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By your side

Tuesday 29 November 2022

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

On behalf of the ASU, I submit for certification the attached proposed alterations of the Division Nine – Victorian and Tasmanian Authorities and Services Branch rules.

The Victorian and Tasmanian Authorities and Services Branch notified the National Secretary in writing, in correspondence from the Branch Secretary dated 15 November 2022, that the Branch Executive had on 14 November 2022 consented to the proposed rule alterations and requested the National Executive approve them.

The proposed rule alterations seek to supersede the proposed alterations that were held over for consideration by the Fair Work Commission in matter R2022/14, per paragraphs 6 and 7 of the General Manager's decision on 28 June 2022 ([2022] FWCG 41).

I have attached, as part of the application for the rule alterations my Declaration in relation to the matters set out in this notice.

It is requested that this application be considered in conjunction with Matter No. R2022/100 in relation to electoral rule alterations lodged by the ASU on 29 August 2022.

If you have any queries please, in the first instance, contact Mr Scott Shepherd, who has carriage of the matter on behalf of the ASU, on sshepherd@asuvictas.com.au mob: 0407 587 895.

Yours faithfully

A handwritten signature in black ink, appearing to read "Egaske", written over a light blue horizontal line.

Emeline Gaske
Acting National Secretary

Encl.

DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*

ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the Fair Work (Registered Organisations) Act 2009)

I, EMELINE GASKE, the Acting National Secretary of the Australian Municipal, Administrative, Clerical and Services Union (**ASU**) declare:

- 1) I am authorised under the rules of the ASU to give this notice of particulars of alteration to the rules of the ASU and to make this declaration as required by Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009 (Cth).
- 2) The alterations were made in accordance with the ASU Rules and the action taken under the ASU Rules is set out below.
- 3) Rules 8 cb. and j. and 49 a. and b. relevantly provide for rule alterations:

8 - NATIONAL EXECUTIVE

cb. Each Branch National Executive Representative shall exercise equal proportions of the Branch votes in accordance with the number of National Conferences Delegates to which that Branch National Executive Representatives' Branch is entitled in accordance with Rule.

j. The National Secretary may, and shall when so requested in writing by National Executive representatives carrying at least one third of the votes of the branches on National Executive, submit a motion or question by letter or telegram or facsimile or electronic mail to each member of the National Executive. Upon a majority vote being received by letter or telegram or facsimile or electronic mail, (with members exercising votes in the manner provided in sub-rule c. hereof) the decision so obtained upon such motion or question shall have the same effect as a decision made by resolution of the National Executive passed at a duly constituted meeting;

Provided that, if within a period of twenty-one 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 (with members exercising votes in the manner provided in sub- rule c. hereof) and shall thereupon become a resolution of the National 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 National Executive

49 - RULE ALTERATIONS

a. The Rules may be added to, changed, amended, varied, repealed and/or deleted by a resolution of the National Conference or a resolution of the

National Executive carried by a majority of votes cast in accordance with Rules 7 and 8 respectively.

b. Any proposed addition to, change, amendment, variation, repeal and/or deletion of the rules shall be submitted by a Branch Committee of Management or a member of the National Executive to the National Secretary or be proposed by the National Secretary for submission to National Conference or the National Executive in accordance with Rules 7 and 8 respectively, provided that Rules 6, 7, 8, 9, 10, 14, 16, 21, 46, 47 and 49 shall not be altered unless seventy percent of the votes entitled to be cast are cast in favour, and provided further a Branch Rule shall not be added to, changed, amended, varied, repealed and/or deleted, without the consent of the Committee of Management of the Branch or the Branch Council of the Branch where the Branch Rules so provide.

- 4) On 22 November 2022 I proposed to the National Executive, as the Acting National Secretary, an addition to, change, amendment, variation, repeal and/or deletion of the rules (**Proposed Rule Alterations**) under sub-rule 49 b..
- 5) The Proposed Rule Alterations were submitted to the National Executive, consistent with the provisions of rule 8 j., by E-mail.
- 6) The materials submitted by email were:
 - a) explanatory correspondence from me in relation to how a vote was to be cast in the ballot (**Explanatory Correspondence**);
 - b) a preamble to the resolution;
 - c) resolutions 1 and 2;
 - d) attachment 'A' and 'B' to resolution 1.
- 7) I annexe as '**EG1**' the explanatory correspondence from me in relation to how a vote was to be cast in the ballot.
- 8) I annexe as '**EG2**' the preamble to the resolution and resolution 1 and 2.
- 9) I annexe, as '**EG3**', attachment 'A' to resolution 1 including the Branch request communication and the proposed alterations to the Branch rules.
- 10) I annexe, as '**EG4**', attachment 'B' to resolution 1 including the proposed alterations to the Branch rules.
- 11) Each member of the National Executive was forwarded, and received, a copy of the materials set out in clause 6.
- 12) The ballot opened on 22 November 2022.
- 13) By close of business on the 28 November 2022 each member of the National Executive had voted in the Ballot in the manner set out in the Explanatory Correspondence, and I had, as Acting National Secretary, received their ballot by email.
- 14) Rule 8 cb. provides that a Branch National Executive Representative exercises a proportional vote in accordance with the number of National Conferences Delegates to which the Branch of the National Executive Representative is entitled. It is, however, unnecessary for the proportional value of the vote of each member of the National Executive to be calculated as


each member of the National Executive voted and each vote was in favour of the Proposed Rule Alteration.

- 15) On the 28 November 2022 I declared the resolution carried. I annexe as '**EG5**' the declaration of the National Executive vote.
- 16) The majority required by rule 49 a., has been met.
- 17) Pursuant to Regulation 126(1)(b) the notice for this rule alteration has been published on the website of the ASU (**Notice**).
- 18) I annexe as '**EG6**' a screenshot of the Notice.

I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED: 29 November 2022

Declared by me,

A handwritten signature in black ink, appearing to read 'Emeline Gaske', with a long horizontal flourish extending to the right.

Emeline Gaske
Acting National Secretary ASU

File/Our Ref: 12.21 JN:db
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Tuesday 22 November 2022

TO: All National Executive members
 As addressed

By E-mail

Dear National Executive Member

Email Vote No. 08/2022
Proposed Victorian and Tasmanian Authorities and Services Branch rule changes

This is a National Executive Vote, along with an explanatory preamble, in relation to proposed alterations to the Victorian and Tasmanian Authorities and Services ('Vic/Tas A&S') Branch Rule 20C – Affirmative Action.

The Vic/Tas A&S Branch notified the National Secretary in writing in correspondence dated 15 November 2022, that the Branch proposes rule alterations be considered for approval by the National Executive. The proposed rule alterations were considered and consented to by the Branch Executive on 14 November 2022 in accordance with Branch Rule 27.

In accordance with ASU Rule 49 – RULE ALTERATIONS the proposed rule alterations are provided for approval by the National Executive via an email vote pursuant to ASU sub-rule 8 j.

Please find attached the voting paper in relation to the two resolutions for the proposed alterations to the ASU National Rules. The proposed alterations only affect the Vic/Tas A&S Branch, and I recommend that you vote to support them.

I request your prompt response so that the proposed alterations, if adopted by the National Executive, can be submitted to the Fair Work Commission for certification.

If you have any queries in relation to this request, please do not hesitate to contact Mr Scott Shepherd, who has carriage of the matter on behalf of the ASU, on sshepherd@asuvictas.com.au mob: 0407 587 895.

Yours faithfully

Emeline Gaske
ACTING NATIONAL SECRETARY

encl.

Preamble

The Victorian and Tasmanian Authorities and Services Branch Executive endorsed the proposed rule alterations on 14 November 2022 in accordance with Branch Rule 27 – Alteration of Rules.

The proposed rule alterations seek to supersede the proposed alterations that were held over for consideration by the Fair Work Commission in matter R2022/14, per paragraphs 6 and 7 of the General Manager’s decision on 28 June 2022 ([2022] FWCG 41).

The proposed amendments to the Victorian and Tasmanian Authorities and Services Branch rules are included in the Branch Secretary correspondence to the National Secretary dated 15 November 2022 in **Attachment ‘A’**, referring to the Branch Executive decision and resolution to endorse rule alterations as per tracked and clean versions in **Attachment ‘B’**.

The correspondence confirms that the Branch has consented to the additions, changes, amendments, variations, repeal and/or deletions to the rules of the Branch in Attachment A and demonstrates consent of the Branch for the purposes of ASU Rule 49.

Consequently, as Acting National Secretary, I propose to the National Executive the alterations to the National Rules of the ASU which are set out in the tracked changes and clean versions in **Attachment ‘B’**, together with the other consequential amendments and authorities set out in resolutions 1 and 2.

Email Vote No. 08/2022
Proposed Victorian and Tasmanian Authorities and Services Branch rule alterations

Resolution 1

In accordance with Rule 49 – Rule Alterations, the National Executive having considered the Branch correspondence to the National Secretary declaring that the Branch had consented to the additions, changes, amendments, variations, repeal and/or deletions to the rules of the Branch in the attached **Attachment A** resolves:

To amend the Victorian and Tasmanian Authorities and Services Branch rules in accordance with **Attachment B**.

Resolution 2

In accordance with Rule 49 – Rule Alterations, if Resolution 1 is approved, the National Executive resolves:

- a. To direct the Acting National Secretary to lodge with the Fair Work Commission the rules made in accordance with Resolution 1; and
- b. To authorise the Acting National Secretary to administratively amend the proposed rule alterations as may be required to ensure that the proposed rule alterations are:
 1. lawful;
 2. consistent with the rules of the ASU that have not been amended;
 3. internally consistent; and
 4. typographically correct,

provided that any such amendment is not inconsistent with the intention of the Branch in making the proposed rule alterations.

15 November 2022

Robert Potter
National Secretary
Australian, Municipal, Administrative, Clerical and Services Union
Ground Floor, 116 Queensberry Street
CARLTON SOUTH VIC 3053



By your side

By email: rpotter@asu.asn.au; JNucifora@asu.asn.au

Dear Robert,

Re: Victorian and Tasmanian Authorities and Services Branch – Rule Alteration

I, Lisa Darmanin, Branch Secretary, of the Victorian and Tasmanian Authorities and Services Branch (“Branch”) confirm that, in accordance with the rules of the Union, the Branch Executive of the Branch resolved on 14 November 2022 to seek that additions, changes, amendments, variations, repeal and/or deletions to the current rules of the Branch, as set out in document labelled ‘Attachment 5’, be made by the National Executive, and consents to the National Executive making those additions, changes, amendments, variations, repeal and/or deletions to the rules of the Branch.

I would appreciate you arranging for the proposed rule change to be put to the ASU National Executive as soon as practicable.

Yours sincerely,

Lisa Darmanin
BRANCH SECRETARY

The Branch Executive of the Victorian and Tasmanian Authorities and Services Branch of the Australian Municipal, Administrative, Clerical and Services Union, at its meeting on 14 November 2022, resolved as follows:

“In accordance with the rule 27 of Division Nine of ASU Rules, the Branch Executive of the Vic/Tas Branch resolves to seek that changes, amendments, variations, repeal and/or deletions to the rules of the Branch, by way of updates as attached in Attachment Five be made. These changes, amendments, variations, repeal and/or deletions to the Branch rules would supersede those that were held over for consideration by the Fair Work Commission in matter R2022/14, per paragraphs 6 and 7 of the General Manager’s decision on 28 June 2022 ([2022] FWCG 41)”.

20C – AFFIRMATIVE ACTION

- a. At least one woman must hold an office of Branch Secretary or Deputy Branch Secretary ~~or Assistant Branch Secretary~~ and at least two women must hold an office of Branch Secretary, Deputy Branch Secretary and Assistant Branch Secretary (2).
- b. For the purposes of paragraph a., at each Quadrennial Election the declaration of the elections for the offices of Deputy Branch Secretary and Assistant Branch Secretary shall occur in the following order:
- i. ~~Deputy~~ Branch Secretary;
 - ii. Deputy Branch Secretary;
 - iii. Assistant Branch Secretary (for the purposes of this sub-rule 'first office'); and
 - iv. Assistant Branch Secretary (for the purposes of this sub-rule 'second office').
- c. Where a non-female candidate ~~has~~ ~~ve~~ been declared elected to the offices of Deputy Branch Secretary and Assistant Branch Secretary (first office), a female candidate shall be declared elected to the office of Assistant Deputy Branch Secretary (second office) as follows, if there:
- i. is only one female candidate for the office of Assistant Deputy Branch Secretary then that candidate;
 - ii. was more than one female candidate for the office of Assistant Deputy Branch Secretary then the female candidate who received the highest number of votes of the female candidates; or

were no female candidates for the office of Assistant Deputy Branch Secretary the election shall not be declared in relation to the office of Assistant Deputy Branch Secretary (second office) and nominations shall be recalled by the Returning Officer for the office of Assistant Deputy Branch Secretary (second office), provided that only female members, who are otherwise eligible, may nominate in that election.

- d. Where two non-female candidates have been elected to the offices of Branch Secretary, Deputy Branch Secretary and Assistant Branch Secretary (first office), a female candidate shall be declared elected to the office of Assistant Branch Secretary (second office) as follows, if there:
- i. is only one female candidate for the office of Assistant Branch Secretary then that candidate;
 - ii. was more than one female candidate for the office of Assistant Branch Secretary then the female candidate who received the highest number of votes of the female candidates; or

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were no female candidates for the office of Assistant Branch Secretary the election shall not be declared in relation to the office of Assistant Branch Secretary (second office) and nominations shall be recalled by the Returning Officer for the office of Assistant Branch Secretary (second office), provided that only female members, who are otherwise eligible, may nominate in that election.

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20C – AFFIRMATIVE ACTION

- a. At least one woman must hold an office of Branch Secretary or Deputy Branch Secretary and at least two women must hold an office of Branch Secretary, Deputy Branch Secretary and Assistant Branch Secretary (2).
- b. For the purposes of paragraph a., at each Quadrennial Election the declaration of the elections for the offices of Deputy Branch Secretary and Assistant Branch Secretary shall occur in the following order:
 - i. Branch Secretary;
 - ii. Deputy Branch Secretary;
 - iii. Assistant Branch Secretary (for the purposes of this sub-rule ‘first office’); and
 - iv. Assistant Branch Secretary (for the purposes of this sub-rule ‘second office’).
- c. Where a non-female candidate has been declared elected to the office of Branch Secretary, a female candidate shall be declared elected to the office of Deputy Branch Secretary as follows, if there:
 - i. is only one female candidate for the office of Deputy Branch Secretary then that candidate;
 - ii. was more than one female candidate for the office of Deputy Branch Secretary then the female candidate who received the highest number of votes of the female candidates; or

were no female candidates for the office of Deputy Branch Secretary the election shall not be declared in relation to the office of Deputy Branch Secretary and nominations shall be recalled by the Returning Officer for the office of Deputy Branch Secretary, provided that only female members, who are otherwise eligible, may nominate in that election.
- d. Where two non-female candidates have been elected to the offices of Branch Secretary, Deputy Branch Secretary and Assistant Branch Secretary (first office), a female candidate shall be declared elected to the office of Assistant Branch Secretary (second office) as follows, if there:
 - i. is only one female candidate for the office of Assistant Branch Secretary then that candidate;
 - ii. was more than one female candidate for the office of Assistant Branch Secretary then the female candidate who received the highest number of votes of the female candidates; or

were no female candidates for the office of Assistant Branch Secretary the election shall not be declared in relation to the office of Assistant Branch Secretary (second office) and nominations shall be recalled by the Returning Officer for the office of Assistant Branch Secretary (second office), provided that only female members, who are otherwise eligible, may nominate in that election.

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Monday 28 November 2022

TO: All National Executive members
 By email

Dear National Executive Member

Re: Result - Email Vote No. 08/2022 - Proposed Victorian and Tasmanian Authorities and Services Branch rule changes

The result of the email ballot submitted to members of National Executive via email on 22 November 2022, regarding the above is as follows:

A total of 133 affirmative votes were received from:

Emeline Gaske	Kate Cotter
Alex Scott	Abbie Spencer
Sharon Abbott	Scott Cowen
Dee Spink	Jeff Lpidos
Angus McFarland	Ancel Greenwood
Judith Wright	Lisa Darmanin
Tom Patton	Billy King
Graeme Kelly	Barry Gough
Glen McAtear	Imogen Sturni
Sharon Sewell	Cassie Farley
Neil Henderson	Paul O'Neill
Jennifer Thomas	Wayne Wood

No negative votes were received. I advise that National Executive E-mail Vote No. 08/2022 is carried.

Yours faithfully

Emeline Gaske
 ACTING NATIONAL SECRETARY

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ASU Rules

There are separate rules covering all entities of the "ASU". These rules can be found at the links below "Federally registered union rules" and "State registered union rules".

All employee organisations (unions) registered under the *Fair Work (Registered Organisations) Act 2009* are governed by rules which set out the way they are run and are responsible to their members.

To ensure good governance within unions, we must lodge documents as required by the *Fair Work (Registered Organisations) Act 2009* and the *Fair Work (Registered Organisations) Regulations 2009*. [Those documents can be found here.](#)

If you have any queries about Rules matters, please [email us](#).

Notice of alteration to ASU rules

- On 29 August 2022 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission. You can download a copy of the Notice and attachments [here](#).
- On 15 September 2022 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission in relation to the Queensland (Services & Northern Administrative) Branch. You can download a copy of the Notice and attachments [here](#).
- On 11 November 2022 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission in relation to the South Australian and Northern Territory Branch. You can download a copy of the Notice and attachments [here](#).
- On 18 November 2022 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission in relation to the Queensland (Services and Northern Administrative) Branch. You can download a copy of the Notice and attachments [here](#).
- On 29 November 2022 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission in relation to the Victorian and Tasmanian Authorities and Services Branch. You can download a copy of the Notice and attachments [here](#).

Federally registered rules

- [Australian Municipal, Administrative, Clerical and Services Union](#) (trading as Australian Services Union)