



A•S•U

File/Our Ref: D2012-TBA
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Thursday, 26 April 2012

General Manager
Fair Work Australia
Level 4, 11 Exhibition Street
MELBOURNE VIC 3000

By E-mail: melbourne@fwa.gov.au

Dear Sir/Madam

**Australian
Services
Union**

**National Office
Melbourne & Sydney**

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

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National Secretary
David Smith

Assistant National Secretaries
Greg McLean
Linda White

**Re: Application by the ASU, Australian Municipal, Administrative, Clerical
and Services Union for an Alteration to Eligibility Rules**

Please find attached an Application by the Australian Services Union for consent to an alteration to its Eligibility Rules.

The Application is by way of the attached Form F68 signed by the authorised National Officer, and the attached declaration that the alteration was made in accordance with the Rules stating the actions taken under the Rules and verifying the facts stated in the application.

Please contact John Nucifora on 03 9342 1477 if you have any queries.

Yours faithfully

David Smith
NATIONAL SECRETARY

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

Form F68—Application for Consent to the Alteration of Eligibility Rules of an Organisation

IN FAIR WORK AUSTRALIA

FWA use only

FWA Matter No.:

**APPLICATION FOR CONSENT TO THE ALTERATION OF
ELIGIBILITY RULES OF AN ORGANISATION**

Fair Work (Registered Organisations) Act 2009

Fair Work (Registered Organisations) Regulations 2009—paragraph 121(1)(b)

Applicant Organisation

Name:	Australian Municipal, Administrative, Clerical and Services Union		
	ABN:	28 519 971 998	
Address:	Ground Floor, 116-124 Queensberry Street		
Suburb:	Carlton South	State:	VIC
		Postcode:	3053
Contact person:	David Smith		
Title:	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify: National Secretary		
Telephone:	03 9342 1400	Mobile:	
Facsimile:	03 9342 1499	Email:	dsmith@asu.asn.au

A. The Alteration

The alteration of the eligibility rules of the organisation for which consent is sought is that rule 5 INDUSTRY AND ELIGIBILITY be altered by inserting after PART XXI new PART XXII and new PART XXIII of sub rule 5 b as follows:

PART XXII

Employees engaged in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial, regulatory and operational classes of work of the following employers:

*Jemena Asset Management 2 Pty Ltd (JAM 2) ACN 073 613 733
Jemena Asset Management Pty Ltd (JAM Pty Ltd) ACN 086 013 461
Jemena Asset Management 4 Pty Ltd (JAM 4) ACN 009 641 187
Jemena Asset Management 5 Pty Ltd (JAM 5) ACN 081 638 217
Jemena Asset Management 6 Pty Ltd (JAM 6) ACN 104 352 650
all above trading as Jemena;*

Energy Brix Australia Corporation Pty Ltd (ACN 074 736 833)
AGL Corporate Services Pty Ltd (ACN 093 015 724)
TRUenergy Services Pty Ltd (ACN 081 074 160)
Truenergy Yallourn Pty Ltd (ACN 065 325 224)
SP AusNet Pty Ltd
SPI Electricity Pty Ltd (ACN 064 651 118)
Hazelwood Power ABN 40 924 759 557
IPM Operation & Maintenance Loy Yang Pty Ltd (ACN 055 563 696)
Citipower PTY (ACN 064 651 056)
Origin Energy Limited (ACN 000 051 696)

or any subsidiary or joint venture of the above employers;

or any successor, assignee or transmittee to the business or part of the business of the above employers whether immediate or not;

or any subsidiary or joint venture of any successor, assignee or transmittee to the business or part of the business of the above employers whether immediate or not; or if

(a) one takes over or otherwise acquires the business or part of the business of the other;
or

(b) they are related bodies corporate within the meaning of the Corporations Law; or

(c) a series of relationships can be traced between them under paragraph (a) or (b);

or any other employer that under contract lease or outsourcing arrangement undertakes works, operations, functions, or services undertaken previously by the above employers or undertaken previously by any successor, assignee or transmittee to the business or part of the business of the above employers whether immediate or not;
shall be eligible to be members of the Union.

PART XXIII

Employees within the state of Victoria engaged in the generation, transmission, distribution, regulation and /or retailing of electricity in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial, regulatory and operational classes of work shall be eligible to be members of the Union.

B. Reason for the proposed alteration

PART XXII is to name the successors to former employers named in PART VII, PART XVIII and PART XIX of rule 5 b. ASU Eligibility for Membership.

PART XXIII is to provide for the continued existing coverage of defined classes of employees in the Victorian Electricity Industry but without the requirement of naming each employer in the industry in the rule and to prevent the further necessity of ASU introducing new rules to name successor business each time a company changes hands or a new company enters the industry.

Effect of the proposed alteration

PART XXII will clarify the names of the current successors to employers named in PART VII, PART XVIII, PART XIX, and PART XX of rule 5 b. and will define ASU's current coverage in the Victorian Electricity Industry.

PART XXIII This variation will within the current scope of ASU Victorian Electricity Industry coverage (of defined classes of employees) continue to provide existing coverage of employees in the industry but without the inclusion of the name of each business in the rule and regardless of whether employment is in the public or private sector.

The defined classes are: employees engaged in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial, regulatory and operational classes of work

Date:

26/4/12

Signature or Common Seal:



**APPLICATION FOR CONSENT TO THE ALTERATION OF ELIGIBILITY
RULES OF AN ORGANISATION**

Fair Work (Registered Organisations) Act 2009
Fair Work (Registered Organisations) Regulations 2009—paragraph 121(1)(b)

DECLARATION

I, David Smith, of 116-124 Queensberry Street, Carlton South in the State of Victoria declare as follows:

1. The Australian Municipal, Administrative, Clerical and Services Union (“ASU”) is an organisation registered under the *Fair Work (Registered Organisations) Act 2009*.
2. I am the National Secretary of the ASU and am authorised to make this Declaration.
3. The National Executive of the ASU has resolved to add after Part XX I a Part XX II and a Part XX III to sub rule 5 b – Eligibility for Membership as follows:

PART XXII

Employees engaged in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial, regulatory and operational classes of work of the following employers:

Jemena Asset Management 2 Pty Ltd (JAM 2) ACN 073 613 733
Jemena Asset Management Pty Ltd (JAM Pty Ltd) ACN 086 013 461
Jemena Asset Management 4 Pty Ltd (JAM 4) ACN 009 641 187
Jemena Asset Management 5 Pty Ltd (JAM 5) ACN 081 638 217
Jemena Asset Management 6 Pty Ltd (JAM 6) ACN 104 352 650
all above trading as Jemena;

Energy Brix Australia Corporation Pty Ltd (ACN 074 736 833)
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SP AusNet Pty Ltd
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Hazelwood Power ABN 40 924 759 557
IPM Operation & Maintenance Loy Yang Pty Ltd (ACN 055 563 696)
Citipower PTY (ACN 064 651 056)
Origin Energy Limited (ACN 000 051 696)

or any subsidiary or joint venture of the above employers;

or any successor, assignee or transmittee to the business or part of the business of the above employers whether immediate or not;

or any subsidiary or joint venture of any successor, assignee or transferee to the business or part of the business of the above employers whether immediate or not; or if

- (a) one takes over or otherwise acquires the business or part of the business of the other; or
- (b) they are related bodies corporate within the meaning of the Corporations Law; or
- (c) a series of relationships can be traced between them under paragraph (a) or (b);

or any other employer that under contract lease or outsourcing arrangement undertakes works, operations, functions, or services undertaken previously by the above employers or undertaken previously by any successor, assignee or transferee to the business or part of the business of the above employers whether immediate or not; shall be eligible to be members of the Union.

PART XXIII

Employees within the state of Victoria engaged in the generation, transmission, distribution, regulation and /or retailing of electricity in administrative, clerical, technical, engineering, scientific, professional, supervisory, managerial, regulatory and operational classes of work shall be eligible to be members of the Union.

The action taken pursuant to the ASU rules was as follows:

1. On the 28 October 2011 the Branch Secretary of the Victorian and Tasmanian Authorities and Services Branch delivered a letter to me by hand which stated as follows:

"28 October 2011

*Mr David Smith
National Secretary
Australian Services Union
116 -124 Queensberry Street
CARLTON SOUTH VIC 3053*

*Dear David.
RE proposed additions to ASU National Rules*

As a member of the ASU National Executive I am writing to you in accordance with Rule 49 RULE ALTERATIONS to include two proposed additions to rule 5 b. Eligibility for Membership to be submitted to the ASU National Executive for approval. Please find enclosed proposed new PART XXII and new PART XXIII.

Rule 49 requires that you receive proposed rule additions at least 21 days before the ASU National Executive at which the proposed rule change is to be voted upon. As these proposals will be handed to you on Friday the 28 October 2011 there will be more than the required 21 days before the next National Executive scheduled for Wednesday 23 November 2011 in Sydney.

Yours faithfully

*Brian Parkinson
BRANCH SECRETARY"*

2. On Tuesday 8 November 2011 the members of the ASU National Executive were notified of details of the proposed rule change.
3. On the 23 November 2011 the above proposed rule change was unanimously adopted by the ASU National Executive.
4. On the 23rd of January 2012 an error was detected in the resolution passed by the National Executive on 23 November 2011 where the business SPI PowerNet P/L had changed ownership and was now owned by SP AusNet P/L. The correction to the resolution was approved to be included in the application to Fair Work Australia by the National President and The National Secretary in accordance with rule 14 of the ASU Rules and subsequently reported to and received by the National Executive at a National Executive meeting on 21 March 2012.
5. On the 24 of January 2012 it was discovered that eligibility to cover employees of the company Energy Safe Victoria named in the resolution passed by the National Executive on 23 November 2011 already existed in ASU eligibility rules and accordingly there was no need to proceed in respect of that company. The National Secretary and National President decided to delete this company from the application in accordance with rule 14 of the ASU rules and subsequently reported to and received by the National Executive at a National Executive meeting on 21 March 2012.
6. The alteration to the rules was made in accordance with the rules of the organisation.
7. The facts stated in the application for consent to the alteration are true and correct.

AND I MAKE this declaration conscientiously believing that to the best of my knowledge the statements contained in this declaration are true and correct.

DATED: Thursday 26 April, 2012



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