



**A•S•U**

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Tuesday, 28 October 2014

General Manager  
Fair Work Commission  
GPO Box 1944  
MELBOURNE VIC 3001

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

Dear Sir/Madam

**Re: Amendment to the rules of the Australian Municipal, Administrative, Clerical and Services Union**

I submit the following rule changes for certification.

Accordingly, I lodge with this letter a Notice Setting out the Particulars of the Australian Municipal, Administrative, Clerical and Services Union. Alterations to the Rules of the ASU, Declarations pursuant to Section 159(1) of the Fair Work (Registered Organisations) Act 2009 and Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009.

The alterations concern Division Six and are the Rules of the Taxation Officers' Branch of the Australian Municipal, Administrative, Clerical and Services as follows:

- 1. That the existing Rules 1-27 inclusive be deleted.**
- 2. That the proposed Rules 1-42 inclusive, as outlined below in this motion (including Attachment A and Attachment B – referred to as Transitional Rules in the Taxation Officers' Branch correspondence), be inserted and adopted as Division Six – Taxation Officers' Branch Rules of the National Rules.**

#### **DIVISION SIX**

#### **TAXATION OFFICERS' BRANCH RULES**

##### **1. NAME**

- (a) The name of the Branch is the Australian Municipal, Administrative, Clerical and Services Union, Taxation Officers' Branch.

##### **2. REGISTERED OFFICE**

- (a) Unless otherwise determined by the Branch Executive, the registered office of the Branch is 116 Queensberry Street, Carlton, Victoria.

##### **3. DEFINITIONS**

In these Branch rules, unless the contrary intention appears:

- (a) "Act" means the Fair Work (Registered Organisations) Act 2009 (Cth);
- (b) "annual subscription" means the annual subscription fee determined in accordance with the National rules;
- (c) "ASU" means the Australian Municipal, Administrative, Clerical and Services Union;
- (d) "auditor" means a person registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants, or is licensed or registered as an auditor under the law of a State or Territory relating to Companies;

**Australian  
Services  
Union**

**National Office  
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**National Secretary**  
David Smith

**Assistant National Secretaries**  
Greg McLean  
Linda White

- (e) "Branch employee" mean an employee of the ASU engaged in relation to, and performing service for, the Branch;
- (f) "Branch Executive Office" means the offices of:
  - (i) Branch President;
  - (ii) Branch Vice President;
  - (iii) Branch Secretary;
  - (iv) Branch Assistant Secretary;
  - (v) Branch Treasurer; and
  - (vi) Branch Executive Member;
- (g) "Branch fund" means monies attributed to and held by this Branch
- (h) "Branch journal" means 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;
- (i) "Branch Membership Register" means the membership register of the ASU in so far as it provides for members attached to the Branch;
- (j) "Branch rules" means these Branch rules;
- (k) "Branch website" means a website maintained by the Branch for communication with its Branch members;
- (l) "financial member" means a member of the ASU, attached to the Branch in accordance with the National rules, and financial in accordance with the rules;
- (m) "financial records" means records, however recorded or stored, to the extent that they relate to the finances or financial administration of the Branch and include:
  - (i) registers;
  - (ii) records of financial information;
  - (iii) financial reports;
  - (iv) annual returns; and
  - (v) documents relating to financial transactions;
- (n) "National rules" means the rules of the ASU, other than the rules of the Branches of the ASU;
- (o) "quadrennial election" means the elections required by these rules to be held each 4 years in accordance with the National rules;
- (p) "Sub-committee" means a sub-committee established in accordance with these Branch rules;
- (q) "Union rules" means the National rules and these Branch rules;
- (r) "Workplace Delegate" has the meaning provided by the National rules.

#### **4. INTERPRETATION**

In these Branch rules unless the context or subject matter otherwise requires:

- (a) the singular includes the plural and the plural includes the singular;
- (b) a reference to a statute includes any:
  - (i) statute amending, consolidating or replacing the statute; and
  - (ii) regulation made under the statute as that regulation is in force;
- (c) headings will not be taken into account in interpreting these Branch rules;
- (d) a reference to a “rule” is, a reference to a rule of these Branch rules;
- (e) a reference to a “sub-rule” means a sub-rule of the rule in which the reference to the sub-rule is made;
- (f) a reference to a “part” means a part of the sub-rule in which the reference to the part is made;
- (g) a reference to a “sub-part” means a sub-part of the part in which the reference to a sub-part is made;
- (h) a reference to a “schedule” is a reference to a schedule to, and which forms part of, these Branch rules;
- (i) a reference to a “month” is a reference to a calendar month;
- (j) a reference to “present in person” includes attendance in person or by a means of communication where the person may participate in deliberating on business without being in physical attendance;
- (k) a reference to a “majority” means at least half (1/2) the number of the votes cast;
- (l) a reference to a “special majority” means at least 70% of the votes cast;
- (m) where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must, unless the contrary intention appears, be reckoned exclusive of such day or the day of such act or event;
- (n) 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;
- (o) 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;
- (p) a word or expression that is not defined in these Branch rules, but is defined in the National rules has, if the context permits, the meaning given by the National rules;
- (q) writing includes printing, typing, facsimile and other means of representing or reproducing words, figures, drawing or symbols in a visible and tangible or electronic form, in English;
- (r) an agreement or document means that agreement or document as amended, novated or supplemented;
- (s) a requirement for written consent means a consent provided in writing prior to the doing of the act the subject of the consent;
- (t) a reference to an entity includes a reference to a body corporate, consortium, trustee in respect of a trust and/or a partnership;
- (u) to appoint means to appoint in writing; and
- (v) each paragraph or sub-paragraph in a list is to be read independently from the others in the list.

## **5. MEMBERSHIP OF THE BRANCH**

- (a) Members who are employed by (or are currently awaiting the outcome of an unfair dismissal application against) the Australian Taxation Office or any successor organisation(s) will be attached to the Branch in accordance with the National rules.

## **6. BRANCH EXECUTIVE**

- (a) The Branch Executive consists of the persons elected to and holding, in accordance with these Branch rules, a Branch Executive Office.
- (b) The Branch Executive Officers will be elected at the quadrennial election.
- (c) The Branch Executive will, subject to these Branch rules, determine, no later than three (3) months prior to the opening of nominations in the quadrennial elections, the number of Branch Executive Members to hold office during the next quadrennial term of the Branch.
- (d) In determining the number of Branch Executive Members in accordance with sub-rule (c) there will not be less than 7 (seven) nor more than 15 (fifteen) Branch Executive Members, provided that if the Branch Executive makes no determination then the number of Branch Executive members to be elected for the next quadrennial term will be 7 (seven).
- (e) Unless otherwise provided for in these Rules or the National Rules, the office of Branch Executive Member is honorary.
- (f) A member of the Branch Executive who ceases to be:
  - (i) eligible to nominate for election for the Executive Office they hold; or
  - (ii) a member attached to the Branch,ceases at the time of the happening of the event provided in parts (i) or (ii) to be a member of the Branch Executive, and a casual vacancy arises.

## **7. COMMITTEE OF MANAGEMENT**

- (a) The Branch Executive is the committee of management of the Branch.

## **8. BRANCH AUTONOMY**

- (a) The Branch has autonomy in matters affecting members of the Branch only.

## **9. BRANCH EXECUTIVE - POWERS AND DUTIES**

- (a) The Branch Executive will manage the affairs of the Branch.
- (b) Without limitation to sub-rule (a) or to any other power expressly provided by the National rules or these Branch rules, the Branch Executive has power to:
  - (i) control, administer and manage the Branch Fund;
  - (ii) determine policy for the Branch, subject to these Branch and National rules;
  - (iii) take appropriate steps to enforce these Branch rules;
  - (iv) take appropriate steps to enforce the National rules in so far as the National rules affect the members of the Branch;
  - (v) exercise the powers granted to a Branch Committee of Management, in relation to disciplinary matters, in accordance with the National rules;
  - (vi) exercise the powers granted to the Branch, in relation to determining the quantum of annual subscriptions, in accordance with the National rules;

- (vii) exercise the power granted to the Branch Executive to add to, amend, alter or rescind these Branch rules in accordance with the National rules;
- (viii) determine to instruct the National Executive members, representing the Branch, or their proxy how to vote in ballots of National Conference; and
- (ix) appoint by resolution any eligible member of the Branch to fill a casual vacancy for the office of any Branch Executive Officer, Alternate National Executive Member, National Conference Delegate and Alternate National Conference Delegate in accordance with the National Rules.

#### **10. BRANCH EXECUTIVE - BRANCH EMPLOYEES**

- (a) The Branch Executive will determine the number and function of employees necessary and appropriate to perform the obligations required by these Branch rules.
- (b) Branch employees will be employed on the terms and conditions the Branch Executive determines, subject to any awards and/or agreements binding on the ASU in respect of the Branch.

#### **11. BRANCH EXECUTIVE - SERVICE PROVIDERS**

- (a) 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.
- (b) Service providers will be engaged on terms and conditions as the Branch Executive determines, subject to any policy binding the Branch in relation to engagement.

#### **12. BRANCH EXECUTIVE - MEETINGS**

- (a) The Branch Executive will meet at such times as its members determine.
- (b) The Branch Secretary will, upon the request of the Branch President, or at least one third of the members of the Branch Executive, summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- (c) The Branch Secretary will give at least 24 hours' notice when summoning members to meetings of the Branch Executive.
- (d) Despite sub-rule (c) where the Branch President and/or the Branch Secretary consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who will give such notice of the meeting to the members of the Branch Executive as is practicable in the circumstances.
- (e) Such a meeting of the Branch may be conducted by a method by which members of the Branch Executive are able to communicate with each other without being physically present.
- (f) If the Branch President is absent from a meeting of the Branch Executive the Branch Vice-President will act as and with the powers of the Branch President.
- (g) Decisions will be by majority.
- (h) A member of the Branch Executive not present at a meeting, or part of a meeting, may appoint another member of the Branch as proxy to exercise such member's vote, who will if a Branch Executive Member do so in addition to their own vote.
- (i) Quorums for meetings of the Branch Executive are 50% of the members of the Branch Executive, entitled to attend and vote, and a proxy appointed in accordance with sub-rule (h) does not count for quorum.
- (j) If at a meeting of the Branch Executive 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 Executive will be given two (2) clear days' notice of the date, time and place to which the meeting has been adjourned.

- (k) 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) 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) If a member of Branch Executive is absent from three (3) consecutive meetings of the Branch Executive, without giving an explanation that is considered satisfactory by the Branch Executive, then such conduct may constitute misconduct and be dealt with in accordance with the National rules.

**13. EXPENSES OF EXECUTIVE MEETINGS**

- (a) The Branch Executive is responsible for:
  - (i) the costs of convening the Branch Executive;
  - (ii) the payment of actual travel costs of the members of the Branch Executive attending a meeting; and
  - (iii) all costs and outgoings associated with the utilisation of meeting facilities.

**14. VOTING ON BRANCH EXECUTIVE**

- (a) A member of the Branch Executive is, if holding an office set out in column A, entitled to exercise the vote set out in column B:

A	B
Branch President	One vote
Branch Vice President	One vote
Branch Secretary	One vote
Branch Assistant Secretary	One vote
Branch Treasurer	One vote
Branch Executive Members	One vote

**15. BRANCH EXECUTIVE SUB-COMMITTEES**

- (a) The Branch Executive may establish or terminate sub-committees as it determines appropriate.
- (b) The Branch Executive has the power to delegate to a Branch Executive sub-committee that part of its powers as it determines appropriate, other than the power to delegate.
- (c) A Branch Executive sub-committee will be comprised of such members of the Branch Executive as the Branch Executive determines.
- (d) The Branch Secretary is entitled to be a member of all Branch Executive sub-committees.
- (e) Sub-rule (b) does not prevent the Branch Executive from co-opting, with a member's consent, members of the Branch to be a member of a Branch Executive sub-committee.
- (f) The Branch Executive may determine to appoint a professional advisor to assist a Branch Executive sub-committee in its deliberations, and may pay such a professional advisor the attendance fee the Branch Executive considers appropriate, subject to any policies binding on the Branch.
- (g) A Branch Executive sub-committee is responsible to, and under the control of, the Branch Executive.
- (h) A Branch Executive sub-committee must regularly report to the Branch Executive.

**16. UNUSED**

**17. UNUSED**

**18. BRANCH PRESIDENT**

- (a) A Branch President will be elected at the quadrennial election by, and from, the financial members of the Branch.
- (b) The Branch President will:
  - (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.
- (c) The Branch President may, in accordance with these Branch rules, delegate part of the Branch President's powers and/or obligations to the Branch Vice President.
- (d) Upon confirmation of the minutes of meetings of the Branch Executive, promptly endorse such minutes confirming them as a true and accurate record.
- (e) The minutes of a meeting, if endorsed in accordance with this rule by the Branch President, or the person acting as the Branch President for the meeting concerned, are conclusive proof of the matters recorded in them without any further proof.
- (f) The office of Branch President is honorary.

**19. BRANCH VICE-PRESIDENT**

- (a) There will be a Branch Vice-President elected at the quadrennial elections by, and from, the financial members of the Branch.
- (b) A Branch Vice-President will:
  - (i) assist the Branch President at all meetings in connection with the business of the Branch; and
  - (ii) generally assist the Branch President and Branch Secretary in carrying out the business of the Branch.
- (c) The office of Branch Vice President is honorary.

**20. BRANCH TREASURER**

- (a) A Branch Treasurer will be elected at each quadrennial election by, and from, the financial members of the Branch.
- (b) The Branch Treasurer must:
  - (i) cause the financial records of the Branch to be maintained;
  - (ii) cause all monies to be received, receipted and paid to the credit of Branch Fund;
  - (iii) cause the accounts of the Branch to be audited annually by the auditor appointed by the Branch;
  - (iv) cause to be submitted to the Annual General Meeting a detailed report of the financial position of the Branch Fund with a statement of receipts and expenditure and of assets and liabilities; and

(v) produce to, or hand over, the financial records of the Branch when required to do so by the Branch Executive.

(c) The office of Branch Treasurer is honorary.

**21. UNUSED**

**22. UNUSED**

**23. UNUSED**

**24. BRANCH SECRETARY**

(a) There will be a Branch Secretary elected each quadrennial election, by and from, by the financial members of the Branch.

(b) There shall be a Branch Secretary elected each four years in accordance with Part VII who shall be the Chief Executive Officer of the Branch and shall between meetings of the Branch Executive, conduct and manage the affairs of the Branch, and do all things necessary to be done by or on behalf of an organisation registered under the Fair Work (Registered Organisations) Act 2009 and any succeeding legislation; and

(c) without limiting (b) hereof shall:

(i) in consultation with the Branch President deal with urgent matters requiring a decision between meeting of the Branch Executive which would ordinarily be subject of a Branch Executive decision provided that such decisions are reported to the next Branch executive meeting;

(ii) prepare and furnish all returns, statements, declarations or the like required by law;

(iii) have the right to attend or be represented and to be heard on any matter at any meeting of the Branch;

(iv) have the right to inspect or examine or cause to be inspected and examine all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Branch or subordinate part of the branch;

(v) ensure that the accounts of the Branch are kept and presented to each meeting of the Branch Executive; and

(vi) initiate proceedings in courts and tribunals, or conduct an offence or respond to or intervene in such proceedings for the Branch.

(d) The Branch Secretary may, with the consent of the Branch Executive, delegate such of the Branch Secretary's powers and authorities to Branch employees and/or members of the Branch Executive as the Branch Secretary determines are required for the Branch's efficient administration, provided always that a delegation will be in writing and that the:

(i) delegate is subject to the supervision of the Branch Secretary;

(ii) the delegate is subject to the direction of the Branch Secretary;

(iii) delegation will be on the conditions prescribed the Branch Executive and/or Branch Secretary; and

(iv) delegation will be subject to determination by the Branch Executive or Branch Secretary with or without notice.

(e) The Branch Secretary may engage and dismiss Branch employees.

(f) The Branch Secretary may engage and dismiss Service Providers.

(g) The supervision and the allocation of duties to Branch employees is the responsibility of the Branch Secretary.



(h) The suspension of Service Providers is the responsibility of the Branch Secretary.

(i) This office of Branch Secretary is full-time.

## **25. ASSISTANT BRANCH SECRETARY**

(a) An Assistant Branch Secretary will be elected at the quadrennial election by, and from, the financial members of the Branch.

(b) In the temporary absence of the Branch Secretary, or when that office is vacant, the Assistant Branch Secretary will act as the Branch Secretary and have when acting the powers and delegations of the Branch Secretary.

(c) Pending the filling of any casual vacancy in the office of the Assistant Branch Secretary, or during any period that the Assistant Branch Secretary is absent or unable to carry out the functions of the office, the Branch Executive may appoint any person eligible to be elected as the Assistant Branch Secretary to be the acting Assistant Branch Secretary.

(d) The acting Assistant Branch Secretary will have all of the powers and duties of the Assistant Branch Secretary.

(e) The office of Assistant Branch Secretary is honorary. However the Branch Executive may determine the office is full time.

## **26. BRANCH AUDITOR**

(a) The Branch Executive will appoint an auditor for the Branch.

(b) A yearly audit of the Branch's accounts will be conducted by an auditor appointed pursuant to this rule.

(c) The auditor will audit the financial accounts of the Branch for the financial year and will present audited financial accounts and report to the Branch Executive after the close of the financial year.

(d) The auditor has the power to call at any time for financial records and officers and employees will, if called upon, promptly produce requested financial records in their possession to the auditor and promptly provide any explanation in writing in relation to those financial records as requested by the auditor.

(e) No member or employee of the Branch will be eligible to be appointed as the auditor.

## **27. RETURNING OFFICER**

(a) The Branch Executive will appoint a Returning Officer for the Branch.

(b) A Returning Officer cannot be:

(i) the holder of any office in; or

(ii) an employee

of the ASU.

## **28. BRANCH FUND**

(a) The Branch Fund is established in accordance with the National rules.

(b) All transactions in respect of the Branch Fund will occur strictly in accordance with the National rules.

## **29. FUND DISBURSEMENT**

(a) Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of the Branch Secretary.

(b) All disbursements from the Branch Fund are to be certified as correct by the Branch Executive.

- (c) Orders for the withdrawal, transfer or direct debits of funds or credit card approvals are to be signed by any two of the Branch Secretary, the Branch President or the Branch Treasurer.
- (d) Where, as required by sub-rule (c) the Branch President is not available the Branch Vice President may sign and where the Branch Secretary is not available the Branch Assistant Secretary may sign, provided that the Branch Executive may authorise other members of the Branch Executive to sign cheques or approve transfers on behalf of the Branch.

### **30. NATIONAL EXECUTIVE REPRESENTATIVES**

- (a) The Branch will be represented on National Executive by two National Executive Representatives who will exercise half of the votes as determined by National Rule "Rule 7 NATIONAL CONFERENCE".
  - (i) The first National Executive representative will be the Branch Secretary.
  - (ii) The second National Executive representative will be the Branch President.

### **31. ALTERNATE NATIONAL EXECUTIVE REPRESENTATIVE**

- (a) There will be an Alternate National Executive Representative elected at the quadrennial elections by, and from, the financial members of the Branch.

### **32. NATIONAL CONFERENCE DELEGATES**

- (a) The Branch will be represented on National Conference by:
  - (i) the National Executive representatives; and
  - (ii) a number of additional National Conference Delegates determined in accordance with the formula provided in National Rule "Rule 7 NATIONAL CONFERENCE".
- (b) National Conference Delegates who are not National Executive Representatives shall be elected at the quadrennial elections.

### **33. ALTERNATE NATIONAL CONFERENCE DELEGATE**

- (a) There will be an Alternate National Conference Delegate elected by and from the financial members of the Branch at the quadrennial elections.

### **34. HOLDING OF OFFICE**

- (a) Officers will be elected at the quadrennial elections and will hold office until their successors are elected and take office, they die, resign, or are removed from office in accordance with these Branch rules and/or the National rules.

### **35. GENERAL MEETINGS OF THE BRANCH**

- (a) A General Meeting of members of the Branch will be held if:
  - (i) the Branch Executive determines; or
  - (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 5 (five) months after the end of the financial year, bearing the name, address and signature of 10 (ten) % of the members of the Branch.
- (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 7 (seven) days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- (c) The quorum for a General meeting of the Branch will be 10 (ten) % of the members of the Branch, or 500 members, whichever is the lesser.

- (f) A General Meeting of members of the Branch may be conducted by a method by which members of the Branch are able to communicate with each other without being physically present.

### **36. SPECIAL GENERAL MEETINGS OF THE BRANCH**

- (a) A special general meeting of the Branch will be held if:
- (i) the Branch Executive determines; or
  - (ii) a written requisition is made to the Branch Secretary signed by at least 10 (ten) per centum of financial members, where the requisition states the business to be placed before the meeting.
- (b) Where a special meeting of the Branch is held in accordance with such-rule (a), the business of the meeting will be limited to the business set out on the request.
- (c) The business for a special meeting will be limited to 2 hours duration, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the members present at a meeting, provided that no meeting will be extended beyond 10.30 p.m.
- (d) A Special General Meeting of the Branch may be conducted by a method by which members of the Branch are able to communicate with each other without being physically present.

### **37. ALTERATION OF RULES**

- (a) Subject to the approval of National Executive or National Conference, the Branch Executive may amend these Branch rules.
- (b) National Conference or National Executive will not amend these Branch rules unless the Branch Executive by resolution agrees to the amendment.

### **38. NOTICES TO MEMBERS**

- (a) Unless otherwise required or provided by these Branch rules a notice required to be given by these Branch rules, may be given:
- (i) personally;
  - (ii) by facsimile;
  - (iii) by email;
  - (iv) by text; or
  - (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) The non- receipt of a notice by a financial member will not invalidate a meeting held in accordance with the notice concerned.

### **39. POLITICAL AFFILIATION**

- (a) The Branch must not affiliate with any political party unless authorised to do so by a ballot of the whole membership conducted in accordance with the National rules.
- (b) In the event that a ballot of members determines to affiliate to a political party any member will have the right to "opt out" from affiliation by notice in writing to the Secretary and that member will be excluded from affiliation.
- (c) In the event that the Branch Conference determines to contribute funds to any political party a member has the right to "opt out" from contribution by notice in writing to the Secretary and the member will be excluded from making payment of such contribution.

#### 40. STANDING ORDERS

- (a) The standing orders of the Branch are as provided by the National rules.

#### 41. RULES OF DEBATE

- (a) The rules of debate for the Branch are as provided by the National rules.

#### 42. TRANSITIONAL RULES

(a) **Continuation in office until election**

- (i) The holders of the following offices immediately before the commencement of these Branch Rules shall be deemed to hold the same office under these Branch Rules and shall hold that office until the declaration of that office in the next quadrennial election:
- (1) Branch President
  - (2) Branch Secretary
  - (3) Branch Treasurer
  - (4) National Executive member
  - (5) Alternate National Executive Member
  - (6) National Conference Delegate
  - (7) Alternate National Conference Delegate
- (ii) The holder of the position of Deputy Branch President immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Vice President under these Branch Rules until the declaration of that office in the next quadrennial election.
- (iii) The holder of the position of Assistant Branch Secretary immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Assistant Secretary under these Branch Rules until the declaration of that office in the next quadrennial election.
- (iv) The holders of the office of Branch Councillor immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Executive Member under these Rules until the declaration of such offices in the next quadrennial election.

(b) **Number of Branch Executive Members**

- (i) On commencement of these Branch Rules, notwithstanding the provisions of Rules 6(c) and 6(d), the number of Branch Executive Members to hold office until the declaration of the next quadrennial elections shall be equal to the number of Branch Councillors who were in office immediately prior to the commencement of these Branch Rules.
- (ii) The quorum for any meeting of the Branch Executive to be held prior to the next quadrennial election shall be based on the number arising from the Transitional Rule.
- (iii) On commencement of these Branch Rules, notwithstanding any time constraint contained in Rule 6(c), the Branch Executive may, as soon as practicable, make a determination of the number of Branch Executive Members to be elected at the next quadrennial election.

If you require further information, please do not hesitate to contact me at this office or John Nucifora, Compliance & Legal Officer [jnucifora@asu.asn.au](mailto:jnucifora@asu.asn.au) or 03) 9342 1477.

Yours faithfully



**David Smith**  
National Secretary  
encl

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

**NOTICE SETTING OUT THE PARTICULARS OF THE ALTERATIONS TO THE RULES OF THE  
AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION  
REGULATION 126**

**DECLARATION REGULATION 126 (2)**

I, DAVID SMITH, of Ground Floor, 116-124 Queensberry Street, Carlton South, State of Victoria:

1. I am National Secretary of the Australian Municipal, Administrative, Clerical and Services Union ("ASU"), an organisation of employees registered under the Fair Work (Registered Organisations) Act 2009 ("the Act") and I am authorised to make this statement for and on behalf of the ASU and to sign the "Notice Setting out the Particulars of the Alterations to the Rules of the Union".
2. The particulars set out in this "Notice Setting out the Particulars of the Alterations to the Rules of the Australian Municipal, Administrative, Clerical and Services Union" dated **28 October 2014**, lodged herein are correct.
3. The alterations were made in accordance with the Rules of the ASU.
4. The manner in which compliance with the Rules of the ASU was obtained is as follows:
  - a) Jeff Lpidos the Branch Secretary of the Taxation Officers' Branch advised the National Secretary in an email dated **13 October 2014** attached hereto marked "1", requesting the proposed changes to the rules be submitted to a vote of National Executive as soon as possible.
  - b) I confirm that on **15 October 2014**, a Postal/Fax/E-mail Ballot was submitted to all National Executive members via e-mail and members were provided with a copy of the email from the Taxation Officers' Branch together with the proposed amendments to the rules.
  - c) On the **21 October 2014**, a total of 129 affirmative votes were received. Of the total of 129 votes allocated to members of the National Executive in accordance with sub-rule 8c, I declared the vote carried pursuant to sub-rule 8j of the rules of the ASU. Attached hereto and marked "2" is a copy of my correspondence to National Executive members of the **21 October 2014** declaring the result of the ballot.
5. Pursuant to Regulation 126(1)(b) the notice for this rule alteration has been published on the ASU website and can be viewed at [www.asu.asn.au/about/rules](http://www.asu.asn.au/about/rules).
6. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

**DATED:** 28 October, 2014



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



Australian Services Union  
Taxation Officers Branch  
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Mr David Smith  
National Secretary  
Australian Services Union

13 October 2014

Dear David

**Amendments to Division Six - *Taxation Officers' Branch Rules***

I advise that the Taxation Officers' Branch Council of the Australian Municipal, Administrative, Clerical and Services Union resolved to change the rules of the Branch by a referendum declared on Tuesday, 8 October 2014.

The resolutions to change the rules are set out below. The resolutions refer to Attachment A and Attachment B. They are provided to you in the email with this letter. I have also attached a full copy of the current Taxation Officers Branch rules.

I request you put these rules changes to the National Executive for its consideration as soon as possible.

Yours sincerely



Jeff Lapidos

## **Amendments to in *Division Six – Taxation Officers’ Branch* of the Rules of the Australian Municipal, Administrative, Clerical and Services Union**

### **Rule Change No. 1.**

- a. That the existing Rule 3 of the Branch Rules be amended to read:  
*Members who are employed by (or are currently awaiting the outcome of an unfair dismissal application against) the Australian Taxation Office or any successor organisation(s) will be attached to the Branch in accordance with the National Rules.*
- b. That the Rule be re-numbered to be Rule 5 of the Rules of the Branch.

### **Rule Change No. 2.**

That Rule 4 of the existing Rules of the Branch be deleted.

### **Rule Change No. 3.**

- a. That existing Rules 1,2, 5-27 inclusive be deleted;
- b. That the proposed Rules 1-4 as outlined in Attachment A to this motion, be inserted and adopted as Rules 1-4 of the Branch;
- c. That the proposed Rules 6-41 as outlined in Attachment A to this motion be inserted and adopted as Rules 6-41 of the Branch; and
- d. That the proposed Transitional Rules A and B, as outlined in Attachment B to this motion, be added to the Rules of the Branch.

## **DIVISION SIX**

### **BRANCH NAME**

#### **1. NAME**

- (a) The name of the Branch is the Australian Municipal, Administrative, Clerical and Services Union, Taxation Officers Branch.

#### **2. REGISTERED OFFICE**

- (a) Unless otherwise determined by the Branch Executive, the registered office of the Branch is 116 Queensberry Street, Carlton, Victoria.

#### **3. DEFINITIONS**

In these Branch rules, unless the contrary intention appears:

- (a) "Act" means the Fair Work (Registered Organisations) Act 2009 (Cth);
- (b) "annual subscription" means the annual subscription fee determined in accordance with the National rules;
- (c) "ASU" means the Australian Municipal, Administrative, Clerical and Services Union;
- (d) "auditor" means a person registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants, or is licensed or registered as an auditor under the law of a State or Territory relating to Companies;
- (e) "Branch employee" mean an employee of the ASU engaged in relation to, and performing service for, the Branch;
- (f) "Branch Executive Office" means the offices of:
  - (i) Branch President;
  - (ii) Branch Vice President;
  - (iii) Branch Secretary;
  - (iv) Branch Assistant Secretary;
  - (v) Branch Treasurer; and
  - (vi) Branch Executive Member;
- (g) "Branch fund" means monies attributed to and held by this Branch
- (h) "Branch journal" means 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;
- (i) "Branch Membership Register" means the membership register of the ASU in so far as it provides for members attached to the Branch;
- (j) "Branch rules" means these Branch rules;



- (k) "Branch website" means a website maintained by the Branch for communication with its Branch members;
- (l) "financial member" means a member of the ASU, attached to the Branch in accordance with the National rules, and financial in accordance with the rules;
- (m) "financial records" means records, however recorded or stored, to the extent that they relate to the finances or financial administration of the Branch and include:
  - (i) registers;
  - (ii) records of financial information;
  - (iii) financial reports;
  - (iv) annual returns; and
  - (v) documents relating to financial transactions;
- (n) "National rules" means the rules of the ASU, other than the rules of the Branches of the ASU;
- (o) "quadrennial election" means the elections required by these rules to be held each 4 years in accordance with the National rules;
- (p) "Sub-committee" means a sub-committee established in accordance with these Branch rules;
- (q) "Union rules" means the National rules and these Branch rules;
- (r) "Workplace Delegate" has the meaning provided by the National rules.

#### **4. INTERPRETATION**

In these Branch rules unless the context or subject matter otherwise requires:

- (a) the singular includes the plural and the plural includes the singular;
- (b) a reference to a statute includes any:
  - (i) statute amending, consolidating or replacing the statute; and
  - (ii) regulation made under the statute as that regulation is in force;
- (c) headings will not be taken into account in interpreting these Branch rules;
- (d) a reference to a "rule" is, a reference to a rule of these Branch rules;
- (e) a reference to a "sub-rule" means a sub-rule of the rule in which the reference to the sub-rule is made;
- (f) a reference to a "part" means a part of the sub-rule in which the reference to the part is made;
- (g) a reference to a "sub-part" means a sub-part of the part in which the reference to a sub-part is made;

- (h) a reference to a “schedule” is a reference to a schedule to, and which forms part of, these Branch rules;
- (i) a reference to a “month” is a reference to a calendar month;
- (j) a reference to “present in person” includes attendance in person or by a means of communication where the person may participate in deliberating on business without being in physical attendance;
- (k) a reference to a “majority” means at least half (1/2) the number of the votes cast;
- (l) a reference to a “special majority” means at least 70% of the votes cast;
- (m) where any period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the period must, unless the contrary intention appears, be reckoned exclusive of such day or the day of such act or event;
- (n) 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;
- (o) 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;
- (p) a word or expression that is not defined in these Branch rules, but is defined in the National rules has, if the context permits, the meaning given by the National rules;
- (q) writing includes printing, typing, facsimile and other means of representing or reproducing words, figures, drawing or symbols in a visible and tangible or electronic form, in English;
- (r) an agreement or document means that agreement or document as amended, novated or supplemented;
- (s) a requirement for written consent means a consent provided in writing prior to the doing of the act the subject of the consent;
- (t) a reference to an entity includes a reference to a body corporate, consortium, trustee in respect of a trust and/or a partnership;
- (u) to appoint means to appoint in writing; and
- (v) each paragraph or sub-paragraph in a list is to be read independently from the others in the list.

## **5. MEMBERSHIP OF THE BRANCH**

- (a) Members who are employed by (or are currently awaiting the outcome of an unfair dismissal application against) the Australian Taxation Office or any successor organisation(s) will be attached to the Branch in accordance with the National rules.

## **6. BRANCH EXECUTIVE**

- (a) The Branch Executive consists of the persons elected to and holding, in accordance with these Branch rules, a Branch Executive Office.

- (b) The Branch Executive Officers will be elected at the quadrennial election.
- (c) The Branch Executive will, subject to these Branch rules, determine, no later than three (3) months prior to the opening of nominations in the quadrennial elections, the number of Branch Executive Members to hold office during the next quadrennial term of the Branch.
- (d) In determining the number of Branch Executive Members in accordance with sub-rule (c) there will not be less than 7 (seven) nor more than 15 (fifteen) Branch Executive Members, provided that if the Branch Executive makes no determination then the number of Branch Executive members to be elected for the next quadrennial term will be 7 (seven).
- (e) Unless otherwise provided for in these Rules or the National Rules, the office of Branch Executive Member is honorary.
- (f) A member of the Branch Executive who ceases to be:
  - (i) eligible to nominate for election for the Executive Office they hold; or
  - (ii) a member attached to the Branch,ceases at the time of the happening of the event provided in parts (i) or (ii) to be a member of the Branch Executive, and a casual vacancy arises.

## **7. COMMITTEE OF MANAGEMENT**

- (a) The Branch Executive is the committee of management of the Branch.

## **8. BRANCH AUTONOMY**

- (a) The Branch has autonomy in matters affecting members of the Branch only.

## **9. BRANCH EXECUTIVE - POWERS AND DUTIES**

- (a) The Branch Executive will manage the affairs of the Branch.
- (b) Without limitation to sub-rule (a) or to any other power expressly provided by the National rules or these Branch rules, the Branch Executive has power to:
  - (i) control, administer and manage the Branch Fund;
  - (ii) determine policy for the Branch, subject to these Branch and National rules;
  - (iii) take appropriate steps to enforce these Branch rules;
  - (iv) take appropriate steps to enforce the National rules in so far as the National rules affect the members of the Branch;
  - (v) exercise the powers granted to a Branch Committee of Management, in relation to disciplinary matters, in accordance with the National rules;
  - (vi) exercise the powers granted to the Branch, in relation to determining the quantum of annual subscriptions, in accordance with the National rules;
  - (vii) exercise the power granted to the Branch Executive to add to, amend, alter or rescind these Branch rules in accordance with the National rules;
  - (viii) determine to instruct the National Executive members, representing the Branch, or their proxy how to vote in ballots of National Conference; and

- (ix) appoint by resolution any eligible member of the Branch to fill a casual vacancy for the office of any Branch Executive Officer, Alternate National Executive Member, National Conference Delegate and Alternate National Conference Delegate in accordance with the National Rules.

#### **10. BRANCH EXECUTIVE - BRANCH EMPLOYEES**

- (a) The Branch Executive will determine the number and function of employees necessary and appropriate to perform the obligations required by these Branch rules.
- (b) Branch employees will be employed on the terms and conditions the Branch Executive determines, subject to any awards and/or agreements binding on the ASU in respect of the Branch.

#### **11. BRANCH EXECUTIVE - SERVICE PROVIDERS**

- (a) 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.
- (b) Service providers will be engaged on terms and conditions as the Branch Executive determines, subject to any policy binding the Branch in relation to engagement.

#### **12. BRANCH EXECUTIVE - MEETINGS**

- (a) The Branch Executive will meet at such times as its members determine.
- (b) The Branch Secretary will, upon the request of the Branch President, or at least one third of the members of the Branch Executive, summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- (c) The Branch Secretary will give at least 24 hours notice when summoning members to meetings of the Branch Executive.
- (d) Despite sub-rule (c) where the Branch President and/or the Branch Secretary consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who will give such notice of the meeting to the members of the Branch Executive as is practicable in the circumstances.
- (e) Such a meeting of the Branch may be conducted by a method by which members of the Branch Executive are able to communicate with each other without being physically present.
- (f) If the Branch President is absent from a meeting of the Branch Executive the Branch Vice-President will act as and with the powers of the Branch President.
- (g) Decisions will be by majority.
- (h) A member of the Branch Executive not present at a meeting, or part of a meeting, may appoint another member of the Branch as proxy to exercise such member's vote, who will if a Branch Executive Member do so in addition to their own vote.
- (i) Quorums for meetings of the Branch Executive are 50% of the members of the Branch Executive, entitled to attend and vote, and a proxy appointed in accordance with sub-rule (h) does not count for quorum.
- (j) If at a meeting of the Branch Executive 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 Executive will be given two (2) clear days notice of the date, time and place to which the meeting has been adjourned.

- (k) 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) 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) If a member of Branch Executive is absent from three (3) consecutive meetings of the Branch Executive, without giving an explanation that is considered satisfactory by the Branch Executive, then such conduct may constitute misconduct and be dealt with in accordance with the National rules.

**13. EXPENSES OF EXECUTIVE MEETINGS**

- (a) The Branch Executive is responsible for:
  - (i) the costs of convening the Branch Executive;
  - (ii) the payment of actual travel costs of the members of the Branch Executive attending a meeting; and
  - (iii) all costs and outgoings associated with the utilisation of meeting facilities.

**14. VOTING ON BRANCH EXECUTIVE**

A member of the Branch Executive is, if:

- (i) holding an office set out in column A, entitled to exercise the vote set out in column B:

A	B
Branch President	One vote
Branch Vice President	One vote
Branch Secretary	One vote
Branch Assistant Secretary	One vote
Branch Treasurer	One vote
Branch Executive Members	One vote

**15. BRANCH EXECUTIVE SUB-COMMITTEES**

- (a) The Branch Executive may establish or terminate sub-committees as it determines appropriate.
- (b) The Branch Executive has the power to delegate to a Branch Executive sub-committee that part of its powers as it determines appropriate, other than the power to delegate.

- (c) A Branch Executive sub-committee will be comprised of such members of the Branch Executive as the Branch Executive determines.
- (d) The Branch Secretary is entitled to be a member of all Branch Executive sub-committees.
- (e) Sub-rule (b) does not prevent the Branch Executive from co-opting, with a member's consent, members of the Branch to be a member of a Branch Executive sub-committee.
- (f) The Branch Executive may determine to appoint a professional advisor to assist a Branch Executive sub-committee in its deliberations, and may pay such a professional advisor the attendance fee the Branch Executive considers appropriate, subject to any policies binding on the Branch.
- (g) A Branch Executive sub-committee is responsible to, and under the control of, the Branch Executive.
- (h) A Branch Executive sub-committee must regularly report to the Branch Executive.

## **18. BRANCH PRESIDENT**

- (a) A Branch President will be elected at the quadrennial election by, and from, the financial members of the Branch.
- (b) The Branch President will:
  - (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.
- (c) The Branch President may, in accordance with these Branch rules, delegate part of the Branch President's powers and/or obligations to the Branch Vice President.
- (d) Upon confirmation of the minutes of meetings of the Branch Executive, promptly endorse such minutes confirming them as a true and accurate record.
- (e) The minutes of a meeting, if endorsed in accordance with this rule by the Branch President, or the person acting as the Branch President for the meeting concerned, are conclusive proof of the matters recorded in them without any further proof.
- (f) The office of Branch President is honorary.

## **19. BRANCH VICE-PRESIDENT**

- (a) There will be a Branch Vice-President elected at the quadrennial elections by, and from, the financial members of the Branch.
- (b) A Branch Vice-President will:
  - (i) assist the Branch President at all meetings in connection with the business of the Branch; and
  - (ii) generally assist the Branch President and Branch Secretary in carrying out the business of the Branch.

- (c) The office of Branch Vice President is honorary.

## **20. BRANCH TREASURER**

- (a) A Branch Treasurer will be elected at each quadrennial election by, and from, the financial members of the Branch.
- (b) The Branch Treasurer must:
  - (i) cause the financial records of the Branch to be maintained;
  - (ii) cause all monies to be received, receipted and paid to the credit of Branch Fund;
  - (iii) cause the accounts of the Branch to be audited annually by the auditor appointed by the Branch;
  - (iv) cause to be submitted to the Annual General Meeting a detailed report of the financial position of the Branch Fund with a statement of receipts and expenditure and of assets and liabilities; and
  - (v) produce to, or hand over, the financial records of the Branch when required to do so by the Branch Executive.
- (c) The office of Branch Treasurer is honorary.

## **24. BRANCH SECRETARY**

- (a) There will be a Branch Secretary elected each quadrennial election, by and from, by the financial members of the Branch.
- (b) There shall be a Branch Secretary elected each four years in accordance with Part VII who shall be the Chief Executive Officer of the Branch and shall between meetings of the Branch Executive, conduct and manage the affairs of the Branch, and do all things necessary to be done by or on behalf of an organisation registered under the Fair Work (Registered Organisations) Act 2009 and any succeeding legislation; and
- (c) without limiting (b) hereof shall:
  - (i) in consultation with the Branch President deal with urgent matters requiring a decision between meeting of the Branch Executive which would ordinarily be subject of a Branch Executive decision provided that such decisions are reported to the next Branch executive meeting;
  - (ii) prepare and furnish all returns, statements, declarations or the like required by law;
  - (iii) have the right to attend or be represented and to be heard on any matter at any meeting of the Branch;
  - (iv) have the right to inspect or examine or cause to be inspected and examine all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Branch or subordinate part of the branch;
  - (v) ensure that the accounts of the Branch are kept and presented to each meeting of the Branch Executive; and
  - (vi) initiate proceedings in courts and tribunals, or conduct an offence or respond to or intervene in such proceedings for the Branch.

- (d) The Branch Secretary may, with the consent of the Branch Executive, delegate such of the Branch Secretary's powers and authorities to Branch employees and/or members of the Branch Executive as the Branch Secretary determines are required for the Branch's efficient administration, provided always that a delegation will be in writing and that the:
  - (i) delegate is subject to the supervision of the Branch Secretary;
  - (ii) the delegate is subject to the direction of the Branch Secretary;
  - (iii) delegation will be on the conditions prescribed the Branch Executive and/or Branch Secretary; and
  - (iv) delegation will be subject to determination by the Branch Executive or Branch Secretary with or without notice.
- (e) The Branch Secretary may engage and dismiss Branch employees.
- (f) The Branch Secretary may engage and dismiss Service Providers.
- (g) The supervision and the allocation of duties to Branch employees is the responsibility of the Branch Secretary.
- (h) The suspension of Service Providers is the responsibility of the Branch Secretary.
- (i) This office of Branch Secretary is full-time.

## **25. ASSISTANT BRANCH SECRETARY**

- (a) An Assistant Branch Secretary will be elected at the quadrennial election by, and from, the financial members of the Branch.
- (b) In the temporary absence of the Branch Secretary, or when that office is vacant, the Assistant Branch Secretary will act as the Branch Secretary and have when acting the powers and delegations of the Branch Secretary.
- (c) Pending the filling of any casual vacancy in the office of the Assistant Branch Secretary, or during any period that the Assistant Branch Secretary is absent or unable to carry out the functions of the office, the Branch Executive may appoint any person eligible to be elected as the Assistant Branch Secretary to be the acting Assistant Branch Secretary.
- (d) The acting Assistant Branch Secretary will have all of the powers and duties of the Assistant Branch Secretary.
- (e) The office of Assistant Branch Secretary is honorary. However the Branch Executive may determine the office is full time.

## **26. BRANCH AUDITOR**

- (a) The Branch Executive will appoint an auditor for the Branch.
- (b) A yearly audit of the Branch's accounts will be conducted by an auditor appointed pursuant to this rule.
- (c) The auditor will audit the financial accounts of the Branch for the financial year and will present audited financial accounts and report to the Branch Executive after the close of the financial year.



(d) The auditor has the power to call at any time for financial records and officers and employees will, if called upon, promptly produce requested financial records in their possession to the auditor and promptly provide any explanation in writing in relation to those financial records as requested by the auditor.

(e) No member or employee of the Branch will be eligible to be appointed as the auditor.

## **27. RETURNING OFFICER**

(a) The Branch Executive will appoint a Returning Officer for the Branch.

(b) A Returning Officer cannot be:

(i) the holder of any office in; or

(ii) an employee

of the ASU.

## **28. BRANCH FUND**

(a) The Branch Fund is established in accordance with the National rules.

(b) All transactions in respect of the Branch Fund will occur strictly in accordance with the National rules.

## **29. FUND DISBURSEMENT**

(a) Funds may be disbursed from the Branch Fund upon resolution of the Branch Executive or when necessary upon the order of the Branch Secretary.

(b) All disbursements from the Branch Fund are to be certified as correct by the Branch Executive.

(c) Orders for the withdrawal, transfer or direct debits of funds or credit card approvals are to be signed by any two of the Branch Secretary, the Branch President or the Branch Treasurer.

(d) Where, as required by sub-rule (c) the Branch President is not available the Branch Vice President may sign and where the Branch Secretary is not available the Branch Assistant Secretary may sign, provided that the Branch Executive may authorise other members of the Branch Executive to sign cheques or approve transfers on behalf of the Branch.

## **30. NATIONAL EXECUTIVE REPRESENTATIVES**

(a) The Branch will be represented on National Executive by two National Executive Representatives who will exercise half of the votes as determined by National Rule "Rule 7 NATIONAL CONFERENCE".

(i) The first National Executive representative will be the Branch Secretary.

(ii) The second National Executive representative will be the Branch President.

## **31. ALTERNATE NATIONAL EXECUTIVE REPRESENTATIVE**

(a) There will be an Alternate National Executive Representative elected at the quadrennial elections by, and from, the financial members of the Branch.

### **32. NATIONAL CONFERENCE DELEGATES**

- (a) The Branch will be represented on National Conference by:
  - (i) the National Executive representatives; and
  - (ii) a number of additional National Conference Delegates determined in accordance with the formula provided in National Rule "Rule 7 NATIONAL CONFERENCE".
- (b) National Conference Delegates who are not National Executive Representatives shall be elected at the quadrennial elections.

### **33. ALTERNATE NATIONAL CONFERENCE DELEGATE**

- (a) There will be an Alternate National Conference Delegate elected by and from the financial members of the Branch at the quadrennial elections.

### **34. HOLDING OF OFFICE**

- (a) Officers will be elected at the quadrennial elections and will hold office until their successors are elected and take office, they die, resign, or are removed from office in accordance with these Branch rules and/or the National rules.

### **35. GENERAL MEETINGS OF THE BRANCH**

- (a) A General Meeting of members of the Branch will be held if:
  - (i) the Branch Executive determines; or
  - (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 5 (five) months after the end of the financial year, bearing the name, address and signature of 10 (ten) % of the members of the Branch.
- (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 7 (seven) days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.
- (c) The quorum for a General meeting of the Branch will be 10 (ten) % of the members of the Branch, or 500 members, whichever is the lesser.
- (f) A General Meeting of members of the Branch may be conducted by a method by which members of the Branch are able to communicate with each other without being physically present.

### **36. SPECIAL GENERAL MEETINGS OF THE BRANCH**

- (a) A special general meeting of the Branch will be held if:
  - (i) the Branch Executive determines; or
  - (ii) a written requisition is made to the Branch Secretary signed by at least 10 (ten) per centum of financial members, where the requisition states the business to be placed before the meeting.
- (b) Where a special meeting of the Branch is held in accordance with such-rule (a), the business of the meeting will be limited to the business set out on the request.

- (c) The business for a special meeting will be limited to 2 hours duration, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the members present at a meeting, provided that no meeting will be extended beyond 10.30 p.m.
- (d) A Special General Meeting of the Branch may be conducted by a method by which members of the Branch are able to communicate with each other without being physically present.

### **37. ALTERATION OF RULES**

- (a) Subject to the approval of National Executive or National Conference, the Branch Executive may amend these Branch rules.
- (b) National Conference or National Executive will not amend these Branch rules unless the Branch Executive by resolution agrees to the amendment.

### **38. NOTICES TO MEMBERS**

- (a) Unless otherwise required or provided by these Branch rules a notice required to be given by these Branch rules, may be given:
  - (i) personally;
  - (ii) by facsimile;
  - (iii) by email;
  - (iv) by text; or
  - (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) The non- receipt of a notice by a financial member will not invalidate a meeting held in accordance with the notice concerned.

### **39. POLITICAL AFFILIATION**

- (a) The Branch must not affiliate with any political party unless authorised to do so by a ballot of the whole membership conducted in accordance with the National rules.
- (b) In the event that a ballot of members determines to affiliate to a political party any member will have the right to "opt out" from affiliation by notice in writing to the Secretary and that member will be excluded from affiliation.
- (c) In the event that the Branch Conference determines to contribute funds to any political party a member has the right to "opt out" from contribution by notice in writing to the Secretary and the member will be excluded from making payment of such contribution.

### **40. STANDING ORDERS**

- (a) The standing orders of the Branch are as provided by the National rules.

### **41. RULES OF DEBATE**

- (a) The rules of debate for the Branch are as provided by the National rules.

**TRANSITIONAL RULES**

**A Continuation in office until election**

- a) The holders of the following offices immediately before the commencement of these Branch Rules shall be deemed to hold the same office under these Branch Rules and shall hold that office until the declaration of that office in the next quadrennial election:
  - i) Branch President
  - ii) Branch Secretary
  - iii) Branch Treasurer
  - iv) National Executive member
  - v) Alternate National Executive Member
  - vi) National Conference Delegate
  - vii) Alternate National Conference Delegate
- b) The holder of the position of Deputy Branch President immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Vice President under these Branch Rules until the declaration of that office in the next quadrennial election.
- c) The holder of the position of Assistant Branch Secretary immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Assistant Secretary under these Branch Rules until the declaration of that office in the next quadrennial election.
- d) The holders of the office of Branch Councillor immediately before the commencement of these Branch Rules shall be deemed to hold the position of Branch Executive Member under these Rules until the declaration of such offices in the next quadrennial election.

**B Number of Branch Executive Members**

- a) On commencement of these Branch Rules, notwithstanding the provisions of Rules 6(c) and 6(d), the number of Branch Executive Members to hold office until the declaration of the next quadrennial elections shall be equal to the number of Branch Councillors who were in office immediately prior to the commencement of these Branch Rules.
- b) The quorum for any meeting of the Branch Executive to be held prior to the next quadrennial election shall be based on the number arising from the Transitional Rule.
- c) On commencement of these Branch Rules, notwithstanding any time constraint contained in Rule 6(c), the Branch Executive may, as soon as practicable, make a determination of the number of Branch Executive Members to be elected at the next quadrennial election.



A•S•U

File/Our Ref: DS/db 12.21  
Your Ref:  
Please quote in reply

Tuesday, 21 October 2014

TO: All National Executive Members  
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 07/2014  
Proposed Taxation Officers' Branch rule changes**

**Australian  
Services  
Union**

**National Office  
Melbourne & Sydney**

*All correspondence to:*

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**National Secretary**  
David Smith

**Assistant National Secretaries**  
Greg McLean  
Linda White

David Smith  
Linda White  
Greg McLean  
Irene Munro  
Ruth McFarlane  
Sally McManus  
Michael Flinn  
Graeme Kelly  
Stephen Birney  
Neil Henderson  
Jennifer Thomas  
Joseph Scales  
Abbie Spencer  
Jeff Lapidus  
Ancel Greenwood  
Richard Duffy  
Russell Atwood  
Ingrid Stitt  
David Leydon  
Paul O'Neill  
Wayne Wood

No negative votes were received.

I advise that National Executive E-mail Vote No. 07/2014 is carried.

Yours faithfully

**David Smith**  
National Secretary

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