



A•S•U

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Wednesday, 12 July 2017

General Manager  
Fair Work Commission  
GPO Box 1944  
MELBOURNE VIC 3001

By E-mail: [ros@fwc.org.au](mailto:ros@fwc.org.au)

**Australian  
Services  
Union**

**National Office  
Melbourne & Sydney**

*All correspondence to:*

Ground Floor  
116 Queensberry St  
Carlton South VIC 3053

T: (03) 9342 1400  
F: (03) 9342 1499  
E: [info@asu.asn.au](mailto:info@asu.asn.au)  
W: [www.asu.asn.au](http://www.asu.asn.au)

**National Secretary**  
David Smith

**Assistant National Secretaries**  
Greg McLean  
Linda White

Dear General Manager

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

I submit the following rule changes for certification.

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

The rule alteration concerns National Rule DIVISON ELEVEN – VICTORIAN PRIVATE SECTOR BRANCH as follows:

**1. Delete the sentence in rule 2 – REGISTERED OFFICE and insert the following:**

The registered office of the Branch shall be at Second Floor, 116-124 Queensberry Street, Carlton South, Victoria, or such other place as may be determined by the Branch Executive from time to time.

**2. Delete the words ‘Workplace Relations Act 1996’ in rule 4 – BRANCH EXECUTIVE sub-rule a. and insert ‘Fair Work Act 2009’.**

**3. Delete the words ‘Workplace Relations Act 1996’ in rule 5 – POWERS AND DUTIES OF THE BRANCH EXECUTIVE sub-rule a. and insert ‘Fair Work Act 2009’.**

**4. In rule 6 - MEETINGS OF THE BRANCH EXECUTIVE renumber current sub-rule l. as sub-rule m.**

**5. Insert in rule 6 - MEETINGS OF THE BRANCH EXECUTIVE a new sub-rule l. as follows:**

l. The Branch Secretary may submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed at a duly constituted meeting;

Provided that, if within a period of seven days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed and shall thereupon become a resolution of the Branch Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the Branch Executive.

6. Delete the words 'Workplace Relations Act 1996' wherever appearing in rule 15 – BRANCH SECRETARY and insert 'Fair Work Act 2009'.

7. Delete rule 19 - ELECTION OF BRANCH OFFICE HOLDERS sub-rule a. and insert the following:

a. Quadrennial Elections will be held to elect to the offices set out in column A from the electorate set out in column B, the:

A - OFFICE	B - ELECTORATE
Branch President	whole membership
Branch Vice-President - Woman	woman members by and from the whole membership
Branch Secretary/First National Executive Representative	whole membership
Assistant Branch Secretary/Second National Executive Representative	whole membership
Branch Executive Members	whole membership
Branch Executive Members – Woman	woman members by and from the whole membership
National Conference Delegates	whole membership
National Conference Delegates – Woman	woman members by and from the whole membership
Alternate National Conference Delegates	whole membership
Branch Conference Delegates	members of the airlines branch industry division
Branch Conference Delegates	members of the private sector branch industry division

8. Delete rule 19 - ELECTION OF BRANCH OFFICE HOLDERS sub-rule b. and insert the following:

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

Branch Vice-President (Woman)	a financial member who is a woman
Branch Executive Members (Woman)	a financial member who is a woman
National Conference Delegates (Woman)	a financial member who is a woman
Branch Conference Delegates (Woman)	a financial member who is a woman

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

Yours faithfully



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

**David Smith**  
National Secretary

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 **12 July 2017**, lodged herein are correct.
3. The alterations were made in accordance with the Rules of the ASU.
4. The manner in which compliance with the Rules of the ASU was obtained is as follows:
  - a) Ingrid Stitt, Branch Secretary of the Victorian Private Sector Branch and National Executive member, advised the National Secretary in a letter dated **23 June 2017** that a Branch Executive meeting held on 20 June 2017, approved the Rule changes and requested the proposed changes to the rules be submitted to a vote of National Executive as soon as possible.
  - b) I am satisfied that the Branch has complied with the necessary Branch rules including the meeting of Branch Executive in accordance with Rule 6 and Alteration of Rules in accordance with Rule 25.
  - c) I confirm that on **30 June 2017** 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 Victorian Private Sector Branch and a current copy of the rules with the proposed amendments using tracked changes, attached hereto and marked '**Attachment 1**'.
  - d) On the **4 July 2017**, a total of 136.5 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 '**Attachment 2**' is a copy of my correspondence to National Executive members of the **4 July 2017** declaring the result of the ballot.
5. Pursuant to Regulation 126(1)(b) the notice for this rule alteration has been published on the ASU website and can be viewed at [www.asu.asn.au/about/rules](http://www.asu.asn.au/about/rules).
6. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

**DATED:** Wednesday 12 July, 2017



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

# Australian Services Union

Victorian Private Sector Branch  
ABN 15 278 369 860

Level 2, 116 Queensberry Street, Carlton South, 3053  
PO Box 447 Carlton South 3053  
Telephone 03 9342 3300 Facsimile 03 9342 3399  
Email: info@asupsvic.org Website: www.asuvic.org

Branch Secretary Ingrid Stitt  
Assistant Secretary David Leydon



A•S•U

23 June 2017

David Smith  
National Secretary  
ASU  
Ground Floor  
116 Queensberry St  
CARLTON SOUTH VIC 3053

CC: John Nucifora

Dear David,

**Re: Proposed Branch Rule Changes**

At the Branch Executive meeting held on the 20<sup>th</sup> June, 2017 the following resolution was passed seeking to change a number of Branch Rules. A copy of the proposed rule changes and resolution passed by our Branch Executive are set out below.

Accordingly I write to seek your assistance in arranging a ballot of the National Executive in accordance with the unions Rules.

Please contact me should you require any additional information.

Yours in Unity,

**INGRID STITT  
BRANCH SECRETARY**

Australian Services Union  
Victorian Private Sector Branch

**ASU Victorian Private Sector Branch Executive 20<sup>th</sup> June 017**

Recommendation passed:

*Recommendation:*

- A. To approve the following amendments of the Australian Municipal, Administrative, Clerical and Services Union Rules DIVISION ELEVEN - VICTORIAN PRIVATE SECTOR BRANCH:**
1. *Delete the sentence in rule 2 – REGISTERED OFFICE and insert the following:*  
  
*The registered office of the Branch shall be at Second Floor, 116-124 Queensberry Street, Carlton South, Victoria, or such other place as may be determined by the Branch Executive from time to time.*
  2. *Delete the words ‘Workplace Relations Act 1996’ in rule 4 – BRANCH EXECUTIVE sub-rule a. and insert ‘Fair Work Act 2009’.*
  3. *Delete the words ‘Workplace Relations Act 1996’ in rule 5 – POWERS AND DUTIES OF THE BRANCH EXECUTIVE sub-rule a. and insert ‘Fair Work Act 2009’.*
  4. *In rule 6 - MEETINGS OF THE BRANCH EXECUTIVE renumber current sub-rule l. as sub-rule m.*
  5. *Insert in rule 6 - MEETINGS OF THE BRANCH EXECUTIVE a new sub-rule l. as follows:*  
  
*l. The Branch Secretary may submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed at a duly constituted meeting;*  
  
*Provided that, if within a period of seven days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed and shall thereupon become a resolution of the Branch Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the Branch Executive.*
  6. *Delete the words ‘Workplace Relations Act 1996’ wherever appearing in rule 15 – BRANCH SECRETARY and insert ‘Fair Work Act 2009’.*

7. Delete rule 19 - ELECTION OF BRANCH OFFICE HOLDERS sub-rule a. and insert the following:

a. Quadrennial Elections will be held to elect to the offices set out in column A from the electorate set out in column B, the:

<i>A - OFFICE</i>	<i>B - ELECTORATE</i>
<i>Branch President</i>	<i>whole membership</i>
<i>Branch Vice-President - Woman</i>	<i>women members by and from the whole membership</i>
<i>Branch Secretary/First National Executive Representative</i>	<i>whole membership</i>
<i>Assistant Branch Secretary/Second National Executive Representative</i>	<i>whole membership</i>
<i>Branch Executive Members</i>	<i>whole membership</i>
<i>Branch Executive Members – Woman</i>	<i>women members by and from the whole membership</i>
<i>National Conference Delegates</i>	<i>whole membership</i>
<i>National Conference Delegates – Woman</i>	<i>women members by and from the whole membership</i>
<i>Alternate National Conference Delegates</i>	<i>whole membership</i>
<i>Branch Conference Delegates</i>	<i>members of the airlines branch industry division</i>
<i>Branch Conference Delegates</i>	<i>members of the private sector branch industry division</i>

8. Delete rule 19 - ELECTION OF BRANCH OFFICE HOLDES sub-rule b. and insert the following:

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

<i>Branch Vice-President (Women)</i>	<i>a financial member who is a woman</i>
<i>Branch Executive Members (Women)</i>	<i>a financial member who is a woman</i>
<i>National Conference Delegates (Woman)</i>	<i>a financial member who is a woman</i>
<i>Branch Conference Delegates (Woman)</i>	<i>a financial member who is a woman</i>



## **DIVISION ELEVEN**

### **VICTORIAN PRIVATE SECTOR BRANCH**

#### **2 - REGISTERED OFFICE**

~~The registered office of the Branch shall be at First Floor, 117 Capel Street, North Melbourne Victoria, or such other place as may be determined by the Branch Executive from time to time.~~  
The registered office of the Branch shall be at Second Floor, 116-124 Queensberry Street, Carlton South, Victoria, or such other place as may be determined by the Branch Executive from time to time.

#### **4 – BRANCH EXECUTIVE**

- a. The Branch Executive shall manage the affairs of the Branch and shall be the Committee of Management of the Branch within the meaning of the ~~Workplace Relations Act 1996~~ Fair Work Act 2009.
- b. The Branch Executive shall consist of the Branch President, Branch Vice-President (Women), Branch Secretary, Assistant Branch Secretary, two Branch Executive members and three Branch Executive Members (Women).
- c. Provided that on and from the quadrennial elections to be held in 2007, the Branch Executive shall consist of the Branch President, Branch Vice-President (Women), Branch Secretary, Assistant Branch Secretary, three (3) Branch Executive Members and three (3) Branch Executive Members (Women).
- d. All officers and other members of the Branch Executive shall be elected each 4 years.
- e. A member of the Branch Executive who ceases to be eligible for election or ceases to be a member of the Branch shall forthwith cease to be a member of the Branch Executive.
- f. The Branch shall have autonomy in matters affecting members of the Branch only.

#### **5 - POWERS AND DUTIES OF THE BRANCH EXECUTIVE**

- a. The Branch Executive shall be the Committee of Management of the Branch for the purposes of the ~~Workplace Relations Act 1996~~ Fair Work Act 2009 (and any successor legislation governing the registration of organisations of employees).
- b. The Branch Executive shall have the power of management of the affairs of the Branch, including the power to establish Industry Divisions and may from time to time vary their number and composition as it deems necessary.
- c. The Branch Executive shall have the control, custody, administration and management of the Branch Fund.
- d. The Branch Executive shall have the power to determine policy for the Branch, subject to resolutions of the Branch Conference.

- e. The Branch Executive shall have the power to take steps to enforce the rules of the Union and of the Branch.
- f. The Branch Executive may exercise all of the powers granted to a Branch Committee of Management, with respect to discipline matters, provided for under national rule 36.
- g. The Branch Executive may exercise all of the powers available to the Branch, in relation to annual subscriptions, as provided for under national rule 18.
- h. The Branch Executive shall, through the Branch Secretary, present to the Branch Conference a report of the business of the preceding year.
- i. Subject to National Rule 49, Branch Executive may add to, amend, alter or rescind these rules.

## **6 - MEETINGS OF THE BRANCH EXECUTIVE**

- a. The Branch Executive shall meet at such times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least one half of the members of the Branch Executive, summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- b. The Branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Branch Executive.
- c. Notwithstanding anything herein before contained, where the Branch President or 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 shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- d. If the Branch President is absent from a meeting of the Branch Executive, the Branch Vice-President (Women) shall act with powers of the Branch President while so acting.
- e. Each member of the Branch Executive shall be entitled to one vote.
- f. A member of the Branch Executive not present at a meeting or part thereof may appoint in writing another member of the Branch or the Branch Executive as proxy to exercise such member's vote.
- g. At any meeting of the Branch Executive a majority of the total membership of the Branch Executive shall constitute a quorum.
- h. If at any meeting of the Branch Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- i. The minutes of each Branch Executive meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive
- j. If a member of Branch Executive is absent from 3 consecutive meetings of Branch Executive, without giving an explanation that is considered satisfactory by Branch Executive, then such

conduct may constitute a dereliction of duty within the meaning of 36(a)(iv) of the National Rules of the Union, and that member is liable to be charged and dealt with in accordance with that rule.

- k. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.

l. The Branch Secretary may submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the Branch Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the Branch Executive passed at a duly constituted meeting;

Provided that, if within a period of seven days from the dispatch of the letter or telegram or facsimile or electronic mail, the motion has not been determined in accordance with the foregoing provisions the motion shall be determined in accordance with the majority of opinions expressed and shall thereupon become a resolution of the Branch Executive as though it had been passed at a duly constituted meeting if the number of votes cast be not less than half of the eligible votes of the Branch Executive.

- l.m. The Branch Executive shall be responsible for the payment of actual travel costs of all members of the Branch Executive and further bear the costs of convening the Branch Executive and all costs and outgoings associated with the utilisation of meeting facilities.

#### **15 - BRANCH SECRETARY**

- a. There shall be a Branch Secretary elected every four years by the financial members of the Branch.
- b. The Branch Secretary shall:
  - i. be the Executive Officer of the Branch, who between meetings of the Branch Executive, and Branch Conference shall conduct and manage the affairs of the Branch and, do all things necessary to be done by or on behalf of an organisation registered under the Workplace Relations Act 1996 Fair Work Act 2009;
  - ii. have the right to attend or be represented and to be heard on any matter at any meeting within the Branch;
  - iii. provided that where another person or persons represents the Branch Secretary at any meeting within the Branch, such person or persons shall have the right to be heard;
  - iv. have the right to inspect or examine or cause to be inspected and examined all registers, books, papers, deeds, documents and accounts in or in connection with the conduct of the affairs of the Branch;
  - v. consult with the Branch President on urgent matters which require a decision between meetings of the Branch Executive and which ordinarily would be the subject of a Branch Executive decision, provided that such decisions shall be reported to the Branch Executive meeting;
  - vi. generally perform such other duties as are allocated to him or her by the Branch Executive, or Branch Conference.
- c. The Branch Secretary in addition to the powers and duties conferred by these Rules shall:

- i. be the Chief Administrative Officer of the Branch;
- ii. have the authority to initiate proceedings in courts and tribunals, or conduct a defence or respondentcy or intervention into such proceedings, in the name of the Union, where the subject matter of those proceedings affects only the Branch or members of the Branch;
- iii. prepare and furnish all returns, statements, declarations or the like required by law and without limiting the generality of the foregoing comply with all provisions of the ~~Workplace Relations Act 1996~~ Fair Work Act 2009;
- iv. see that the accounts of the Branch are kept and presented to each meeting of the Branch Executive;
- v. Prepare a report for State Conference setting out the activities of the Branch since the immediately preceding State Conference.
- vi. keep or cause to be kept an up-to-date register of the Union members within the Branch and their postal addresses so far as known.

## 19 - ELECTION OF BRANCH OFFICE HOLDERS

- ~~a. Commencing in 2003 and thereafter in every fourth year an election shall be held for the purpose of electing the following:~~
  - ~~i. The Branch President to be elected by and from the whole membership;~~
  - ~~ii. The Branch Vice President (Women) to be elected from women members by the whole membership;~~
  - ~~iii. The Branch Secretary/First National Executive Representative to be elected by and from the whole membership;~~
  - ~~iv. Assistant Branch Secretary/Second National Executive Representative to be elected by and from the whole membership;~~
  - ~~v. Two (2) Branch Executive Members to be elected by and from the whole membership, provided that on and from the quadrennial elections to be held in 2007 there shall be three (3) Branch Executive Members to be elected by and from the whole membership;~~
  - ~~vi. Three Branch Executive Members (Women) to be elected from women members by the whole membership;~~
  - ~~vii. Vacant.~~
  - ~~viii. National Conference Delegates to be elected by and from the whole membership;~~
  - ~~ix. National Conference Delegates (Women) to be elected from women members by the whole membership;~~
  - ~~x. The Alternate National Conference Delegates to be elected by and from the whole membership;~~
  - ~~xi. Branch Conference Delegates to be elected by and from Industry Divisions;~~
  - ~~xii. Branch Conference Delegates (Women) to be elected by and from Industry Divisions.~~

a. Quadrennial Elections will be held to elect to the offices set out in column A from the electorate set out in column B, the:

<u>A - OFFICE</u>	<u>B - ELECTORATE</u>
<u>-</u>	
<u>Branch President</u>	<u>whole membership</u>
<u>-</u>	
<u>Branch Vice-President - Woman</u>	<u>woman members by and from the whole membership</u>
<u>-</u>	
<u>Branch Secretary/First National Executive Representative</u>	<u>whole membership</u>
<u>-</u>	
<u>Assistant Branch Secretary/Second National Executive Representative</u>	<u>whole membership</u>
<u>-</u>	
<u>Branch Executive Members</u>	<u>whole membership</u>
<u>-</u>	
<u>Branch Executive Members – Woman</u>	<u>woman members by and from the whole membership</u>
<u>National Conference Delegates</u>	<u>whole membership</u>
<u>-</u>	
<u>National Conference Delegates – Woman</u>	<u>woman members by and from the whole membership</u>
<u>Alternate National Conference Delegates</u>	<u>whole membership</u>
<u>Branch Conference Delegates</u>	<u>members of the airlines branch industry division</u>
<u>Branch Conference Delegates</u>	<u>members of the private sector branch industry division</u>

b. ~~Only eligible women members may nominate for the offices Branch Vice President (Women), Branch Executive Member (Women), National Conference Delegate (Women), Branch Conference Delegates (Women).~~

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

<u>Branch Vice-President (Woman)</u>	<u>a financial member who is a woman</u>
<u>Branch Executive Members (Woman)</u>	<u>a financial member who is a woman</u>
<u>National Conference Delegates (Woman)</u>	<u>a financial member who is a woman</u>
<u>Branch Conference Delegates (Woman)</u>	<u>a financial member who is a woman</u>



**A•S•U**

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

Tuesday, 4 July 2017

TO: All National Executive Members  
As addressed

**By E-mail**

Dear National Executive Member

**Postal/Fax/Email Vote No. 02/2017  
Proposed Victorian Private Sector Branch rule change**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 30 June 2017, regarding the above is as follows:

A total of 136.5 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  
Richard Duffy  
Wendy Phillips  
Michelle Jackson  
Jeff Lapidus  
Ingrid Stitt  
David Leydon  
Paul O'Neill  
Wayne Wood

No negative votes were received. I advise that National Executive E-mail Vote No. 02/2017 is carried.

Yours faithfully

**David Smith**  
National Secretary

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

**Australian  
Services  
Union**

**National Office  
Melbourne & Sydney**

*All correspondence to:*

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Carlton South VIC 3053

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**National Secretary**  
David Smith

**Assistant National Secretaries**  
Greg McLean  
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