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Monday 1st February, 2021

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, Declaration 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 the National Rule DIVISION SEVEN - NSW & ACT (SERVICES) BRANCH as follows:

1. In Rule 12 – MEETINGS OF THE BRANCH COUNCIL in sub rule a., after the first sentence, insert the words 'Notwithstanding anything hereinbefore contained a meeting of the Branch Council may be conducted by telephone, radio or any other method by which members of the Branch Council are able to communicate with each other without being physically present.'
2. In Rule 29A - INDUSTRY DIVISIONAL DELEGATES COUNCIL in sub rule d. after the first sentence, insert the words 'Notwithstanding anything hereinbefore contained a meeting of the Industry Divisional Delegates Council may be conducted by telephone, radio or any other method by which members of the Industry Divisional Delegates Council are able to communicate with each other without being physically present'.

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

Yours faithfully

Robert Potter
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, ROBERT POTTER, 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 1 February 2021, 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) Judith Wright, Deputy Branch Secretary of the Branch and National Executive member, advised the National Secretary in a letter dated 20 November 2020 that the Branch Executive consented to the proposed Rule alterations.
 - b) The proposed rule alterations relate to extending the rules permitting meetings being able to be conducted by methods by which members are able to communicate with each other without being physically present to Branch Council and Industry Division Council meetings.
 - c) The National Executive has determined that the declaration of the Deputy Branch Secretary of the NSW & ACT (Services) Branch declaring that the Branch Executive has consented to the, amendments to the rules of the Branch, which have been provided to the National Executive, demonstrates consent of the Branch Executive for the purposes of National Rule 49.
 - d) I confirm that on 20 January 2021 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 NSW & ACT (Services) Branch dated 20 November 2020 attached hereto and marked '**Annexure A**'.
 - e) On the 29 January 2021, a total of 120.5 affirmative votes were received. Of the total of 129 votes allocated to members of the National Executive in accordance with sub-rule 8c, I declared the vote carried pursuant to sub-rule 8j of the rules of the ASU. Attached hereto and marked '**Annexure B**' is a copy of my correspondence to National Executive members of the 29 January 2021, 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: 1st February, 2021



Robert Potter
National Secretary

Annexure A.

20 November 2020

Mr Robert Potter
National Secretary
Australian Services Union
Ground Floor, 116 Queensberry Street
CARLTON SOUTH VIC 3053

By Email: rpotter@asu.org.au

Dear Robert

RULE CHANGE – NSW AND ACT SERVICES BRANCH OF THE AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION

During the current pandemic, it has been necessary to limit face to face meetings to comply with public health orders and prevent the spread of COVID-19. We have therefore been holding most of our meetings this year through Zoom videoconferencing rather than face to face.

This is already contemplated by the rules governing Branch Executive and Industry Division Committee of Management meetings which provide that such meetings are able to be conducted “by telephone, radio or any other method by which members...are able to communicate with each other without being physically present.” (see Branch rules 6.c and 28.a).

At a meeting on 19 November 2020, the Branch Executive agreed to extend the rules permitting meetings being able to be conducted by methods by which members are able to communicate with each other without being physically present to Branch Council and Industry Division Council meetings.

The following resolution was passed:

1. The following amendments of the Australian Municipal, Administrative, Clerical and Services Union Rules DIVISION SEVEN NEW SOUTH WALES & ACT (SERVICES) BRANCH are approved:
 - i. In Rule 12 – MEETINGS OF THE BRANCH COUNCIL in sub rule a. insert the words “Notwithstanding anything hereinbefore contained a meeting of the Branch Council may be conducted by telephone, radio or any other method by which members of the Branch Council are able to communicate with each other without being physically present.”
 - ii. In Rule 29A - INDUSTRY DIVISIONAL DELEGATES COUNCIL in sub rule d. insert the words “Notwithstanding anything hereinbefore contained a meeting of the Industry Divisional Delegates Council may be conducted by telephone, radio or any other method by which members of the Industry Divisional Delegates Council are able to communicate with each other without being physically present.”

The full text of the proposed amendments is attachment “B”.

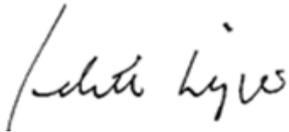
2. The Branch Secretary and/or the Deputy Branch Secretary is authorised to submit to the National Secretary the proposed amendments to be considered by the National Executive pursuant to Rule 21c.
3. The National Secretary is authorised to make any further amendment to the rules of the Branch that may be required to ensure that the rules are:
 - i. effective at law;
 - ii. comply with the FW (RO) Act; and
 - iii. consistent and typographically correct,

provided that any such amendments are not inconsistent with the intention of the Branch in seeking the amendment as set out in part 1 of this resolution.

I would be grateful if you could commit this to a vote of the National Executive and subsequently advise FWC of the rule change.

Please contact me if you wish to discuss.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Judith Wright'.

Judith Wright
Deputy Branch Secretary

ATTACHMENT B

DIVISION SEVEN NEW SOUTH WALES & ACT (SERVICES) BRANCH

12 - MEETINGS OF THE BRANCH COUNCIL

- a. The Branch Council shall meet on dates and at locations to be determined by the Branch Executive. **Notwithstanding anything hereinbefore contained a meeting of the Branch Council may be conducted by telephone, radio or any other method by which members of the Branch Council are able to communicate with each other without being physically present.**
- b. Notwithstanding sub-rule a. herein the Branch Secretary shall, upon the request of the Branch Executive or at least one quarter of the members of the Branch Council summon a meeting of the Branch Council to be held within thirty (30) days of the receipt of the request by the Branch Secretary.
- c. The Branch Secretary shall give at least seven (7) days notice when summoning members to meetings of the Branch Council.
- d. If the Branch President be absent from a meeting of the Branch Council, a Deputy Branch President, or in the absence of a Deputy Branch President a Vice-President as determined by the meeting, shall act with powers of the Branch President while so acting.
- e. A member of the Branch Council not present at a meeting or part thereof may appoint in writing in the prescribed form another member of the Branch as proxy to attend the meeting and to exercise such member's vote or votes, provided that no member shall hold more than one (1) proxy at any meeting.
- f. If at any meeting of the Branch Council no quorum be present at the expiry of thirty (30) minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than seven (7) days nor more than fourteen (14) days. Members shall be given two (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.
- g. The minutes of each meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Council and to the National Secretary. Upon confirmation the minutes shall be signed by the President. A copy of the minutes of each Branch Council meeting shall be available for the inspection of the members of the Branch during the ordinary office hours of the Branch.

29A - INDUSTRY DIVISIONAL DELEGATES COUNCIL

- a. The Branch Executive, shall, upon the request of an Industry Divisional Committee of Management establish Designated Work Groups within the Division for the purpose of the establishment of an Industry Divisional Delegates Council.
- b. A Designated Work Group is a group of members who either work in either:
 - i) A single workplace, or,
 - ii) A regional or local area, or
 - iii) A defined group.
- c. Each Designated Work Group shall be entitled to elect two delegates who are entitled to attend the Industry Divisional Delegates Council.
- d. The Industry Divisional Delegates Council would meet at least two times in each year and will comprise the Secretary, the Deputy Secretary, and the members of the Industry Divisional Committee of Management. **Notwithstanding anything hereinbefore contained a meeting of the Industry Divisional Delegates Council may be conducted by telephone, radio or any other method by which members of the Industry Divisional Delegates Council are able to communicate with each other without being physically present.**
- e. Delegates will be entitled to vote at the Industry Divisional Delegates Council on the basis of the following formula; total number of members in the Designated Work Group divided by 5 with the result divided by 2.
- f. Industry Divisional Delegates Councils shall provide advice to Industry Division Committees of Management in relation to matters that pertain to that Industry Division.

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Friday 29 January, 2021

TO: All National Executive members
As addressed

By Email

Dear National Executive Member

**Postal/Fax/Email Vote No. 01/2021
Proposed NSW & ACT (Services) Branch rule changes**

The result of the email ballot submitted to members of National Executive via email on 20 January 2021, regarding the above is as follows:

A total of 120.5 affirmative votes were received from:

Robert Potter	Jennifer Thomas
Emeline Gaske	Lynette Henson
Alex Scott	Abbie Spencer
Vivienne Doogan	Scott Cowen
Kate Flanders	Jeff Lapidus
Natalie Lang	Billy King
Judith Wright	Barry Gough
Angus McFarland	Matt Norrey
Graeme Kelly	Imogen Sturni
Glen McAtear	Paul O'Neill
Sharon Sewell	Wayne Wood
Neil Henderson	

No negative votes were received. I advise that National Executive E-mail Vote No. 01/2021 is carried.

Yours faithfully

Robert Potter
NATIONAL SECRETARY