



A•S•U

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Tuesday 1st October 2013

General Manager
Fair Work Commission
Level 4, 11 Exhibition Street
MELBOURNE VIC 3000

By E-mail: melbourne@fwc.gov.au

Dear Sir/Madam

Re: Application by the ASU, Australian Municipal, Administrative, Clerical and Services Union for an Alteration to Eligibility Rules

Please find attached an Application by the Australian Services Union for consent to an alteration to its Eligibility Rules.

The Application is by way of the attached Form F68 signed by the authorised National Officer, and the attached declaration that the alteration was made in accordance with the Rules stating the actions taken under the Rules and verifying the facts stated in the application.

Please contact John Nucifora on 03 9342 1477 or Michael Rizzo on 03 9342 1440 if you have any queries.

Yours faithfully

David Smith
NATIONAL SECRETARY

Tel: +61 3 9342 1401
Mobile: 0419 644 238
E-mail: dsmith@asu.asn.au

**Australian
Services
Union**

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National Secretary
David Smith

Assistant National Secretaries
Greg McLean
Linda White

Form F68 Application for Consent to the Alteration of Eligibility Rules of an Organisation

IN FAIR WORK AUSTRALIA

FWA use only

FWA Matter No.:

APPLICATION FOR CONSENT TO THE ALTERATION OF ELIGIBILITY RULES OF AN ORGANISATION

Fair Work (Registered Organisations) Act 2009

Fair Work (Registered Organisations) Regulations 2009—paragraph 121(1)(b)

Applicant Organisation

Name:	Australian Municipal, Administrative, Clerical and Services Union		
	ABN:	28 519 971 998	
Address:	Ground Floor, 116-124 Queensberry Street .		
Suburb:	Carlton South	State: VIC	Postcode: 3053
Contact person:	David Smith, National Secretary		
	Title [if applicable]	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:	
Telephone:	03 9342 1400	Mobile:	
Fax:	03 9342 1499	Email:	info@asu.asn.au

A. The Alteration

The alteration of the eligibility rules of the organisation for which consent is sought is that rule 5 INDUSTRY AND ELIGIBILITY be altered by amending PART XIV and PART XV and by adding a new PART XXIII of sub rule 5 b as follows:

PART XIV

The Union shall consist of an unlimited number of employees (as defined in this Part) employed by the SECWA, the Gas Corporation, ~~or the Electricity Corporation,~~ or a Utilities Corporation.

For the purposes of this rule:

“SECWA” means the State Energy Commission of Western Australia.

“Electricity Corporation” means the body established as one of the successor organisations to State Energy Commission of Western Australia on 1 January 1995 pursuant to the Electricity Corporation Act (WA) 1994 and any successor, assignee or transferee to the business or part of the business of the Electricity Corporation.

“Gas Corporation” means the body established as one of the successor organisations to State Energy Commission of Western Australia on 1 January 1995 pursuant to the Gas Corporation Act (WA) and any successor, assignee or transferee to the business or part of the business

of the Gas Corporation.

"Utilities Corporation" includes any of Electricity Generation Corporation (T/A Verve Energy), Electricity Networks Corporation (T/A Western Power), Electricity Retail Corporation (T/A Synergy), Regional Power Corporation (T/A Horizon Power), AlintaGas Ltd, Alinta Limited, ATCO Gas Australia Limited, Monadelphous Energy Services Pty Ltd or any successor, assignee or transferee whether immediate or not to or of the business or part of the business of any of those entities.

"Employees" means all persons engaged:

- (1) as salaried officers;
- (2) in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work;
- (3) in occupational health nursing;
- (4) in journalism or public relations.

PART XV

The Union shall consist of an unlimited number of employees employed by ~~Edison Mission IPM Operation & Maintenance Kwinana Pty Ltd~~ at the Kwinana Co - generation Plant, Kwinana, Western Australia (~~Edison Mission~~), ("IMP") or any successor, assignee, or transferee, whether immediate or not to or of the business or part of the business of ~~Edison Mission IPM~~.

PART XXIII

Employees within the State of Western Australia engaged in:

- (a) the generation, transmission, distribution and/or retailing of electricity; or
- (b) the transmission, distribution and/or retailing of gas; as salaried officers: in administrative, clerical, technical, engineering, scientific professional, supervisory, managerial and operational classes of work; in occupational health nursing; in journalism; or in public relations, shall be eligible to be members of the Union.

B. Reason for the proposed alteration

PART XIV and PART XV is to name the successors to former employers currently named in PART XIV and PART XV.


PART XXIII is to provide for the continued existing coverage of defined classes of employees in the Western Australian energy industry but without the requirement of naming each employer in the industry in the rule and to prevent a further necessity of ASU introducing new rules to name successor business each time a company changes hands or a new company enters the industry.

C. Effect of the proposed alteration

PART XIV and PART XV will clarify the names of the current successors to employers named in PART XIV and PART XV of rule 5b and will define the ASU's current coverage in the Western Australia energy industry.

PART XXIII This variation will within the current scope of the ASU Western Australian energy industry coverage (of defined classes of employees) continue to provide existing coverage of the employees in the industry but without the inclusion of the name of each business in the rule and regardless of whether employment is in the public or private sector.

The defined classes are: employees as salaried officers; in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work; in occupational health nursing; in journalism; or in public relations.

<p>Date: 20/9/13</p> <p>Signature or Common Seal:</p> 

**APPLICATION FOR CONSENT TO THE ALTERATION OF
ELIGIBILITY RULES OF AN ORGANISATION**

Fair Work (Registered Organisations) Act 2009
Fair Work (Registered Organisations) Regulations 2009—paragraph 121(1)(b)

DECLARATION

I, David Smith, of 116-124 Queensberry Street, Carlton South in the State of Victoria declare as follows:

1. The Australian Municipal, Administrative, Clerical and Services Union (“ASU”) is an organisation registered under the *Fair Work (Registered Organisations) Act 2009*.
2. I am the National Secretary of the ASU and am authorised to make this Declaration.
3. The National Executive of the ASU has resolved to amend PART XIV and PART XV and to add a new PART XXIII to sub rule 5 b – Eligibility for Membership as follows:

PART XIV

The Union shall consist of an unlimited number of employees (as defined in this Part) employed by the SECWA, the Gas Corporation, or the Electricity Corporation, or a Utilities Corporation.

For the purposes of this rule:

“SECWA” means the State Energy Commission of Western Australia.

“Electricity Corporation” means the body established as one of the successor organisations to State Energy Commission of Western Australia on 1 January 1995 pursuant to the Electricity Corporation Act (WA) 1994 and any successor, assignee or transmittee to the business or part of the business of the Electricity Corporation.

“Gas Corporation” means the body established as one of the successor organisations to State Energy Commission of Western Australia on 1 January 1995 pursuant to the Gas Corporation Act (WA) and any successor, assignee or transmittee to the business or part of the business of the Gas Corporation.

“Utilities Corporation” includes any of Electricity Generation Corporation (T/A Verve Energy), Electricity Networks Corporation (T/A Western Power), Electricity Retail Corporation (T/A Synergy), Regional Power Corporation (T/A Horizon Power), AlintaGas Ltd, Alinta Limited, ATCO Gas Australia Limited, Monadelphous Energy Services Pty Ltd or any successor, assignee or transmittee whether immediate or not to or of the business or part of the business of any of those entities.

“Employees” means all persons engaged:

- (1) as salaried officers;
- (2) in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial and operational classes of work;
- (3) in occupational health nursing;
- (4) in journalism or public relations.

PART XV

The Union shall consist of an unlimited number of employees employed by Edison Mission IPM Operation & Maintenance Kwinana Pty Ltd at the Kwinana Co - generation Plant, Kwinana, Western Australia (~~Edison Mission~~), (“IMP”) or any successor, assignee, or transmittee, whether immediate or not to or of the business or part of the business of Edison Mission IPM.

PART XXIII

Employees within the State of Western Australia engaged in:

- (a) the generation, transmission, distribution and/or retailing of electricity; or
- (b) the transmission, distribution and/or retailing of gas; as salaried officers; in administrative, clerical, technical, engineering, scientific professional, supervisory, managerial and operational classes of work; in occupational health nursing; in journalism; or in public relations, shall be eligible to be members of the Union.

The action taken pursuant to the ASU rules was as follows:

1. On the 10 September 2013, the Branch Secretary of the Western Australian ASU Branch sent me a letter which stated as follows:

“10 September 2013

*Mr David Smith
National Secretary
116-124 Queensberry Street
CARLTON SOUTH VIC 3053*

Dear David,

RE: PROPOSED AMENDMENTS/ADDITION TO ASU NATIONAL RULES

As a member of the ASU National Executive, I am writing to you in accordance with Rule 49 “RULE ALTERATIONS” to include proposed amendments and a proposed addition to Rule 5b “ELIGIBILITY FOR MEMBERSHIP” to be submitted to the ASU National Executive for approval.

Please find enclosed proposed amendments to PART XIV and PART XV and a new PART XXIII.

Rule 49 requires that you receive proposed rule amendments/addition a least 21 days before the ASU National Executive at which the proposed rule change is to be voted upon. As these proposals will be mailed to you in the month of September 2013, there will be more than the required 21 days before the next National Executive scheduled for Tuesday, 19 November 2013 in Melbourne.

Yours sincerely,

*Wayne Wood
Branch Secretary"*

2. I can confirm that on the 13th September 2013, a postal/fax/email ballot was submitted to all National Executive members via email and that members were provided with a copy of the letter from the Western Australian ASU Branch Secretary together with the proposed rule changes to PART XIV and PART XV and a new PART XXIII under Rule 5b of the ASU rules.
3. On the 20th September 2013, the result of the postal/fax/email ballot submitted to members of the National Executive via email was declared carried.
4. The alteration to the rules was made in accordance with the rules of the organisation.
5. The facts stated in the application for consent to the alteration are true and correct.

AND I MAKE this declaration conscientiously believing that to the best of my knowledge the statements contained in this declaration are true and correct.

DATED: 20/9/13



.....
David Smith
National Secretary
Australian Municipal, Administrative, Clerical and Services Union