



A•S•U

File/Our Ref: [DS/db 10.4 & 12.21](#)
Your Ref:
Please quote in reply

Monday, 22 September 2014

General Manager
Fair Work Commission
GPO Box 1944
MELBOURNE VIC 3001

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

Dear Sir/Madam

Re: Amendment to the rules of the Australian Municipal, Administrative, Clerical and Services Union

I submit the following rule changes for certification.

Accordingly, I lodge with this letter a Notice Setting out the Particulars of the Australian Municipal, Administrative, Clerical and Services Union. 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 alterations concern Division Seven and are the Rules of the NSW & ACT (Services) Branch of the Australian Municipal, Administrative, Clerical and Services as follows:

1. Delete Rule 10 and insert in lieu thereof the following:

“10 – BRANCH COUNCIL MEMBERSHIP

- a. The Branch Council shall consist of the Branch Executive and Councillors representing the Transport Industry, the Water and Ports Industry, the Social and Community Services Industry, the Hunter Water Industry, and the Airline, Shipping, Travel and IT Industry (known the Private Sector Industries Group) elected in accordance with these rules and in accordance with the formula set out below:

Less than 200 members employed in the industry	1 delegate
200 – 399	2 delegates
400 – 599	3 delegates
600 – 999	4 delegates
Thereafter, each additional 500 or part thereof	1 additional delegate

- b. Provided further that on and from the quadrennial elections to be held in 2015, the Branch Council shall consist of the Branch Executive and Councillors representing the Branch Industry Divisions. The Councillors shall all be members of the respective Branch Industry Division Committees of Management elected in accordance with these rules except in the case of the Social and Community Services Industry Division, in which case the Councillors shall be all members of the Social and Community Services Industry Divisional Delegates Council elected in accordance with these rules.”

2. Delete Rule 13 and insert in lieu thereof the following:

“13 – VOTING ON BRANCH COUNCIL

- a. Each member of the branch council shall be entitled to one (1) vote.
- b. Provided that on and from the quadrennial elections to be held in 2015, the number of votes which each member of the Branch Council shall be entitled to is as follows:

**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

National Secretary
David Smith

Assistant National Secretaries
Greg McLean
Linda White

- i. Each Councillor who is a member of the Branch Executive shall be entitled to one (1) vote.
- ii. Each Councillor who represents a Branch Industry Division shall be entitled to cast a vote in accordance with the following formula:
 - A. By dividing the total number of the members of the Branch Industry Division employed in the relevant industry by 250. The number of members shall be determined by the lowest number of members in each industry division as at the last day of each of the months of October, November and December in the year preceding an election, other than an election to fill a casual vacancy.
 - B. The number obtained by Rule 13 b. ii. A. shall be rounded up to the nearest whole number and shall be then divided by the number of Councillors constituting the Branch Council other than those Councillors who are members of the Branch Executive.
 - C. The number obtained by Rule 13 b B. shall be rounded to the nearest whole number and then shall be allocated to each Councillor representing a Branch Industry Division so as to ensure, as far as possible, that each Councillor has an equal number of votes save that any votes remaining shall be allocated to the President of the Branch Industry Division in addition to the number of votes already allocated to him or her. Where any Councillor is allocated more than one (1) vote, those votes shall be exercised in their entirety either in the affirmative or the negative or as abstaining as the case may be.”

3. Delete Rule 25 a.

4. Re-number 25 b. as Rule 25 a.

5. Delete from new Rule 25 a. the words “From the quadrennial elections to be held in 2011 there...” in the first line and insert in lieu thereof the word “There”.

6. Delete Rule 26 a., b. and c. and insert in lieu thereof the following:

- a. The Water and Ports Industry Division Committee of Management shall consist of a President, Vice President, Treasurer and three (3) Executive members who shall form the Executive and twelve (12) Committee Members. Members of the Water and Ports Industry Division Committee of Management shall hold office for a period of four (4) years. All members of the Water and Ports Industry Division Committee of Management shall be elected by all financial members of the Branch employed in the Water and Ports Industry Division in accordance with these rules.
- b.
 - i. The Social and Community Services Division Committee of Management shall consist of the President, one (1) Vice-President (New South Wales), one (1) Vice-President (Australian Capital Territory) and an additional four (4) Committee members elected by all financial members of the Branch employed in the Social and Community Services Industry.
 - ii. The President shall be elected by all financial members of the Branch employed in the Social and Community Services Industry in accordance with the rules.
 - iii. The Vice-President (New South Wales) shall be elected by all financial members of all Sub-Divisions created pursuant to Rule 35 other than the Australian Capital Territory Sub-Division.
 - iv. The Vice-President (Australian Capital Territory) shall be elected by all financial members of the Australian Capital Territory sub-division.
 - v. There shall be one (1) committee member representing each Sub-Division established in accordance with Rule 35. Committee members shall be elected by all financial members of the relevant Sub-Division. Provided that there shall be an additional four (4) Committee members elected by all financial members of the Branch employed in the Social and Community Services Industry. Provided further that on and from the quadrennial elections to be held in 2015, the four (4) additional members shall be

elected by and from the Social and Community Services Industry Divisional Delegates Council.

- c. i. Notwithstanding Rule 29A, there shall be on and from the quadrennial elections to be held in 2015, a Social and Community Services Industry Divisional Delegates Council. The Council shall consist of all the members set out below:
 - A. All members of the Social and Community Services Division Committee of Management; and
 - B. One (1) delegate for every 300 members or part thereof for each member assigned to each Sub-Division of the Division as provided in Rule 35.
- ii. Each member of the Social and Community Services Industry Divisional Delegates Council shall be entitled to cast a single vote save that the President shall be entitled to cast both a deliberative and a casting vote.
- iii. The Social and Community Services Industry Divisional Delegates Council shall meet ordinarily at least twice in each year.
- iv. The Social and Community Services Industry Divisional Delegates Council shall provide advice to the Social and Community Services Industry Division Committee of Management in relation to matters that pertain to the Industry Division.

7. Delete current Rule 26 e.

8. Renumber current Rule 26 f. as Rule 26 e.

9. Delete current Rule 26 g. and insert in lieu thereof the following:

"f. Airlines, Shipping, Travel and IT Industry Division Committee of Management. The Committee of Management shall be known as the Airlines, Shipping, Travel and IT Industry Committee of Management and shall consist of a President, a Vice-President, and six (6) Committee Members. All Members of the Airlines, Shipping, Travel and IT Industry Division Committee of Management shall be elected by all financial members of the Branch employed in the Airlines, Shipping, Travel and IT Industry in accordance with these rules."

10. Renumber current Rule 26 h. as Rule 26 g.

11. Insert the word "ordinarily" before the words "at least once three (3) months" in the first line of Rule 28.

If you require further information, please do not hesitate to contact me at this office or John Nucifora, Compliance & Legal Officer jnucifora@asu.asn.au or 03) 9342 1477.

Yours faithfully



David Smith
National Secretary

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

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 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") and 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 **22nd September 2014**, 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) Michael Flinn the Branch representative for the New South Wales and ACT (Services) Branch on the National Executive advised the National Secretary in an email dated **4th September 2014** attached hereto marked "**1**", requesting the proposed changes to the rules be submitted to a vote of National Executive as soon as possible.
 - b) I confirm that on **11th September 2014**, 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 email from the New South Wales and ACT (Services) Branch together with the proposed amendments to the rules.
 - c) On the **16th September 2014**, a total of 127.5 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 "**2**" is a copy of my correspondence to National Executive members of the **16th September 2014** declaring the result of the ballot.
5. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED: Monday, September 22, 2014



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

Dani Brooks

From: David Smith
Sent: Thursday, 4 September 2014 9:13 AM
To: Dani Brooks
Cc: John Nucifora
Subject: Fwd: Proposed Rule Alterations - ASU NSW & ACT (Services) Branch
Attachments: image001.jpg; ATT00001.htm; image002.jpg; ATT00002.htm; image003.jpg; ATT00003.htm; image004.jpg; ATT00004.htm; image005.jpg; ATT00005.htm; 140901 - Proposed Rule Alterations - ASU NSW & ACT (Services) Branch (23859454).docx; ATT00006.htm

Dani can you prepare a postal vote please

David smith
National secretary ASU
Sent from my iPhone
Ph 03 93421400

Begin forwarded message:

From: Michael Flinn <michael@asu.org.au>
Date: 4 September 2014 9:09:14 am AEST
To: "dsmith@asu.asn.au" <dsmith@asu.asn.au>
Cc: Sally McManus <sally@asu.org.au>, Natalie Lang <Natalie@asu.org.au>
Subject: **FW: Proposed Rule Alterations - ASU NSW & ACT (Services) Branch**

Dear David,
I attach Rule changes adopted by the Branch Executive of the NSW and ACT Services Branch at its meeting held yesterday, September 3rd.
I would be grateful if in accordance with the National Rules these changes were put to a vote of the National Executive as a matter of urgency.

Michael Flinn
Member of the National Executive.

From: Phillip Pasfield [<mailto:PPasfield@slatertgordon.com.au>]
Sent: Tuesday, 2 September 2014 12:08 PM
To: Michael Flinn
Subject: FW: Proposed Rule Alterations - ASU NSW & ACT (Services) Branch

Michael

Here it is. I am in the Commission but you may wish to check this. I have done some cleaning up as well.

Phil

Sent with Good (www.good.com)

-----Original Message-----

Proposed Rule Alterations – ASU NSW & ACT (Services) Branch

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Tuesday, 16 September 2014

TO: All National Executive Members
As addressed

By E-mail

Dear National Executive Member

**Postal/Fax/Email Vote No. 06/2014
Proposed NSW/ACT (Services) Branch Rule Changes**

**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
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Assistant National Secretaries
Greg McLean
Linda White

David Smith
Linda White
Greg McLean
Irene Munro
Ruth McFarlane
Sally McManus
Michael Flinn
Graeme Kelly
Stephen Birney
Neil Henderson
Jennifer Thomas
Joseph Scales
Abbie Spencer
Jeff Lapidos
Richard Duffy
Russell Atwood
Ingrid Stitt
David Leydon
Paul O'Neill
Wayne Wood

The result of the e-mail ballot submitted to members of National Executive via e-mail on 11th September 2014, regarding the above is as follows:

A total of 127.5 affirmative votes were received from:

No negative votes were received.

I advise that National Executive E-mail Vote No. 06/2014 is carried.

Yours faithfully

David Smith
National Secretary

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