

File/Our Ref: UG 12.21 JN:fa
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Thursday, 11th September 2025

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 ASU RULE 30 – PURGING OF THE REGISTER and ASU RULE 55 – DELEGATES, SHOP COMMITTEES AND REGIONAL COMMITTEES.

The proposed rule alterations seek to amend ASU Rules 30 and 55 respectively to:

- Ensure consistency with State Union purging rules as well as the *Fair Work (Registered Organisations) Act 2009 (Cth)*; and
- Ensure Branch Committees of Management and as delegated, Branch Secretaries, have an unfettered right to appoint delegates.

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

If you have any queries, please, in the first instance, contact John Nucifora, who has carriage of the matter on behalf of the ASU on jnucifora@asu.asn.au or 0419 595 417.

Yours faithfully

Emeline Gaske
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 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 the proposed 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 7.

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 3 September 2025 I proposed to the National Executive, as the National Secretary, an addition to, change, amendment, variation, repeal and/or deletion of the rules (Proposed Rule Alteration) 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 Rationale to resolution 1;
 - c) resolutions 1 and 2; and
 - d) attachment 'A' 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 rationale to the resolution and resolution 1 and 2.
 - 9) I annexe, as '**EG3**', attachment 'A' to resolution 1 including tracked changes to ASU Rules 30 and 55.
 - 10) Each member of the National Executive was forwarded, and received, a copy of the materials set out in paragraph 6.
 - 11) The ballot opened on 3 September 2025.
 - 12) By the 10/9/2025 the majority of members of the National Executive had voted in the Ballot in the manner set out in the Explanatory Correspondence, and I had, as National Secretary, received their ballot by email.
 - 13) 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. The majority of the vote was in favour of the proposed rule alteration.
 - 14) On the 10/9/2025, I declared the resolution carried. I annexe as '**EG4**' the declaration of the National Executive vote.
 - 15) The majority required by rule 49 a., has been met.

- 16) Pursuant to Regulation 126(1)(b) the notice for this proposed rule alteration has been published on the website of the ASU (**Notice**).
- 17) I annexe as 'EG5' a screenshot of the Notice.
- 18) I declare:
- that the alterations were made in accordance with the ASU rules;
 - the action taken under the ASU rules to make the alterations is set out in this notice; and
 - that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Signed:



Emeline Gaske
National Secretary

Dated: 11 September 2025

File/Our Ref:

UG Votes JN:fa

Wednesday, 3rd September 2025

TO: All National Executive Members
By email

Dear National Executive Member

Re: Email Vote No. 02/2025 - Proposed National Rule Changes to ASU Rule 30 – Purging of the Register and ASU Rule 55 – Delegates, Shop Committees and Regional Committees

This is a National Executive Vote along with the rationale in relation to proposed amendments to ASU Rules 30 and 55.

At the ASU National Executive Meeting on 27 May 2025 proposed amendments to rules 30 and 55 were considered. After this meeting I obtained legal advice on the best form of the rules and the proposed amendments were further considered at the subsequent National Executive meeting on 25 August 2025.

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.

To assist in the process of voting I have provided you with 2 alternatives on the voting paper. The first alternative is that you print, complete, sign and scan the voting paper back to me and the second alternative is that you email me from your work email address setting out how you cast your vote in relation to each of the 2 resolutions.

I commend the resolution to you and request your prompt return of the voting paper.

If you have any queries in relation to completion of the voting paper, please, contact me.

Yours faithfully

Emeline Gaske
NATIONAL SECRETARY

Tel: +61 3 9342 1400
Mobile: 0402 291 960
E-mail: egaske@asu.asn.au

Encl

Email Vote No 02/2025
Proposed national rule alterations

Rationale

Rule 30 – Purging of the Register

- This rule deliberately sets a “window” during which branches should purge members, to allow for differences in individual branch rules and to allow for branches to align with the rules of their state-based counterpart union.
- Some years ago, the “maximum” of 104 weeks/2 years was added into the ASU rules to ensure consistency with changes to the *Fair Work (Registered Organisations) Act 2009* (Cth) per s.172 (1)(c) following the trade union royal commission requiring that unions must purge unfinancial members after 2 years.
- It has become apparent that at least one state registered union’s rules set out 3 months as the appropriate timeframe for members to be purged, resulting in an inconsistency with the national rule’s current minimum period of 26 weeks.
- It is proposed to change the minimum period a member is unfinancial before being purged to 12 weeks – this does not need to change the practice for any branch, it merely amends the window of unfinancial membership before purging from 26–104 weeks to 3 months - 104 weeks.

Rule 55 – Delegates, Shop Committees and Regional Committees

- A branch has received advice that the words “subject to these rules” in rule 55(a) may be argued to mean that the branch committee of management only has the power to appoint a delegate subject to them having been properly elected by a majority vote of members in the workplace as per 55(c).
- It is not considered to be a particularly strong argument, but given the risk associated with an irregularity in the appointment of a delegate, consider it is appropriate to clarify that the Branch Committee of Management has an unfettered right to appoint delegates (and that this can be delegated to the Branch Secretary).

Resolution 1

In accordance with ASU Rule 49 – Rule Alterations, the National Executive having considered the National Secretary recommendation to amend the ASU rules in the attached **Attachment A** resolves:

To amend the National Rules 30 and 55 in accordance with the tracked changes to the ASU Rules in **Attachment A**.

Resolution 2

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

- a. To direct the National Secretary to lodge with the Fair Work Commission the rules amended in accordance with Resolution 1; and
- b. To authorise the 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,

ATTACHMENT A

30 - PURGING OF THE REGISTER

- a. Each Branch Secretary shall from time to time as directed by the Branch Executive strike off the Register of Members the names of all members who satisfy the following criteria:
 - i. All members owing subscriptions, fines or levies for a period in excess of ~~26 weeks~~ 3 months up to a maximum of 104 weeks; provided that members so struck off shall not be free from liability for arrears due.
 - ii. Any or all members who have ceased to be eligible for membership under Rule 5 of these rules.
 - iii. Notwithstanding anything in these rules, if the Branch Executive is satisfied that a member has ceased to be eligible under the rules of the Union to be a member of the Union, by reason of ceasing to work in the industry or industries specified in Rule 5 or otherwise, the Branch Executive may declare that such person shall cease to be a member of the Union. Where such persons owe money to the Union they shall be liable to pay immediately all subscriptions, levies and fines due and owing to the Union, and, in default of payment, may be sued for any outstanding amounts.
- b. The Branch Secretary shall give a member fourteen days' notice in writing to the member's last address shown on the Register of Members of the intention to strike the name off the Register.
- c. Any member whose name has been so removed from the Register shall thereupon cease to be a member of the Union or to have any of the rightful privileges of membership.
- d. Any such person shall be liable to pay all such contributions, subscriptions, dues, fines or levies and any other monies due to the Union up to the date of the removal of the member's name from the Register.

DELEGATES, SHOP COMMITTEES AND REGIONAL COMMITTEES

- a. The Branch Committee of Management shall have the power to appoint, suspend and terminate the appointment of Delegates ~~subject to these rules~~. A Delegate appointed under Rule 55 is a workplace delegate for the purposes of s350C of the Fair Work Act 2009 (Cth).
- b. The Branch Committee of Management may delegate the power to appoint, suspend or terminate the appointment of Delegates to the Branch Secretary.
- c. A majority of members employed in any area of membership or part thereof may nominate from amongst their number a person or persons to act as Delegate or Delegates. The Committee of Management or Branch Secretary should have regard to any such nomination when appointing a Delegate under this rule. Any nominees will be notified to the Branch Secretary and the Branch Committee of Management who may appoint them as a Delegate.
- d. The Branch Committee of Management may at any time terminate the appointment of the Delegate who fails to comply with the rules of the Union, a policy of the Union, or with a direction of the Branch Committee of Management.
- e. Delegates shall have such rights and duties as National Conference or National Executive may from time to time determine together with additional rights and duties as are determined by the Branch Committee of Management.

f. A Branch Committee of Management may and shall upon recommendation of the relevant Industry Division approve the establishment of a Shop Committee of members at any work location or employed by the one employer. The Branch Committee of Management shall determine the number of members, the number and positions of office bearers and the method and frequency of election of Shop Committees. Shop Committees are responsible to and subject to the control of the Branch Committee of Management and shall have such responsibilities as are determined by the Branch Committee of Management.

g. A Branch Committee of Management may and shall upon recommendation of the relevant Industry Division Committee of Management approve the establishment of a Regional Committee of Delegates in any geographic region. In establishing any such Regional Committee the Branch Committee of Management shall determine:

- I. The geographic region for which the committee is established.
- ii. The Delegates who are to comprise the committee.
- iii. How often the committee shall meet.

A Regional Committee shall be responsible to and subject to the control of the Branch Committee of Management and shall have such responsibilities as are determined by the Branch Committee of Management.

h. A Branch Committee of Management may approve the establishment of a Liaison Committee of members. A Liaison Committee shall be a committee of members in the same occupation or a group of related occupations the purpose of which is to provide advice to the Branch Committee of Management with respect to matters affecting that occupation or group of occupations. In establishing such a Liaison Committee the Branch Committee of Management shall determine:

- I. The composition of the committee;
- II. How often the committee shall meet.

A Liaison Committee shall be responsible to and subject to the control of the Branch Committee of Management.

i. A Branch Committee of Management may appoint members as representatives to represent the Union on workplace committees, working parties, investigation teams of any nature and function which, without limiting the generality thereof, shall include consultative committees, equal employment opportunity and/or affirmative action committees, award restructuring committees, structural efficiency committees, workplace reform committees, participative work redesign committees, health and safety committees and superannuation committees. Where a Branch Committee of Management has appointed such members they shall be deemed to be Delegates and have the same rights and responsibilities as Delegates.

j. Notwithstanding anything else contained in this rule where a Branch Committee of Management has approved the establishment of a shop committee, a regional committee of Delegates or a liaison committee under this rule then the Branch Committee of Management shall have the power to dissolve or disband such committee as it sees fit. Provided that the Branch Committee of Management shall not disband or dissolve such a committee without first giving representatives of the committee the right to be heard.

- k. Notwithstanding anything else a Branch Committee of Management shall have the power to determine rules and/or procedures for the appointment of Delegates, shop committees, regional committees, liaison committees or representatives under sub-rule i. of this rule as it sees fit.
- l. Any member appointed to any position under this rule shall act in an advisory capacity only.

File/Our Ref: Vote No.02/2025 EG:fa
Your Ref:
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By your side

Wednesday, 10th September 2025

TO: ASU National Executive members
By email

Dear National Executive Member

Re: Result - Email Vote No. 02/2025 - ASU National Rule alterations: 30 and 55

The result of the email ballot submitted to members of National Executive via email on 10 September 2025, regarding the above is as follows:

A total of 118.17 affirmative votes were received from:

Paul O'Neill
Jennifer Thomas
Emeline Gaske
Scott Cowen
Alex Scott
Danielle Spink
Sharon Abbott
Angus McFarland
Jan Primrose
Tom Patton
Daniel Papps

Sharon Sewell
Neil Henderson
Kate Cotter
Abbie Spencer
Ella Waters
Loxly Mather
Tash Wark
Zoe Edwards
Melanie Gent
Imogen Sturni
Wayne Wood

No negative votes were received. I advise that National Executive E-mail Vote No. 02/2025 is carried.

Yours faithfully

A handwritten signature in black ink, appearing to read "Eg", followed by a long, horizontal, wavy line.

Emeline Gaske
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 12 December 2023 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 Together Branch. You can download a copy of the Notice and attachments [here](#).
- 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](#).
- On 19 December 2022 the Australian Services Union (ASU) lodged a notice of further amendments to the ASU Rules with the Fair Work Commission in relation to R2022/100, R2022/131 and R2022/133. You can download a copy of the Notice and attachments [here](#).
- On 25 January 2023 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 Private Sector Branch. You can download a copy of the Notice and attachments [here](#).
- On 30 March 2023 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission in relation to consequential rule alterations to the Queensland Together and the Queensland (Services and Northern Administrative) Branch rules and Branch related ASU rules as a result of an ASU rule 10 Agreement. You can download a copy of the Notice and attachments [here](#).
- On 21 May 2024 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission in relation to delegates' rights. You can download a copy of the Notice and attachments [here](#).
- On 11 September 2025 the Australian Services Union (ASU) lodged a notice of alteration to the ASU Rules (Notice) with the Fair Work Commission in relation to purging of the register and delegates, shop committees and regional committees. You can download a copy of the Notice and attachments [Here](#)