



A•S•U

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Friday 4 May, 2018

General Manager
Fair Work Commission
GPO Box 1944
MELBOURNE VIC 3001

By E-mail: ros@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.

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 DIVISION SIX TAXATION OFFICERS' BRANCH as follows:

1. In rule 12. BRANCH EXECUTIVE MEETINGS renumber current sub-rule (f) as sub-rule (g).
2. Insert in rule 12. BRANCH EXECUTIVE MEETINGS a new sub-rule (f) as follows:
 - (f) 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.

3. In rule 12. BRANCH EXECUTIVE MEETINGS renumber current sub-rules (g), (h), (i), (j), (k), (l), and (m) to (h), (i), (j), (k), (l), (m) and (n) respectively.

**Australian
Services
Union**

**National Office
Melbourne & Sydney**

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

T: (03) 9342 1400
F: (03) 9342 1499

E: info@asu.asn.au
W: www.asu.asn.au

FB: [www.facebook.com/
australianservicesunion](https://www.facebook.com/australianservicesunion)
TW: @ASUnion

National Secretary
David Smith

Assistant National Secretaries
Linda White
Robert Potter

4. By deleting rule 16. UNUSED and inserting the following:

16. ELECTION OF BRANCH OFFICE HOLDERS

Commencing in 2019 Quadrennial Elections will be held to elect to the office set out in Column A from the electorate, set out in Column B, the:

A - OFFICE	B - ELECTORATE
Branch President/Second National Executive Representative	whole membership
Branch Vice-President	whole membership
Branch Secretary/First National Executive Representative	whole membership
Branch Assistant Secretary	whole membership
Branch Treasurer	whole membership
Branch Executive Members	whole membership
Alternate National Executive Representative	whole membership
National Conference Delegates	whole membership
Alternate National Conference Delegate	whole membership

5. In rule 25. delete the title 'ASSISTANT BRANCH SECRETARY' and insert 'BRANCH ASSISTANT SECRETARY'
6. In rule 25. sub-rule (a) delete the words 'An Assistant Branch Secretary' and insert 'The Branch Assistant Secretary'.
7. In rule 25. sub-rule (b) delete the words 'Assistant Branch Secretary' and insert 'Branch Assistant Secretary'.
8. In rule 25. sub-rule (c) delete wherever appearing the words 'Assistant Branch Secretary' and insert 'Branch Assistant Secretary'.
9. In rule 25. sub-rule (d) delete wherever appearing the words 'Assistant Branch Secretary' and insert 'Branch Assistant Secretary'.
10. In rule 25. sub-rule (e) delete the words 'Assistant Branch Secretary' and insert 'Branch Assistant Secretary'.
11. In rule 42. TRANSITIONAL RULES sub-rule (a) (iii) delete the words 'Assistant Branch Secretary' and insert 'Branch Assistant Secretary'.

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

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 the 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 4 May 2018, lodged herein are correct.
3. The alterations were made in accordance with the Rules of the ASU.
4. The manner in which compliance with the Rules of the ASU was obtained is as follows:
 - a) Jeff Lavidos, Branch Secretary of the Taxation Officers' Branch and National Executive member, advised the National Secretary in a letter dated 15 March 2018 that the Branch Executive, approved the Rule changes on 8 March 2018 and it was 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 37 – Alteration of Rules.
 - c) I confirm that on 12 April 2018 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 Taxation Officers' Branch dated 15 March 2018 attached hereto and marked '**Attachment A**' and a current copy of the relevant Branch rules with the proposed amendments using tracked changes attached hereto and marked '**Attachment B**'.
 - d) On the 18 April 2018, a total of 125 affirmative votes were received. Of the total of 125 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 C**' is a copy of my correspondence to National Executive members of the 18 April 2018, 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: Friday 4 May, 2018



David Smith
National Secretary



**Australian Services Union
Taxation Officers Branch
116 Queensberry Street
Carlton South 3053
Ph. (03) 9347 6080
Fax: 03) 9347 8781**

**Branch Secretary: Jeff Lapidos
Jeff.Lapidos@asutax.asn.au
Ph. 0419 335 675**

Mr David Smith
National Secretary
Australian Services Union
Carlton
15 March 2018

Dear David

The ASU Taxation Officers' Branch Executive passed a resolution on 8 March 2018 authorising a change in our rules. The details of the resolution are set out below.

Can you please arrange to ask the ASU National Executive to also authorise these rule changes, and if so authorised, then make the appropriate applications?

Please let me know if there are any issues with this request.

Yours sincerely

Jeff Lapidos

The following motion was passed by the ASU Tax Executive on 8 March 2018

A. To approve the following amendments of the Australian Municipal, Administrative, Clerical and Services Union Rules DIVISION SIX - TAXATION OFFICERS' BRANCH:

1. In rule 12. BRANCH EXECUTIVE MEETINGS renumber current sub-rule (f) as sub-rule (g).
2. Insert in rule 12. BRANCH EXECUTIVE MEETINGS a new sub-rule (f) as follows:

(f) The Branch Secretary may submit a motion or question by letter of 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.

3. In rule 12. BRANCH EXECUTIVE MEETINGS renumber current sub-rules (g), (h), (i), (j), (k), (l), and (m) to (h), (i), (j), (k), (l), (m) and (n) respectively.

4. By deleting rule 16. UNUSED and inserting the following:

16. ELECTION OF BRANCH OFFICE HOLDERS

Commencing in 2019 Quadrennial Elections will be held to elect to the office set out in Column A from the electorate, set out in Column B, the:

A - OFFICE	B - ELECTORATE
Branch President/ Second National Executive Representative	whole membership
Branch Vice-President	whole membership
Branch Secretary/First National Executive Representative	whole membership
Branch Assistant Secretary	whole membership
Branch Treasurer	whole membership
Branch Executive Members	whole membership
Alternate National Executive Representative	whole membership
National Conference Delegates	whole membership
Alternate National Conference Delegate	whole membership

Delete the words 'Assistant Branch Secretary' wherever appearing in rule 25. ASSISTANT BRANCH SECRETARY including the title and insert 'Branch Assistant Secretary'.

6. Delete the words 'Assistant Branch Secretary' in rule 42. TRANSITIONAL RULES sub-rule (a) (iii) and insert 'Branch Assistant Secretary'.

B. To authorise the Branch Secretary to submit to the National Secretary the proposed amendment to be considered by the National Executive.

C. To authorise the National Secretary to make any necessary amendments to these proposed rules that may be required to ensure that they are:

- a) effective at law; and
- b) consistent and typographically correct, provided that any such amendments are not inconsistent with the intention of the proposed rules.

DIVISION SIX**TAXATION OFFICERS' BRANCH RULES****12. BRANCH EXECUTIVE - MEETINGS**

- (a) The Branch Executive will meet at such times as its members determine.
- (b) The Branch Secretary will, upon the request of the Branch President, or at least one third of the members of the Branch Executive, summon a meeting of the Branch Executive to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- (c) The Branch Secretary will give at least 24 hours' notice when summoning members to meetings of the Branch Executive.
- (d) Despite sub-rule (c) where the Branch President and/or the Branch Secretary consider that a matter requires urgent attention, a meeting of the Branch Executive may be called by the Branch President or the Branch Secretary who will give such notice of the meeting to the members of the Branch Executive as is practicable in the circumstances.
- (e) Such a meeting of the Branch may be conducted by a method by which members of the Branch Executive are able to communicate with each other without being physically present.
- (f) 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.
- (g) If the Branch President is absent from a meeting of the Branch Executive the Branch Vice-President will act as and with the powers of the Branch President.
- (g) Decisions will be by majority.
- (h) A member of the Branch Executive not present at a meeting, or part of a meeting, may appoint another member of the Branch as proxy to exercise such member's vote, who will if a Branch Executive Member do so in addition to their own vote.
- (i) -Quorums for meetings of the Branch Executive are 50% of the members of the Branch Executive, entitled to attend and vote, and a proxy appointed in accordance with sub-rule (h) does not count for quorum.
- (j) -If at a meeting of the Branch Executive no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting it will be adjourned for not less than seven

052V: Incorporates alterations of 13 February [R2017/204] with tracked changes

(7) days nor more than 14 days and the members of the Branch Executive will be given two (2) clear days' notice of the date, time and place to which the meeting has been adjourned.

~~(k)~~(l) If at the adjourned meeting quorum is not present within 15 minutes of the time the meeting commences then those present will be deemed to be a quorum for the purpose of the business to be determined provided that only the business of the adjourned meeting may be dealt with.

~~(h)~~(m) The minutes of each Branch Executive meeting will, following the meeting, be promptly prepared and forwarded by the Branch Secretary to each member of the Branch Executive.

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

16. —UNUSED

16. ELECTION OF BRANCH OFFICE HOLDERS

Commencing in 2019 Quadrennial Elections will be held to elect to the office set out in Column A from the electorate, set out in Column B, the:

<u>A - OFFICE</u>	<u>B - ELECTORATE</u>
<u>Branch President/Second National Executive Representative</u>	<u>whole membership</u>
<u>Branch Vice-President</u>	<u>whole membership</u>
<u>Branch Secretary/First National Executive Representative</u>	<u>whole membership</u>
<u>Branch Assistant Secretary</u>	<u>whole membership</u>
<u>Branch Treasurer</u>	<u>whole membership</u>
<u>Branch Executive Members</u>	<u>whole membership</u>
<u>Alternate National Executive Representative</u>	<u>whole membership</u>
<u>National Conference Delegates</u>	<u>whole membership</u>
<u>Alternate National Conference Delegate</u>	<u>whole membership</u>

25. ~~ASSISTANT BRANCH SECRETARY~~BRANCH ASSISTANT SECRETARY

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

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

- (c) Pending the filling of any casual vacancy in the office of the ~~Assistant Branch Secretary~~ Branch Assistant Secretary, or during any period that the ~~Assistant Branch Secretary~~ Branch Assistant Secretary is absent or unable to carry out the functions of the office, the Branch Executive may appoint any person eligible to be elected as the ~~Assistant Branch Secretary~~ Branch Assistant Secretary to be the acting ~~Assistant Branch Secretary~~ Branch Assistant Secretary.
- (d) The acting ~~Assistant Branch Secretary~~ Branch Assistant Secretary will have all of the powers and duties of the ~~Assistant Branch Secretary~~ Branch Assistant Secretary.
- (e) The office of ~~Assistant Branch Secretary~~ Branch Assistant Secretary is honorary. However the Branch Executive may determine the office is full time.

42. TRANSITIONAL RULES

(a) Continuation in office until election

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

(b) Number of Branch Executive Members

- (i) On commencement of these Branch Rules, notwithstanding the provisions of Rules 6(c) and 6(d), the number of Branch Executive Members to hold office until the

declaration of the next quadrennial elections shall be equal to the number of Branch Councillors who were in office immediately prior to the commencement of these Branch Rules.

- (ii) The quorum for any meeting of the Branch Executive to be held prior to the next quadrennial election shall be based on the number arising from the Transitional Rule.
- (iii) On commencement of these Branch Rules, notwithstanding any time constraint contained in Rule 6(c), the Branch Executive may, as soon as practicable, make a determination of the number of Branch Executive Members to be elected at the next quadrennial election.



A•S•U

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Wednesday, 18 April 2018

TO: All National Executive Members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 03/2018
Proposed Taxation Officers' Branch rule changes**

The result of the e-mail ballot submitted to members of National Executive via e-mail on 12 April 2018, regarding the above is as follows:

A total of 125 affirmative votes were received from:

- | | |
|-----------------|-----------------|
| David Smith | Neil Henderson |
| Linda White | Jennifer Thomas |
| Robert Potter | Joseph Scales |
| Alex Scott | Abbie Spencer |
| Irene Monro | Jeff Lapidos |
| Vivienne Doogan | Ancel Greenwood |
| Natalie Lang | Lisa Darmanin |
| Judith Wright | Wendy Phillips |
| Angus McFarland | Ingrid Stitt |
| Graeme Kelly | David Leydon |
| Stephen Birney | Paul O'Neill |
| Sharon Sewell | Wayne Wood |

No negative votes were received. I advise that National Executive E-mail Vote No. 03/2018 is carried.

Yours faithfully

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

David Smith
NATIONAL SECRETARY

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**National Secretary
David Smith**

**Assistant National Secretaries
Linda White
Robert Potter**