

Australian Electoral Commission / AEC

Workplace Relations Act 1996 – Schedule 1B

RETURNING OFFICER - POST ELECTION REPORT

Client: Australian Municipal, Administrative, Clerical and Services Union (ASU)
Queensland Services Branch

Contact details: David Smith
Branch Secretary
ASU Queensland Services
Branch
Email: david@asuqld.asn.au
Tel: 07 3844-5300

AIR contact officer: Larry Powell
Email: larry.powell@air.gov.au
Tel: 03 8661 7993

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s E 2003/15
Election 2 x Collegiate Elections of Deputy Branch President & National
Conference Delegates + Alternates.
Returning Officer Brendan Carroll

RULES

Rules used for elections - Rule ID 052V: Incorporates alterations of 4 March 03 - R 2003/13,
plus Part IX Branch Rules – Division Four thereof.
Rules difficult to apply/interpret Nil.
Model Rule reference (if any) Nil.
Action taken under section 193 of RAO Schedule Nil.

ROLL OF VOTERS

Rule re Eligibility to vote: ASU Rules: 7(o), 39(d), 41 (a), (c)(vi) & (d), (e)(vi) & (e)(x).
& QSB Branch Rules 5, 12, 18, 19, 21 & 27(a)(10)&(b).
Total number of voters on the roll. 12 & 49
Number of private addresses 60 & was Attendance Ballot. 98.4%
Number of apparent workplace addresses 1 & was Attendance Ballot. 1.6 %

OTHER MATTERS PERTAINING TO ROLL OF VOTERS

Nil – Uncontested.

ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no complaints or allegations of irregularities

OTHER MATTERS

The first tier of this election had been declared in May by Ms Tracey Gaw as Returning Officer. I took over during her absence to conduct the 27 June Collegiate Election. Tracey then resumed and called nominations for the 11 Sept Collegiate Election, following which I was appointed again on 5 September during her further absence to conduct the 11 Sept 03 Collegiate Election.

Nominations Closed at the Branch Executive Meeting, at 12.00 noon on Friday 27 June 03, for Deputy Branch President and at the Branch Council Meeting, at 12.00 noon on Thursday 11 September 03, for National Conference Delegates and their Alternates, both in accordance with ASU Rule 41(e).

ATTACHMENTS

- A Declarations of 27 June.
- B Declaration of 11 September 2003

Brendan Carroll
Returning Officer
24 September 2003.

AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION

QUEENSLAND SERVICES BRANCH

(Deputy Industrial Registrar's Decision E No. 15 of 2003)

Election conducted under Section 214 of the Workplace Relations Act 1996
and in accordance with the rules of the Union.

Nominations for the above election closed at the Branch Executive Meeting, at 12.00 noon on Friday 27 June 2003. I now advise the following results.

- | <u>Office</u> | <u>Candidate</u> |
|---------------------------------------|-----------------------|
| • Deputy Branch President (1): | CASE, Malcolm William |

As the number of nominations received did not exceed the number of positions to be filled, I declare Malcolm William CASE elected to the office of Deputy Branch President.

Brendan Carroll
Returning Officer

Australian Electoral Commission
Brisbane

27 June 2003.

AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION

QUEENSLAND SERVICES BRANCH ELECTION

(Deputy Industrial Registrar's Decision E No. 15 of 2003)

Election conducted under Section 189 of Schedule 1B of the Workplace Relations Act 1996
and in accordance with the rules of the Union.

Nominations for the above election closed at the Branch Council Meeting, at 12.00 noon
on Thursday 11 September 2003. I now advise the following results.

| <u>Office</u> | <u>Candidate/s</u> |
|---|---|
| • National Conference Delegates (Rail) (3): | BATTEN, William Rodney McNEILL, Brendon John SCOTT, Warren James |
| • National Conference Delegates (Non-Rail) (8): | BALL, Robert James CASE, Malcolm William HENSON, Lynette Margaret ISZLAUB, Rodney George METTE, Verena Dorothea MICHEL, Edwin Thiers TURNER, Wendy WATT, Annette |
| • First Alternate National Conference Delegate: | COATES, Douglas Ian |
| • Second Alternate National Conference Delegate: | DANIELS, Alison |
| • Third Alternate National Conference Delegate: | CRAGG, Kenneth Henry |

As the number of nominations received did not exceed the number of positions to be filled,
I declare the candidates shown above, elected to the offices specified.

The election is now complete.

Brendan Carroll
Returning Officer

Australian Electoral Commission
Brisbane

11 September 2003.

12
Brendan Carroll
Returning Officer
Australian Electoral Commission
Level 6
488 Queen Street
Brisbane QLD 4000

**APPOINTMENT AS SUBSTITUTE RETURNING OFFICER
TO CONDUCT AN ELECTION AND/OR BALLOT**

I have appointed you as substitute Returning Officer for the following election and/or ballot.

Branch Elections 2003
E No. 15 of 2003

Australian Municipal, Administrative, Clerical and Services Union
Queensland Services Branch

Would you please take the necessary steps.

B Morrison
for the Australian Electoral Officer
Queensland

5 September 2003

For Information:

NPE CO

Deputy Industrial Registrar
Australian Industrial Registry
Victoria

Tracey Gaw
Returning Officer
Australian Electoral Commission
6th Floor
488 Queen St
Brisbane QLD 4000

**APPOINTMENT AS SUBSTITUTE RETURNING OFFICER
TO CONDUCT AN ELECTION AND/OR BALLOT**

I have appointed you as substitute Returning Officer for the following election and/or ballot.

Branch Elections 2003
E No. 15 of 2003
Australian Municipal, Administrative, Clerical and Services Union
Queensland Services Branch

Would you please take the necessary steps.

B Morrison
for the Australian Electoral Officer
Queensland

21 August 2003

For Information:

NPE CO

Deputy Industrial Registrar
Australian Industrial Registry
Victoria

**AUSTRALIAN ELECTORAL COMMISSION
INDUSTRIAL ELECTIONS SECTION****Industrial Elections Section
GPO Box 2590
BRISBANE QLD 4000****Telephone: (07) 3834 3404
Facsimile: (07) 3832 4727****Industrial Elections Section
6th Floor
488 Queen Street
BRISBANE QLD 4000**

30/5/03

FACSIMILE MESSAGE

To AIR Victoria**From Tracey Gaw
Qld Returning Officer**

Number of pages sent including this coversheet: 3

Reference File No.

To Facsimile No: (03) 9654 6672

Appointment of substitute Returning Officer for -
ASU - E No. 40/2003 and E No. 15/2003

Brendan Carroll
Returning Officer
Australian Electoral Commission
Level 6
488 Queen Street
Brisbane QLD 4000

**APPOINTMENT AS SUBSTITUTE RETURNING OFFICER
TO CONDUCT AN ELECTION AND/OR BALLOT**

I have appointed you as substitute Returning Officer for the following election and/or ballot.

Branch Elections 2003
E No. 15 of 2003
Australian Municipal, Administrative, Clerical and Services Union
Queensland Services Branch

Would you please take the necessary steps.



B Morrison
for the Australian Electoral Officer
Queensland

30 May 2003

For Information:

NPE CO

Deputy Industrial Registrar
Australian Industrial Registry
Victoria

Brendan Carroll
Returning Officer
Australian Electoral Commission
Level 6
488 Queen Street
Brisbane QLD 4000

**APPOINTMENT AS SUBSTITUTE RETURNING OFFICER
TO CONDUCT AN ELECTION AND/OR BALLOT**

I have appointed you as substitute Returning Officer for the following election and/or ballot.

Branch Elections 2003
E No. 40 of 2003
Australian Municipal, Administrative, Clerical and Services Union
Central and Southern Queensland Clerical and Administrative Branch

Would you please take the necessary steps.



B Morrison
for the Australian Electoral Officer
Queensland

29 May 2003

For Information:

NPE CO

Deputy Industrial Registrar
Australian Industrial Registry
Victoria

AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION**QUEENSLAND SERVICES BRANCH ELECTION**

(Deputy Industrial Registrar's Decision E No. 15 of 2003)

Election conducted under Section 189 of Schedule 1B of the Workplace Relations Act 1996
and in accordance with the rules of the Union.

Nominations for the above election closed at the Branch Council Meeting, at 12.00 noon on Thursday 11 September 2003. I now advise the following results.

| <u>Office</u> | <u>Candidate/s</u> |
|---|---|
| • National Conference Delegates (Rail) (3): | BATTEN, William Rodney McNEILL, Brendon John SCOTT, Warren James |
| • National Conference Delegates (Non-Rail) (8): | BALL, Robert James CASE, Malcolm William HENSON, Lynette Margaret ISZLAUB, Rodney George METTE, Verena Dorothea MICHEL, Edwin Thiers TURNER, Wendy WATT, Annette |
| • First Alternate National Conference Delegate: | COATES, Douglas Ian |
| • Second Alternate National Conference Delegate: | DANIELS, Alison |
| • Third Alternate National Conference Delegate: | CRAGG, Kenneth Henry |

As the number of nominations received did not exceed the number of positions to be filled, I declare the candidates shown above, elected to the offices specified.

The election is now complete.

Brendan Carroll
Returning Officer
Australian Electoral Commission
Brisbane
11 September 2003.

AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION
QUEENSLAND SERVICES BRANCH

(Deputy Industrial Registrar's Decision E No. 15 of 2003)

Election conducted under Section 214 of the Workplace Relations Act 1996
and in accordance with the rules of the Union.

Nominations for the above election closed at the Branch Executive Meeting, at 12.00 noon on Friday 27 June 2003. I now advise the following results.

| <u>Office</u> | <u>Candidate</u> |
|---------------------------------------|-----------------------|
| • Deputy Branch President (1): | CASE, Malcolm William |

As the number of nominations received did not exceed the number of positions to be filled, I declare Malcolm William CASE elected to the office of Deputy Branch President.

Brendan Carroll
Returning Officer

Australian Electoral Commission
Brisbane

27 June 2003.

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**Australian Municipal, Administrative, Clerical and
Services Union
Queensland Services Branch**

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with Section 214 of the Workplace Relations Act 1996 and the rules of the organisation

E No. 15 of 2003

Branch President 1

Candidates

BALL, Robert James
)

Branch Vice-President (Local Authorities) 2

Candidates

CASE, Malcolm William
HENSON, Lynette Margaret

Branch Vice-President (Brisbane City Council) 1

Candidates

MORAN, Henrietta

Branch Vice-President (Energy) 1

Candidates

ISZLAUB, Rodney George
)

Branch Vice-President (Ports) 1

Candidates

MICHEL, Edwin Thiers

Branch Vice-President (Social and Community Services) 1

Candidates

TURNER, Wendy Christine

Branch Vice-President (Private Sector) 1

Candidates

No nomination was received

Branch Vice-President (Rail) 1

Candidates

BATTEN, William Rodney

Branch Vice-President (Women) 1

Candidates

RYAN, Marianne Catherine

Branch Vice-President (Youth) 1

Candidates

METTE, Verena

Branch Treasurer 1

Candidates

SULLIVAN, Brian Joseph

Branch Secretary/First National Executive Representative/First National Conference Delegate 1

Candidates

SMITH, David Charles

Branch Councillor (Local Authorities) 14

Candidates

COATES, Douglas Ian

CROUCH, Judy

DANIELS, Alison Lynette

HALSE, Ralph

MARTIN, Ian Kyle

MAXWELL, Rowena Mary

MKOKA, Remi

PIKE, Raymond Alan

PYERS, Stephen Andre

REGAN, Denis William

SALDUMBIDE, Wayne Douglas

VINEY, Lynette Ann

WATT, Annette

No other nomination was received

Branch Councillor (Brisbane City Council) 6

Candidates

BUGEJA, John

CRAGG, Kenneth Henry

CULVERHOUSE, Raymond Charles

KEHOE, Lawrence Joseph

PATCHING, Val

RUSHBY, Peter Roy

Branch Councillor (Energy) 6

Candidates

ADAMSON, Peter
HILL, John Alan
PRIDEAUX, Brian Ross
SNIDE, Herbert
WHITE, Kenneth Henry
WHITTAKER, Philip

Branch Councillor (Ports) 1

Candidates

MCDONALD, Debbie Kay

Branch Councillor (Social and Community Services) 6

Candidates

CARR, Penny
FINTER, Elizabeth Ann
HARNETT, Linda
O'KEEFE, Maria Ellen
SINGH, Raj
ZUCHOWSKI, Ines

Branch Councillor (Private Sector) 2

Candidates

No nominations were received

Branch Councillor (Rail) 6

Candidates

FINN, John
MCNEILL, Brendon John
SCOTT, Warren James
SMITH, Bruce
STAGG, Neville John
WOODFIELD, Alan Victor

Second National Executive Representative 1

Candidates

MORAN, Henrietta

Alternate National Executive Representative 1

Candidates

BALL, Robert James

Provisional Branch Executive Member (Women) 5

Candidates

No nominations were received

Provisional Branch Councillor (Women) 10

Candidates

No nominations were received

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Tracey Gaw
Returning Officer

9 April 2003

Tracey Gaw
Returning Officer
Australian Electoral Commission
6th Floor
488 Queen St
Brisbane QLD 4000

APPOINTMENT TO CONDUCT AN ELECTION AND/OR BALLOT

The AEC has made arrangements to conduct the following election and/or ballot.

Branch Elections 2003
E No. 15 of 2003
Australian Municipal, Administrative, Clerical and Services Union
Queensland Services Branch

I have appointed you to conduct the above event. Would you please take the necessary steps.



B Morrison
for the Australian Electoral Officer
Queensland

24 February 2003

For Information:

NPE CO

Deputy Industrial Registrar
Australian Industrial Registry
Victoria

1/6

**AUSTRALIAN ELECTORAL COMMISSION
INDUSTRIAL ELECTIONS SECTION**

**Industrial Elections Section
GPO Box 2590
BRISBANE QLD 4000**

**Industrial Elections Section
6th Floor
488 Queen Street
BRISBANE QLD 4000**

Telephone: (07) 3834 3404
Facsimile: (07) 3832 4727

25/2/03

FACSIMILE MESSAGE

To LARRY POWELL (AIR)

From Tracey Gaw

Number of pages sent including this coversheet: 4

Reference File No.

To Facsimile No.: (03) 9654 6672

Please find attached Returning Officer appointments for the following elections to be conducted in QLD

2002/226

2003/14

2003/15



AUSTRALIAN INDUSTRIAL REGISTRY

Level 35, Nauru House
80 Collins Street, Melbourne, VIC 3000
GPO Box 1994S, Melbourne, VIC 3001
Telephone: (03) 8661 7777
Fax: (03) 9654 6672

Mr. Paul Slape
National Secretary
Australian Municipal, Administrative, Clerical and Services Union
Ground Floor
116 Queensberry Street
CARLTON SOUTH VIC 3053

Dear Mr. Slape,

**Re: Victorian Private Sector Branch and the Victorian Authorities and Services Branch
R2002/220, E2003/29 and R2003/13**

I refer to my letter dated 11 February 2003 regarding receipt of a number of notifications lodged under section 214 of the Workplace Relations Act 1996 for arrangements to be made with the Australian Electoral Commission for the conduct of elections within various branches of the Australian Municipal, Administrative, Clerical and Services Union (the ASU).

I have since received correspondence from Ryan Carlisle Thomas, Lawyers, and Mr. William Jacomb about the matter.

With the exception of the notifications from the Victorian Private Sector Branch and the Victorian Authorities and Services Branch, I have today made arrangements for the conduct of the elections within the branches of the ASU.

It is my view that the nature of the appeals lodged in the Australian Industrial Relations Commission against my earlier decisions in respect of alterations of the rules of the ASU prevent me from considering the notifications lodged by the abovementioned Victorian branches until determination of the appeals by the Commission.

For the same reason, I am unable to consider the alterations lodged to the rules of the Victorian Private Sector Branch.

Should you wish to discuss the matter in the meantime, please contact Mr. Clency Lapierre on (03) 8661 7787.

Yours sincerely,


Terry Nassios
Deputy Industrial Registrar
24 February 2003

cc: Mr. Orm Thomas
cc: Mr. William Jacomb
cc: Mr. Neil Kean

PR927996

WORKPLACE RELATIONS ACT 1996
s.214 arrangement for conduct of an election

Australian Municipal, Administrative, Clerical and Services Union
(E 2003/15)

T. NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 24 FEBRUARY 2003

DECISION

On 23 January and 20 February 2003, the Queensland Services Branch of the abovementioned organisation lodged in the Industrial Registry the prescribed information in relation to elections for the following offices:

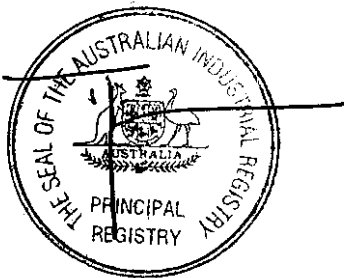
- Branch President
- Branch Vice-President (Local Authorities) (2)
- Branch Vice-President (Brisbane City Council)
- Branch Vice-President (Energy)
- Branch Vice-President (Ports)
- Branch Vice-President (Social and Community Services)
- Branch Vice-President (Private Sector)
- Branch Vice-President (Rail)
- Branch Vice-President (Women)
- Branch Vice-President (Youth)
- Branch Secretary/ First National Executive Representative /First National Conference Delegate
- Second National Executive Representative
- Alternate National Executive Representative
- Branch Treasurer
- Provisional Branch Executive Members (Women) (5)

Branch Councillors for the following Industry Divisions:

- Local Authorities (14)
- Brisbane City Council (6)
- Energy (6)
- Ports (1)
- Social and Community Services (6)
- Private Sector (2)
- Rail (6)
- Provisional Branch Councillors (Women) (10)

- Deputy President
- National Conference Delegates (12)
- First, Second and Third Alternate National Conference Delegates

I am satisfied that elections for the abovementioned offices are required to be held under the rules of the organisation and, under subsection 214(2) of the Workplace Relations Act 1996, I am making arrangements for the conduct of the elections by the Australian Electoral Commission.





AUSTRALIAN INDUSTRIAL REGISTRY

Level 35, Nauru House
80 Collins Street, Melbourne, VIC 3000
GPO Box 1994S, Melbourne, VIC 3001
Telephone: (03) 8661 7777
Fax: (03) 9654 6672

Mr. D. Smith
Branch Secretary
Australian Municipal, Administrative, Clerical and Services Union
Queensland Services Branch
PO Box 3347
SOUTH BRISBANE QLD 4101

Dear Mr. Smith,

**Arrangement for the conduct of an election in accordance with
section 214 of the Workplace Relations Act 1996
(E2003/15)**

A copy of the Registrar's decision in relation to the above matter is enclosed.

Any enquiries in relation to the conduct of the subject election should be directed in the first instance to the Australian Electoral Commission, Queensland, telephone :
(07) 3834 3443.

Yours sincerely,

Larry Powell
Statutory Services Branch

24 February 2003

Transmission Report

Date/Time
 G3 Local Terminal ID
 G4 Local Terminal ID
 Local Name
 Company Logo

24- 2-03;10:07AM

Document has been sent.

Document Size A4S



AUSTRALIAN INDUSTRIAL REGISTRY

Level 35, Mager House
 80 Collins Street, Melbourne, VIC 3000
 GPO Box 12462, Melbourne, VIC 3001
 Telephone: (03) 8681 7777
 Fax: (03) 8684 8672

FACSIMILE

| | | | |
|--|--|---------------------|------------------|
| TO | State Director | | |
| Organisation | Australian Electoral Commission - Non-Parliamentary Elections Section - Queensland | | |
| Fax Number | (07) 3832 4727 | Phone Number | (07) 3834 3443 |
| FROM | Larry Powell | | |
| Location | Australian Industrial Registry, Statutory Services Branch | | |
| Fax Number | (03) 8654 6672 | Phone Number | (03) 8661 7983 |
| No of Pages (including cover) | 6 | Date | 24 February 2003 |
| Please notify sender if not all pages were received. | | Time | |

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MESSAGE:

Decisions (3) Re: Section 214 Notification (attached).

A copy of the rulebook of the organisation (052V-FED: Australian Municipal, Administrative, Clerical and Services Union Incorporates alterations of 20/02/03) may be downloaded from the website of the Australian Industrial Relations Commission at: www.airc.gov.au (under Organisations click Organisations List & Rules).

Alterations pertaining to the Victorian Public Sector Branch rules have been lodged.

Total Pages Scanned : 6
 Total Pages Sent : 6

| No | Doc. | Recipient | Start Time | Durat. | Pages | Mode | Contents | Status |
|----|------|---------------|---------------|--------|-------|------|----------|--------|
| 1 | 0358 | 61 7 38324727 | 24- 2;10:06AM | 1' 25" | 6 / 6 | EC | | CP |

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| RB: Relay Broadcast | RV: Remote Service | SA: Send Again | TM: Terminated |
| RQ: Relay Request | DR: Document Remove | | |



AUSTRALIAN INDUSTRIAL REGISTRY

Level 35, Nauru House
80 Collins Street, Melbourne, VIC 3000
GPO Box 1994S, Melbourne, VIC 3001
Telephone: (03) 8661 7777
Fax: (03) 9654 6672

FACSIMILE

| | | | |
|--|--|---------------------|------------------|
| TO | State Director | | |
| Organisation | Australian Electoral Commission – Non-Parliamentary Elections Section – Queensland | | |
| Fax Number | (07) 3832 4727 | Phone Number | (07) 3834 3443 |
| FROM | Larry Powell | | |
| Location | Australian Industrial Registry, Statutory Services Branch | | |
| Fax Number | (03) 9654 6672 | Phone Number | (03) 8661 7993 |
| No of Pages (including cover) | 6 | Date | 24 February 2003 |
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MESSAGE:

Decisions (3) Re: Section 214 Notification (attached).

A copy of the rulebook of the organisation [052V-FED: Australian Municipal, Administrative, Clerical and Services Union incorporates alterations of 20/02/03] may be downloaded from the website of the Australian Industrial Relations Commission at: www.airc.gov.au (under Organisations click Organisations List & Rules).

Alterations pertaining to the Victorian Public Sector Branch rules have been lodged.



AUSTRALIAN INDUSTRIAL REGISTRY

Level 35, Nauru House
80 Collins Street, Melbourne, VIC 3000
GPO Box 1994S, Melbourne, VIC 3001
Telephone: (03) 9653 8442
Fax: (03) 9654 6672

FACSIMILE

| | | | |
|--|---------------------------------------|---------------------|------------------|
| TO | Gordon Webster | | |
| Organisation | State Director - Industrial Elections | | |
| Fax Number | (07) 3832 4727 | Phone Number | |
| FROM | Liz Mercovich | | |
| Location | STATUTORY SERVICES BRANCH | | |
| Fax Number | (03) 9654 6672 | Phone Number | (03) 8661 7764 |
| No of Pages (including cover) | 16 | Date | 24 January, 2003 |
| Please notify sender if not all pages were received. | | Time | 3:51 PM |

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MESSAGE:

Reg 61 Notification Attached for the following organisation:

E2003/15

Australian Municipal, Administrative, Clerical and Services Union-Queensland Services Branch

Liz Mercovich
Statutory Services Branch

**William Jacomb & Associates
PC & Mac Support Specialists**

3/24 Straw Street, WEST BRUNSWICK VIC 3055
Phone: 9388 0073 fax: 9388 0075 Mobile: 0414 724 565
Email: wjacomb@connexus.net.au

Thursday, 20

To:

Clance Lapierre
Australian Industrial Relations Commission
9654 6672

From:

William Jacomb

Number Of Pages In Transmission: 6

Regarding: Reasons Why it Would Be Unsound To Hold ASU

Coversheet Message:

3/24 Straw Street
WEST BRUNSWICK VIC 3055

19 February 2003

Mr T. Nassios
Deputy Registrar
Australian Industrial Relations Commission
Naru House
80 Collins Street
MELBOURNE VIC 3000

References: **C2003/376** - Appeal against the Decision Of
Deputy Industrial Registrar Nassios At Melbourne 8
January 2003 to issue a certificate of Rule change

Your letter dated 11 February 2003 to P.Slape, National
Secretary, Australian Services Union re Notification to
hold various ASU Elections

**AUSTRALIAN INDUSTRIAL RELATIONS
COMMISSION - Industrial Relations Commission
Decision 93/1991**- approval of submission of
amalgamation to ballot The Municipal Officers'
Association Australia and Australian Transport Officers
Federation and The Technical Service Guild of Australia
(**D No. 30016 of 1990**)

International Convention on the Elimination of All
Forms of Discrimination Against Women

Sexual Discrimination Act 1984 (As amended)

2 /

Dear Deputy Registrar Nassios,

Why it Would be Improper & Unlawful To Hold ASU Union Elections At This Time

Thank you for allowing me to inspect the registry file this afternoon.

As I expected there was a response from the ASU which they had failed to copy to myself.

I believe that the ASU has failed to bring to your attention the key issues which would affect your decision and in their focusing on the Victorian Services

The key elements are:-

- It is unlawful under Section 19, of the Sexual Discrimination Act 1984 as amended for a Registered Organisation to discriminate against a person on the basis of sex by amongst other things:-
 - by denying the member access, or limiting the member's access, to any benefit provided by the organization;
 - by depriving the member of membership or varying the terms of membership; or
 - by subjecting the member to any other detriment
- In **(D No. 30016 of 1990)**, Deputy President Moore made a clear finding of fact with regards the gender discrimination proposed in the rules at the time that :-

*It is probably unnecessary to explain in detail why I have reached this conclusion as I am satisfied that s.33 most likely operates to nullify the effect s.19 would otherwise have. The benefits that the male members are denied are the right to stand and vote for a position on the Executive (either Branch or National). The expression "... or limiting ... access to a benefit" in State anti-discrimination legislation has been liberally construed.(7) I see no reason why this expression should not also be given a broad meaning as it appears in s.19 of the SDA. By virtue of their sex, male members cannot participate in an election relating to a position within the organisation. It is a position which forms part of a body that can determine matters of policy concerning the organisation or a branch (and therefore policy affecting male members). Even though male members may participate in the election of all other members of that body, their rights are more limited than those of female members in determining who sits on that body. Further, their rights to be elected to sit on the body are also more limited. **In those circumstances it seems to me that male members are, on the grounds of their sex, denied access to a benefit in relation to the particular position, or expressing it slightly differently, their access to a benefit is limited if one looks at the election of the body as a whole. The relevant benefit is the right***

Why it Would be Improper & Unlawful To Hold ASU Union Elections At This Time

3 /

to stand and to vote which is provided by the organisation through its rules.

Thus prima facie such rules are in violation of Section 19, of the Sexual Discrimination Act.

- Article 4 of the International Convention on the Elimination of All Forms of Discrimination Against Women does permit :-

*Adoption by States Parties of **temporary** special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*

Why it Would be Improper & Unlawful To Hold ASU Union Elections At This Time

4 /

I submit that 12 years of **permanent** sexual discrimination against men was not envisaged by Deputy President Moore when he initially made a determination relying upon Section 33 (now 7 D) of the Sexual Discrimination Act.

Nor, is it I submit, what was envisaged as the definition of "**Temporary Special Measure**" within the meaning of the **International Convention on the Elimination of All Forms of Discrimination Against Women** upon which Section 7D is based.

- The current membership of the various elected bodies of the Australian Services Union by females, and their current membership of the Australian Services Union, that the "the need for equality in fact as well as in law" which Deputy President Moore relied upon his decision has been more than well and truly achieved.

I should also mention that the Australian Services Union, tendered to Deputy President Moore, in support of its application, a report it had commissioned that itself said that the reason why more females were not seeking election to Office was not the rules but encouragement by the union and Child Care. An issue that the Australian Services Union has quite properly well addressed.

- Furthermore, the Australian Services has not at any time in the years subsequent to Deputy President Moore's decision ever adduced evidence that the removal of the sexual discrimination in the Rules of the Union would result in the female members of the Union in ceasing to having "equality in fact as well as law"
- It is worth noting that I have been verbally advised by Susan Roberts, Director, Of Legal Human Relations & Equal Opportunity Commission that **no exemption** from the operation of the Sexual Discrimination Act has been **granted** or is in force.

Furthermore, I have given written notice to the Human Right And Equal Opportunity Commission that should the ASU now decide to seek such an exemption, I would of course object to it.

Thus there is no guarantee that the ASU could obtain an exemption at this point.

- Under Section 7 C of the Sexual Discrimination Act, it states that the burden of proving that an Act does not constitute discrimination because of Section 7B **lies on the person who did the act.**

For the Commission to proceed with elections based upon rules that it itself has found discriminate against men would seem to make it a

Why it Would be Improper & Unlawful To Hold ASU Union Elections At This Time

5 /

party to both direct and indirect acts of discrimination and such the operation of 7C places the onus on the Commission to prove that it is not.

It is not clear that the immunity Commission has with regards its actions would apply to an unlawful act.

- It would seem that under the Sexual Discrimination Act, that only the :-
- **Human Rights & Equal Opportunity Commission** could grant an exemption from the Operation of the Act or
 - **Federal Court** could make a determination that Section 7D applies to the rules of the Australian Services Union.

Thus in the circumstances, it would seem that it would be unsound for the Commission to proceed with elections under rules which are sexually discriminatory until such time as C2003/376 is resolved.

Yours Sincerely



(William Jacomb)

cc.

Senior Deputy President Lacy, Australian Industrial Relations Commission
Ms Susan Roberts, Director, Of Legal Human Relations & Equal Opportunity Commission

Why it Would be Improper & Unlawful To Hold ASU Union Elections At This Time

LEVEL 30 TELEPHONE: (03) 9240 1414
NAURU HOUSE FACSIMILE: (03) 9240 1444
80 COLLINS STREET AUSDOC DX 30820
MELBOURNE VICTORIA 3000 WEBSITE: www.rct-law.com.au

RYAN
CARLISLE
THOMAS

LAWYERS

Mr Terry Nassios
Deputy Industrial Registrar
Australian Industrial Registry
Level 35, Nauru House
80 Collins Street
MELBOURNE VIC 3000

YOUR REF:

OUR REF:

PG:MMT asu

17 February, 2003

Dear Deputy Industrial Registrar

**Conduct of Elections in the Australian Municipal, Administrative, Clerical
and Services Union (ASU)**

We refer to the above matter and our letter of 13 February 2003.

We tried unsuccessfully to contact you by telephone on 14 February 2003.

Our client is concerned that notwithstanding our submissions on its behalf you may be considering deferring the conduct of some or all elections, notwithstanding the lodgement of information under Section 214 of the Act.

We note that nominations are to be called for on 5 March 2003 and our client is deeply concerned at the prospect of any delay in the election process.

We now request that you indicate when you propose making a decision under Section 214 of the Act for the Australian Electoral Commission (AEC) to conduct elections in respect of those elections for which information has been lodged.

Obviously, a delay in making or a failure to make a decision under Section 214 for the AEC to conduct elections has the potential to operate as a de facto stay on the conduct of the elections and our client wishes to avoid such a circumstance. As you would appreciate the issue of a stay in respect of the relevant rules is before Vice President Ross and is not a question with which you are seized.

We respectfully seek your early response. If you wish to discuss the matter, please contact Orm Thomas or Philip Gardner of this office.

RONALD PEARCE
SIMON GARNETT
LUCY MORGAN
SIMON GUTHRIE
ANGELA SDRINIS
MARK MAIER
JOHN KOTSIFAS
ANDREW MCGINDLE
GRAHAM HILL
JOHN ARRANGA
ROHAN ATHERTON
PHILIP GARDNER

Consultants:
ORMOND THOMAS
KEITH WORLAND
RUTH THOMAS
IAN JUPP
CAROL ANDRADES
Senior Legal Executive:
ROSS INGLIS

Associate Legal
Executives:
MICHAEL MITCHELL
ELIZABETH HILL
ANNETTE LAKEY
SAMANTHA MIKKELSEN

Offices in:
MELBOURNE
DANDENONG
GEELONG
CRANBOURNE
WERRIBEE
PARENHAM
FRANKSTON
BAYSWATER
MELTON
BACCHUS MARSH
BALLARAT

Associate Firms in:
SYDNEY
BRISBANE
ADELAIDE
PERTH
CANBERRA
HOBART

MEMBER FIRM
CERTIFIED
APLA
Australian
Paratitil Lawyers
Association

Yours faithfully

A handwritten signature in black ink, appearing to read 'Philip Gardner', written in a cursive style.

Philip Gardner
RYAN CARLISLE THOMAS

Direct Line: 9240 1447
Direct Fax: 9240 1449
E-mail: pgardner@rct-law.com.au



AUSTRALIAN INDUSTRIAL REGISTRY

Level 35, Nauru House
80 Collins Street, Melbourne, VIC 3000
GPO Box 1994S, Melbourne, VIC 3001
Telephone: (03) 8661 7777
Fax: (03) 9654 6672

Mr. Paul Slape
National Secretary
Australian Municipal, Administrative, Clerical and Services Union
Ground Floor
116 Queensberry Street
CARLTON SOUTH VIC 3053

Dear Mr. Slape,

Re: Conduct of elections

I have received a number of notifications lodged under section 214 of the Workplace Relations Act 1996 for arrangements to be made with the Australian Electoral Commission for the conduct of elections within various branches of the Australian Municipal, Administrative, Clerical and Services Union (the ASU).

As you are aware appeals have been lodged in the Australian Industrial Relations Commission against my decisions in respect of alterations of the rules of the ASU. It appears that the grounds of appeal relate to the issue of discrimination under the Sex Discrimination Act 1984 and also the democratic control of the ASU. The appeals have been listed for hearing before Vice-President Ross on 7 March 2003.

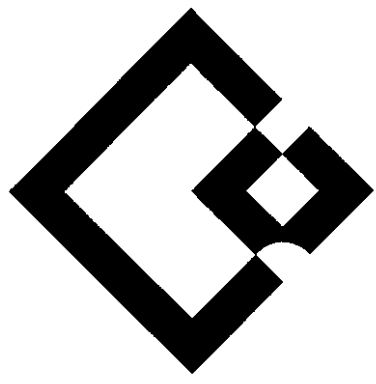
I seek your views as to whether the proceedings presently before Vice-President Ross impinge on my consideration of the abovementioned notifications.

Should you wish to discuss the matter in the meantime, please contact Mr. Clency Lapiere on (03) 8661 7787.

Yours sincerely,


Terry Nassios
Deputy Industrial Registrar
11 February 2003

cc. Mr. William Jacomb
cc. Mr. Neil Kean



A.S.U

**Australian
Services
Union**

ABN 86 351 665 653

**Queensland
Services Branch**

Ground Floor
32 Peel Street
South Brisbane
QLD 4101

PO Box 3347
South Brisbane
QLD 4101

Tel: (07) 3844 5300
Fax: (07) 3846 5046

Branch Secretary:
David Smith

18 February, 2003

The Deputy Industrial Registrar
Australian Industrial Relations Commission
GPO Box 373
BRISBANE QLD 4001



Dear Registrar,

**Re: 2003 ELECTIONS – AUSTRALIAN MUNICIPAL,
ADMINISTRATIVE, CLERICAL AND SERVICES UNION –
QUEENSLAND SERVICES BRANCH**

Further to our correspondence dated 23rd December, 2002 I hereby provide information which was outstanding :

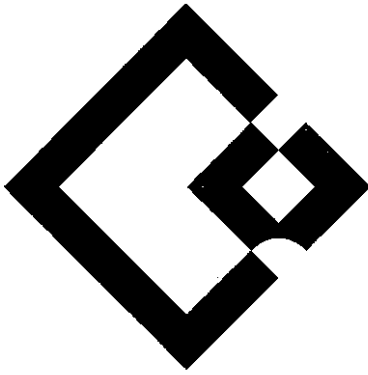
Under heading SECOND TIER please note that the number of National Conference delegates should read **12**, based on 10055 AME as at 30th December, 2002.

Under Item 3. please note the following number of Branch Councillors based on membership:

| | October | November | December | Average | No. of Branch Councillors |
|-----------------------------|---------|----------|----------|---------|---------------------------|
| Local Authorities | 5047 | 5056 | 5093 | 5065 | 14 |
| Brisbane City Council | 1357 | 1352 | 1370 | 1360 | 6 |
| Private Sector | 265 | 251 | 258 | 258 | 2 |
| Ports | 169 | 166 | 166 | 167 | 1 |
| Rail | 1904 | 1883 | 1893 | 1893 | 6 |
| Social & Community Services | 1793 | 1786 | 1804 | 1794 | 6 |
| Energy | 1632 | 1597 | 1600 | 1609 | 6 |
| TOTAL | | | | | 41 |

Yours faithfully

**DAVID SMITH
BRANCH SECRETARY**



A•S•U

**Australian
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**Queensland
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South Brisbane
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Branch Secretary:
David Smith

22nd January, 2003

The Deputy Industrial Registrar
Australian Industrial Relations Commission
GPO Box 373
BRISBANE QLD 4001



Dear Registrar,

**RE: 2003 ELECTIONS – AUSTRALIAN MUNICIPAL, ADMINISTRATIVE,
CLERICAL AND SERVICES UNION – QUEENSLAND SERVICES
BRANCH**

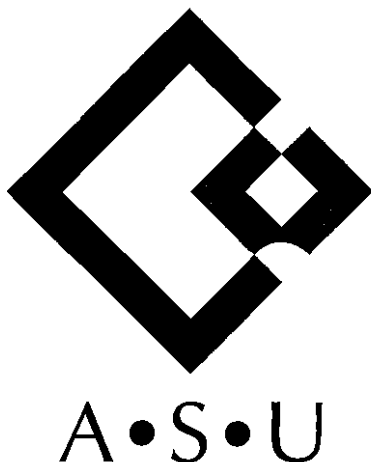
Please find enclosed correspondence sent from our office to the Australian Industrial Relations Commission on the 23rd December, 2002 in relation to the abovenamed matter.

Our letter was returned to our offices today as incorrectly addressed mail and after receiving advice from your offices I am re-sending it to you in the hope that you will accept it.

I offer my apologies for the circumstances which have now resulted in late lodgement and trust that you will consider this matter favourably.

Yours faithfully

**DAVID SMITH
BRANCH SECRETARY**



23rd December 2002

The Deputy Industrial Registrar
Australian Industrial Relations Commission
GPO Box 1119
BRISBANE QLD 4001



**Australian
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Union**

ABN 86 351 665 653

**Queensland
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Ground Floor
32 Peel Street
South Brisbane
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QLD 4101

Tel: (07) 3844 5300
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Branch Secretary:
David Smith

Dear Registrar,


**RE: 2003 ELECTIONS – AUSTRALIAN MUNICIPAL, ADMINISTRATIVE,
CLERICAL AND SERVICES UNION – QUEENSLAND SERVICES
BRANCH**

This Branch Executive Committee, by postal ballot on 6th December, 2002, directed me, in compliance with Sub-Section 214(1) of the Act and Sub-Regulation 61(1) of the *Workplace Relations Act 1996*, to lodge the prescribed information in relation to the election of all offices on Branch Committees, in accordance with the Rules, as follows:-

- (a) The name of each office in respect of which an election is required was determined by a decision of this Branch Executive Committee by postal ballot on 6th December, 2002. (See attachment "A")
- (b) The reason for the election is in compliance with the ASU Rules and because of the expiry of the relevant terms of office. (See Rule 84)
- (c) Where more than one of the offices in respect of which an application is required has the same name but more than one officer, this information is set out in the attachments.
- (d) Details regarding the name of the Branch or section comprising the electorate are also contained in the attachment.
- (e) The date and time of the commencement and expiration of the period during which the nomination of candidates will be called are contained in the Rules, ie 1 to 15 March, 2003.
- (f) The voting system to be employed in the conduct of the election is a direct voting system.

Please note Branch Rule 16 is in conflict with National Rule 8 in that the two National Executive Representatives from the Branch must be elected by the financial membership of the Branch. (See attached letter from Michael O'Sullivan)

Yours faithfully


DAVID SMITH
BRANCH SECRETARY
enc.

Attachment "A"

FIRST TIER

Branch Executive Committee

Branch Council

Branch Secretary/First National Executive Representative/First National Conference Delegate

Alternate National Executive Representative

SECOND TIER

- Deputy President, Branch Executive Committee (elected from Branch Vice-Presidents – the electorate comprising all Branch Executive Committee Members exercising one [1] vote per member)
- National Conference Delegates – 13, including three National Conference Delegates elected by and from the Rail Industry Division
- Second National Executive Representative (elected by the Branch Council from amongst the National Conference Delegates at a meeting of Branch Council).
- The alternative National Executive Representative.
- First, Second and Third Alternate National Conference Delegates (elected from Branch Council)

1. That this Branch Executive authorizes and directs the Branch Secretary to provide the Industrial Registrar, Australian Industrial Relations Commission, with the prescribed information under Sub-regulation 61(1), as prescribed under Sub-section 214(1) of the Act.

2. That this Branch Executive Committee determines the appropriate representation of members on the Branch Executive Committee for the ensuing four (4) years will be as follows:

1. Branch President
2. Deputy President
3. Vice President (Local Authorities) (2)
4. Vice President (Brisbane City Council)
5. Vice President (Energy)
6. Vice President (Ports)
7. Vice President (Social and Community Services)
8. Vice President (Private Sector)
9. Vice President (Rail)
10. Vice President (Women)
11. Vice President (Youth)
12. Branch Secretary
13. Branch Treasurer
14. Five Provisional Branch Executive members (Women)

3. That this Branch Executive Committee, pursuant to the Rules, requests that an election be conducted for Branch Councillors, representing the following Industry Divisions, the number of positions to be determined, in accordance with the Rules, in January, 2003:

Local Authorities Industry Division (__ positions)

Brisbane City Council Industry Division (__ positions)

Energy Industry Division (__ positions)

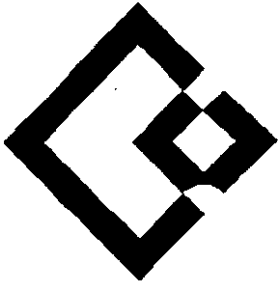
Ports Industry Division (__ positions)

Social and Community Services Industry Division (__ positions)

Rail Industry Division (__ positions)

Private Sector (__ positions)

Ten Provisional Branch Councillors (Women)



A•S•U

File/Our Ref: 10.4 MOS/db
Your Ref:
Please quote in reply

Wednesday, 11 December 2002

David Smith
Branch Secretary
ASU Queensland Services Branch

**By FAX: Auto
Pages = 1**

Dear David

Re: Notification of Elections to Industrial Registrar

This is to advise that despite Branch Rule 16, the new National Rule 8 provides that notwithstanding anything to the contrary in any Branch Rules, the two National Executive Representatives from each Branch (not just the Branch Secretary) must be elected by the financial membership of the Branch.

Thus, when forwarding your Branch election information to the Registrar, you should draw his attention to that change from the existing Branch Rules.

It would be convenient at some time to amend the Branch Rule to bring it into line with the National Rules.

Yours sincerely

**MICHAEL O'SULLIVAN
National Executive President**

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**National Secretary
Paul Slape**

**National Executive President
Michael O'Sullivan**

**Assistant National Secretaries
Greg McLean - Sydney
Ja White**

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