



File/Our Ref: [10.4 & 12.21](#) DS/db
Please quote in reply

Friday, 31 October 2014

General Manager
Fair Work Commission
GPO Box 1944
MELBOURNE VIC 3001

Attention: Sarah Wilkin

By E-mail: sarah.wilkin@fwc.gov.au

Dear Sir/Madam

Re: Further amendments to the rules of the Australian Municipal, Administrative, Clerical and Services Union - R2014/192

In addition to the current application regarding R2014/192 I submit the following rule changes in relation to transitional arrangements 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 Nine and are the rules of the Victorian and Tasmanian Authorities and Services Branch of the Australian Municipal, Administrative, Clerical and Services Union as follows:

1. By inserting a new rule 5A - TRANSITIONAL RULE - BRANCH EXECUTIVE as follows:

5A - TRANSITIONAL RULE - BRANCH EXECUTIVE

Notwithstanding any other provisions of these Rules, on certification of this Rule by the General Manager of the Fair Work Commission, and until the declaration of the poll in the elections to be conducted in the Branch in 2015 the numbers of Branch Executive members from the following Industry Divisions shall be:

Local Authorities - 8 (4 of whom shall be women)
Social and Community Services - 3 (1 of whom shall be a woman)
Energy and Information Technologies - 2 (1 of whom shall be a woman)
Transport, Shipping and Travel, Clerical and Administrative, and Airlines - 2 (1 of whom shall be a woman)
Water - 2 (1 of whom shall be a woman)

2. By inserting a new rule 9A - TRANSITIONAL RULE - BRANCH CONFERENCE as follows:

9A - TRANSITIONAL RULE - BRANCH CONFERENCE

Notwithstanding any other provisions of these Rules, on certification of this rule by the General Manager of the Fair Work Commission and until the declaration of the poll in the elections to be conducted in 2015, the following Branch Conference Delegates shall be elected by and from the financial members of the following Industry Divisions:

Local Authorities - 32 (16 of whom shall be women)
Social and Community Services - 12 (6 of whom shall be women)
Energy and Information Technologies - 8 (4 of whom shall be women)
Transport, Shipping and Travel, Clerical and Administrative, and Airlines - 8 (4 of whom shall be women)
Water - 8 (4 of whom shall be women)

**Australian
Services
Union**

**National Office
Melbourne & Sydney**

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

T: (03) 9342 1400
F: (03) 9342 1499
E: info@asu.asn.au
W: www.asu.asn.au

National Secretary
David Smith

Assistant National Secretaries
Greg McLean
Linda White

3. **By inserting a new Rule 14A - TRANSITIONAL RULE - NATIONAL CONFERENCE DELEGATES as follows:**

14A - TRANSITIONAL RULE - NATIONAL CONFERENCE DELEGATES

Notwithstanding any other provisions of these Rules, on certification of this Rule by the General Manager of the Fair Work Commission, and until the declaration of the poll in the elections to be conducted in the Branch in 2015, the National Conference Delegates, National Conference Delegate (Women), Alternative National Conference Delegates, and Alternative National Conference Delegate (Women) elected by the whole Branch membership from each Industry Division shall remain as that elected by the Branch membership in the previous 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 or 03) 9342 1477.

Yours faithfully



David Smith
National Secretary

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E-mail: dsmith@asu.asn.au

encl

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 **31 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) Richard Duffy the Branch Secretary of the Victorian and Tasmanian Authorities and Services Branch advised the National Secretary in an email dated **28 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 **30 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 Victorian and Tasmanian Authorities and Services Branch together with the proposed amendments to the rules.
 - c) On the **31 October 2014**, a total of 121.5 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 **31 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.
6. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED: 31 October, 2014



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

In reply quote ref: RA/cc. 10.4

28th October 2014

Mr. David Smith
National Secretary
Australian Services Union
116 – 124 Queensberry Street
CARLTON SOUTH VIC 3053



Dear David,

**RE: AMENDMENTS TO DIVISION 9 VICTORIAN AND TASMANIAN
AUTHORITIES AND SERVICES BRANCH RULES**

I advise that at its meeting of 28th October 2014, the Branch Executive of the Victorian and Tasmanian Authorities and Services Branch of the Australian, Municipal, Administrative, Clerical and Services Union passed a resolution that made provision for amendments to the rules of the Branch.

I attach a copy of the resolution and the rules changes.

Accordingly, I request that you put this rule change to the National Executive for its consideration as soon as possible.

Yours faithfully

Richard Duffy
BRANCH SECRETARY

Authorised by ASU Branch Secretary, Richard Duffy

Australian Services Union ● Victorian and Tasmanian Authorities and Services Branch ● ☎ 1300 855 570

Branch Secretary

Richard Duffy

Branch Executive President

Lisa Darmanin

MELBOURNE OFFICE

PO Box 37 / 116 Queensberry St
Carlton South, Victoria 3053
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1300 855 570
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RESOLUTION:

Branch Executive notes the amendments to the Rules of the Branch approved by the Branch Executive on 24 June 2014 were subsequently approved by the National Executive and submitted to the General Manager of the Fair Work Commission for certification and the office of the Fair Work Commission has requested that the Rules be further amended by the addition of Transitional Rules to preserve the current Branch Industry Divisions and their representation until the declaration of the poll in the elections to be conducted in the Branch in 2015.

RECOMMENDATION:

Branch Executive resolves pursuant to Branch Rule 28 to approve the addition to the Branch Rules of the following Transitional Rules:

5 A- TRANSITIONAL RULE-BRANCH EXECUTIVE

Notwithstanding any other provisions of these Rules, on certification of this Rule by the General Manager of the Fair Work Commission, and until the declaration of the poll in the elections to be conducted in the Branch in 2015 the numbers of Branch Executive members from the following Industry Divisions shall be:

Local Authorities- 8 (4 of whom shall be women)

Social and Community Services- 3 (1 of whom shall be a woman)

Energy and Information Technologies- 2 (1 of whom shall be a woman)

Transport, Shipping and Travel, Clerical and Administrative, and Airlines- 2 (1 of whom shall be a woman)

Water- 2 (1 of whom shall be a woman)

And;

9 A- TRANSITIONAL RULE-BRANCH CONFERENCE

Notwithstanding any other provisions of these Rules, on certification of this rule by the General Manager of the Fair Work Commission and until the declaration of the poll in the elections to be conducted in 2015, the following Branch Conference Delegates shall be elected by and from the financial members of the following Industry Divisions:

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Social and Community Services- 12 (6 of whom shall be women)

Energy and Information Technologies- 8 (4 of whom shall be women)

Transport, Shipping and Travel, Clerical and Administrative, and Airlines- 8 (4 of whom shall be women)

Water- 8 (4 of whom shall be women)

Rule 14 A

Notwithstanding any other provisions of these Rules, on certification of this Rule by the General Manager of the Fair Work Commission, and until the declaration of the poll in the elections to be conducted in the Branch in 2015, the National Conference Delegates, National Conference Delegate (Women), Alternative National Conference Delegates, and Alternative National Conference Delegate (Women) elected by the whole Branch membership from each Industry Division shall remain as that elected by the Branch membership in the previous quadrennial election.



A•S•U

File/Our Ref: DS/db 12.21
Your Ref:
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Friday, 31 October 2014

TO: All National Executive Members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 08/2014
Proposed Victorian & Tasmanian Authorities & Services Branch rule changes**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 30 October 2014, regarding the above is as follows:

A total of 121.5 affirmative votes were received from:

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

No negative votes were received.

I advise that National Executive E-mail Vote No. 08/2014 is carried.

Yours faithfully

David Smith
National Secretary

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

**Australian
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**National Office
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