



A•S•U

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Thursday, 3 December 2015

General Manager
Fair Work Commission
GPO Box 1944
MELBOURNE VIC 3001

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

Dear Sir/Madam

Re: Amendments to Australian Municipal, Administrative, Clerical and Services Union rules

I submit the following rule changes for certification.

Accordingly, I lodge with this letter a Notice Setting out the Particulars of the 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 rule alteration concerns PART IV – FUNDS rule 21 – PROPERTY AND FUNDS as follows:

1. **Delete rule 21 f.**
2. **Insert new rule 21 f. as follows:**
 - f. Fund Disbursement
 - i. Power

Funds may be approved for disbursement from the National fund upon resolution of the National Executive or when necessary upon the order of the National Secretary.

Funds may be approved for disbursement from a Branch fund upon resolution of the Branch Executive or when necessary upon the order of the Branch Secretary.

- ii. Approval

Subject to sub-rule i and to this sub-rule, withdrawals of National or Branch funds, including by way of cash, cheque and electronic funds transfer must be approved by two Officers from the respective committee of management.

The Officers approving a withdrawal must comprise, from the respective committee of management, an Officer from column A together with an Officer from column B, provided that if there is no Officer available from column B then an Officer from column A and an Officer from column C.

An Officer cannot approve their own individual expense, and such an expense must be approved by any 2 other Officers from the respective committee of management.

**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

column A	column B	column C
National Secretary	National President	Branch Vice President
Branch Secretary	Assistant National Secretary	Other Committee of Management member
the Officer acting or temporarily appointed as National Secretary	Branch President	
the Officer acting or temporarily appointed as Branch Secretary	Branch Executive President	
	Branch Deputy Secretary	
	Assistant Branch Secretary	
	Branch Treasurer	

The issuing of a debit card, purchase card or credit card intended to utilise the National or Branch fund must be approved by two Officers, from the respective committee of Management, being an Officer in column A together with an Officer in Column B provided that if there is no Officer available from column B, then an Officer from column A and an Officer from Column C.

All disbursements from the National or Branch fund are to be promptly reviewed by the respective committee of management.

iii. Additional requirement for Loans, Grants, Donations or Credit Facilities

Loans, Grants or Donations in excess of \$1,000.00, must be approved by the respective committee of management.

All loans and credit facilities, as described in Rule 10g, must be approved by the National Executive.

iv. Banking and Disbursement of funds

All National and Branch income from subscriptions, fines, levies, dividends, interest, rent or other income, howsoever derived, shall be vested in the Union and shall be banked in the respective Union accounts.

Once a disbursement from the National or Branch fund has been approved under sub-rule i, ii and iii, then all operations and authorisations on the Unions accounts including withdrawals inclusive of cash, cheque, electronic transfers, payments and direct debits/credits can be completed by any 2 persons as determined by the respective committee of management.

If you require further information, please do not hesitate to contact me at this office or John Nucifora jnucifora@asu.asn.au tel 03) 9342 1477.

Yours faithfully



David Smith
National Secretary

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

enc

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 **3 December 2015**, 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) At the National Executive meeting on the 17th November 2015 the National Executive requested that the National Secretary progress a rule change to ensure a consistent approach to funds disbursement across the Union, therefore in accordance with Rule "49 - RULE ALTERATIONS"; I as National Secretary proposed this rule change be put to a postal vote of the National Executive.
 - b) The intent of the rule change is to establish uniform funds disbursement approvals and processing for the National Office and Branches.
 - c) I confirm that on **27 November 2015**, a Postal/Fax/E-mail Ballot was submitted to all National Executive members via e-mail and members were provided with a current copy of the rules with the proposed amendments using tracked changes, attached hereto and marked "**Annexure 1**".
 - d) On the **3 December 2015**, a total of 125.17 affirmative votes were received. Of the total of 138 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 "**Annexure 2**" is a copy of my correspondence to National Executive members of the **3 December 2015** 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: Thursday 3 December, 2015



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

21 - PROPERTY AND FUNDS

- a. All property, real or personal, shall be vested in the Union, and shall be under the control, custody, administration and management in all respects of the National Executive, save as provided herein and elsewhere in these rules.
 - b. All income from subscriptions, fines, levies, dividends, interest, rent or other income, howsoever derived, shall be vested in the Union, and shall be under the control, custody, administration and management in all respects of the National Executive, save as provided here in and elsewhere in these rules.
 - c. The National fund shall consist of all real or personal property, all assets, all income from subscriptions, fines, levies, dividends, interest, rent or other income, howsoever derived, and shall be under the control, custody, administration and management in all respects of the National Executive.
 - d. Branches may collect or receive income on behalf of the Union, and may retain income, and assets derived therefrom, for their own expenses, which shall constitute the Branch Fund, and shall be under the control, custody, administration and management in all respects of the Branch Executive, or such other body as may be prescribed in the Branch Rules, subject to the following:
 - i. Branches shall pay to the Union all capitation fees and levies, in the amounts and at the times determined by the National Executive from time to time.
 - ii. Branches shall pay to the Union such amounts, other than capitation fees and levies as defined in Rule 22, as are determined by the National Executive from time to time. Provided that, where amounts other than capitation fees and levies are required to be paid by only one or some of the Branches, such amounts shall first be agreed by resolution of the Executive of the Branch or Branches concerned.
 - iii. Branches, in accordance with these Rules, shall have the sole control, custody, administration and management of all the income they collect or receive, and the assets (including real property) derived therefrom, which are not required to be paid to the Union in accordance with i. and ii. hereof.
 - iv. No Branch shall establish any specific fund which shall create an actual or contingent liability without the approval of the National Executive.
 1. Such specific funds existing on amalgamation day, may continue provided that, any change of rules or practice with respect to such fund is reported to the National Secretary.
 2. The National Secretary may call for, and, in that event, will be supplied with, full details of the affairs of such fund, by the Branch Secretary, or responsible officer.
 - e. The funds of the Union may only be expended for the furtherance of, and in pursuit of the objects of the Union.
 - 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.~~

Fund Disbursement

i. Power

Funds may be approved for disbursement from the National fund upon resolution of the National Executive or when necessary upon the order of the National Secretary.

Funds may be approved for disbursement from a Branch fund upon resolution of the Branch Executive or when necessary upon the order of the Branch Secretary.

ii. Approval

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The Officers approving a withdrawal must comprise, from the respective committee of management, an Officer from column A together with an Officer from column B, provided that if there is no Officer available from column B then an Officer from column A and an Officer from column C.

An Officer cannot approve their own individual expense, and such an expense must be approved by any 2 other Officers from the respective committee of management.

<u>column A</u>	<u>column B</u>	<u>column C</u>
<u>National Secretary</u>	<u>National President</u>	<u>Branch Vice President</u>
<u>Branch Secretary</u>	<u>Assistant National Secretary</u>	<u>Other Committee of Management member</u>
<u>the Officer acting or temporarily appointed as National Secretary</u>	<u>Branch President</u>	
<u>the Officer acting or temporarily appointed as Branch Secretary</u>	<u>Branch Executive President</u>	
	<u>Branch Deputy Secretary</u>	
	<u>Assistant Branch Secretary</u>	
	<u>Branch Treasurer</u>	

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iv. Banking and Disbursement of funds

All National and Branch income from subscriptions, fines, levies, dividends, interest, rent or other income, howsoever derived, shall be vested in the Union and shall be banked in the respective Union accounts.

Once a disbursement from the National or Branch fund has been approved under sub-rule i, ii and iii, then all operations and authorisations on the Unions accounts including withdrawals inclusive of cash, cheque, electronic transfers, payments and direct debits/credits can be completed by any 2 persons as determined by the respective committee of management.

- g. Branch Secretaries shall forward to the National Secretary copies of audited financial statements of the Branch, for each audit period, immediately such audited statements, are signed and dated by the Auditor.
- h. 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.
- ii. The Branch Council or the Branch Committee of Management or members at an Industry Division or Sub-branch Annual General Meeting may grant honoraria to all or any of the members of the Branch Executive, Industry Division Committee of Management or Sub-branch Committee of Management or to any other member of the Branch, subject to such limits as are set out by the Branch Council or Committee of Management.
- iii. On the proposal of an honorarium to an officer or member, the officer or member concerned shall withdraw from the meeting while the honorarium is discussed.



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Thursday, 3 December 2015

TO: All National Executive Members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 09/2015
Proposed National rule change
PART IV - FUNDS rule 21 – Property and Funds**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 27 November 2015, regarding the above is as follows:

A total of 125.17 affirmative votes were received from:

David Smith
Linda White
Greg McLean
Alex Scott
Irene Monro
Vivienne Doogan
Natalie Lang
Judith Wright
Angus McFarland
Graeme Kelly
Stephen Birney
Sharon Sewell
Neil Henderson
Jennifer Thomas
Lynette Henson
Joseph Scales
Abbie Spencer
Ancel Greenwood
Richard Duffy
Wendy Phillips
Ingrid Stitt
Paul O'Neill
Wayne Wood

No negative votes were received.

I advise that National Executive E-mail Vote No. 09/2015 is carried.

Yours faithfully

David Smith
National Secretary

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

**Australian
Services
Union**

**National Office
Melbourne & Sydney**

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National Secretary
David Smith

Assistant National Secretaries
Greg McLean
Linda White