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Tuesday 6 December, 2016

General Manager
Fair Work Commission
GPO Box 1944
MELBOURNE VIC 3001

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

Dear General Manager

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

I submit the following rule changes for certification.

The ASU requests to withdraw the application in relation to R2016/185 lodged on 6 September 2016 and submit the following rule change for certification by the Fair Work Commission.

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 DIVISION THREE QUEENSLAND (SERVICES AND NORTHERN ADMINISTRATIVE) BRANCH as follows:

1. **National Executive authorises the National Secretary to withdraw the previous application - amendment to rules R2016/185 of Division Three – Queensland (Services and Northern Administrative) Branch lodged with FWC on 6 September 2016.**
2. **National Executive endorses the amendment of the current rules of the Australian Municipal, Administrative, Clerical and Services Union Queensland (Services and Northern Administrative) Branch as follows:**
3. **Delete the words 'PART 1 – BRANCH RULES' under the title of the Branch Rule.**
4. **Delete the existing Rules 1-35 inclusive.**
5. **Insert the new Rules 1- 44 inclusive as follows:**

DIVISION THREE

QUEENSLAND (SERVICES AND NORTHERN ADMINISTRATIVE) BRANCH

1 – NAME

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

**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

2 – PRINCIPLE OFFICE

- a. Unless otherwise determined by the Branch Executive, the principal office of the Branch is 32 Peel Street, South Brisbane, Queensland.

3 – DEFINITIONS

- a. In these Branch rules, unless the context provides a contrary intention:
- i. **'Act'** means the Fair Work (Registered Organisations) Act 2009 (Cth);
 - ii. **'annual subscription'** means the annual subscription fee determined in accordance with the National rules;
 - iii. **'ASU'** means the Australian Municipal, Administrative, Clerical and Services Union;
 - iv. **'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 and appointed by the Branch Executive;
 - v. **'Branch employee'** means an employee of the ASU employed at the request of, and in relation to, the Branch;
 - vi. **'Branch Executive Office'** means the offices of:
 - A. Branch President;
 - B. Branch Executive President;
 - C. Branch Vice-President (Woman);
 - D. Branch Vice-President (Youth);
 - E. Branch Vice-President (each industry division);
 - F. Branch Secretary;
 - G. Branch Assistant Secretary (if any); and
 - H. Branch Treasurer;
 - I. Branch Executive Member (Women) [see Rule 34d] (if any)
 - vii. **'Branch Fund'** means the Branch Fund of the Branch;
 - viii. **'Branch Industry Division'** means each of the:
 - A. **'Energy Industry Division'** having attached to it members employed by energy authorities and/or corporations engaged in the energy industry;
 - B. **'Local Authorities and Brisbane City Council Industry Division'** having attached to it members employed by the Brisbane City Council, local authorities and water entities;
 - C. **'Transport and Northern Administrative'** having attached to it members that have not been attached to the Energy Industry Division, the Local Authorities and Brisbane City Council Industry Division or the SACS Industry Division; and

- D. **‘Social and Community Services Industry Division’** having attached to it members employed in community and social work.
- ix. **‘Branch Journal’** means a publication produced or utilised by the Branch which is provided free of charge to financial members by means of print or electronic media;
- x. **‘Branch Membership Register’** means the membership register of the ASU in so far as it provides for members attached to the Branch and is arranged to show a member’s attachment to the Branch Industry Divisions;
- xi. **‘Branch Rules’** means rules 1 - 44 inclusive of these rules;
- xii. **‘Branch Website’** means a website maintained or utilised by the Branch for communication with its Branch members;
- xiii. **‘Financial Member’** means a member of the ASU, attached to the Branch in accordance with the National rules, and financial in accordance with these Branch rules;
- xiv. **‘Financial Records’** means records, however recorded or stored, to the extent that they relate to the finances or financial administration of the Branch inclusive of:
- A. registers;
 - B. records of financial information;
 - C. financial reports;
 - D. annual returns; and
 - E. documents relating to financial transactions;
- xv. **‘National Rules’** means the rules of the ASU, other than the rules of the Branches and/or sections of the ASU;
- xvi. **‘Quadrennial Elections’** means the elections required by these rules to be held each four (4) years in accordance with the National rules;
- xvii. **‘Sub-committee’** means a sub-committee of the Branch established in accordance with these Branch rules;
- xviii. **‘Union Rules’** means the National rules and these Branch rules; and
- xix. **‘Workplace Delegate’** has the meaning provided by the National rules.

4 – INTERPRETATION

- a. In these Branch rules unless the context provides a contrary intention:
- i. the singular includes the plural and the plural includes the singular;
 - ii. a reference to a statute includes any:
 - A. statute amending, consolidating or replacing the statute; and
 - B. regulation made under the statute as that regulation is in force;
 - iii. headings will not be taken into account in interpreting these Branch rules;
 - iv. a reference to a ‘rule’ is, a reference to a rule of these Branch rules;

- v. a reference to a 'sub-rule' means a sub-rule of the rule in which the reference to the sub-rule is made;
- vi. a reference to a 'part' means a part of the sub-rule in which the reference to the part is made;
- vii. a reference to a 'sub-part' means a sub-part of the part in which the reference to a sub-part is made;
- viii. a reference to a 'schedule' is a reference to a schedule to, and which forms part of, these Branch rules;
- ix. a reference to a 'month' is a reference to a calendar month;
- x. 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;
- xi. a reference to a 'majority' means at least half (1/2) of the number of the votes cast;
- xii. a reference to a 'special majority' means at least 70% of the votes cast;
- xiii. 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;
- xiv. 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;
- xv. 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;
- xvi. 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;
- xvii. 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;
- xviii. a reference to a 'document' includes documents in hard copy and electronic form;
- xix. an agreement or document means that agreement or document as amended,

novated or supplemented;

- xx. a reference to an entity includes a reference to a body corporate, consortium, trustee in respect of a trust and/or a partnership;
- xxi. to consent means to give the consent in writing prior to the doing of the act the subject of the consent;
- xxii. to appoint means to appoint in writing;
- xxiii. each paragraph or sub-paragraph in a list is to be read independently from the others in the list; and
- xxiv. notice where it is required to be given by these Branch rules, and the particular means of giving the notice have not been stated or where it is required to be given by practicable means, includes giving the notice by:
 - A. delivery;
 - B. facsimile;
 - C. email; and/or
 - D. SMS text message.

5 – ATTACHMENT TO BRANCH

- a. Branch members will be attached to the Branch in accordance with the National rules.

6 – ATTACHMENT TO INDUSTRY DIVISION

- a. A Branch member, other than a Branch Employee, will subject to this rule be attached to a Branch Industry Division in accordance with these Branch rules.
- b. A Branch employee will be attached to a Branch Industry Division by determination of the Branch Executive.
- c. Provided that each member and each Branch employee can, at any one time, only be attached to a single Industry Division.
- d. The Branch Executive may determine to:
 - i. add new Industry Divisions;
 - ii. dissolve Industry Divisions; and/or
 - iii. attach members to an Industry Division.
- e. The Branch Secretary will promptly, following a determination under sub-rule d., give notice to affected Branch members of the determination.
- f. Notice under sub-clause g. may be given on the Branch website.

- g. Despite sub-rule f., the Branch Secretary is to give notice to a Branch member attached to a new Industry Division by a determination under sub-rule d., setting out their new Industry Division.

7 - THE BRANCH EXECUTIVE

- a. The Branch Executive consists of the:
 - i. Branch President;
 - ii. Branch Executive President;
 - iii. Branch Vice-President (Woman);
 - iv. Branch Vice-President (Youth);
 - v. Seven (7) Branch Industry Division Vice-Presidents;
 - vi. Branch Secretary;
 - vii. Branch Assistant Secretary (if any);
 - viii. Branch Treasurer; and
 - ix. Branch Executive Member (Women) (if any elected under Rule 34).
- b. The Branch Executive will, subject to these Branch rules, determine prior to the opening of nominations in the Quadrennial Elections, if there is to be an office of Branch Assistant Secretary following the Quadrennial Elections.
- c. A member of the Branch Executive who ceases to be:
 - i. a member attached to the Branch; or
 - ii. eligible to nominate for election to their office on the Branch Executive,ceases at the time of the happening of the event under parts i. or ii. to be a member of the Branch Executive.
- d. A casual vacancy occurs when a member ceases to be a member of the Branch Executive under sub-rule c.

8 - THE COMMITTEE OF MANAGEMENT

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

9 - BRANCH AUTONOMY

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

10 - THE BRANCH EXECUTIVE - POWERS AND DUTIES

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

11 - BRANCH EXECUTIVE – BRANCH EMPLOYEES

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

12 - BRANCH EXECUTIVE SERVICE PROVIDERS

- a. The Branch Executive will determine what services are required to perform the obligations required by these Branch rules.
- b. Service providers will be engaged by the ASU on the terms and conditions the Branch Executive determines, subject to policy binding the ASU in respect of the Branch.

13 - THE BRANCH EXECUTIVE - MEETINGS

- a. The Branch Executive will meet:
 - i. at least four (4) times each calendar year; and
 - ii. at other times as it determines.
- b. The Branch Secretary will on the request of the Branch President, or at least one -third (1/3) of the Branch Executive, summon a meeting of the Branch Executive.
- c. The meeting to be held under sub-rule b. is to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- d. The Branch Secretary will give to the Branch Executive members at least 24 hours notice, by practicable means, of a meeting of the Branch Executive.
- e. Despite sub-rule d. 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 to the Branch Executive members the length of notice that is practicable in the circumstances, by practicable means, of the meeting of the Branch Executive.
- f. A meeting of the Branch Executive may be conducted by a method by which members of the Branch Executive are able to communicate with each other without being physically present.
- g. If the Branch President is not present within 30 minutes of the time for the commencement of a Branch Executive meeting the Deputy Branch President, or in the absence of the Deputy Branch President a Vice-President as determined by the meeting, will act as, and with the powers of, the Branch President.
- h. Decisions of the Branch Executive are by majority.
- i. A member of the Branch Executive not present at a meeting, or part of a meeting, may appoint a Financial Member of the Branch as proxy to exercise the member's vote, who will if a Branch Executive member do so in addition to their own vote.
- j. Quorums for meetings of the Branch Executive are 50% of the members of the Branch Executive, entitled to attend and vote, provided that a proxy appointed in accordance with sub-rule (i) does not count for quorum.
- k. 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 the meeting will be adjourned for not less than seven (7) days nor more than 14 days and the Branch Secretary will give the Branch Executive members two (2) clear days notice of the date, time and place to which the meeting has been adjourned.
- l. If at the adjourned meeting quorum is not present within 30 minutes of the time for the commencement of the meeting 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.

- m. The minutes of a Branch Executive meeting will be promptly prepared by the Branch Secretary, signed by the President or the person who chaired the respective Branch Executive meeting and forwarded to each member of the Branch Executive.
- n. If a Branch Executive member is absent from three (3) consecutive meetings of the Branch Executive, without giving an explanation that is considered satisfactory by the Branch Executive, then that conduct may constitute misconduct and be dealt with in accordance with the National rules.

14 - EXPENSES OF THE EXECUTIVE MEETINGS

- a. The Branch Executive is responsible for the:
 - i. costs of convening and running a Branch Executive meeting; and
 - ii. the payment of the actual travel costs of the Branch Executive members attending a Branch Executive meeting.

15 - VOTING ON THE BRANCH EXECUTIVE

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

A	B
Office	Vote
Branch President	one (1) vote
Branch Executive President	one (1) vote
Branch Vice-President (Women)	one (1) vote
Branch Vice-President (Youth)	one (1) vote
Branch Secretary	one (1) vote
Branch Assistant Secretary (if any)	one (1) vote
Branch Treasurer	one (1) vote
Branch Executive Members (Women)	one (1) vote

- ii. an Industry Division Vice-President having attached to their respective Industry Division the number of members set out in column C entitled to exercise the vote set out in column D:

C	D
Financial Members in Division	Vote
Less than 200	one (1) vote
200 to 399	two (2) votes
400 to 599	three (3) votes
600 to 999	four (4) votes
1000 to 1999	six (6) votes
2000 to 2999	eight (8) votes
3000 to 3999	ten (10) votes
4000 to 4999	12 votes
5000 to 5999	14 votes
6000 to 6999	16 votes
7000 to 7999	18 votes
8000 to 9999	21 votes
10,000 to 11,999	24 votes
12,000 to 13,999	28 votes

- b. For the purposes of sub rule a. the number of members for the purposes of column C will be determined by the lowest number of Financial Members in a respective Industry Division on the last day of the months of October, November and December in the year preceding the a Quadrennial Election.
- c. Where an Industry Division has more than one (1) Vice-President the votes which those Vice-Presidents are entitled to exercise in accordance with sub-rule a. is the total that would otherwise be exercised by a single Industry Division Vice-President, divided equally between the Industry Division's Vice-Presidents.
- d. The Deputy Branch President is only entitled to exercise the vote they would otherwise be entitled to exercise as an Industry Division Vice-President.

16 - THE BRANCH SUB-COMMITTEES

- a. The Branch Executive may establish or revoke Branch sub-committees.
- b. A determination of a Branch sub-committee does not bind the Branch Executive and is

recommendatory only.

- c. A Branch sub-committee can only consider the matters referred to it by the Branch Executive.
- d. The Branch Executive will determine the Branch Executive members (if any) who will comprise a Branch sub-committee.
- e. Sub-rule d. does not prevent the Branch Executive from appointing a Financial Member, with the member's consent, to a Branch sub-committee.
- f. Sub-rule d. does not prevent the Branch Executive determining to:
 - i. appoint a professional advisor to assist a Branch sub-committee; and
 - ii. pay the professional advisor an appropriate fee, subject to policy binding the ASU in respect of the Branch.
- g. The Branch Secretary is entitled to be a member of a Branch sub-committee.
- h. A Branch sub-committee is responsible to, and under the control of, the Branch Executive.
- i. A Branch sub-committee must regularly report to the Branch Executive.

17 - POWERS OF THE BRANCH COUNCIL

- a. The Branch Council will formulate policy for recommendation to the Branch Executive.
- b. The Branch Council, subject to the Union rules, may formulate and recommend to the Branch Executive:
 - i. policies for adoption by the Branch;
 - ii. policies for adoption by the ASU;
 - iii. recommendations in relation to the Branch's position on National Conference agenda items;
 - iv. that National Conference or National Executive, receive and consider reports from the Branch President, Branch Executive President and/or Branch Secretary; and
 - v. its position on other matters referred to it by the Branch Executive and/or an Industry Division Committee.
- c. Policy formulated by the Branch Council for the Branch will be referred to the Branch Executive for:
 - i. consideration;

- ii. determination; and
- iii. if ratified, implementation.

18 - BRANCH COUNCIL MEMBERSHIP

- a. Membership of the Branch Council consists of:
 - i. the Branch Executive; and
 - ii. Branch Councillors from each respective Industry Division on the basis that a respective Industry Division having the number of Financial Members set out in column A will be represented by the number of Branch Councillors set out immediately opposite in column B:

A	B
Number of Councillors	Financial Members attached to an Industry Division
Less than 200	one (1)
200 to 399	two (2)
400 to 599)	three (3)
600 to 999	four (4)
1000 to 1999	six (6)
2000 to 2999	eight (8)
3000 to 3999	ten (10)
4000 to 4999	12
5000 to 5999	14
6000 to 6999	16
7000 to 7999	18
8000 to 9999	21
10,000 to 11,999	24
12,000 to 13,999	28

- b. The number of Branch Councillors will be determined by the lowest number of Financial Members in a respective Industry Division on the last day of each of the months of October, November and December in the year preceding a Quadrennial Election.
- c. In addition to the Branch Councillors elected from the Industry Divisions in accordance with sub-rule a., membership of the Branch Council will also include Branch Councillors (Women) elected under rule 34.

19 - MEETINGS OF THE BRANCH COUNCIL

- a. The Branch Council must meet annually on a date, and at a location, determined by the Branch Executive.
- b. Despite sub-rule a. the Branch Secretary will, upon the request of the Branch Executive or at least one-quarter (1/4) of the members of the Branch Council, summon a meeting of the Branch Council to be held within 30 days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary will give at least seven (7) days notice, by practicable means, to the members of the Branch Council of a Branch Council meeting.
- d. If the Branch President is not present within 30 minutes of the time for the commencement of a Branch Council meeting the Deputy Branch President, or in the absence of the Deputy Branch President a Vice-President as determined by the meeting, will act as, and with the powers of, the Branch President.
- e. A member of the Branch Council not present at, or part of, a Branch Council meeting may appoint in writing another member of the Branch Council as their proxy to exercise the member's vote or votes, provided that no member can hold more than one (1) proxy at a meeting.
- f. A majority of members of the Branch Council constitute a quorum.
- g. If at a meeting of the Branch Council a quorum is not present at the expiry of 30 minutes after the time fixed for the commencement of the meeting, the meeting will be adjourned for not less than seven (7) days nor more than 14 days.
- h. Branch Council members will be given two (2) clear days notice of the date, time and place to which the meeting has been adjourned under sub-rule g.
- i. If at the adjourned meeting under sub-rule g. a quorum is not present, those present are be deemed to be a quorum for the purpose of the business to be determined.
- j. The minutes of a meeting will be promptly prepared by the Branch Secretary, signed by the President or the person who chaired the respective Branch Council meeting and forwarded to each member of the Branch Council and to the National Secretary.
- k. A copy of the minutes of a Branch Council meeting will be available for the inspection of financial Branch members during the opening hours of the principal office.

20 - SPECIAL MEETINGS OF THE BRANCH COUNCIL

- a. A Branch Council special general meeting will be held if:
 - i. the Branch Executive requests;
 - ii. the Branch Council requests; or
 - iii. on a written request made to the Branch Secretary and signed by at least ten (10) percent of the Financial Members,

where the request sets out the business to be placed before the special meeting.

- b. The business of a Branch Council special meeting is limited to the business set out on the request provided under sub-rule a.
- c. The duration of a special meeting is limited to two (2) hours, unless a motion to extend the meeting is carried, provided that a meeting cannot be extended beyond 10.30pm.

21 - VOTING ON THE BRANCH COUNCIL

- a. A member of the Branch Council is entitled to one (1) vote.

22 - THE NATIONAL EXECUTIVE REPRESENTATIVES

- a. The Branch is to be represented on the National Executive by three (3) National Executive Representatives who will exercise an equal proportion of the votes in accordance with National rule 7.
- b. The first (1st) National Executive Representative is the Branch Secretary.
- c. The second (2nd) National Executive Representative is the Branch Executive President.
- d. The third (3rd) National Executive Representative will be elected at the Quadrennial Elections by, and from, the Financial Members.

23 - NATIONAL CONFERENCE DELEGATES

- a. The Branch is to be represented on the National Conference by the:
 - i. Branch National Executive Representatives; and
 - ii. National Conference Delegates elected by and from Branch Council in accordance with the formula provided in National rule 7.

24 - ALTERNATE NATIONAL CONFERENCE DELEGATES

- a. There will be a first (1st), second (2nd) and third (3rd) Alternate National Conference Delegate elected by, and from, the Financial Members every four (4) years.
- b. In the event of a casual vacancy arising in the office of National Conference Delegate, the Alternate National Conference Delegates will fill the vacancy in the order of first (1st), second (2nd) and third (3rd).

25 - BRANCH PRESIDENT

- a. A Branch President will be elected at the Quadrennial Election by, and from, the Financial Members.
- b. The Branch President is to:
 - i. preside at meetings of the Branch;
 - ii. preserve order at meetings of the Branch;
 - iii. ensure the business of a meeting is conducted in accordance with the Union and the 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 a Branch Vice-President.
- d. The Branch President having chaired a meeting must promptly, on receipt of the minutes from the Branch Secretary, ensure that they are accurate and then sign them.
- e. The minutes of a meeting, if signed in accordance with this rule by the Branch President, or the person chairing a respective meeting, are proof of the matters recorded in them.
- f. The office of Branch President is honorary.

26 - BRANCH VICE-PRESIDENT

- a. Branch Vice-Presidents representing Industry Divisions are to be elected at the Quadrennial Election by, and from, the Financial Members attached to a respective Industry Division in accordance with these Branch rules.
- b. At the first meeting of the Branch Executive following the Quadrennial Election of the Branch Vice-Presidents, or when the Deputy Branch President position is vacant, one (1) of the Branch Vice-Presidents is to be elected as the Deputy Branch President by Branch Executive under sub-rule e. of National rule 41.
- c. The Deputy Branch President will deputise for the Branch President when the Branch President is absent.

- d. The Branch Vice-President (Industry) will be the chairperson of that Industry Division Committee.
- e. Where there is more than one (1) Vice-President representing an Industry Division, the first (1st) meeting of the Industry Division Committee following the election of the Committee, will elect one of the Branch Vice-Presidents (Industry) as chairperson of the Industry Division.
- f. There is to be a Branch Vice-President (Women) elected every four (4) years by, and from, the Financial Members who are women.
- g. There is to be a Branch Vice-President (Youth) elected every four (4) years by, and from, the Financial Members who are less than 35 years of age on the last day of the month immediately preceding the date of calling of nominations for Quadrennial Elections.
- h. A Branch Vice-President will:
 - i. assist the Branch President with business at meetings of the Branch; and
 - ii. assist the Branch President and Branch Secretary in carrying out the business of the Branch.
- i. The office of Branch Vice-President is honorary.

27 - BRANCH TREASURER

- a. A Branch Treasurer is to be elected at each Quadrennial Election by, and from, the Financial Members.
- b. The Branch Treasurer must:
 - i. cause the Branches' Financial Records to be maintained;
 - ii. cause all monies received by the Branch, to be promptly receipted and paid to the credit of the Branch Fund;
 - iii. cause the Branches' accounts to be audited annually by the Auditor;
 - iv. cause to be submitted to the Branches' 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 Branches' Financial Records when required to do so by the Branch Executive.
- c. The office of Branch Treasurer is honorary.

28 – THE BRANCH EXECUTIVE PRESIDENT

- a. A Branch Executive President will be elected at the Quadrennial Election by, and from, the Financial Members.
- b. The Branch Executive President:
 - i. is a member of the Branch Executive;
 - ii. may attend, be represented and/or be heard on a matter at any meeting of the Branch;
 - iii. is to assist the Branch Secretary to conduct and manage the affairs of the Branch; and
 - iv. will perform duties allocated by the Branch Secretary.
- c. In the temporary absence of the Branch Secretary or if the office of Branch Secretary is vacant, the Branch Executive President is to perform the functions and obligations of the Branch Secretary.
- d. The office of Branch Executive President is full-time.

29 - THE BRANCH SECRETARY

- a. A Branch Secretary will be elected at the Quadrennial Election by, and from, the Financial Members.
- b. The Branch Secretary:
 - i. is the Branch's chief executive officer;
 - ii. will between meetings of the Branch Executive conduct and manage the affairs of the Branch; and
 - iii. do the things practicable to ensure the Branch complies with the law.
- c. The Branch Secretary without limitation to sub-rule b.:
 - i. will in consultation with the Branch President deal with urgent matters requiring a determination between meetings of the Branch Executive, provided that such determinations are reported to the next Branch Executive meeting;
 - ii. is to prepare and furnish returns, statements, declarations required for the Branch to comply with the law;
 - iii. may attend, be represented and/or be heard on a matter at any meeting of the Branch;
 - iv. may inspect, examine, cause to be inspected and/or cause to be examined

documents in, or in connection with, the conduct of the affairs of the Branch or of an Industry Division;

- v. ensure that the accounts of the Branch are kept, and presented, to each Branch Executive meeting other than Branch Executive special meetings; and
 - vi. initiate, defend and/or intervene in proceedings for the Branch.
- d. The Branch Secretary may, with the Branch Executive's consent, delegate such of the Branch Secretary's powers and authorities to the Branch Executive President and/or employees employed in relation to the Branch and/or members of the Branch Executive as the Branch Secretary determines is 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. delegate is subject to the direction of the Branch Secretary;
 - iii. delegation will be on the conditions prescribed by the Branch Executive and/or the Branch Secretary; and
 - iv. delegation will be subject to determination by the Branch Executive or Branch Secretary without notice.
- e. The Branch Secretary will present to the Branch Council a report on the business of the Branch during the year preceding the respective meeting of the Branch Council.
- f. The Branch Secretary may, on behalf of the ASU, employ or dismiss Branch employees.
- g. The Branch Secretary may, on behalf of the ASU, engage or dismiss Service Providers.
- h. The Branch Secretary will supervise and allocate duties to Branch employees in consultation with the Branch Executive President.
- i. The office of Branch Secretary is full-time.

30 - BRANCH ASSISTANT SECRETARY

- a. Subject to the determination of the Branch Executive under these Branch rules an Assistant Branch Secretary is to be elected at the Quadrennial Election by, and from, the Financial Members.
- b. If the Branch Executive does not make a determination under sub-rule 7 b., then no Assistant Branch Secretary will be elected for the quadrennial term following the Quadrennial Election.
- c. When an Assistant Branch Secretary is elected, the Assistant Branch Secretary will, subject to the direction of the Branch Secretary:
 - i. assist the Branch Secretary to conduct and manage the affairs of the Branch; and

- ii. will perform duties allocated by the Branch Secretary
- d. In the temporary absence of the Branch Secretary and the Branch Executive President, or if these offices are vacant, the Assistant Branch Secretary (if any) is to perform the functions and obligations of the Branch Secretary.
- e. The office of Assistant Branch Secretary (if any) is full-time.

31 - BRANCH AUDITOR

- a. The Branch Executive must ensure that an auditor for the Branch is appointed by it, provided that no member or employee of the ASU can be appointed as the Auditor.
- b. The Auditor is to conduct a yearly audit of the Branch's accounts.
- c. The Auditor is, after the close of the financial year, to audit the financial accounts of the Branch for the financial year that has passed, present audited financial accounts and report to the Branch Executive.
- d. The Auditor can request Financial Records and the Branch's officers and the Branch employees will, if called upon, promptly:
 - i. produce requested Financial Records in their possession or control to the Auditor; and
 - ii. provide an explanation in relation to the Financial Records if requested by the Auditor.

32- RETURNING OFFICER

- a. The Branch Executive is to appoint a Returning Officer for the Branch.
- b. No ASU member or employee can be appointed under sub-rule a.

33 - ELECTION OF BRANCH OFFICE/ POSITION HOLDERS

- a. Commencing in 2019 Quadrennial Elections will be held to elect to the office or position, as the case may be, set out in column A from the electorate, comprised of Financial Members, set out in column B, the:

A - OFFICE	B - ELECTORATE
Branch President	whole membership
Branch Executive President/Second National Executive Representative	whole membership
Branch Vice-President	whole membership

Branch Vice-President (Energy Industry Division)	members of the Energy Industry Division
Branch Vice-President (Local Authorities and Brisbane City Council Industry Division – Local Authorities)	members of the Local Authorities and Brisbane City Council Industry Division other than those employed by the Brisbane City Council
Branch Vice-President (Local Authorities and Brisbane City Council Industry Division - BCC)	members of the Local Authorities and Brisbane City Council Industry Division employed by the Brisbane City Council
Branch Vice-President (Transport and Northern Administrative - Rail)	members of the Transport and Northern Administrative employed in rail
Branch Vice-President (Transport and Northern Administrative – Ports and Private)	members of the Transport and Northern Administrative employed in ports and private sector
Branch Vice-President (Transport and Northern Administrative - North Queensland Clerical and Administrative)	members of the Transport and Northern Administrative employed in the North Queensland Clerical and Administrative Industry
Branch Vice-President (Social and Community Sector Industry Division)	members of the Social and Community Sector Industry Division
Branch Vice-President (Women)	women members of the whole membership
Branch Vice-President (Youth)	all members of the branch who have not attained the age of 35
Branch Secretary/First National Executive Representative	whole membership
Assistant Branch Secretary (if any)	whole membership
Branch Executive Members	whole membership
Third National Executive Representative	whole membership
Alternative National Executive Representative	whole membership
National Conference Delegates	whole membership
National Conference Delegates	women members of the whole membership
Alternate National Conference Delegates	whole membership

A - POSITION	B- ELECTORATE
Branch Council Delegates	Industry Divisions

- b. In addition to the qualifications for candidates required in sub-rules a., c., d. and e. of National rule 39, the following applies:

OFFICE	ELIGIBILITY
Branch Vice-President (Women)	a Financial Member who is a woman
Branch Vice-President (Youth)	a Financial Member under the age of 35 years on the last day of the month preceding the opening of nominations for the Quadrennial Elections
National Conference Delegates	a Branch Council member
Alternate National Conference Delegates	a Branch Council member
Provisional Branch Executive members (Women)	a Financial Member who is a woman
Provisional Branch Councillors (Women)	a Financial Member who is a woman

- c. In addition to the qualifications for nominators required by sub-rules (e), (i) and (j) of National rule 40, the following applies:

OFFICE	ADDITIONAL QUALIFICATIONS
Third National Executive Representative	two (2) members of the Branch Council
Branch President	two (2) members of the Branch Council
Branch Vice-Presidents (Industry)	two (2) members of the Branch Council
Branch Vice-Presidents (Women)	two (2) members of the Branch Council
Branch Vice-President (Youth)	two (2) members of the Branch Council
Branch Secretary	two (2) members of the Branch Council
Branch Executive President	two (2) members of the Branch Council
Branch Assistant Secretary	two (2) members of the Branch Council
Branch Treasurer	two (2) members of the Branch Council

National Conference Delegates	two (2) members of the Branch Council
Alternate National Conference Delegates	two (2) members of the Branch Council
Provisional Branch Executive Member (Women)	two (2) members of the Branch Council
Provisional Branch Councillors (Women)	two (2) members of the Branch Council

- d. An election will be held, at the first Branch Council meeting following the Quadrennial Elections, for the offices of National Conference Delegates and Alternate National Conference Delegates.
- e. Branch employees may only nominate for one (1) of the following offices:
 - i. Branch Executive President;
 - ii. Branch Secretary; and
 - iii. Branch Assistant Secretary (if any).

34 - PROPORTIONAL REPRESENTATION

- a. Notwithstanding the other provisions of these Branch Rules women will be represented on the Branch Executive and the Branch Council where the Branch has more than:
 - i. 50% Financial Members who are women, not less than 50% of the offices will be filled by women; and
 - ii. 30% but less than 50% Financial Members who are women, not less than 30% of the offices will be filled by women.
- b. At Quadrennial Elections, in addition to the requirements of Part VII of the National rules, and any other requirements of these Branch rules, the Branch Secretary will provide to the Returning Officer a certificate showing the percentage Financial Members who are women at the date three (3) months prior to the opening of nominations.
- c. In the case of the Branch Executive, nominations will be called in each Quadrennial Election for five (5) offices of Provisional Branch Executive Member (Women), to be elected by, and from, the Financial Members who are women.
- d. In the event that, at the declaration of the election, the number of women elected to the Branch Executive as Branch Vice-Presidents (Industry) representing Industry Divisions does not equal or exceed the number required by the relevant provision of sub-rule a., the Returning Officer will declare elected a number of Branch Executive Members (Women), beginning with the candidate who polled the greatest number of votes for the office of Provisional Branch Executive Member (Women), and declaring elected further such candidates in order of the greatest number of votes received, until the required number of offices are filled by women in accordance with sub-rule a.
- e. If the required number of offices on the Branch Executive of Branch Vice-Presidents

(Industry) are filled by women, or if only one (1) or some of the Provisional Branch Executive Members (Women) are required to be declared elected, the Returning Officer's report and declaration will show the:

- i. names and votes obtained by all candidates for the provisional offices; and
 - ii. undeclared candidates who polled the highest votes for each such office.
- f. In the event of a Casual Vacancy arising in the office of Branch Executive members (Women), the candidate with the next greatest number of votes will automatically fill that vacancy.
 - g. A Branch Executive member (Women) will exercise one (1) vote on Branch Executive.
 - h. To ensure the application of sub-rule a. for the Branch Council, the procedure provided by this rule for the Branch Executive will be followed, with the necessary changes except that nominations will be called for ten (10) Provisional Branch Councillors (Women) to be elected by, and from, the Financial Members who are women.

35 - INDUSTRY DIVISION COMMITTEE

- a. There will be in each Industry Division an Industry Division Committee comprised of:
 - i. workplace representatives; and
 - ii. the respective Industry Division Vice-President/s.
- b. The Industry Division Vice-President will chair the Industry Division meetings, and if there is more than one (1) Industry Division Vice-President, the Industry Division Committee will determine which of the Industry Division Vice-Presidents is to chair the Industry Division Committee.
- c. The Industry Division Committee will provide advice to the Branch Executive on industrial affairs, organising and campaigning within the Industry Division.
- d. An Industry Division Committee may, subject to the consent of Branch Executive, adopt rules for the conduct of its meetings.

36 - INDUSTRY DIVISION GENERAL MEETINGS

- a. An Industry Division Committee may determine to hold a general meeting of the Financial Members attached to the Industry Division, and will promptly on making that determination advise the Branch Secretary.
- b. The Branch Secretary will give the Financial Members attached to the respective Industry Division, by the means practicable, 21 days' notice of a general meeting determined to be held under sub-rule a.
- c. A Financial Member attached to an Industry Division will be entitled to submit a notice of

motion to be considered at the general meeting determined to be held under sub- rule a., provided that the motion is submitted to the Branch Secretary or the Chairperson of the Industry Division Committee no later than 14 days prior to the general meeting.

- d. On the written request of not less than ten (10) percent of the Financial Members attached to an Industry Division, which request must clearly state the business proposed to be considered, the Industry Division Committee will call a special general meeting of the Industry Division to take place within one (1) month of the date of the receipt of the request.
- e. The Branch Executive may determine that a special general meeting of an Industry Division be held for a purpose determined by the Branch Executive.
- f. In determining whether a special general meeting of an Industry Division should be held the Branch Executive will take into account a recommendation of the respective Industry Division Committee.
- g. When the Branch Executive has determined that a special general meeting of an Industry Division is to be held, it is to take place within one (1) month of that determination.
- h. A Financial Member attached to an Industry Division will be given seven (7) days notice of the special general meeting and the notice must set out the business to be dealt with at the special general meeting.
- i. Only the business stated in the request for the meeting is to be considered at the special general meeting.
- j. A Financial Member attached to the Industry Division who is unable to attend a general meeting may appoint another Financial Member attached to the Industry Division as a proxy.
- k. A proxy under sub-rule j. must be in writing and handed to the Branch Secretary or the Chairperson of the Industry Division Committee prior to the commencement of the general meeting.
- l. A Financial Member appointed as a proxy under sub-rule j. may at the meeting exercise a vote as proxy as well as their own vote, provided that a member cannot be appointed by more than one (1) member as a proxy at a meeting.

37 - FUND DISBURSEMENT

- a. Funds can only be disbursed from the Branch Fund in accordance with National rule 21.

38 - GENERAL MEETINGS OF THE BRANCH

- a. A general meeting of members attached to the Branch will be held if:
 - i. the Branch Executive determines; or

- ii. a request for 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 five (5) percent of the Financial Members .
- 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, place and business of the meeting.
- c. The quorum for a General meeting of the Branch will be ten (10) percent of the Financial Members, or 500 Financial Members, whichever is the lesser.

39 - SPECIAL GENERAL MEETINGS OF THE BRANCH

- a. A special general meeting of the Branch will be held if:
 - i. the Branch Executive determines;
 - ii. the Branch Council determines; or
 - iii. a written request is made to the Branch Secretary signed by at least ten (10) percent of the Financial Members, where the requisition states the business to be placed before the meeting.
- b. Only the business stated in the request for the meeting is to be considered at the special general meeting.
- c. The duration of a special meeting is limited to two (2) hours, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the members present at the meeting, and provided that no meeting will be extended beyond 10.30pm.

40 - ALTERATION OF RULES

- a. Subject to the approval of the National Conference or the National Executive, the Branch Executive may amend these Branch rules.
- b. The National Conference or the National Executive will not amend these Branch rules unless the Branch Executive consents.

41 - 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 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.

42 - STANDING ORDERS

- a. The standing orders of the Branch are in accordance with the National rules.

43 - RULES OF DEBATE

- a. The rules of debate for the Branch are in accordance with the National rules.

44 - TRANSITIONAL RULES

- a. For the purposes of this rule:

- i. 'Commencement Day' means the day on which these rules are certified by the Fair Work commission.

- b. Notwithstanding the provisions of these Branch rules:

- i. the office of Branch Executive President will not commence until the declaration of offices in the Quadrennial elections to follow the Commencement Day;
- ii. the functions of the Branch Executive President, up to the declaration of offices in the Quadrennial elections to follow the Commencement Day, will be the same functions as were performed by the Branch Assistant Secretary on the day immediately preceding the Commencement Day;
- iii. on the Commencement Day the person holding the office of the Branch Assistant Secretary will, up to the declaration of offices in the Quadrennial elections to follow the Commencement Day, perform the functions of the office of the Branch Executive President;
- iv. will continue to be entitled to vote as the Branch Assistant Secretary at meetings of the Branch Executive; and
- v. will be known as the Executive President.

- c. Notwithstanding the provisions of these Branch rules the Branch Executive President is

not entitled to hold the office of Second National Delegate until the declaration of offices in the Quadrennial elections to follow the Commencement Day.

- d. Notwithstanding the provisions of these Branch rules the person holding the office of Second National Delegate on the day preceding the Commencement Day will continue to hold that office until the declaration of offices in the Quadrennial elections to follow the Commencement Day, unless the person holding the office resigns, is removed from office under the Union's rules or dies.
- e. On the Commencement Day the members who were members on the day immediately preceding the Commencement Day of the Industry division in column A will be attached to the Industry Division set out immediately opposite in column B:

A	B
Energy Industry Division	Energy Industry Division
Local Authorities Industry Division	
	Local Authorities and Brisbane City Council Industry Division
Brisbane City Council Industry Division	Local Authorities and Brisbane City Council Industry Division
Rail Industry Division	Transport and Northern Administrative
Ports and Private Sector Industry Division	Transport and Northern Administrative
North Queensland Clerical and Administrative Industry Division	Transport and Northern Administrative
Social and Community Services Industry Division	Social and Community Services Industry Division

- f. On the Commencement Day an Industry Vice-President who was an Industry Vice-President on the day immediately preceding the Commencement Day of the Industry division in column A will be an Industry Vice-President of the Industry Division set out immediately opposite in column B:

A	B
Energy Industry Division	Energy Industry Division

Local Authorities Industry Division	Local Authorities and Brisbane City Council Industry Division
Brisbane City Council Industry Division	Local Authorities and Brisbane City Council Industry Division
Rail Industry Division	Transport and Northern Administrative
Ports and Private Sector Industry Division	Transport and Northern Administrative
North Queensland Clerical and Administrative Industry Division	Transport and Northern Administrative
Social and Community Services Industry Division	Social and Community Services Industry Division

- g. At the next Industry Division Committee meeting following the Commencement Day the Industry Division Committee of an Industry Division that has more than one Industry Division Vice-President will determine which of the Industry Division Vice-Presidents is to chair meeting of the Industry Division.

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
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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"). 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 **6 December 2016**, lodged herein are correct.
3. The alterations were made in accordance with the Rules of the ASU and are intended to replace those proposed in R2016/185 lodged on 6 September 2016 and which I am now authorised to withdraw.
4. The manner in which compliance with the Rules of the ASU was obtained is as follows:
 - a) Neil Henderson, Branch Secretary of the Queensland (Services and Northern Administrative) Branch and National Executive member, advised the National Secretary in a letter dated **23 November 2016** that their Branch Executive meeting on the **16 November 2016**, approved the Rule change attached hereto marked "**Annexure 1**", and requested the proposed changes to the rules be submitted to a vote of National Executive as soon as possible.
 - b) I confirm that on **29 November 2016** 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 letter from the Queensland (Services and Northern Administrative) Branch together with the proposed amendments to the rules.
 - c) On the **5 December 2016**, a total of 126.17 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 **5 December 2016** 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: Tuesday 6 December, 2016



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

Australian
Services
Union

ABN 86 351 665 653

23 November 2016

David Smith
National Secretary
Australian Services Union
116 Queensberry St.,
Carlton South VIC 3053

Dear David,

On Tuesday 16 November 2016 the Branch Executive of the Queensland (Services and Northern Administrative) Branch carried the following resolution.

It was moved Mr N Henderson; seconded Mr P Duffy that the Executive of the Queensland (Services and Northern Administrative) Branch:

1. request the National Executive to approve the amendments to the Rules and to submit them to the Fair Work Commission for certification.
2. authorises the Branch Secretary to make any necessary amendments to these proposed rules that maybe required to ensure that they are:
 - (a) effective at law.
 - (b) consistent and typographically correct, provided that any such amendments are not inconsistent with the intention of the proposed rules.

Queensland
(Services and
Northern
Administrative)
Branch

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South Brisbane
QLD 4101

PO Box 3347
South Brisbane
QLD 4101

Tel: (07) 3844 5300
Fax: (07) 3846 5046

W:theservicesunion.com.au

Branch Secretary:

Neil Henderson

Assistant Secretary:

Jennifer Thomas

CARRIED

Herewith are the proposed rules. Please submit these rules to the National Executive for approval so they can be filed with the Fair Work Commission.

Yours sincerely,



**Neil Henderson
Secretary**

DIVISION THREE

QUEENSLAND (SERVICES AND NORTHERN ADMINISTRATIVE) BRANCH

1 – NAME

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

2 – PRINCIPLE OFFICE

- a. Unless otherwise determined by the Branch Executive, the principal office of the Branch is 32 Peel Street, South Brisbane, Queensland.

3 – DEFINITIONS

- a. In these Branch rules, unless the context provides a contrary intention:
 - i. **'Act'** means the Fair Work (Registered Organisations) Act 2009 (Cth);
 - ii. **'annual subscription'** means the annual subscription fee determined in accordance with the National rules;
 - iii. **'ASU'** means the Australian Municipal, Administrative, Clerical and Services Union;
 - iv. **'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 and appointed by the Branch Executive;
 - v. **'Branch employee'** mean an employee of the ASU employed at the request of, and in relation to, the Branch;
 - vi. **'Branch Executive Office'** means the offices of:
 - A. Branch President;
 - B. Branch Executive President;
 - C. Branch Vice-President (Woman);
 - D. Branch Vice-President (Youth);
 - E. Branch Vice-President (each industry division);
 - F. Branch Secretary;
 - G. Branch Assistant Secretary (if any); and
 - H. Branch Treasurer;
 - I. Branch Executive Member (Women) [see Rule 34d] (if any)
 - vii. **'Branch Fund'** means the Branch Fund of the Branch;

- viii. **‘Branch Industry Division’** means each of the:
- A. **‘Energy Industry Division’** having attached to it members employed by energy authorities and/or corporations engaged in the energy industry;
 - B. **‘Local Authorities and Brisbane City Council Industry Division’** having attached to it members employed by the Brisbane City Council, local authorities and water entities;
 - C. **‘Transport and Northern Administrative’** having attached to it members that have not been attached to the Energy Industry Division, the Local Authorities and Brisbane City Council Industry Division or the SACS Industry Division; and
 - D. **‘Social and Community Services Industry Division’** having attached to it members employed in community and social work.
- ix. **‘Branch Journal’** means a publication produced or utilised by the Branch which is provided free of charge to financial members by means of print or electronic media;
- x. **‘Branch Membership Register’** means the membership register of the ASU in so far as it provides for members attached to the Branch and is arranged to show a member’s attachment to the Branch Industry Divisions;
- xi. **‘Branch Rules’** means rules 1 - 44 inclusive of these rules;
- xii. **‘Branch Website’** means a website maintained or utilised by the Branch for communication with its Branch members;
- xiii. **‘Financial Member’** means a member of the ASU, attached to the Branch in accordance with the National rules, and financial in accordance with these Branch rules;
- xiv. **‘Financial Records’** means records, however recorded or stored, to the extent that they relate to the finances or financial administration of the Branch inclusive of:
- A. registers;
 - B. records of financial information;
 - C. financial reports;
 - D. annual returns; and
 - E. documents relating to financial transactions;
- xv. **‘National Rules’** means the rules of the ASU, other than the rules of the Branches and/or sections of the ASU;
- xvi. **‘Quadrennial Elections’** means the elections required by these rules to be held each four (4) years in accordance with the National rules;

- xvii. **'Sub-committee'** means a sub-committee of the Branch established in accordance with these Branch rules;
- xviii. **'Union Rules'** means the National rules and these Branch rules; and
- xix. **'Workplace Delegate'** has the meaning provided by the National rules.

4 – INTERPRETATION

- a. In these Branch rules unless the context provides a contrary intention:
 - i. the singular includes the plural and the plural includes the singular;
 - ii. a reference to a statute includes any:
 - A. statute amending, consolidating or replacing the statute; and
 - B. regulation made under the statute as that regulation is in force;
 - iii. headings will not be taken into account in interpreting these Branch rules;
 - iv. a reference to a 'rule' is, a reference to a rule of these Branch rules;
 - v. a reference to a 'sub-rule' means a sub-rule of the rule in which the reference to the sub-rule is made;
 - vi. a reference to a 'part' means a part of the sub-rule in which the reference to the part is made;
 - vii. a reference to a 'sub-part' means a sub-part of the part in which the reference to a sub-part is made;
 - viii. a reference to a 'schedule' is a reference to a schedule to, and which forms part of, these Branch rules;
 - ix. a reference to a 'month' is a reference to a calendar month;
 - x. 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;
 - xi. a reference to a 'majority' means at least half (1/2) of the number of the votes cast;
 - xii. a reference to a 'special majority' means at least 70% of the votes cast;
 - xiii. 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;

- xiv. 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;
- xv. 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;
- xvi. 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;
- xvii. 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;
- xviii. a reference to a 'document' includes documents in hard copy and electronic form;
- xix. an agreement or document means that agreement or document as amended, novated or supplemented;
- xx. a reference to an entity includes a reference to a body corporate, consortium, trustee in respect of a trust and/or a partnership;
- xxi. to consent means to give the consent in writing prior to the doing of the act the subject of the consent;
- xxii. to appoint means to appoint in writing;
- xxiii. each paragraph or sub-paragraph in a list is to be read independently from the others in the list; and
- xxiv. notice where it is required to be given by these Branch rules, and the particular means of giving the notice have not been stated or where it is required to be given by practicable means, includes giving the notice by:
 - A. delivery;
 - B. facsimile;
 - C. email; and/or
 - D. SMS text message.

5 – ATTACHMENT TO BRANCH

- a. Branch members will be attached to the Branch in accordance with the National rules.

6 – ATTACHMENT TO INDUSTRY DIVISION

- a. A Branch member, other than a Branch Employee, will subject to this rule be attached to a Branch Industry Division in accordance with these Branch rules.
- b. A Branch employee will be attached to a Branch Industry Division by determination of the Branch Executive.
- c. Provided that each member and each Branch employee can, at any one time, only be attached to a single Industry Division.
- d. The Branch Executive may determine to:
 - i. add new Industry Divisions;
 - ii. dissolve Industry Divisions; and/or
 - iii. attach members to an Industry Division.
- e. The Branch Secretary will promptly, following a determination under sub-rule d., give notice to affected Branch members of the determination.
- f. Notice under sub-clause g. may be given on the Branch website.
- g. Despite sub-rule f., the Branch Secretary is to give notice to a Branch member attached to a new Industry Division by a determination under sub-rule d., setting out their new Industry Division.

7 - THE BRANCH EXECUTIVE

- a. The Branch Executive consists of the:
 - i. Branch President;
 - ii. Branch Executive President;
 - iii. Branch Vice-President (Woman);
 - iv. Branch Vice-President (Youth);
 - v. Seven (7) Branch Industry Division Vice-Presidents;
 - vi. Branch Secretary;

- vii. Branch Assistant Secretary (if any);
 - viii. Branch Treasurer; and
 - ix. Branch Executive Member (Women) (if any elected under Rule 34).
- b. The Branch Executive will, subject to these Branch rules, determine prior to the opening of nominations in the Quadrennial Elections, if there is to be an office of Branch Assistant Secretary following the Quadrennial Elections.
- c. A member of the Branch Executive who ceases to be:
- i. a member attached to the Branch; or
 - ii. eligible to nominate for election to their office on the Branch Executive,
- ceases at the time of the happening of the event under parts i. or ii. to be a member of the Branch Executive.
- d. A casual vacancy occurs when a member ceases to be a member of the Branch Executive under sub-rule c.

8 - THE COMMITTEE OF MANAGEMENT

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

9 - BRANCH AUTONOMY

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

10 - THE BRANCH EXECUTIVE - POWERS AND DUTIES

- a. The Branch Executive manages the Branch's affairs.
- b. Without limitation to sub-rule a. or to other power expressly provided by the National rules or these Branch rules, the Branch Executive is to:
- i. control, administer and manage the Branch Fund;
 - ii. determine, subject to these Branch rules, policy for the Branch;
 - iii. take appropriate steps to enforce the National rules in so far as the National rules affect the members of the Branch;
 - iv. take appropriate steps to enforce these Branch rules;

- v. exercise, in accordance with the National rules, the power granted to a Branch Committee of Management:
 - A. for disciplinary matters;
 - B. to determine the quantum of annual subscriptions; and
 - C. to add to, amend, alter or rescind these Branch rules; and
- vi. determine to instruct the National Executive members representing the Branch, or their proxy, how to vote in ballots of the National Conference.

11 - BRANCH EXECUTIVE – BRANCH EMPLOYEES

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

12 - BRANCH EXECUTIVE SERVICE PROVIDERS

- a. The Branch Executive will determine what services are required to perform the obligations required by these Branch rules.
- b. Service providers will be engaged by the ASU on the terms and conditions the Branch Executive determines, subject to policy binding the ASU in respect of the Branch.

13 - THE BRANCH EXECUTIVE - MEETINGS

- a. The Branch Executive will meet:
 - i. at least four (4) times each calendar year; and
 - ii. at other times as it determines.
- b. The Branch Secretary will on the request of the Branch President, or at least one -third (1/3) of the Branch Executive, summon a meeting of the Branch Executive.
- c. The meeting to be held under sub-rule b. is to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- d. The Branch Secretary will give to the Branch Executive members at least 24 hours notice, by practicable means, of a meeting of the Branch Executive.
- e. Despite sub-rule d. 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 to the Branch Executive

members the length of notice that is practicable in the circumstances, by practicable means, of the meeting of the Branch Executive.

- f. A meeting of the Branch Executive may be conducted by a method by which members of the Branch Executive are able to communicate with each other without being physically present.
- g. If the Branch President is not present within 30 minutes of the time for the commencement of a Branch Executive meeting the Deputy Branch President, or in the absence of the Deputy Branch President a Vice-President as determined by the meeting, will act as, and with the powers of, the Branch President.
- h. Decisions of the Branch Executive are by majority.
- i. A member of the Branch Executive not present at a meeting, or part of a meeting, may appoint a Financial Member of the Branch as proxy to exercise the member's vote, who will if a Branch Executive member do so in addition to their own vote.
- j. Quorums for meetings of the Branch Executive are 50% of the members of the Branch Executive, entitled to attend and vote, provided that a proxy appointed in accordance with sub-rule (i) does not count for quorum.
- k. 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 the meeting will be adjourned for not less than seven (7) days nor more than 14 days and the Branch Secretary will give the Branch Executive members two (2) clear days notice of the date, time and place to which the meeting has been adjourned.
- l. If at the adjourned meeting quorum is not present within 30 minutes of the time for the commencement of the meeting 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.
- m. The minutes of a Branch Executive meeting will be promptly prepared by the Branch Secretary, signed by the President or the person who chaired the respective Branch Executive meeting and forwarded to each member of the Branch Executive.
- n. If a Branch Executive member is absent from three (3) consecutive meetings of the Branch Executive, without giving an explanation that is considered satisfactory by the Branch Executive, then that conduct may constitute misconduct and be dealt with in accordance with the National rules.

14 - EXPENSES OF THE EXECUTIVE MEETINGS

- a. The Branch Executive is responsible for the:
 - i. costs of convening and running a Branch Executive meeting; and

- ii. the payment of the actual travel costs of the Branch Executive members attending a Branch Executive meeting.

15 - VOTING ON THE BRANCH EXECUTIVE

a. A Branch Executive member is, if:

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

A	B
Office	Vote
Branch President	one (1) vote
Branch Executive President	one (1) vote
Branch Vice-President (Women)	one (1) vote
Branch Vice-President (Youth)	one (1) vote
Branch Secretary	one (1) vote
Branch Assistant Secretary (if any)	one (1) vote
Branch Treasurer	one (1) vote
Branch Executive Members (Women)	one (1) vote

- ii. an Industry Division Vice-President having attached to their respective Industry Division the number of members set out in column C entitled to exercise the vote set out in column D:

C	D
Financial Members in Division	Vote
Less than 200	one (1) vote
200 to 399	two (2) votes
400 to 599	three (3) votes
600 to 999	four (4) votes
1000 to 1999	six (6) votes

2000 to 2999	eight (8) votes
3000 to 3999	ten (10) votes
4000 to 4999	12 votes
5000 to 5999	14 votes
6000 to 6999	16 votes
7000 to 7999	18 votes
8000 to 9999	21 votes
10,000 to 11,999	24 votes
12,000 to 13,999	28 votes

- b. For the purposes of sub rule a. the number of members for the purposes of column C will be determined by the lowest number of Financial Members in a respective Industry Division on the last day of the months of October, November and December in the year preceding the a Quadrennial Election.
- c. Where an Industry Division has more than one (1) Vice-President the votes which those Vice-Presidents are entitled to exercise in accordance with sub-rule a. is the total that would otherwise be exercised by a single Industry Division Vice-President, divided equally between the Industry Division's Vice-Presidents.
- d. The Deputy Branch President is only entitled to exercise the vote they would otherwise be entitled to exercise as an Industry Division Vice-President.

16 - THE BRANCH SUB-COMMITTEES

- a. The Branch Executive may establish or revoke Branch sub-committees.
- b. A determination of a Branch sub-committee does not bind the Branch Executive and is recommendatory only.
- c. A Branch sub-committee can only consider the matters referred to it by the Branch Executive.
- d. The Branch Executive will determine the Branch Executive members (if any) who will comprise a Branch sub-committee.
- e. Sub-rule d. does not prevent the Branch Executive from appointing a Financial Member, with the member's consent, to a Branch sub-committee.

- f. Sub-rule d. does not prevent the Branch Executive determining to:
 - i. appoint a professional advisor to assist a Branch sub-committee; and
 - ii. pay the professional advisor an appropriate fee, subject to policy binding the ASU in respect of the Branch.
- g. The Branch Secretary is entitled to be a member of a Branch sub-committee.
- h. A Branch sub-committee is responsible to, and under the control of, the Branch Executive.
- i. A Branch sub-committee must regularly report to the Branch Executive.

17 - POWERS OF THE BRANCH COUNCIL

- a. The Branch Council will formulate policy for recommendation to the Branch Executive.
- b. The Branch Council, subject to the Union rules, may formulate and recommend to the Branch Executive:
 - i. policies for adoption by the Branch;
 - ii. policies for adoption by the ASU;
 - iii. recommendations in relation to the Branch's position on National Conference agenda items;
 - iv. that National Conference or National Executive, receive and consider reports from the Branch President, Branch Executive President and/or Branch Secretary; and
 - v. its position on other matters referred to it by the Branch Executive and/or an Industry Division Committee.
- c. Policy formulated by the Branch Council for the Branch will be referred to the Branch Executive for:
 - i. consideration;
 - ii. determination; and
 - iii. if ratified, implementation.

18 - BRANCH COUNCIL MEMBERSHIP

- a. Membership of the Branch Council consists of:

- i. the Branch Executive; and
- ii. Branch Councillors from each respective Industry Division on the basis that a respective Industry Division having the number of Financial Members set out in column A will be represented by the number of Branch Councillors set out immediately opposite in column B:

A	B
Number of Councillors	Financial Members attached to an Industry Division
Less than 200	one (1)
200 to 399	two (2)
400 to 599)	three (3
600 to 999	four (4)
1000 to 1999	six (6)
2000 to 2999	eight (8)
3000 to 3999	ten (10)
4000 to 4999	12
5000 to 5999	14
6000 to 6999	16
7000 to 7999	18
8000 to 9999	21
10,000 to 11,999	24
12,000 to 13,999	28

- b. The number of Branch Councillors will be determined by the lowest number of Financial Members in a respective Industry Division on the last day of each of the months of October, November and December in the year preceding a Quadrennial Election.

- c. In addition to the Branch Councillors elected from the Industry Divisions in accordance with sub-rule a., membership of the Branch Council will also include Branch Councillors (Women) elected under rule 34.

19 - MEETINGS OF THE BRANCH COUNCIL

- a. The Branch Council must meet annually on a date, and at a location, determined by the Branch Executive.
- b. Despite sub-rule a. the Branch Secretary will, upon the request of the Branch Executive or at least one-quarter (1/4) of the members of the Branch Council, summon a meeting of the Branch Council to be held within 30 days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary will give at least seven (7) days notice, by practicable means, to the members of the Branch Council of a Branch Council meeting.
- d. If the Branch President is not present within 30 minutes of the time for the commencement of a Branch Council meeting the Deputy Branch President, or in the absence of the Deputy Branch President a Vice-President as determined by the meeting, will act as, and with the powers of, the Branch President.
- e. A member of the Branch Council not present at, or part of, a Branch Council meeting may appoint in writing another member of the Branch Council as their proxy to exercise the member's vote or votes, provided that no member can hold more than one (1) proxy at a meeting.
- f. A majority of members of the Branch Council constitute a quorum.
- g. If at a meeting of the Branch Council a quorum is not present at the expiry of 30 minutes after the time fixed for the commencement of the meeting, the meeting will be adjourned for not less than seven (7) days nor more than 14 days.
- h. Branch Council members will be given two (2) clear days notice of the date, time and place to which the meeting has been adjourned under sub-rule g.
- i. If at the adjourned meeting under sub-rule g. a quorum is not present, those present are be deemed to be a quorum for the purpose of the business to be determined.
- j. The minutes of a meeting will be promptly prepared by the Branch Secretary, signed by the President or the person who chaired the respective Branch Council meeting and forwarded to each member of the Branch Council and to the National Secretary.
- k. A copy of the minutes of a Branch Council meeting will be available for the inspection of financial Branch members during the opening hours of the principal office.

20 - SPECIAL MEETINGS OF THE BRANCH COUNCIL

- a. A Branch Council special general meeting will be held if:
 - i. the Branch Executive requests;
 - ii. the Branch Council requests; or
 - iii. on a written request made to the Branch Secretary and signed by at least ten (10) percent of the Financial Members,

where the request sets out the business to be placed before the special meeting.
- b. The business of a Branch Council special meeting is limited to the business set out on the request provided under sub-rule a.
- c. The duration of a special meeting is limited to two (2) hours, unless a motion to extend the meeting is carried, provided that a meeting cannot be extended beyond 10.30pm.

21 - VOTING ON THE BRANCH COUNCIL

- a. A member of the Branch Council is entitled to one (1) vote.

22 - THE NATIONAL EXECUTIVE REPRESENTATIVES

- a. The Branch is to be represented on the National Executive by three (3) National Executive Representatives who will exercise an equal proportion of the votes in accordance with National rule 7.
- b. The first (1st) National Executive Representative is the Branch Secretary.
- c. The second (2nd) National Executive Representative is the Branch Executive President.
- d. The third (3rd) National Executive Representative will be elected at the Quadrennial Elections by, and from, the Financial Members.

23 - NATIONAL CONFERENCE DELEGATES

- a. The Branch is to be represented on the National Conference by the:
 - i. Branch National Executive Representatives; and
 - ii. National Conference Delegates elected by and from Branch Council in accordance with the formula provided in National rule 7.

24 - ALTERNATE NATIONAL CONFERENCE DELEGATES

- a. There will be a first (1st), second (2nd) and third (3rd) Alternate National Conference Delegate elected by, and from, the Financial Members every four (4) years.

- b. In the event of a casual vacancy arising in the office of National Conference Delegate, the Alternate National Conference Delegates will fill the vacancy in the order of first (1st), second (2nd) and third (3rd).

25 - BRANCH PRESIDENT

- a. A Branch President will be elected at the Quadrennial Election by, and from, the Financial Members.
- b. The Branch President is to:
 - i. preside at meetings of the Branch;
 - ii. preserve order at meetings of the Branch;
 - iii. ensure the business of a meeting is conducted in accordance with the Union and the 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 a Branch Vice-President.
- d. The Branch President having chaired a meeting must promptly, on receipt of the minutes from the Branch Secretary, ensure that they are accurate and then sign them.
- e. The minutes of a meeting, if signed in accordance with this rule by the Branch President, or the person chairing a respective meeting, are proof of the matters recorded in them.
- f. The office of Branch President is honorary.

26 - BRANCH VICE-PRESIDENT

- a. Branch Vice-Presidents representing Industry Divisions are to be elected at the Quadrennial Election by, and from, the Financial Members attached to a respective Industry Division in accordance with these Branch rules.
- b. At the first meeting of the Branch Executive following the Quadrennial Election of the Branch Vice-Presidents, or when the Deputy Branch President position is vacant, one (1) of the Branch Vice-Presidents is to be elected as the Deputy Branch President by Branch Executive under sub-rule e. of National rule 41.
- c. The Deputy Branch President will deputise for the Branch President when the Branch President is absent.

- d. The Branch Vice-President (Industry) will be the chairperson of that Industry Division Committee.
- e. Where there is more than one (1) Vice-President representing an Industry Division, the first (1st) meeting of the Industry Division Committee following the election of the Committee, will elect one of the Branch Vice-Presidents (Industry) as chairperson of the Industry Division.
- f. There is to be a Branch Vice-President (Women) elected every four (4) years by, and from, the Financial Members who are women.
- g. There is to be a Branch Vice-President (Youth) elected every four (4) years by, and from, the Financial Members who are less than 35 years of age on the last day of the month immediately preceding the date of calling of nominations for Quadrennial Elections.
- h. A Branch Vice-President will:
 - i. assist the Branch President with business at meetings of the Branch; and
 - ii. assist the Branch President and Branch Secretary in carrying out the business of the Branch.
- i. The office of Branch Vice-President is honorary.

27 - BRANCH TREASURER

- a. A Branch Treasurer is to be elected at each Quadrennial Election by, and from, the Financial Members.
- b. The Branch Treasurer must:
 - i. cause the Branches' Financial Records to be maintained;
 - ii. cause all monies received by the Branch, to be promptly receipted and paid to the credit of the Branch Fund;
 - iii. cause the Branches' accounts to be audited annually by the Auditor;
 - iv. cause to be submitted to the Branches' 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 Branches' Financial Records when required to do so by the Branch Executive.
- c. The office of Branch Treasurer is honorary.

28 – THE BRANCH EXECUTIVE PRESIDENT

- a. A Branch Executive President will be elected at the Quadrennial Election by, and from, the Financial Members.
- b. The Branch Executive President:
 - i. is a member of the Branch Executive;
 - ii. may attend, be represented and/or be heard on a matter at any meeting of the Branch;
 - iii. is to assist the Branch Secretary to conduct and manage the affairs of the Branch; and
 - iv. will perform duties allocated by the Branch Secretary.
- c. In the temporary absence of the Branch Secretary or if the office of Branch Secretary is vacant, the Branch Executive President is to perform the functions and obligations of the Branch Secretary.
- d. The office of Branch Executive President is full-time.

29 - THE BRANCH SECRETARY

- a. A Branch Secretary will be elected at the Quadrennial Election by, and from, the Financial Members.
- b. The Branch Secretary:
 - i. is the Branch's chief executive officer;
 - ii. will between meetings of the Branch Executive conduct and manage the affairs of the Branch; and
 - iii. do the things practicable to ensure the Branch complies with the law.
- c. The Branch Secretary without limitation to sub-rule b.:
 - i. will in consultation with the Branch President deal with urgent matters requiring a determination between meetings of the Branch Executive, provided that such determinations are reported to the next Branch Executive meeting;
 - ii. is to prepare and furnish returns, statements, declarations required for the Branch to comply with the law;

- iii. may attend, be represented and/or be heard on a matter at any meeting of the Branch;
 - iv. may inspect, examine, cause to be inspected and/or cause to be examined documents in, or in connection with, the conduct of the affairs of the Branch or of an Industry Division;
 - v. ensure that the accounts of the Branch are kept, and presented, to each Branch Executive meeting other than Branch Executive special meetings; and
 - vi. initiate, defend and/or intervene in proceedings for the Branch.
- d. The Branch Secretary may, with the Branch Executive's consent, delegate such of the Branch Secretary's powers and authorities to the Branch Executive President and/or employees employed in relation to the Branch and/or members of the Branch Executive as the Branch Secretary determines is 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. delegate is subject to the direction of the Branch Secretary;
 - iii. delegation will be on the conditions prescribed by the Branch Executive and/or the Branch Secretary; and
 - iv. delegation will be subject to determination by the Branch Executive or Branch Secretary without notice.
- e. The Branch Secretary will present to the Branch Council a report on the business of the Branch during the year preceding the respective meeting of the Branch Council.
- f. The Branch Secretary may, on behalf of the ASU, employ or dismiss Branch employees.
- g. The Branch Secretary may, on behalf of the ASU, engage or dismiss Service Providers.
- h. The Branch Secretary will supervise and allocate duties to Branch employees in consultation with the Branch Executive President.
- i. The office of Branch Secretary is full-time.

30 - BRANCH ASSISTANT SECRETARY

- a. Subject to the determination of the Branch Executive under these Branch rules an Assistant Branch Secretary is to be elected at the Quadrennial Election by, and from, the Financial Members.

- b. If the Branch Executive does not make a determination under sub-rule 7 b., then no Assistant Branch Secretary will be elected for the quadrennial term following the Quadrennial Election.
- c. When an Assistant Branch Secretary is elected, the Assistant Branch Secretary will, subject to the direction of the Branch Secretary:
 - i. assist the Branch Secretary to conduct and manage the affairs of the Branch; and
 - ii. will perform duties allocated by the Branch Secretary
- d. In the temporary absence of the Branch Secretary and the Branch Executive President, or if these offices are vacant, the Assistant Branch Secretary (if any) is to perform the functions and obligations of the Branch Secretary.
- e. The office of Assistant Branch Secretary (if any) is full-time.

31 - BRANCH AUDITOR

- a. The Branch Executive must ensure that an auditor for the Branch is appointed by it, provided that no member or employee of the ASU can be appointed as the Auditor.
- b. The Auditor is to conduct a yearly audit of the Branch's accounts.
- c. The Auditor is, after the close of the financial year, to audit the financial accounts of the Branch for the financial year that has passed, present audited financial accounts and report to the Branch Executive.
- d. The Auditor can request Financial Records and the Branch's officers and the Branch employees will, if called upon, promptly:
 - i. produce requested Financial Records in their possession or control to the Auditor; and
 - ii. provide an explanation in relation to the Financial Records if requested by the Auditor.

32- RETURNING OFFICER

- a. The Branch Executive is to appoint a Returning Officer for the Branch.
- b. No ASU member or employee can be appointed under sub-rule a.

33 - ELECTION OF BRANCH OFFICE/ POSITION HOLDERS

- a. Commencing in 2019 Quadrennial Elections will be held to elect to the office or position, as the case may be, set out in column A from the electorate, comprised of Financial Members, set out in column B, the:

A - OFFICE	B - ELECTORATE
Branch President	whole membership
Branch Executive President/Second National Executive Representative	whole membership
Branch Vice-President	whole membership
Branch Vice-President (Energy Industry Division)	members of the Energy Industry Division
Branch Vice-President (Local Authorities and Brisbane City Council Industry Division – Local Authorities)	members of the Local Authorities and Brisbane City Council Industry Division other than those employed by the Brisbane City Council
Branch Vice-President (Local Authorities and Brisbane City Council Industry Division - BCC)	members of the Local Authorities and Brisbane City Council Industry Division employed by the Brisbane City Council
Branch Vice-President (Transport and Northern Administrative - Rail)	members of the Transport and Northern Administrative employed in rail
Branch Vice-President (Transport and Northern Administrative – Ports and Private)	members of the Transport and Northern Administrative employed in ports and private sector
Branch Vice-President (Transport and Northern Administrative - North Queensland Clerical and Administrative)	members of the Transport and Northern Administrative employed in the North Queensland Clerical and Administrative Industry
Branch Vice-President (Social and Community Sector Industry Division)	members of the Social and Community Sector Industry Division
Branch Vice-President (Women)	women members of the whole membership
Branch Vice-President (Youth)	all members of the branch who have not attained the age of 35

Branch Secretary/First National Executive Representative	whole membership
Assistant Branch Secretary (if any)	whole membership
Branch Executive Members	whole membership
Third National Executive Representative	whole membership
Alternative National Executive Representative	whole membership
National Conference Delegates	whole membership
National Conference Delegates	women members of the whole membership
Alternate National Conference Delegates	whole membership
A - POSITION	B- ELECTORATE
Branch Council Delegates	Industry Divisions

- b. In addition to the qualifications for candidates required in sub-rules a., c., d. and e. of National rule 39, the following applies:

OFFICE	ELIGIBILITY
Branch Vice-President (Women)	a Financial Member who is a woman
Branch Vice-President (Youth)	a Financial Member under the age of 35 years on the last day of the month preceding the opening of nominations for the Quadrennial Elections
National Conference Delegates	a Branch Council member
Alternate National Conference Delegates	a Branch Council member
Provisional Branch Executive members (Women)	a Financial Member who is a woman
Provisional Branch Councillors (Women)	a Financial Member who is a woman

- c. In addition to the qualifications for nominators required by sub-rules (e), (i) and (j) of National rule 40, the following applies:

OFFICE	ADDITIONAL QUALIFICATIONS
Third National Executive Representative	two (2) members of the Branch Council
Branch President	two (2) members of the Branch Council
Branch Vice-Presidents (Industry)	two (2) members of the Branch Council
Branch Vice-Presidents (Women)	two (2) members of the Branch Council
Branch Vice-President (Youth)	two (2) members of the Branch Council
Branch Secretary	two (2) members of the Branch Council
Branch Executive President	two (2) members of the Branch Council
Branch Assistant Secretary	two (2) members of the Branch Council
Branch Treasurer	two (2) members of the Branch Council
National Conference Delegates	two (2) members of the Branch Council
Alternate National Conference Delegates	two (2) members of the Branch Council
Provisional Branch Executive Member (Women)	two (2) members of the Branch Council
Provisional Branch Councillors (Women)	two (2) members of the Branch Council

- d. An election will be held, at the first Branch Council meeting following the Quadrennial Elections, for the offices of National Conference Delegates and Alternate National Conference Delegates.
- e. Branch employees may only nominate for one (1) of the following offices:
- i. Branch Executive President;
 - ii. Branch Secretary; and
 - iii. Branch Assistant Secretary (if any).

34 - PROPORTIONAL REPRESENTATION

- a. Notwithstanding the other provisions of these Branch Rules women will be represented on the Branch Executive and the Branch Council where the Branch has more than:
- i. 50% Financial Members who are women, not less than 50% of the offices will be filled by women; and

- ii. 30% but less than 50% Financial Members who are women, not less than 30% of the offices will be filled by women.
- b. At Quadrennial Elections, in addition to the requirements of Part vii of the National rules, and any other requirements of these Branch rules, the Branch Secretary will provide to the Returning Officer a certificate showing the percentage Financial Members who are women at the date three (3) months prior to the opening of nominations.
- c. In the case of the Branch Executive, nominations will be called in each Quadrennial Election for five (5) offices of Provisional Branch Executive Member (Women), to be elected by, and from, the Financial Members who are women.
- d. In the event that, at the declaration of the election, the number of women elected to the Branch Executive as Branch Vice-Presidents (Industry) representing Industry Divisions does not equal or exceed the number required by the relevant provision of sub-rule a., the Returning Officer will declare elected a number of Branch Executive Members (Women), beginning with the candidate who polled the greatest number of votes for the office of Provisional Branch Executive Member (Women), and declaring elected further such candidates in order of the greatest number of votes received, until the required number of offices are filled by women in accordance with sub-rule a.
- e. If the required number of offices on the Branch Executive of Branch Vice-Presidents (Industry) are filled by women, or if only one (1) or some of the Provisional Branch Executive Members (Women) are required to be declared elected, the Returning Officer's report and declaration will show the:
 - i. names and votes obtained by all candidates for the provisional offices; and
 - ii. undeclared candidates who polled the highest votes for each such office.
- f. In the event of a Casual Vacancy arising in the office of Branch Executive members (Women), the candidate with the next greatest number of votes will automatically fill that vacancy.
- g. A Branch Executive member (Women) will exercise one (1) vote on Branch Executive.
- h. To ensure the application of sub-rule a. for the Branch Council, the procedure provided by this rule for the Branch Executive will be followed, with the necessary changes except that nominations will be called for ten (10) Provisional Branch Councillors (Women) to be elected by, and from, the Financial Members who are women.

35 - INDUSTRY DIVISION COMMITTEE

- a. There will be in each Industry Division an Industry Division Committee comprised of:
 - i. workplace representatives; and

- ii. the respective Industry Division Vice-President/s.
- b. The Industry Division Vice-President will chair the Industry Division meetings, and if there is more than one (1) Industry Division Vice-President, the Industry Division Committee will determine which of the Industry Division Vice-Presidents is to chair the Industry Division Committee.
- c. The Industry Division Committee will provide advice to the Branch Executive on industrial affairs, organising and campaigning within the Industry Division.
- d. An Industry Division Committee may, subject to the consent of Branch Executive, adopt rules for the conduct of its meetings.

36 - INDUSTRY DIVISION GENERAL MEETINGS

- a. An Industry Division Committee may determine to hold a general meeting of the Financial Members attached to the Industry Division, and will promptly on making that determination advise the Branch Secretary.
- b. The Branch Secretary will give the Financial Members attached to the respective Industry Division, by the means practicable, 21 days notice of a general meeting determined to be held under sub-rule a.
- c. A Financial Member attached to an Industry Division will be entitled to submit a notice of motion to be considered at the general meeting determined to be held under sub-rule a., provided that the motion is submitted to the Branch Secretary or the Chairperson of the Industry Division Committee no later than 14 days prior to the general meeting.
- d. On the written request of not less than ten (10) percent of the Financial Members attached to an Industry Division, which request must clearly state the business proposed to be considered, the Industry Division Committee will call a special general meeting of the Industry Division to take place within one (1) month of the date of the receipt of the request.
- e. The Branch Executive may determine that a special general meeting of an Industry Division be held for a purpose determined by the Branch Executive.
- f. In determining whether a special general meeting of an Industry Division should be held the Branch Executive will take into account a recommendation of the respective Industry Division Committee.
- g. When the Branch Executive has determined that a special general meeting of an Industry Division is to be held, it is to take place within one (1) month of that determination.
- h. A Financial Member attached to an Industry Division will be given seven (7) days notice of the special general meeting and the notice must set out the business to be dealt with at the special general meeting.

- i. Only the business stated in the request for the meeting is to be considered at the special general meeting.
- j. A Financial Member attached to the Industry Division who is unable to attend a general meeting may appoint another Financial Member attached to the Industry Division as a proxy.
- k. A proxy under sub-rule j. must be in writing and handed to the Branch Secretary or the Chairperson of the Industry Division Committee prior to the commencement of the general meeting.
- l. A Financial Member appointed as a proxy under sub-rule j. may at the meeting exercise a vote as proxy as well as their own vote, provided that a member cannot be appointed by more than one (1) member as a proxy at a meeting.

37 - FUND DISBURSEMENT

- a. Funds can only be disbursed from the Branch Fund in accordance with National rule 21.

38 - GENERAL MEETINGS OF THE BRANCH

- a. A general meeting of members attached to the Branch will be held if:
 - i. the Branch Executive determines; or
 - ii. a request for 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 five (5) percent of the Financial Members .
- 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, place and business of the meeting.
- c. The quorum for a General meeting of the Branch will be ten (10) percent of the Financial Members, or 500 Financial Members, whichever is the lesser.

39 - SPECIAL GENERAL MEETINGS OF THE BRANCH

- a. A special general meeting of the Branch will be held if:
 - i. the Branch Executive determines;
 - ii. the Branch Council determines; or

- iii. a written request is made to the Branch Secretary signed by at least ten (10) percent of the Financial Members, where the requisition states the business to be placed before the meeting.
- b. Only the business stated in the request for the meeting is to be considered at the special general meeting.
- c. The duration of a special meeting is limited to two (2) hours, unless a motion to extend the meeting has been moved, seconded and carried by a majority of the members present at the meeting, and provided that no meeting will be extended beyond 10.30pm.

40 - ALTERATION OF RULES

- a. Subject to the approval of the National Conference or the National Executive, the Branch Executive may amend these Branch rules.
- b. The National Conference or the National Executive will not amend these Branch rules unless the Branch Executive consents.

41 - 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 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.

42 - STANDING ORDERS

- a. The standing orders of the Branch are in accordance with the National rules.

43 - RULES OF DEBATE

- a. The rules of debate for the Branch are in accordance with the National rules.

44 - TRANSITIONAL RULES

- a. For the purposes of this rule:
 - i. 'Commencement Day' means the day on which these rules are certified by the Fair Work commission.
- b. Notwithstanding the provisions of these Branch rules:
 - i. the office of Branch Executive President will not commence until the declaration of offices in the Quadrennial elections to follow the Commencement Day;
 - ii. the functions of the Branch Executive President, up to the declaration of offices in the Quadrennial elections to follow the Commencement Day, will be the same functions as were performed by the Branch Assistant Secretary on the day immediately preceding the Commencement Day;
 - iii. on the Commencement Day the person holding the office of the Branch Assistant Secretary will, up to the declaration of offices in the Quadrennial elections to follow the Commencement Day, perform the functions of the office of the Branch Executive President;
 - iv. will continue to be entitled to vote as the Branch Assistant Secretary at meetings of the Branch Executive; and
 - v. will be known as the Executive President.
- c. Notwithstanding the provisions of these Branch rules the Branch Executive President is not entitled to hold the office of Second National Delegate until the declaration of offices in the Quadrennial elections to follow the Commencement Day.
- d. Notwithstanding the provisions of these Branch rules the person holding the office of Second National Delegate on the day preceding the Commencement Day will continue to hold that office until the declaration of offices in the Quadrennial elections to follow the Commencement Day, unless the person holding the office resigns, is removed from office under the Union's rules or dies.
- e. On the Commencement Day the members who were members on the day immediately preceding the Commencement Day of the Industry division in column A will be attached to the Industry Division set out immediately opposite in column B:

A	B
Energy Industry Division	Energy Industry Division
Local Authorities Industry Division	

	Local Authorities and Brisbane City Council Industry Division
Brisbane City Council Industry Division	Local Authorities and Brisbane City Council Industry Division
Rail Industry Division	Transport and Northern Administrative
Ports and Private Sector Industry Division	Transport and Northern Administrative
North Queensland Clerical and Administrative Industry Division	Transport and Northern Administrative
Social and Community Services Industry Division	Social and Community Services Industry Division

- f. On the Commencement Day an Industry Vice-President who was an Industry Vice-President on the day immediately preceding the Commencement Day of the Industry division in column A will be an Industry Vice-President of the Industry Division set out immediately opposite in column B:

A	B
Energy Industry Division	Energy Industry Division
Local Authorities Industry Division	Local Authorities and Brisbane City Council Industry Division
Brisbane City Council Industry Division	Local Authorities and Brisbane City Council Industry Division
Rail Industry Division	Transport and Northern Administrative
Ports and Private Sector Industry Division	Transport and Northern Administrative
North Queensland Clerical and Administrative Industry Division	Transport and Northern Administrative

Social and Community Services Industry Division	Social and Community Services Industry Division
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- g. At the next Industry Division Committee meeting following the Commencement Day the Industry Division Committee of an Industry Division that has more than one Industry Division Vice-President will determine which of the Industry Division Vice-Presidents is to chair meeting of the Industry Division.



A•S•U

File/Our Ref: [DS/db 12.21](#)

Your Ref:

Please quote in reply

Monday, 5 December 2016

TO: All National Executive Members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 12/2016
Withdrawal of Amendment and Proposed Rule Changes to
Division Three Queensland (Services and Northern Administrative) Branch
Rules**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 29 November 2016, regarding the above is as follows:

A total of 126.17 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
Jeff Lapidus
Ance! Greenwood
Richard Duffy
Wendy Phillips
Ingrid Stitt
David Leydon
Wayne Wood

No negative votes were received. I advise that National Executive E-mail Vote No. 12/2016 is carried.

Yours faithfully

David Smith
National Secretary

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

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Services
Union**

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National Secretary
David Smith

Assistant National Secretaries
Greg McLean
Linda White