

Ms Eve Anderson  
Manager  
Organisations Section  
Fair Work Australia  
DX 30832  
Melbourne VIC

your ref:  
our ref: OCT:TZM:21102858

7 August 2012

*Also by email: eve.anderson@fwa.gov.au*

Dear Ms Anderson,

**RE: Notice of Alteration of Rules (other than eligibility Rules) of the Australian Municipal, Administrative, Clerical and Services Union ( ASU)**

We act on behalf of the ASU and enclose herewith for lodgement a Notice of Alteration of Rules in this matter.

If you have any queries, in relation to the application please contact Orm Thomas of this office.

Yours faithfully,



Orm Thomas  
Lawyer  
**RYAN CARLISLE THOMAS**

Direct Line: 9240 1436  
Direct Fax: 9240 1437  
Email: orm.thomas@rct-law.com.au

Enc: as above.

**FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009 (RO) s159**

**Fair Work (Registered Organisations) Regulations 2009**

**Regulation 126**

**NOTICE OF ALTERATION OF RULES (OTHER THAN ELIGIBILITY RULES)**

I, David Smith of 116 Queensbury Street, Carlton South state as follows:

1. I am the National Secretary of the Australian Municipal, Administrative, Clerical and Services Union (ASU) and the person authorised under the Rules to make this statement.
2. To the best of my knowledge and belief the particulars of the Alteration of the Rules contained in this statement are true and correct.
3. Rules alterations have been made by the National Executive pursuant to Rule 49 of those Rules.
4. The alterations of the Rules have been made in the following manner:
  - 4.1. On 28 June 2012 the National Executive appointed a sub-committee to review the Rules of the Union. The sub-committee comprised of myself and three other Executive Members. The sub-committee met on three occasions and reported on each occasion to the National Executive.
  - 4.2. On 22 June 2012 the sub-committee agreed to the proposed Rule changes which were then submitted to me for submission to the National Executive.
  - 4.3. On 3 July 2012 an agenda including each of the Rule changes was forwarded to each member of the Executive with Notice of a meeting to be conducted on Wednesday 18 July 2012.

21102858 – ASU (National)

4.4. Its meeting on 18 July 2012 the National Executive approved the Rule changes. A copy of the resolutions together with details of the Rule changes is attached to this statement and marked "1".

4.5. A majority of the National Executive members participated in the meeting in accordance with sub-rule 8 (i). Attached and marked "2" is the attendance sheet at the National Executive meeting together with the proxy forms received in accordance with sub-rule 8 (k) of the Rules.

4.6. A total of 129 votes were cast at the National Executive meeting and all were cast in favor of the resolutions, therefore more than 70 per cent of the votes were cast in favor of the resolutions concerning all of the Rule changes as provided for in Rule 49. A copy of the National Executive voting tally sheet is attached to this statement and marked "3".

5. The ASU will publish on its website a Notice that this Notice has been lodged with FWA in accordance with sub-regulation 126 (1).

DECLARED at MELBOURNE  
in the State of Victoria this 7<sup>th</sup> )  
day of AUGUST 2012 )



BEFORE ME: .....  .....

Ormond Thomas  
RYAN CARLISLE THOMAS  
L10/533 Little Lonsdale Street  
Melbourne 3000  
an Australian Legal Practitioner  
(within the meaning of the  
(Legal Profession Act 2004)

**RULE CHANGES**

**• NATIONAL RULE CHANGES**

David Smith will present the report.

Over last six months I have prepared the drafts to the National Rule changes. These proposed rule changes have been reviewed by the relevant Rule Sub-Committee; the changes will affect the following areas:

1. Deletion of the Executive President's position.
2. Ability to have an acting National Secretary.
3. A change to National account signatories.
4. Updating Branch names.
5. Allowing for subscriptions to be paid by all current methods.
6. Reinforcing the definition of the make-up of National Conference.
7. Changes proposed for Branches Rules to ensure the correct National Conference numbers are elected to each Branch.

**Recommendation:**

**Moved: Brian Parkinson**  
**Seconded: Ruth McFarlane**

"That the National Rule changes as contained in the Agenda with the amendment to rule 18 i be agreed to and that the National Secretary be authorised to submit the rule alterations to Fair Work Australia for certification.

The National Executive resolves as follows:

**Amendments to ASU Rules**

1. Rule 3. f., delete the words "National Executive President".
2. Delete Rule 6 Structure and substitute the following:  
"6 – Structure
  - a. Members of the Union shall be attached to one of the following Branches in accordance with Rule 10:
    - i. Central and Southern Queensland Clerical and Administrative Branch
    - ii. Western Australian Branch
    - iii. Taxation Officers' Branch
    - iv. New South Wales and ACT (Services) Branch
    - v. Queensland (Services and Northern Administrative ) Branch
    - vi. South Australian and Northern Territory Branch
    - vii. New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch;
    - viii. Victorian and Tasmanian Authorities and Services Branch;
    - ix. Victorian Private Sector Branch."

3. Rule 7. c., add the words "in addition" after the words "National Executive and" in the first line  
 AND  
 Rule 7. e., delete the words ", National Secretary and National Executive President" and insert the words "and the National Secretary".  
 AND  
 delete Rule 7. f. iv and substitute the following:  
 iv. "the National President and the National Secretary so determine"  
 AND  
 Rule 7. j., delete the word "Executive" in the fourth line.  
 AND  
 Rule 7. l., delete the word "chairperson" in the second line and insert the words "National President"  
 AND  
 Rule 7. m., delete the words "chairperson" in the second line and insert the words "National President"  
 delete Rule 7. o.

4. Rule 8. c., delete the words "the National Executive President".  
 AND  
 Rule 8. h., delete the words "and the National Executive President consider" in line one and insert the word "considers"  
 AND  
 Rule 8. j., delete the words "and the National Executive President" in line one.

5. Rule 9., delete b. and substitute the following:  
 b. The National Airlines Industry Division shall be constituted by members employed or engaged in the Airlines Industry in the following Branches:  
 i. Queensland (Services and Northern Administrative) Branch  
 ii. Central and Southern Queensland Clerical and Administrative Branch;  
 iii. New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch;  
 iv. Victorian and Tasmanian Authorities and Services Branch  
 v. Western Australian Branch  
 vi. New South Wales and ACT (Services) Branch  
 vii. Victorian Private Sector Branch  
 viii. South Australian and Northern Territory Branch.

AND

Rule 9. h., delete h and substitute the following:

"h. The National Airlines Industry Division Council shall consist of thirty **two** (32) delegates nominated by the Branches as follows:

<b>Branch:</b>	<b>No. of delegates:</b>
Queensland (Services and Northern Administrative)	1
Central and Southern Queensland Clerical and Administrative	5
New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities	5
Victorian and Tasmanian Authorities and Services	1
Western Australian	2
New South Wales and ACT (Services)	8
Victorian Private Sector	8
South Australian and Northern Territory	2

6. Rule 12. b. ii., delete the word "chairperson" in the second line and insert the words "National President"

AND

Rule 12. b. iv., delete the words "and Executive President"

7. Rule 14., delete Rule 14. and substitute the following:

**"14 – National Secretary**

a. There shall be a National Secretary elected each four years in accordance with Part VII.

b. The National Secretary shall:

- i. **Be the Executive Officer of the Union, who between meetings of the National Conference and National Executive shall conduct and manage the affairs of the Union and, do all things necessary to be done by or on behalf of an organisation registered under the Fair Work (Registered Organisations) Act 2009.**
- ii. Be the officer to be sued or to sue for or on behalf of the Union.
- iii. Prepare and furnish, or arrange for the preparation and furnishing in accordance with these Rules, all returns, statements, declarations and the like required by law, and without limiting the generality of the foregoing, required to comply with all relevant provisions of the Australian Industrial Relations Act 1988.
- iv. See that accounts of the Union are kept and presented to each meeting of the National Executive.
- v. Have the right to attend or be represented and to be heard on any matter at any meeting with the Union, provided that where another person represents the National Secretary at any meeting with the Union, such person shall have the right to be heard.
- vi. Have the right to inspect or examine or cause to be inspected and examined all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Union or of any Branch, Industry Division or subordinate part of a Branch of the Union.
- vii. Consult with the National President on urgent matters which require a decision between meetings of the National Executive and which ordinarily would be subject of a National Executive decision, provided that such decision shall be reported to National Executive members within seven days.
- viii. Generally perform such other duties as are allocated to the National Secretary by the National Conference or the National Executive from time to time.
- ix. Notwithstanding the provisions of sub-clause i. of this sub-rule, any and each of the National Secretary and National President may authorise on behalf of the Union the compilation of claims and/or logs of claims, and letters of demand, and the service of such claims on any employer employing persons who are eligible for membership of the Union or whom the Union seeks to represent either as agent or otherwise.

c. This position shall be full-time."

8. Rule 15., delete Rule 15 and substitute the following:

**"15 – Deleted"**

9. Rule 16. b., delete the words "and the National Executive President"

AND

add the following new sub-rule 16. c.

"c. In the event of that the National Secretary is on leave or otherwise absent the following shall apply:

- i. If it is practicable for the National Secretary to do so he/she will consult with the National President and the Assistant National Secretaries and may appoint

one of the Assistant National Secretaries to act as National Secretary during the course of the absence

- ii. If it is impracticable for the National Secretary to consult as provided in i. The National President may after consultation with the Assistant National Secretaries appoint one of the Assistant National Secretaries to act as National Secretary in the absence of the National Secretary
- iii. Provided that the National Executive may review any appointment made pursuant to i or ii above and make an alternative appointment

**10. Rule 18 Subscriptions. delete Rule 18 and substitute the following:**

- a. The National Executive may determine a recommended annual fee rate and each Branch must set an annual subscription, and may set that annual subscription higher or lower than that National Executive determination of the annual fee rate.
- b. Where a Branch sets a subscription different from that of the annual fee rate determined by the National Executive, the Branch Secretary of the Branch concerned shall inform the National Secretary in writing of that subscription.
- c. A Branch Executive may determine, for differing categories of Branch membership, that a proportion of the subscription be paid by the members in those categories.
- d. A member shall pay to the Union the subscription in advance.
- e. A Branch must have a scheme in place for a member to pay a member's subscription to the Union (for the purposes of this Rule "the Scheme") provided that this sub-rule does not prevent a Branch from collecting a subscription or having a subscription paid to it.
- f. The Scheme, that a Branch must have in accordance with Sub-rule (e) of this Rule, may permit payment by a member of the member's subscription in the following ways, by:
  - i) cash, cheque or electronic payment;
  - ii) payroll deduction;
  - iii) direct debit;
  - iv) credit card; and/or
  - v) such other means as the National Executive may determine.
- g. Payment of a subscription by payroll deduction may be made where a member has authorised an employer to deduct the member's subscription from the member's salary, and the employer has agreed to make such deduction, and regularly submit the subscription to the Union or a Branch thereof.
- h. A payment to the Union of a subscription in accordance with a Scheme is for the purposes of Sub-rule (d) of this Rule a payment in advance to the Union of a member's subscription.
- i. The National Executive in determining the level of capitation for each Branch, shall not necessarily take into account Branch determinations, in accordance with Sub-rule (a).
- j.
  - i) The Branch Executive may, in special circumstances waive a subscription and/or a part of a subscription and/or arrears of a subscription.
  - ii) The Branch Executive may delegate this power to the Branch Secretary, provided that the Branch Secretary shall report all waivers to the Branch Executive.
- k. Associate Members shall pay a fee determined by the Branch Executive of the Branch to which they are attached."

**11. Rule 19. delete Rule 19 and substitute the following:  
"19 – deleted"**

12. Rule 21. d. iv. 2., delete the words "or any National Executive President".  
AND  
delete Rule 21. f. and insert the following:  
"f. all orders for the withdrawal and transfers of monies shall be authorised and/or signed in accordance with these Rules. In the case of funds under the administration of the National Executive, all orders for the withdrawal, transfer or direct debits of funds or credit card approvals shall be signed by National President and the National Secretary, or one Assistant National Secretary during any absence of the National Secretary or National President.  
  
Provided that the National Executive may establish accounts for administrative or other purposes and shall nominate from among the National Secretary the National President and one National Assistant Secretary at least two signatories in respect of each such account."  
AND  
Rule 21. h. i., delete h. i. and substitute the following:  
"i. the National Conference or the National Executive may grant honoraria to the National President, the National Vice President or any other member of the Union."
13. Rule 23. a and b, delete the word "annual" where it appears before the word "subscriptions".  
AND  
Rule 23. d., delete the words and brackets "(or the National Executive President)'."  
in line three of the second paragraph.
14. Rule 27. a. ii., add the word "Branch" before the word "Secretary" in the second line  
AND  
Rule 27. i. ii., delete the word "subscription" and add the word "fee"  
AND  
add the new Rule 27 a iii "an application for membership may, in the one application, be made jointly with the State Union."
15. Rule 28. delete "and Executive Presidents" in the fifth line.
16. Rule 35. a., delete the words "National Executive President" appearing in the first line.  
AND  
Rule 35. a. i. 5., delete the words "or one of the National Executive Presidents".  
AND  
Rule 35. b., delete the words "or the National Executive President" in line four of the first paragraph.
17. Rule 37.a. i., delete the words "The National Executive President".
18. Rule 40. a., delete the words "National Executive President".  
AND  
Rule 40. g., delete the words "National Executive President".
19. Rule 41. d. add "South Australian and Northern Territory Branch"  
AND  
delete "Queensland Services Branch and substitute "Queensland (Services and Northern Administrative) Branch"



20. Rule 42. a., delete the words "Subject to Rules 14 and 16, Casual Vacancies shall be filled in accordance with this Rule."  
AND  
Rule 42. c. i., delete the words "National Executive President".
21. Rule 46. a., delete the words ", National Executive President" in the third line and the words "and the National Executive President" in the fourth line.  
AND  
Rule 46. b., delete the words "And the National Executive President" in the lines three and four, and delete the words "or the National Executive President" in lines four and five.  
AND  
Rule 46. c., delete the words "or the National Executive President" in the first line.  
AND  
Rule 46. d., delete the words "or the National Executive President" in the second and sixth line.
22. Rule 47. b., delete the words "or the National Executive President" in the fourth and fifth line.  
AND  
Rule 47. c., delete the words "or the National Executive President" in the fourth, fifth and sixth line.
23. Rule 48. delete the words "and the National Executive President" in the last line.
24. Rule 53. b. ii, delete the words "and the National Executive President" in the second line."

**MOTION WAS PUT AND DECLARED CARRIED UNANIMOUSLY**

"2"



A.S.U

# National Executive

## ATTENDANCE SHEET

Date: 18<sup>th</sup> July, 2012.....

Total Members:.....

National Executive Members	Present [Please initial]	Non-attendance Proxy to:
ASU National Office, Melbourne - David Smith	<i>DS</i>	
ASU National Office, Melbourne - Linda White	<i>LW</i>	
ASU National Office, Sydney - Greg McLean		<i>SICKER SMITH</i>
Central & Southern Queensland Clerical and Administrative Branch - Julie Bignell	<i>JB</i>	
Central & Southern Queensland Clerical and Administrative Branch - Ruth McFarlane	<i>RM</i>	
New South Wales & ACT (Services) Branch - Sally McManus	<i>SM</i>	
New South Wales & ACT (Services) Branch - Michael Filinn	<i>MF</i>	
NSW Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch, NSW US Branch - Graeme Kelly	<i>GK</i>	
NSW Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch, NSW US Branch - Stephen Birney	<i>SB</i>	
Queensland (Services and Northern Administrative) Branch - Kath Nelson	<i>KN</i>	
Queensland (Services and Northern Administrative) Branch - Jennifer Thomas		<i>K. NELSON</i>
South Australian and Northern Territory Branch - Katrine Hildyard	<del>_____</del>	
South Australian and Northern Territory Branch - Joseph Scales	<i>JS</i>	
Taxation Officers' Branch - Jeff Lapidus	<i>JL</i>	
Taxation Officers' Branch - Peter Chaplin		<i>J LAPIDUS</i>
Victorian and Tasmanian Authorities and Services Branch - Brian Parkinson	<i>BP</i>	
Victorian and Tasmanian Authorities and Services Branch - Russell Atwood	<i>RA</i>	
Victorian Private Sector Branch - Ingrid Stilt		<i>Julie Bignell</i>
Victorian Private Sector Branch - David Leydon		<i>Linda White</i>
Western Australian Branch - Wayne Wood	<i>WW</i>	
Western Australian Branch - Paul O'Neill	<i>PO</i>	
<b>OBSERVERS please use the next page</b>		



A•S•U

**NATIONAL EXECUTIVE**

**PROXY**

DATE RECEIVED BY: 13<sup>th</sup> JULY, 2012

**TO:** National Chairperson  
ASU National Office, Melbourne  
**Email:** [moodnerak@asu.asn.au](mailto:moodnerak@asu.asn.au)  
**Fax:** 03 9342 1499

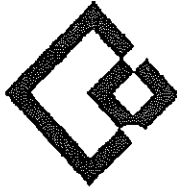
In my absence from the meeting of National Executive to be held.

<b>on:</b>	13 Wednesday 18 <sup>th</sup> July, 2012	<i>(date of meeting)</i>
<b>at:</b>	Western Australian Branch 102 East Parade, East Perth	<i>(location of meeting)</i>
<b>I hereby appoint:</b>	David Smith	<i>(name of proxy)</i>
to my proxy to cast my vote at that meeting.		

<b>Dated:</b>	18 July 2012
<b>Name:</b>	Greg McLean
<b>Branch:</b>	NATIONAL OFFICE
<b>Signature:</b>	

Proxies must adhere to ASU Rule 20) and (f)

- Any full-time National Officer unable to attend all or part of a meeting of National Executive may give a proxy to any other National Officer by written notice to the Chairperson.
- Any Branch representative unable to attend all or part of a meeting of National Executive may give a proxy to another member of National Executive, or to an Officer of the same Branch, by written notice to the Chairperson.



A•S•U

## NATIONAL EXECUTIVE

### Proxy

TO: National Chairperson  
ASU National Office, Melbourne  
Email: [mpodgorski@asu.asn.au](mailto:mpodgorski@asu.asn.au)  
Fax: 03 9342 1499

In my absence from the meeting of National Executive to be held:

on:	<input checked="" type="checkbox"/> Wednesday, 18 July, 2012	[date/s of meeting]
at:	Western Australian Branch 102 East Parade, East Perth	[location of meeting]
I hereby appoint:	<i>Kath Nelson</i>	[name of proxy]
as my proxy to cast my vote at that meeting.		

Dated:	<i>16/9/12</i>
Name:	<i>Jennifer Thomas</i>
Branch:	<i>Queensland (Services &amp; Northern Administrative) Branch</i>
Signature:	<i>Jenny Thomas</i>

- k. Any full-time National Officer unable to attend all or part of a meeting of National Executive may give a proxy to any other National Officer by written notice to the Chairperson.
- l. Any Branch representative unable to attend all or part of a meeting of National Executive may give a proxy to another member of National Executive, or to an Officer of the same Branch, by written notice to the Chairperson.



A•S•U

## NATIONAL EXECUTIVE

## PROXY

TO BE RECEIVED BY: 13<sup>TH</sup> JULY, 2012

TO: National Chairperson  
ASU National Office, Melbourne  
Email: [mpodgorski@asu.asn.au](mailto:mpodgorski@asu.asn.au)  
Fax: 03 9342 1499

In my absence from the meeting of National Executive to be held:

on:	<input checked="" type="checkbox"/> Wednesday 18 <sup>th</sup> July, 2012	<i>(date/s of meeting)</i>
at:	Western Australian Branch 102 East Parade, East Perth	<i>(location of meeting)</i>
I hereby appoint:	JULIE BIGNELL	<i>(name of proxy)</i>
as my proxy to cast my vote at that meeting.		

Dated:	4.7.12
Name:	INGRID STITT
Branch:	VIC PS BRANCH
Signature:	

Proxies must adhere to ASU Rule 8(k) and (l):

- k. Any full-time National Officer unable to attend all or part of a meeting of National Executive may give a proxy to any other National Officer by written notice to the Chairperson.
- l. Any Branch representative unable to attend all or part of a meeting of National Executive may give a proxy to another member of National Executive, or to an Officer of the same Branch, by written notice to the Chairperson.



A•S•U

## NATIONAL EXECUTIVE

## PROXY

TO BE RECEIVED BY: 13<sup>TH</sup> JULY, 2012

TO: National Chairperson  
ASU National Office, Melbourne  
Email: [mpodgorski@asu.asn.au](mailto:mpodgorski@asu.asn.au)  
Fax: 03 9342 1499

In my absence from the meeting of National Executive to be held:

on:	<input type="checkbox"/> Wednesday 18 <sup>th</sup> July, 2012	<i>[date/s of meeting]</i>
at:	Western Australian Branch 102 East Parade, East Perth	<i>[location of meeting]</i>
I hereby appoint:	LINDA WHITE	<i>[name of proxy]</i>
as my proxy to cast my vote at that meeting.		

Dated:	4 JULY, 2012
Name:	DAVID LEYDON
Branch:	ASU VIC PS BRANCH
Signature:	

Proxies must adhere to ASU Rule 8(k) and (l):

- k. Any full-time National Officer unable to attend all or part of a meeting of National Executive may give a proxy to any other National Officer by written notice to the Chairperson.
- l. Any Branch representative unable to attend all or part of a meeting of National Executive may give a proxy to another member of National Executive, or to an Officer of the same Branch, by written notice to the Chairperson.



# A.S.U. National Executive Voting Tally Sheet

Last Updated: 4 July, 2012

Date: 18/7/12

Agenda Item / Vote #: 14

Majority required: Simple  70%

Office / Branch	Name	Votes	For	Against
National Office, Melbourne	David Smith National Secretary	1	✓	
National Office, Melbourne	Linda White Assistant National Secretary	1	✓	
National Office, Sydney	Greg McLean <i>PROXY D. Smith</i> Assistant National Secretary	1	✓	
Central and Southern Queensland Clerical & Administrative Branch	Julie Bignell	5	✓	
Central and Southern Queensland Clerical & Administrative Branch	Ruth McFarlane	5	✓	
New South Wales & ACT (Services) Branch	Sally McManus	7	✓	
New South Wales & ACT (Services) Branch	Michael Flinn	7	✓	
NSW Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch (NSW US Branch)	Graeme Kelly	17	✓	
NSW Local Government Clerical, Administrative, Energy, Airlines & Utilities Branch (NSW US Branch)	Stephen Birney	17	✓	
Queensland (Services and Northern Administrative) Branch	Kath Nelson National Vice-President	9	✓	
Queensland (Services and Northern Administrative) Branch	Jennifer Thomas <i>PROXY K. NELSON</i>	9	✓	
South Australian and Northern Territory Branch	Katrine Hildyard	4	✓	
South Australian and Northern Territory Branch	Joseph Scales	4	✓	
Taxation Officers' Branch	Jeff Lapidos	1.5	✓	
Taxation Officers' Branch	Peter Chaplin <i>PROXY J LAPIDOS</i>	1.5	✓	
Victorian and Tasmanian Authorities and Services Branch	Brian Parkinson	12.5	✓	
Victorian and Tasmanian Authorities and Services Branch	Russell Atwood National President	12.5	✓	
Victorian Private Sector Branch	Ingrid Stitt <i>PROXY J. Bagnell</i>	3.5	✓	
Victorian Private Sector Branch	David Leydon <i>PROXY L. WHITE</i>	3.5	✓	
Western Australian Branch	Paul O'Neill	3.5	✓	
Western Australian Branch	Wayne Wood	3.5	✓	
<b>TOTAL VOTES</b>		<b>129</b>	<b>0</b>	

To update tally total double-click on number and 'update field'

[Any amendments to the Voting Tally must be recorded in NE-log of changes.doc]

NE Members ..... [Total] ..... 21

NE Members ..... [Financial] ..... 21

NE Members ..... [Unfinancial] ..... 0

Votes ..... [Total] ..... 129 ..... [Simple Majority = 65, 70% Majority = 91]

Votes ..... [Allowable] ..... 129 ..... [Simple Majority = 65, 70% Majority = 91]