nominations will be promptly called in accordance with these Branch Rules for that number of the offices of Branch Council Delegate (Women) as are required to be elected to achieve compliance with the provisions of rule 38.

~~ii.~~

~~iii. The offices of Branch Council Delegate (Women) for which nominations may be called under sub-rule c. ii. will be allocated to Branch Industry Divisions in proportion to the number of Branch Council Delegates elected from each Branch Industry Division.~~

~~iv. Only Branch Conference Delegates who are women may nominate for the office of Branch Council Delegate (Women).~~

~~iii.~~

~~v. Branch Conference Delegates may only nominate for the office of Branch Council Delegate (Women) allocated to the Branch Industry Division to which they are attached.~~

vi. Those members elected to the office of Branch Council Delegate (Women), subject to this sub-rule will:

~~iv.~~

~~A. hold office until the declaration of the next Quadrennial Election, they resign or they are removed from office in accordance with the National Rules or these Branch Rules; and~~

~~A.~~

~~B. be entitled to exercise the same powers and have the same obligations as other members of the Branch Council.~~

~~B.~~

vii. This sub-rule does not prevent the elections for the other offices of the Branch Council from being declared, and those officers declared elected take office, even though there is a requirement for an election for an office of Branch Council Delegate (Women).

~~v.~~

~~d. d. A member of the Branch Council who ceases to be a member attached to the Branch immediately ceases to be a Branch Councillor. A Branch Councillor continues to hold office irrespective of whether they are reallocated from the Industry Division that they have been elected to represent.~~

~~e. 15 - BRANCH COUNCIL - POWERS AND DUTIES~~

15 -

~~a. The Branch Council has power to:~~

~~a.~~

~~i. determine Industry Divisions, Industry Sub-divisions and the attachment of members to those Industry Divisions and Industry Sub-divisions;~~

~~_____~~

~~ii. determine Regional Zones and the allocation of members to Regional Zones;~~

~~_____~~

~~iii. determine the quantum of annual subscriptions, in accordance with the National Rules; and~~

~~i.~~ _____

~~iv.ii.~~ _____ add to, amend, alter or rescind these Branch Rules in accordance with these Branch Rules and the National Rules.

~~p.~~ **~~16~~ - BRANCH COUNCIL - MEETINGS**

16 -

~~a.~~ _____ The Branch Council will meet at such times as the Branch Executive determines.

~~a.~~ _____

~~b.~~ _____ The Branch Secretary will, upon the request of the Branch President, or at least one half (1/2) of the members of the Branch Council, summon a Branch Council meeting to be held within seven (7) days of the receipt of the request by the Branch Secretary.

~~b.~~ _____

~~c.~~ _____ The Branch Secretary will give at least seven (7) days' notice when summoning members to meetings of the Branch Council.

~~c.~~ _____

~~d.~~ _____ Despite sub-rule c. where the Branch President or the Branch Secretary consider that a matter requires urgent attention, a Branch Council meeting must be called by the Branch Secretary who will give notice of the meeting to the members of the Branch Council as is practicable in the circumstances.

~~d.~~ _____

~~e.~~ _____ A Branch Council meeting may be conducted by a method by which members of the Branch Council can communicate each with each other.

~~e.~~ _____

~~f.~~ _____ If the Branch President is absent from a Branch Council meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.

~~f.~~ _____

~~g.~~ _____ If the Branch President and the Branch Senior Vice-President are absent from a Branch Council meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Branch Council in attendance will determine which of the Branch Vice-Presidents will chair.

~~g.~~ _____

~~h.~~ _____ Determinations of the Branch Council will be by majority.

~~h.~~ _____

~~i.~~ A member of the Branch Council not present at a Branch Council meeting, or part of a meeting, may appoint another member of the Branch Council, being a member of the Branch Council attached as a member to the Branch Industry Division to which the member of the Branch Council giving the proxy is attached, as proxy to exercise their vote, and the Branch Council Member exercising the proxy will do so in addition to that Branch Council Members' own vote, provided that a member of the Branch Council may only hold one (1) proxy vote.

~~i.~~

~~j.~~ Quorums for meetings of the Branch Council are 50% of the members of the Branch Council, entitled to attend and vote, and a proxy appointed in accordance with sub-rule i. counts for quorum.

~~j.~~

~~k.~~ If at a Branch Council meeting no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven (7) days nor more than 14 days and the members of the Branch Council will be given two (2) clear days' notice of the date, time and place to which the meeting has been adjourned.

~~k.~~

~~l.~~ If at the adjourned meeting quorum is not present within 15 minutes of the time the meeting commences then those present will be deemed to be a quorum for the purpose of the business to be determined provided that only the business of the adjourned meeting may be dealt with.

~~l.~~

~~m.~~ The minutes of each Branch Council meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Council.

~~m.~~

~~n.~~ ~~n.~~ The Branch Executive is the agenda committee for the Branch Council.

~~q.~~ ~~17~~ **VOTING ON BRANCH COUNCIL**

17 -

~~a.~~ ~~a.~~ Voting on Branch Council is, for those offices set out in column A, an entitlement to exercise the vote set out in column B:

A	B
Branch President	One (1) vote
Branch Senior Vice-President	One (1) vote
Branch Industry Division Vice-Presidents	One (1) vote
Branch Secretary	One (1) vote

Branch Assistant Secretaries	One (1) vote
Branch Treasurer	One (1) vote
Branch Assistant Treasurer	One (1) vote
Other Branch Executive Members	One (1) vote
Branch Council Delegates	One (1) vote
Branch Executive Member (Women) (if any)	One (1) vote
Branch Council Delegates (Women) (if any)	One (1) vote

~~r.~~ ~~18~~ **POSTAL BALLOT OF BRANCH COUNCIL**

18 -

~~a.~~ Notwithstanding rule 16 a determination which under these Branch Rules may be made by the Branch Council in meeting assembled, including, but not limited to, a proposed consent to the addition to or amendment of these Branch Rules, may be made in accordance with this rule.

a.

~~b.~~ A postal ballot will be held when:

b.

~~i.~~ determined by the Branch Council or Branch Executive; or

i.

~~ii.~~ without limitation to part i. for an urgent matter, when determined by the Branch Secretary in consultation with the Branch President.

ii.

~~c.~~ For the purposes of this rule, "postal" means that each member of the Branch Council will be forwarded in writing and sent by post, facsimile, e-mail or other electronic means, courier or communication delivered by hand, a copy of the question upon which that member of the Branch Council is required to vote, together with advice of the period in which the member is to record a vote being:

c.

~~i.~~ if the question requires the exercise of the Branch Council's powers pursuant to rule ~~5149~~, not less than 28 days which may run concurrently with the notice required under rule ~~5149~~; and

i.

~~ii.~~ in all other cases, not less than 14 days.

ii.

~~d.~~ In any postal ballot of the Branch Council, members of the Branch Council will be entitled to exercise the same number of votes as they would be severally entitled to exercise upon questions for determination by the Branch Council in meeting assembled.

~~d.~~

~~e.~~ The persons entitled to vote, in accordance with this rule, will be the persons holding office as voting members of the Branch Council at the time the question is forwarded and who are still holding such office at the time they cast their vote.

~~e.~~

~~f.~~ A determination in accordance with this rule will become effective before the time appointed is reached if, and when, it has received in its favour an absolute majority of the total votes exercisable and the other requirements of this rule are satisfied.

~~f.~~

~~g.~~ This rule will be construed liberally so as to facilitate its operation as a means of obtaining prompt determinations of the Branch Council in matters in which it is, or may be thought to be, desirable to obtain determinations expeditiously and in matters in which a substantial degree of consensus is known or believed to exist among the members of the Branch Council.

~~g.~~

~~h.~~ ~~h.~~ No proxies can be exercised as part of the postal ballot under this rule.

~~s.19 - 19 - NOT USED~~

~~t. 20 - BRANCH CONFERENCE~~

~~20 -~~

~~a.~~ There will be a Branch Conference held at least once each calendar year provided that if, taking into account the happening or likely happening, of a critical event, it is not possible to administratively and cost effectively program a Branch Conference ~~following the receipt by the Branch Secretary of the audited accounts of the Branch for the respective financial year~~, then the Branch Executive may determine to hold the Branch Conference at another time.

~~a.~~

~~b.~~ Branch Conference Delegates will be comprised of:

~~b.~~

~~i.~~ the Branch Executive;

~~i.~~

~~ii.~~ delegates representing the Industry Sub-divisions as determined by the Branch Conference;

~~ii.~~

~~iii.~~ delegates representing members residing in the Regional Zones as determined by the Branch ~~Council~~Conference; and

iii.

~~iv.~~ delegates representing members who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin.

iv.

~~c.~~ Branch Conference will meet at the time and place the Branch Executive determines, but so as to ensure compliance with the obligations of the Branch and the ASU.

c.

~~d.~~ The Branch Secretary will notify all Branch Conference Delegates, no later than 28 days prior to the Branch Conference, of the determination to hold a Branch Conference and will request Branch Conference Delegates to consider forwarding agenda items to the Branch Secretary for the consideration of the Branch Conference, no later than 21 days prior to the Branch Conference.

d.

~~e.~~ The Branch Executive is the agenda committee for the Branch Conference.

e.

f. The business of the Branch Conference includes:

~~i.~~ the agenda items determined by the agenda committee; and

i.

~~ii.~~ consideration of national conference agenda items (if any).

ii.

~~g.~~ The Branch Secretary will forward a copy of the agenda for the Branch Conference to the Branch Conference Delegates at least seven (7) days prior to the Branch Conference.

f.

~~h.~~ The Branch is responsible for:

g.

i. ~~i.~~ the payment of the travel costs of all Branch Conference Delegates;

~~ii.~~ the costs of convening the Branch Conference; and ~~iii.~~ all costs and outgoings associated with the utilisation of conference facilities.

ii.

~~i.~~ At a meeting of the Branch Conference a quorum will be a majority of those eligible to attend.

h.

~~j.~~ In the absence of a quorum, the Branch Conference will not proceed and all conference agenda items will be considered by Branch Executive at the next ordinary meeting of the Branch Executive.

~~i.~~

~~k.~~ If the Branch President is absent from a meeting of the Branch Conference, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.

~~j.~~

~~l.~~ If the Branch President and the Branch Senior Vice-President are absent from a meeting of the Branch Conference, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Vice-Presidents cannot by consensus determine which one of them will chair, then those members of the Branch Conference in attendance will determine which of the Branch Vice-Presidents will chair.

~~k.~~

~~m.~~ Each Branch Conference Delegate has one (1) vote in any ballot.

~~l.~~

~~n.~~ A Branch Conference Delegate not present at a Branch Conference, or part of a Branch Conference, may appoint another Branch Conference Delegate, ~~being a Branch Conference Delegate attached as a member to the Branch Industry Division to which the Branch Conference Delegate giving the proxy is attached~~, as proxy to exercise their vote, and the Branch Conference Delegate exercising the proxy will do so in addition to that Branch Conference Delegates' own vote, provided that a Branch Conference Delegate may only hold one (1) proxy vote.

~~m.~~

~~o.~~ A proxy appointed in accordance with sub-rule n. counts for the purpose of quorum, both in their own right and as a proxy.

~~n.~~

~~p.~~ Determinations of the Branch Conference will be by majority.

~~o.~~

~~q.~~ The Branch Conference will receive, and consider, reports from the Branch President and the Branch Secretary and will provide advice to the Branch Executive on Branch policy, organising, campaigning and industrial affairs.

~~p.~~

~~r.~~ The minutes of each Branch Conference meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each Branch Conference Delegate.

~~q.~~

~~s.~~ A member of the Branch Conference who ceases to be a member attached to the Branch immediately ceases to be a member of the Branch Conference.

~~r.~~

~~t.~~ A member of the Branch Conference continues to hold office irrespective of whether they are reallocated from the Industry Division, Industry Sub-division or regional zone that they have been elected to represent.

~~s.~~

~~u.~~ **21 - MINUTE BOOK**

21 -

~~a.~~ The Branch will keep separate minute books in which will be recorded proceedings and resolutions of respectively the:

~~a.~~

i. Branch Executive;

ii. Branch Council; and

~~iii.~~ Branch Conference; and

~~iv.~~ ~~Branch Industry Division Executive (if any).~~

~~iii.~~

~~b.~~ Upon confirmation of the minutes of the respective meetings, the chair of that meeting will promptly sign those minutes confirming them as the minutes of the meeting concerned.

~~b.~~

~~c.~~ ~~e.~~ The minutes of a meeting, if signed in accordance with this rule by the respective chair of the meeting concerned, are for the purposes of these Branch rules conclusive proof of the matters recorded in them.

~~v.~~ **22 - BRANCH PRESIDENT**

22 -

~~a.~~ A Branch President will be elected at the Quadrennial Elections by, and from, the financial members.

~~a.~~

~~b.~~ The Branch President will:

~~b.~~

i. preside at all meetings of the Branch;

ii. preserve order at meetings of the Branch;

- iii. ensure the business of a meeting is conducted in accordance with these Branch Rules; and
- iv. act impartially when presiding.

~~e.~~ The Branch President may, in accordance with these Branch Rules, delegate part of the Branch President's powers and/or obligations to the Branch Senior Vice-President.

~~c.~~

~~d.~~ The Branch President may, in accordance with these Branch Rules, delegate part of the Branch President's powers and/or obligations to a Branch Industry Division Vice-President.

~~d.~~

~~_____~~ The Branch President has a deliberative vote only.

~~e.~~

~~_____~~ The Branch Conference may, but no later than three (3) months prior to the opening of nominations for a Branch Quadrennial Election, determine that the Branch President is to be a Paid Officer or an honorary officer.

~~f.~~

~~_____~~ A determination under sub-rules f. continues to have effect until a subsequent determination is made under respectively sub-rule f..

~~g.~~

~~_____~~ In the event that the President resigns, dies or is otherwise removed from office, the Branch Council may determine that the office, if a Paid Office, will, until a further determination is made under sub-rule f., be an honorary office.

~~h.~~

~~w.~~ **23 — BRANCH SENIOR VICE-PRESIDENT**

23 -

~~_____~~ ~~a.~~ A Branch Senior Vice-President will be elected at the Quadrennial Elections by, and from, the financial members.

~~a.~~

~~_____~~ ~~b.~~ A Branch Senior Vice-President will:

~~b.~~

~~_____~~ ~~i.~~ assist the Branch President at all meetings in connection with the business of the Branch; and

~~i.~~

~~ii.~~ ~~ii.~~ generally assist the Branch President and Branch Secretary in carrying out the business of the Branch.

~~x.~~ ~~24~~ — **BRANCH INDUSTRY DIVISION VICE-PRESIDENTS**

24 -

~~a.~~ ~~a.~~ A Branch Industry Division Vice-President will be elected at the Quadrennial Elections from each of the Branch Industry Divisions by, and from, the financial members attached to the relevant Branch Industry Division.

~~a.~~

~~b.~~ ~~If the Branch Executive authorises the formation of a Branch Industry Executive, the respective Branch Industry Division Vice-President will chair that Branch Industry Division Executive.~~

~~c.~~

~~c.~~ A Branch Industry Division Vice-President will:

~~b.~~

~~i.~~ ~~assist the Branch President at all meetings in connection with the business of the Branch; and~~

~~i.~~

~~ii.~~ ~~generally assist the Branch President, Branch Senior Vice-President, the Branch Secretary and the Branch Assistant Secretaries in carrying out the business of the Branch.~~

~~y.~~ ~~25~~ — **BRANCH TREASURER**

25 -

~~a.~~ ~~a.~~ A Branch Treasurer will be elected at the Quadrennial Election by, and from, the financial members.

~~a.~~

~~b.~~ ~~The Branch Treasurer is to:~~

~~b.~~

~~i.~~ ~~regularly, and as necessary, review the Branch accounts maintained by the Branch Secretary;~~

~~i.~~

~~ii.~~ ~~cause to be presented a detailed financial report including a quarterly statement of profit and loss and the balance sheet of the Branch Fund to each ordinary meeting of the Branch Executive; and~~

~~A.~~ ~~Branch Executive; and~~

~~B. Branch Council; and~~

~~iii.~~ promptly deliver to the Branch Executive, if requested by the Branch Executive, the Branch's Financial Records in the custody or control of the Branch Treasurer.

~~iii.~~

~~c.~~ The Branch Treasurer will be the Chair of the Finance Committee if a Finance Committee is established by the Branch Executive.

~~z.~~ **26 - BRANCH ASSISTANT TREASURER**

26 -

~~a.~~ A Branch Assistant Treasurer will be elected at the Quadrennial Election by, and from, the financial members.

~~a.~~

~~b.~~ The Branch Assistant Treasurer will assist the Branch Treasurer.

~~b.~~

~~c.~~ ~~Te.~~ The Branch Assistant Treasurer will be the Chair of the Audit, Risk and Compliance Committee if an Audit, Risk and Compliance Committee is established by the Branch Executive.

~~aa.~~ **27 - BRANCH SECRETARY**

27 -

~~a.~~ There will be a Branch Secretary elected at the Quadrennial Election by, and from, the financial members.

~~a.~~

~~b.~~ The Branch Secretary is the chief executive officer of the Branch and will between meetings of the Branch Council and Branch Executive, conduct and manage the affairs of the Branch.

~~b.~~

~~c.~~ Without limiting sub-rule b. the Branch Secretary will:

~~c.~~

~~i.~~ in consultation with the Branch President deal with urgent matters requiring a determination between meetings of the Branch Executive which would ordinarily be the subject of a Branch Executive determination, provided that such determinations are reported to the next ordinary Branch Executive meeting;

~~i.~~

~~ii.~~ cause to be prepared and furnished all returns, statements and declarations for the Branch;

ii.

~~iii.~~ have the right to attend and to be heard, or to have their representative attend and be heard, on a matter at a meeting of the Branch;

iii.

~~iv.~~ have the right to inspect and examine or cause to be inspected and examined:

iv.

~~A.~~ registers;

~~B.~~ books;

~~C.~~ papers;

~~D.~~ deeds;

~~E.~~ documents; and

~~F.~~ accounts,

F.

in, or in connection with, the conduct and management of the affairs of the Branch or a section of the Branch;

v. ~~v. ensure that cause:~~

A. the accounts of the Branch ~~are to be~~ maintained;

B. ~~the balance sheet of the Branch Fund to be maintained;~~

C. ~~a quarterly statement of profit and loss to be prepared; and~~

~~and are to be~~ presented to each ordinary Branch Executive meeting;

~~vi.~~ be responsible for the direction, control, supervision, allocation of duties to or dismissal of a Branch Employee;

vi.

~~vii.~~ engage, suspend and dismiss service providers; and

vii.

viii. ~~cause to~~ initiate, prosecute ~~and or~~ defend proceedings in courts and tribunals, or intervene ~~in~~ such proceedings for the Branch.

~~d.~~ The Branch Secretary will maintain the register of members and officers in accordance with the National Rules and these Branch Rules.

d.

~~e.~~ The Branch Secretary will ensure that a member's record on the membership register includes any section of the Branch to which the member is attached.

e.

~~f.~~ A temporary vacancy or casual vacancy in the position of Branch Secretary will be managed in accordance with the National Rules.

~~f.~~

~~g.~~ The Branch Secretary is a Paid Officer.

~~g.~~

~~h.~~ ~~h.~~ Subject to the National Rules, the Branch Secretary is authorised to execute on behalf of the Branch, a contract of employment for a Branch Employee, collective industrial agreements, applications and all other documents or instruments.

~~bb.28 - 28~~ **BRANCH ASSISTANT SECRETARIES**

- a. Two (2) Branch Assistant Secretaries will be elected at the Quadrennial Election by, and from, the financial members.
- b. The Branch Secretary may delegate powers of the Branch Secretary to a Branch Assistant Secretary.
- c. A temporary vacancy or casual vacancy in the position of Branch Assistant Secretary will be managed in accordance with the National Rules.
- d. A Branch Assistant Secretary is a Paid Officer.

~~cc.~~ ~~29~~ **BRANCH AUDITOR**

29 -

~~a.~~ The Branch ~~Council~~ Executive will appoint an Auditor for the Branch.

~~a.~~

~~b.~~ An Auditor cannot be:

~~b.~~

~~i.~~ a member; or

~~i.~~

~~ii.~~ an employee of,

~~ii.~~

the ASU.

~~c.~~ A yearly audit of the Branch's accounts will be conducted by the Auditor.

~~c.~~

~~d.~~ ~~d.~~ The Auditor is to audit the financial accounts of the Branch for the financial year and to present the audited financial accounts and report to the Branch Executive ~~and Branch Council~~ after the close of the financial year.

~~dd.~~ ~~30~~ **RETURNING OFFICER**

30 -

~~a.~~ The Branch Executive will appoint a Returning Officer for the Branch.

a.

~~b.~~ A Returning Officer cannot be:

b.

~~i.~~ ~~i.~~ the holder of any office in; or

~~ii.~~ ~~ii.~~ an employee of,
the ASU.

~~ee.~~ ~~31~~ **ELECTION OF BRANCH OFFICE HOLDERS**

31 -

~~a.~~ This rule will commence operation for the Quadrennial Election to be held in 2023.

a.

~~b.~~ ~~b.~~ Commencing in 2023 and thereafter a Quadrennial Election will be held to elect a person to the office set out in column A by, and from, the electorate set out in column B:

A	B
Branch President	the Branch financial members
Branch Senior Vice-President	the Branch financial members
Branch Vice-President (Industry)	the financial members attached to the respective Branch Industry
Branch Secretary/First National Executive Representative	the Branch financial members
Branch Assistant Secretary	the Branch financial members
Other Branch Executive Member	the Branch Conference Delegates attached to the respective Branch Industry Division

Branch Executive Members (Women)	the Branch Conference Delegates <u>who are women attached to the respective Branch Industry Division</u>
Branch Treasurer	the Branch financial members
Branch Assistant Treasurer	the Branch financial members
National Executive Representative	the Branch financial members
National Conference Delegate	the Branch Conference Delegates <u>attached to the respective Branch Industry Division</u>
Branch Council Delegate	the Branch Conference Delegates <u>attached to the respective Branch Industry Division</u>
Branch Council Delegate (Women)	the Branch Conference Delegates <u>attached to the respective Branch Industry Division</u>
Branch Conference Delegate representing Industry Sub-Divisions	<u>the financial members attached to the respective Branch Industry Sub-Division</u>
Branch Conference Delegate representing Regional Zones	the financial members belonging to the respective Regional Zone
Branch Conference Delegate representing Aboriginal and Torres Strait Islander members	Aboriginal and Torres Strait Islander financial members
Branch Conference Delegate representing Branch Employees	the financial members attached to the Branch Employee Sub-division

~~c.~~ A Branch Employee cannot be nominated to stand for election for any office other than as:

~~c.~~

~~i.~~ a Paid Officer; or

~~i.~~

~~ii.~~ the Branch Conference Delegate representing the Branch Employee Sub-division.

~~ii.~~

~~d.~~ The Branch Council Conference will, at a meeting of Branch Council Conference held at least three (3) months prior to the opening of nominations in the Quadrennial Election, determine the geographical location of the Regional Zones, provided that the Regional Zones

will be as determined in accordance with this sub-rule until a further determination (if any) is made by the Branch ~~Conference Council~~ under this sub-rule and will be published on the Branch Website.

~~d.~~

~~e.~~ The financial members of an Industry Sub-division will be entitled to elect Branch Conference Delegates on the following basis:

~~e.~~

~~i.~~ up to 100 financial members as at 1 July in the year preceding the Quadrennial Election – one (1) Delegate; and

~~i.~~

~~ii.~~ for each additional 100 financial members as at 1 July in the year preceding the Quadrennial Election – one (1) Delegate.

~~ii.~~

~~f.~~ The financial members residing in a Regional Zone, except the Regional Zone that includes the City of Brisbane, are entitled to elect one (1) Branch Conference Delegate for that Regional Zone.

~~f.~~

~~g.~~ The financial members who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, will be entitled to elect Branch Conference Delegates on the following basis:

~~g.~~

~~i.~~ up to 100 financial members, who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Election – one Delegate; and

~~i.~~

~~ii.~~ for each additional 100 financial members, who have identified to the Branch as being of Aboriginal or Torres Strait Islander origin, as at 1 July in the year preceding the Quadrennial Election – one (1) Delegate.

~~ii.~~

~~h.~~ The financial members of an Industry Division will be entitled to elect Other Branch Executive Members from their Branch Industry Division on the basis of one (1) Other Branch Executive Member for each whole quota number of financial members as at 1 July in the year preceding the Quadrennial Election, and for the purposes of this sub-rule the quota number of financial members for Other Branch Executive Members is calculated on the following formula:

~~_____~~

~~number of financial members at 1 July in the year preceding the Quadrennial Election~~
~~÷ 1~~

~~i. If the formula in sub-rule h. does not equate to a whole number, the quota will be rounded down to the nearest whole number.~~

~~j. In the event that the number of members equalling whole quotas of the Branch Industry Divisions is less than the total number of financial members of the Branch as at 1 July in the year preceding the Quadrennial Election then that Branch Industry Division having the highest number of financial members remaining after taking into account whole quotas, is entitled to an additional Other Branch Executive Member.~~

~~k. The financial members of an Industry Division will be entitled to elect Branch Council Delegates to be elected from their Branch Industry Division on the basis of one (1) Branch Council Delegate for each whole quota number of financial members as at 1 July in the year preceding the Quadrennial Election, and for the purposes of this sub-rule the quota number of Branch members for Branch Council Delegates is calculated on the following formula:~~

~~number of financial members at 1 July in the year preceding the Quadrennial Election~~
~~÷ 1~~

~~41~~

~~l. If the formula in sub-rule k. does not equate to a whole number, the quota will be rounded down to the nearest whole number.~~

~~m. In the event that the number of financial members equalling whole quotas of the Branch Industry Divisions is less than the total number of financial members of the Branch as at 1 July in the year preceding the Quadrennial Election then that Branch Industry Division having the highest number of financial members remaining after taking into account whole quotas, is entitled to an additional Branch Council Delegate.~~

32—NOMINATION OF CANDIDATES

32 -

~~a. The Returning Officer will call for nominations by placing a notice in a Branch Communication for:~~

~~a.~~

~~i. all offices which are elected by all the financial members;~~

~~i.~~

~~ii.~~ offices which are elected by all the financial members of a Branch Industry Division;
~~and~~

~~ii.~~

~~iii.~~ Branch Conference Delegates,

~~iii.~~

and will also comply with additional requirements (if any) of the National Rules.

~~b.~~ The Returning Officer will call for nominations for the offices of Other Branch Executive Member after the completion and declaration of elections for the offices in sub-rule a. hereof.

~~b.~~

~~c.~~ The Returning Officer will call for nominations for the offices of Branch Council Delegate after the completion and declaration of elections for the offices in sub-rule b. hereof.

~~c.~~

~~d.~~ The Returning Officer will conduct the election for the offices by way of a secret postal ballot.

~~d.~~

~~e.~~ An election required by these Branch Rules will, subject to the requirements of these Branch Rules, be conducted in accordance with PART VII of the National Rules.

~~ff.~~ **33 - CASUAL VACANCY**

~~33 -~~

~~a.~~ Casual vacancies arising in any office will be filled in accordance with the National Rules.

~~a.~~

~~b.~~ Despite sub-rule a. a casual vacancy in an office of Branch Conference provided for under paragraphs 20 b. ii., iii. and iv. will, other than in a year of a Quadrennial Election, only be filled by election once each calendar year, with nominations to be called prior to 30 June in a respective year.

~~b.~~

~~c.~~ The election under sub-rule b., will be conducted in the same way as an election for the respective offices would be conducted in a Quadrennial Election, with the necessary changes being made.

~~gg.~~ ~~34~~ — **BRANCH FUND**

34 -

~~a.~~ The Branch Fund is established in accordance with the National Rules.

~~a.~~

~~b.~~ ~~b.~~ All transactions in respect of the Branch Fund will occur strictly in accordance with the National Rules.

~~hh.~~ ~~35 - 35~~ — **NOT USED**

~~ii.~~ ~~36~~ — **NATIONAL EXECUTIVE REPRESENTATIVES**

36 -

~~a.~~ The Branch will be represented on National Executive by National Executive Representatives who will each exercise the votes as determined by the National Rules.

~~a.~~

~~b.~~ The first National Executive Representative will be the Branch Secretary.

~~b.~~

~~c.~~ The other National Executive Representatives will be elected at the Quadrennial Election by, and from, the Branch financial members.

~~c.~~

~~jj.~~ ~~37~~ — **NATIONAL CONFERENCE DELEGATES**

37 -

~~a.~~ The number of National Conference Delegates for the Branch to be elected by, and from, the Branch Conference Delegates will be determined in accordance with the formula provided in the National Rules and subject to this rule.

~~a.~~

~~b.~~ The Branch will be represented on the National Conference by its National Executive Representatives and National Conference Delegates.

~~b.~~

~~c.~~ One (1) National Conference Delegate for each Branch Industry Division must be elected by, and from, the Branch Conference Delegates attached to the relevant Branch Industry Division.

~~c.~~

~~d.~~ Each Branch Industry Division will elect, in addition to the National Conference Delegate elected in accordance with sub-rule c., one (1) National Conference Delegate for each

whole quota they obtain on the basis of the number of financial members of that Branch Industry Division as at 31 December in the year preceding the Quadrennial Election.

e. The quota number for the purpose of sub-rule d. is calculated on the following formula:

number of Branch members at 31 December in the year preceding the Quadrennial Election
+ 1

(number of National Conference Delegates to be elected — number of Branch Industry Divisions)
+ 1

f. If the formula in sub-rule e. does not equate to a whole number, the quota will be rounded down to the nearest whole number.

g. In the event that the number of National Conference Delegates elected in accordance with sub-rules c. and d. does not equal the number of National Conference Delegates to be elected, then the Branch Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional National Conference Delegate.

h. National Conference Delegates elected pursuant to sub-rules d. and g. will be elected by, and from, the Branch Conference Delegates attached to the relevant Branch Industry Division.

i. National Conference Delegates representing the Branch can only exercise a proxy from a National Conference Delegate representing the Branch who is, as a member, attached to the same Branch Industry Division as they are.

b. j. The National Rules in relation to casual vacancies will apply to casual vacancies for National Conference Delegates and each casual vacancy will be filled by a Branch Conference Delegate who is attached to the same Branch Industry Division, as the person the subject of the casual vacancy.

~~kk.~~ ~~38~~ - PROPORTIONAL REPRESENTATION

38 -

~~a.~~ Notwithstanding any provisions of these Branch Rules, commencing in 2015 women will be represented on the Branch Executive and Branch Council as follows:

a.

~~i.~~ where the Branch has more than 50% women financial members, not less than 50% of the offices on Branch Council and Branch Executive will be filled by women; and

i.

~~ii.~~ where the Branch has more than 30% but less than 50% women financial members, not less than 30% of the offices on Branch Council and Branch Executive will be filled by women.

ii.

~~b.~~ At each Quadrennial Election, in addition to the requirements of PART VII of the National Rules, and any other requirements of these Branch Rules, the Branch Secretary will provide to the Returning Officer a certificate showing the percentage of women financial members at the close of nominations.

b.

~~c.~~ In the event that, at the declaration of the election, the number of women elected to the Branch Executive does not equal or exceed the number required by the relevant provision of sub-rule a. of this rule, the Returning Officer will call for sufficient nominations from Branch Conference Delegates for the requisite number of Branch Executive Member (Women) to be filled by women as required by sub-rule a. is achieved.

~~d.~~ Each Branch Industry Division will elect one (1) Branch Executive Member (Women) for each whole number quota they obtain on the basis of the number of financial members of that Branch Industry Division as at 1 July in the year preceding the Quadrennial Election.

~~e.~~ The quota number for the purpose of sub-rule d. is calculated on the following formula:

~~Number of financial members as at 1 July in the year preceding the Quadrennial Election + 1~~

~~(Number of Branch Executive Member (Women) to be elected + 1)~~

~~f.~~ If the formula in sub-rule e. does not equate to a whole number, the quota will be rounded down to the nearest whole number.

~~g. In the event that the number of Branch Executive Member (Women) elected in accordance with sub-rule d. does not equal the number of Branch Executive Member (Women) to be elected, then the Branch Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional Branch Executive Member (Women).~~

~~h. In the event that, at the declaration of the election in the case of Branch Council, the number of women elected to the Branch Council does not equal or exceed the number required by the relevant provision of sub-rule a., the Returning Officer will call for sufficient nominations from Branch Conference Delegates for the requisite number of Branch Council (Women) to be filled by women as is required for sub-rule a. to be achieved.~~

~~i. Each Branch Industry Division will elect one (1) Branch Council (Women) for each whole quota they obtain on the basis of the number of financial members of that Branch Industry Division as at 1 July in the year preceding the Quadrennial Election.~~

~~j. The quota number for the purpose of sub-rule (i) is calculated on the following formula:~~

~~Number of financial members as at 1 July in the year preceding the Quadrennial Election + 1~~

~~(Number of Branch Council (Women) to be elected + 1)~~

~~k. If the formula in sub-rule j. does not equate to a whole number, the quota will be rounded down to the nearest whole number.~~

~~c. j. In the event that the number of Branch Council (Women) elected in accordance with sub-rule (i) does not equal the number of Branch Council (Women) to be elected, then the Branch Industry Division having the highest number of members remaining after taking into account whole quotas, is entitled to an additional Branch Council (Women).~~

~~II. 39 -~~ **HOLDING OF OFFICE**

39 -

~~a. a.~~ An officer will hold office in the Branch in accordance with the National Rules.

~~mm. 40~~ — GENERAL MEETINGS OF THE BRANCH

40 -

~~a.~~ — A general meeting of Branch members will be held if:

a.

~~i.~~ — the Branch Executive determines; or

i.

~~ii.~~ — a request to summon a general meeting for the purpose of considering the Auditor's report, the general purpose financial report and the operating report is received by the Branch Secretary within the period provided by S 266(1) of the Act after the end of the financial year, bearing the name, address and signature of five percent (5%) of the Branch members.

ii.

~~b.~~ — Where a general meeting is to be held in accordance with sub-rule a. the Branch Secretary will cause notice of not less than seven (7) days and not more than 21 days to be given to members by Newspaper Advertisement and/or the Branch Journal and/or the Branch website setting out the time and place of the meeting and the business of the meeting.

b.

~~c.~~ — The quorum for a general meeting of the Branch will be five percent (5%) of the Branch members, or 50 Branch members, whichever is the lesser.

c.

~~d.~~ — Each financial member in attendance at the general meeting is entitled to one (1) vote.

d.

~~e.~~ — A financial member is not entitled to appoint a proxy to represent them at a general meeting.

e.

~~f.~~ — Determinations of the general meeting will be by majority vote of those in attendance and entitled to vote.

f.

~~g.~~ — If the Branch President is absent from a general meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.

g.

~~h.~~ — If the Branch President and the Branch Senior Vice-President are absent from a general meeting, or are not in attendance within 15 minutes of the time for the meeting

commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Branch Industry Division Vice-Presidents cannot by consensus determine which one of them will chair, then those members in attendance will determine which of the Branch Industry Division Vice-Presidents will chair.

h.

i. ~~i.~~ A general meeting held in accordance with sub-rule a. ii. will only consider the adoption or otherwise of the Auditor's report, the general purpose financial report and the operating report.

~~nn.~~ **41 - SPECIAL GENERAL MEETINGS OF THE BRANCH**

41 -

~~a.~~ A special general meeting of the Branch will be held if:

a.

~~i.~~ _____ the Branch Executive determines; or

i.

~~ii.~~ the Branch Council determines; or

~~iii.~~ a written requisition is made to the Branch Secretary signed by at least five percent (5%) of the financial members, where the requisition states the business to be placed before the meeting.

ii.

~~b.~~ Where a special general meeting of the Branch is held under sub-rule a., the business of the meeting is limited to the business set out in the determination or requisition.

b.

~~c.~~ The business for a special general meeting is limited to two (2) hours duration, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the financial members present at the meeting, provided that no meeting can be extended beyond 10.30 p.m.

c.

~~d.~~ The quorum for a special general meeting of the Branch is five percent (5%) of the financial members, or 500 Branch members, whichever is the lesser.

d.

~~e.~~ In the absence of a quorum, the special general meeting will not proceed.

e.

~~f.~~ Each financial member in attendance at the special general meeting is entitled to one (1) vote.

f.

~~g.~~ A financial member is not entitled to appoint a proxy to represent them at a special general meeting.

~~g.~~

~~h.~~ Determinations of the special general meeting will be by majority vote of those in attendance and entitled to vote.

~~h.~~

~~i.~~ If the Branch President is absent from a special general meeting, or is not in attendance within 15 minutes of the time for the meeting commencing, the Branch Senior Vice-President will chair the meeting with the powers of the Branch President.

~~i.~~

~~j.~~ If the Branch President and the Branch Senior Vice-President are absent from a special general meeting, or are not in attendance within 15 minutes of the time for the meeting commencing, then one of the Branch Industry Division Vice-Presidents will chair the meeting with the powers of the Branch President, provided that if the Branch Industry Division Vice-Presidents cannot by consensus determine which one of them will chair, then those members in attendance will determine which of the Branch Industry Division Vice-Presidents will chair.

~~j.~~

~~k.~~ ~~k.~~ A special general meeting can only provide advice to the Branch Executive in relation to the matters the subject of the determination or requisition.

– WORKPLACE DELEGATES – PROCESS

42 -

~~The Branch will have Workplace Delegates.~~

~~a.~~

~~Members will determine who the Workplace Delegates are in their workplace.~~

~~b.~~

~~c. The Branch Executive will approve the Branch Policy on Workplace Delegates which policy will provide for the following:~~

~~i. the rights, role and responsibilities of Workplaces Delegates;~~

~~ii. how Workplace Delegates can be:~~

~~A. nominated;~~

~~B. Selected;~~

~~C. Elected; and~~

~~D. endorsed;~~

~~iii. how often Workplace Delegates are required to be:~~

A. nominated;

B. Selected;

C. Elected; and

D. endorsed;

iv. how Workplace Delegates can be removed

~~_____~~ The Branch Conference Delegates for each Industry Sub-Division will determine how the Branch Policy may be implemented in the workplaces for members allocated to their Industry Sub-Division.

d.

~~_____~~ The Branch Secretary shall be responsible for the implementation of the Branch Policy.

e.

~~_____~~ The Branch Workplace Delegates under this Rule are not appointed Shop Stewards or Workplace Representatives under National Rule 55.

f.

~~oo.~~ ~~BRANCH INDUSTRY DIVISION EXECUTIVE~~

~~_____~~

~~_____~~ a. ~~_____~~ The Branch Executive may determine to establish a Branch Industry Division Executive for a Branch Industry Division.

~~_____~~

~~_____~~ b. ~~_____~~ If the Branch Executive makes a determination under sub-rule a. then the Branch Executive will also determine:

~~_____~~

~~_____~~ i. ~~_____~~ who comprises it;

~~_____~~ ii. ~~_____~~ how frequently it will meet;

~~_____~~ iii. ~~_____~~ how it will meet;

~~_____~~ iv. ~~_____~~ how it will be chaired;

~~_____~~ v. ~~_____~~ how it will conduct its business

~~_____~~ vi. ~~_____~~ how it will be resourced;

~~_____~~ vii. ~~_____~~ how it will report; and

~~_____~~ viii. ~~_____~~ how often it will report.

~~_____~~

~~_____ c. The Branch Executive may determine an administrative regulation providing for the matters set out under sub-rule b.~~

~~_____~~

~~_____ d. _____ A determination of a Branch Industry Division Executive does not bind the Branch Industry Division or the Branch.~~

~~_____~~

43—WORKPLACE MEMBERSHIP STRUCTURES

43 -

a. The Branch Conference will approve the Branch Policy on Workplace Delegate Structures which will include:

i. the rights, role and responsibilities of Workplaces Delegates;

ii. how Workplace Delegates will be nominated, selected, elected or endorsed; and

iii. how often Workplace Delegates are required to be nominated, selected, elected or endorsed.

~~_____ Branch Conference Delegates for each Industry Sub-Division will approve the creation of Workplace Delegate Structures for members allocated to their respective Industry Sub-Division consistent with Branch Policy on Workplace Delegate Structures.~~

b. _____

~~_____ The Branch Executive may, consistent with the Branch Policy on Workplace Delegate Structures, approve Workplace Delegate Structures for:~~

c. _____

i. geographic locations; or

~~_____ occupational specific groups of members,~~

ii. _____

who are allocated to more than one Industry Sub-Division.

d. The Branch Executive may approve Workplace Delegate Structures for any other group of members for whom a Workplace Delegate Structure has not otherwise been determined under this _____ Rule.

e. The Workplace Delegate Structures created under this Rule may be for a:

i. specific limited time; and/or

~~_____ specific limited purpose.~~

ii. _____

~~_____ A Workplace Delegate Structure established under this Rule are not appointed structures under National Rule 55.~~

~~f. _____~~

RESOLUTION OF WORKPLACE ISSUES

44 -

~~a. _____ The Branch Executive will determine the Branch Policy for resolving issues, grievances or complaints between members in the workplace where the issues, grievances or complaints relate to the behaviour and actions of the respective members relating to the business of the Branch or the Union.~~

~~b. _____ – NOT USED~~

RESOLUTION OF DELEGATE DISPUTES

45 -

~~_____ The Branch Executive will determine the Branch Policy for resolving issues, grievances or complaints between a Workplace Delegate, a Branch Conference Delegate or a Branch Executive Officer respectively with a Workplace Delegate or Branch Conference Delegate or Branch Executive Officer where the issues, grievances or complaints arise from the conduct, or behaviour, of the respective Workplace Delegate, Branch Conference Delegate or Branch Executive Officer in conducting the business of the Branch or the Union.~~

~~a. _____~~

~~—RESOLUTION OF ISSUES WITH OFFICERS/EMPLOYEES~~

46 -

~~_____ The Branch Executive will determine the Branch Policy for resolving members issues, grievances or complaints which arise from the conduct, or behaviour, of a Branch officer or a Branch employee in conducting the business of the Branch or the Union.~~

~~a. _____~~

~~pp. 47~~

~~qq. 48 – NOT USED~~

~~rr. 49 – BRANCH POLICY~~

47 -

~~a. _____ The Branch Conference Delegates respectively for attached to each an Industry Sub-division will determine Branch policy on any matter specific to members attached to their Industry Sub-division, which does not affect members attached to another Industry Sub-division including to:~~

a.

~~i.~~ determine the Branch's response to any matters raised by their employer, which does not affect members attached to another Industry Sub-division;

i.

~~ii.~~ determine Branch policy and strategy in collective bargaining campaigns and ensure:

ii.

~~A.~~ members, who are affected by a collective bargaining campaign (for this rule "affected members"), determine the range of issues to be included in any claim as part of a collective bargaining campaign;

A.

~~B.~~ that appropriate delegate structures are established for affected members, and that delegate structures of the affected members are able to determine the strategy initiatives and Branch policy that should be adopted for collective bargaining campaigns relating to affected members except where strategy and policy is determined by the direct determination of the whole of the affected members attached to the Industry Sub-division;

B.

~~C.~~ that all affected members will determine any collective industrial action to be taken during a collective bargaining campaign; and

C.

~~D.~~ that the endorsement of all affected members is to be sought in determining the Branch policy on whether to approve or reject collective agreements to which the Branch may be a party following collective bargaining campaigns; and

D.

~~iii.~~ provide advice to Branch Council on Branch levies, in addition to the subscriptions, for Branch members employed in their Industry Sub-division. ~~The endorsement of a respective Agency Committee established under rule 46 is to be sought in determining the Branch policy on a matter specific to members employed by the relevant Agency.~~

~~_____~~

~~c.~~ ~~The endorsement of a respective Common Interest Group established under rule 47 is to be sought in determining the Branch policy on any matter specific to members in the Common Interest Group.~~

iii.

~~B.d.~~ Where collective bargaining affects members across more than one Industry Sub-division, Branch Executive may establish delegate structures to determine Branch policy and strategy in collective bargaining campaigns to ensure:

b.

~~i.~~ members, who are affected by a collective bargaining campaign (for this rule "affected members") determine the issues to be included in any claim as part of a collective bargaining campaign;

i.

~~ii.~~ that the delegate structures of the affected members have the power to determine the strategy and Branch policy for collective bargaining campaigns relating to affected members except where strategy and policy is determined by the direct determination of the whole of the affected members;

~~ii.~~

~~iii.~~ that all affected members will determine any collective industrial action to be taken during a collective bargaining campaign; and

~~iii.~~

~~iv.~~ that all affected members will determine the Branch policy on whether to approve or reject collective agreements to which the Branch may be a party following collective bargaining campaigns.

~~iv.~~

~~e.~~ Branch Executive will determine Branch policy relating to the management of the affairs of the Branch, the financial management of the Branch or the disbursement of the Branch Fund or Branch resources.

~~c.~~

~~d.~~ Branch Executive will determine if any matter considered by Delegates representing Industry Sub- divisions, ~~an Agency Committee or a Common Interest Group~~ affects Branch members who are not members of the Industry Sub-division, ~~Agency Committee or Common Interest Group~~.

~~d.~~

~~e.~~ If Branch Executive determines under sub-rule f. that the matter does affect other Branch members, then Branch Executive may either refer the matter to Branch Conference for a determination or determine the Branch policy on the matter, and the Branch Executive determination will prevail over any other determination.

~~e.~~

~~f.~~ By giving notice in writing, any member of the Branch Conference has the right to raise with the Branch Executive or Branch Secretary a matter which they consider has effect beyond a single Industry Sub-division, ~~Agency Committee or Common Interest Group~~.

~~f.~~

~~g.~~ ~~g.~~ If a notice is given under sub-rule h. the matter the subject of the notice cannot be Branch policy until the matter has been endorsed by the Branch Executive.

~~50~~ BRANCH POLICY - ABORIGINAL AND TORRES STRAIT ISLANDER MEMBERS

48 -

~~The Branch Conference Delegates, comprising all Branch Conference delegates under paragraphs 20 b (i), (ii), (iii) and (iv), who have identified to the Branch as Aboriginal and Torres Strait Islander will, subject to this rule, determine Branch policy on any matter specific to Aboriginal and Torres Strait Islander Members.~~

a.

— The Branch Executive will determine Branch policy relating to the management of the affairs of the Branch, the financial management of the Branch or the disbursement of the Branch Fund or Branch resources.

b.

— The Branch Executive will determine if a matter of policy determined by Delegates under sub-rule a. disproportionately affects other Branch members and should be considered by the Branch Conference.

c.

— If Branch Executive determines under sub-rule c. that a matter of policy does disproportionately affect other Branch members, then Branch Executive may either:

d.

— refer the matter to Branch Conference for its determination; or

i.

— determine the Branch policy on the matter,

ii.

and the determination made under this sub-rule will be the Branch policy on the matter and a matter of policy determined by Delegates under sub-rule a. will, to the extent of any inconsistency, be void.

— A Branch Conference Delegate may by notice in writing to the Branch Secretary, request the Branch Executive to determine if a matter of policy determined by Delegates under sub-rule a. disproportionately affects other Branch members.

e.

— If a notice is given under sub-rule e. the matter the subject of the notice cannot become Branch policy until the matter of policy has been endorsed by the Branch Executive

ss-f.

~~tt.~~ ~~51~~ – ALTERATION OF RULES

49 -

— a. — The Branch Council may determine to consent to the amendment of these Branch Rules by the National Executive or National Conference.

a.

b. ~~b.~~ — Any resolution determining to amend these Branch Rules must be approved by a 66% majority. ~~Despite sub-rule b. any resolution to amend Rule 50 Political Affiliation must be approved by a 75% special majority.~~

~~uu.~~ **52** – INTERPRETATION OF RULES

50 -

~~a.~~ a. — The Branch Executive has, subject to the National Rules, authority to interpret the meaning of the Branch Rules and will settle any disputes and determine any matter relating to the Branch on which the Branch Rules and National Rules are silent.

~~vv.~~ **53** – NOTICES TO MEMBERS

51 -

~~a.~~ a. — Unless otherwise required or provided by these Branch Rules a notice required to be given by these Branch Rules, may be given:

a.

~~i.~~ i. personally;

i.

~~ii.~~ ii. by facsimile;

ii.

~~iii.~~ iii. by email;

iii.

~~iv.~~ iv. by sms text; or

iv.

~~v.~~ v. — by sending the notice through the post in a prepaid letter,

addressed respectively to the person who is to receive the notice at their address, their facsimile number, email address or mobile phone number, as entered in the Branch membership register.

~~b.~~ b. — The non- receipt of a notice by a financial member will not invalidate a meeting held in accordance with the notice concerned.

~~ww.~~ **54** – STANDING ORDERS

52 -

~~a.~~ a. — The Branch Executive will approve standing orders of the Branch which will be consistent with the National Rules.

~~xx.~~ **55** – RULES OF DEBATE

53 -

~~a.~~ a. — The Branch Executive will approve rules of debate of the Branch which will be consistent with the National Rules.

54 -

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

A	B
Commencement Day	the day on which <u>this rule is certified</u>
Commencement Day <u>Rules</u>	the <u>rules</u> of the <u>Branch</u> that apply on, and from, the Commencement Day
Pre-commencement Day Officer	those persons elected, or appointed, as officers of the <u>Branch</u> , under the Pre-commencement Day Constitution
Pre-commencement Day <u>Rules</u>	the <u>rules</u> of the <u>Branch</u> that applied on the day immediately preceding the Commencement Day

—The purpose of this rule is to provide for structural and representational changes of the Together Branch.

b.

—A Pre-commencement Day Officer who held an office of the Branch, on the day immediately preceding the Commencement Day, will on, and from, the Commencement Day, and subject to this rule, hold that office and exercise their powers as an officer under the Pre-commencement Day Rules.

c.

—The quadrennial elections to be held in 2027 will be conducted under the Commencement Day Rules.

d.

e. A Pre-commencement Day Officer will cease to hold office as provided by the Commencement Day Rules.

—A Pre-commencement Day Officer whose office is not an office under the Commencement Day Rules will cease to hold office when the elections for Branch Conference are declared as provided by the Commencement Day Rules.

f.

_____ A casual vacancy in an office of a Pre-commencement Day Officer is to be filled under the Commencement Day Rules.

g. _____

_____ A casual vacancy in a Pre-commencement Day Officer whose office is not an office under the Commencement Day Rules will not be filled.

h. _____

_____ The Industry Sub-divisions and the Industry Divisions they are attached to, if any, as they were on the Day preceding the Commencement Day will be published on the Branch Website.

i. _____

_____ The Regional Zones as they were on the Day preceding the Commencement Day will be published on the Branch Website

j. _____

b. _____ To the extent of any inconsistency with rules 1 to 5~~35~~ of these Branch rules, this rule will prevail.

k. _____

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



By your side

Monday 11 December 2023

TO: ASU National Executive members
By email

Dear National Executive Member

Re: Result - Email Vote No. 05/2023 proposed Queensland Together Branch rule changes

The result of the email ballot submitted to members of National Executive via email on 5 December 2023, regarding the above is as follows:

A total of 131 affirmative votes were received from:

Paul O'Neill	Neil Henderson
Jennifer Thomas	Kate Cotter
Robert Potter	Abbie Spencer
Emeline Gaske	Scott Cowen
Alex Scott	Jeff Lapidos
Danielle Spink	Ancel Greenwood
Sharon Abbott	Lisa Darmanin
Angus McFarland	Tash Wark
Jan Primrose	Melanie Gent
Tom Patton	Imogen Sturni
Graeme Kelly	Cassie Farley
Sharon Sewell	Wayne Wood
Ross Crawford	

No negative votes were received. I advise that National Executive E-mail Vote No. 05/2023 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 12 December 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 Queensland Together Branch. You can download a copy of the Notice and attachments [here](#).
- 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