

AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION

WESTERN AUSTRALIAN BRANCH

RECALL OF NOMINATIONS

Schedule of nominations accepted on behalf of the organisation to the close of nominations at 12 noon on Wednesday, 14 May 2003 - E No. 6 of 2003.

PROVISIONAL BRANCH EXECUTIVE COUNCILLORS (WOMEN) (4)

No nominations received

PROVISIONAL BRANCH COUNCILLORS (WOMEN) (5)

No nominations received

PROVISIONAL COMMITTEE MEMBERS (WOMEN) from the following Committees of Management:

Administrative , Clerical and Customer Services Division Committee of Management (3)

No nominations received

ASU/MEU Division Committee of Management (1)

No nomination received

Energy/Information Technology Division Committee of Management (2)

No nominations received

Local Government Division Committee of Management (3)

No nominations received

Transport Division Committee of Management (3)

No nominations received

E.M PANEGYRES

Returning Officer

Industrial and Commercial Elections

Australian Electoral Commission

PERTH WESTERN AUSTRALIA

15 May 2003

INDUSTRIAL AND COMMERCIAL ELECTIONS

In reply please quote: WIE2003/12

Postal address: GPO Box A16, Perth WA 6001
Location address: Level 3, 111 St Georges Terrace
Perth WA 6000

Contact Officer: Van Panegyres
van.panegyres@aec.gov.au

Telephone: (08) 6363 8011
Fax: (08) 6363 8052

ABN: 21 133 285 851

The Branch Secretary
West Australian Clerical and Services Branch
Australian Municipal, Administrative, Clerical and Services Union
(Australian Services Union)
PO Box 8208
Perth Business Centre
PERTH WA 6849

Dear Sir

I refer to the election I am conducting on behalf of the organisation under section 214 of the *Workplace Relations Act 1996*.

Enclosed is a schedule detailing the nominations accepted on behalf of the organisation to the close of nominations at 12 noon on Wednesday, 26 March 2003 and after the period for the withdrawal of nominations.

It would be appreciated if you would bring the contents of this schedule to the notice of the members of the "Working Together – ASU Members Unity Team".

As the number of nominations accepted did not exceed the number of vacancies, no ballot will be necessary. Therefore, the membership list requested will not be required.

As discussed with you, rule 43(c) of the Union's rules provides for the Returning Officer to immediately conduct a further election to fill those offices where there are vacancies, which for the purposes of this current election are the various Provisional Women offices.

I will soon advise you of the timetable for the Recall of Nominations.

Yours faithfully

E.M. PANEGYRES
Returning Officer

Encl.

9 April 2003

In reply please quote: WIE2003/12
Contact Officer: Van Panegyres
van.panegyres@aec.gov.au

INDUSTRIAL AND COMMERCIAL ELECTIONS

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ABN: 21 133 285 851

**AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION
(AUSTRALIAN SERVICES UNION)
WESTERN AUSTRALIAN BRANCH**

Schedule of nominations accepted on behalf of the organisation to the close of nominations at 12 noon on Wednesday, 26 March 2003 and after the period for the withdrawal of nominations - E No. 6 of 2003.

BRANCH PRESIDENT/FIRST NATIONAL EXECUTIVE REPRESENTATIVE/FIRST NATIONAL CONFERENCE DELEGATE

Candidate
TAYLOR, David

DEPUTY BRANCH PRESIDENT

Candidate
INGLIS, Barbara

BRANCH VICE-PRESIDENT (WOMEN)

Candidate
WALL, Carolyn Ann

BRANCH SECRETARY/SECOND NATIONAL EXECUTIVE REPRESENTATIVE/SECOND NATIONAL CONFERENCE DELEGATE

Candidate
BURLINSON, Paul

ASSISTANT BRANCH SECRETARY/ALTERNATE NATIONAL EXECUTIVE REPRESENTATIVE/THIRD NATIONAL CONFERENCE DELEGATE

Candidate
HAMMAT, Meredith

BRANCH TREASURER

Candidate
BAILEY, Ralph Henry

NATIONAL CONFERENCE DELEGATES (4)

Candidates
INGLIS, Barbara
WALL, Carolyn Ann
WHITBREAD, Michael
WILLIAMS, Jeffrey

ALTERNATE NATIONAL CONFERENCE DELEGATE

Candidate
HEINDL, Debra

BRANCH EXECUTIVE COUNCILLORS TO BE ELECTED BY THE FINANCIAL MEMBERS FROM EACH OF THE FOLLOWING DIVISIONS:

ADMINISTRATIVE, CLERICAL AND CUSTOMER SERVICES (2),

Candidates

UPHAM, Gerald

WYETH, Margaret Therese

ASU/MEU (1)

Candidate

FALLON, Robert

ENERGY/INFORMATION TECHNOLOGY (2)

Candidates

GENOVESE, Carlo

WOOD, Wayne

LOCAL GOVERNMENT (4)

Candidates

BARCLAY, Alexander Murdoch

HARPER, Hsien

MURRAY, Rosalind Jennifer

WHITBREAD, Michael

SOCIAL AND COMMUNITY SERVICES (2)

Candidates

DURNIN, Judith Ann

HEINDL, Debra

TRANSPORT (2)

Candidates

ANGWIN, Geoff

NIELSEN, Mudjijono

PROVISIONAL BRANCH EXECUTIVE COUNCILLORS (WOMEN) (5)

Candidates

HARPER, Hsien (*Lapses – elected to higher office*)

HEINDL, Debra (*Lapses – elected to higher office*)

WALL, Carolyn Ann (*Lapses – elected to higher office*)

WESTALL, Ellen

WYETH, Margaret Therese (*Lapses – elected to higher office*)

BRANCH COUNCILLORS TO BE ELECTED BY THE FINANCIAL MEMBERS FROM EACH OF THE FOLLOWING DIVISIONS:

ADMINISTRATIVE, CLERICAL AND CUSTOMER SERVICES (4)

Candidates

BATES, Robert George

MURPHY, Michelle

ROGERS, Sara Louise

WESTALL, Ellen

ASU/MEU (2)

Candidates

HARVEY, Geoffrey

LESLIE, Christopher

ENERGY/INFORMATION TECHNOLOGY (3)

Candidates

L'HERPINIERE, Susan

LITTLE, Debra

WILLIAMS, Jeffrey

LOCAL GOVERNMENT (7)

Candidates

HILL, Nellene

JOHNSON, Graeme Ellis

RAINFORD, Nigel

RICHARDSON, Patricia

SIM, Kevin John

TURNER, Anthony Edward

WHITE, Andrew Jeffrey Power

SOCIAL AND COMMUNITY SERVICES (2)

Candidates

HARTWIG, Angela

PELL, Nicole

TRANSPORT (2)

Candidates

FREEL, Desmond

PEARSON, Norman Ray

PROVISIONAL BRANCH COUNCILLORS (WOMEN) (10)

Candidates

EDGAR, Nerida

HARTWIG, Angela (*Lapses – elected to higher office*)

HILL, Nellene (*Lapses – elected to higher office*)

HILLARY, Julie Ellen

JACKSON, Sally Victoria

L'HERPINIERE, Susan (*Lapses – elected to higher office*)

LITTLE, Debra (*Lapses – elected to higher office*)

ROGERS, Sara Louise (*Lapses – elected to higher office*)

STUART, Margaret Evelyn

WALKER, Iris

ADMINISTRATIVE, CLERICAL AND CUSTOMER SERVICES DIVISION COMMITTEE OF MANAGEMENT

PRESIDENT

Candidate

MURPHY, Michelle

VICE PRESIDENT (WOMEN)

Candidate

ROGERS, Sara Louise

SECRETARY/TREASURER

Candidate

WESTALL, Ellen

COMMITTEE MEMBERS (8)

Candidates

BATES, Robert George
BOWMAN, David William
GROSER, Leanne
HAYE, Richard Thomas
INGLIS, Barbara
JACKSON, Sally Victoria
WALKER, Iris
WHITTLE, John Henry

PROVISIONAL COMMITTEE MEMBERS (WOMEN) (3)

Candidates

INGLIS, Barbara (*Lapses – elected to higher office*)
ROGERS, Sara Louise (*Lapses – elected to higher office*)
WALKER, Iris (*Lapses – elected to higher office*)

ASU/MEU DIVISION COMMITTEE OF MANAGEMENT

PRESIDENT

Candidate

HARVEY, Geoffrey

VICE PRESIDENT (WOMEN)

Candidate

HILLARY, Julie Ellen

SECRETARY/TREASURER

Candidate

ISAACS, Jeff

COMMITTEE MEMBERS (5)

Candidates

ALLEN, Leslie William
ARNOLD, Stephen Bruce
COGHLAN, Stewart James
HILL, Simon
LESLIE, Christopher

PROVISIONAL COMMITTEE MEMBERS (WOMEN) (3)

Candidates

HILLARY, Julie Ellen (*Lapses – elected to higher office*)
HILLARY, Rebecca Sue-Ellen
MADAFFARI, Maureen

ENERGY/INFORMATION TECHNOLOGY DIVISION COMMITTEE OF MANAGEMENT

PRESIDENT

Candidate

WILLIAMS, Jeffrey

VICE PRESIDENT (WOMEN)

Candidate

LITTLE, Debra

SECRETARY/TREASURER

Candidate

TAYLOR, David

COMMITTEE MEMBERS (ELECTRICITY SECTOR) (5)

Candidates

GRIMMOND, Barry

HANCOCK, Tony

L'HERPINIERE, Susan

RICH, Charles

SLAPP, David

COMMITTEE MEMBERS (GAS SECTOR) (2)

Candidates

FARRELL, Peter

HURT, Shane

COMMITTEE MEMBER (INFORMATION TECHNOLOGY SECTOR) (1)

Candidate

KING, Colin

PROVISIONAL COMMITTEE MEMBERS (WOMEN) (3)

Candidates

EDGAR, Nerida

L'HERPINIERE, Susan (*Lapses – elected to higher office*)

LITTLE, Debra (*Lapses – elected to higher office*)

LOCAL GOVERNMENT DIVISION COMMITTEE OF MANAGEMENT

PRESIDENT

Candidate

WALL, Carolyn Ann

VICE PRESIDENT (WOMEN)

Candidate

HILL, Nellene

SECRETARY/TREASURER

Candidate

FERRARI, Peter

COMMITTEE MEMBERS (10)

Candidates

FAVACHO, Scott Marc

GODFREY, Glenys Jenolan

JOHNSON, Graeme Ellis

NOWLAND, Danny

RAINFORD, Nigel

RICHARDSON, Patricia

ROBINSON, Gregory Allan

SIM, Kevin John

TURNER, Anthony Edward

WHITE, Andrew Jeffrey Power

PROVISIONAL COMMITTEE MEMBERS (WOMEN) (3)

Candidates

GODFREY, Glenys Jenolan (*Lapses – elected to higher office*)

RICHARDSON, Patricia (*Lapses – elected to higher office*)

WALL, Carolyn Ann (*Lapses – elected to higher office*)

TRANSPORT DIVISION COMMITTEE OF MANAGEMENT

PRESIDENT

Candidate

PEARSON, Norman Ray

VICE PRESIDENT (WOMEN)

Candidate

CHAPLIN, Genevieve Stirling

SECRETARY/TREASURER

Candidate

DE PRAZER, Warren

COMMITTEE MEMBERS (AIRLINES SECTOR) (4) (*provided that one (1) is a member who was attached to the former airlines Branch on the day prior to the dissolution of that branch*)

Candidates

FREEL, Desmond

FRUSHER, Wayne

JOHNSON, Corey

WALCH, Philip

COMMITTEE MEMBERS (RAIL SECTOR) (2)

Candidates

JORDAN, Michael Paul

STUART, Margaret

COMMITTEE MEMBER (SHIPPING & TRAVEL SECTOR) (1)

Candidate

GREENEY, Jennifer Margaret

PROVISIONAL COMMITTEE MEMBERS (WOMEN) (3)

Candidates

CHAPLIN, Genevieve Stirling (*Lapses – elected to higher office*)

GREENEY, Jennifer Margaret (*Lapses – elected to higher office*)

STUART, Margaret (*Lapses – elected to higher office*)

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

E.M. PANEGYRES

Returning Officer

Australian Electoral Commission

Perth, Western Australia

9 April 2003

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WIE2003/12

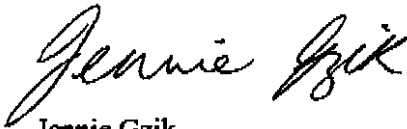
Mr E.M. Panegyres
Australian Electoral Commission
Industrial and Commercial Elections
PERTH WA

**APPOINTMENT OF AN OFFICER TO CONDUCT AN ELECTION REFERRED
UNDER THE PROVISIONS OF SECTION 214 OF THE WORKPLACE RELATIONS
ACT 1996**

The Deputy Industrial Registrar has asked me to make arrangements for the conduct of an election for offices in the Western Australian Branch of the Australian Municipal, Administrative, Clerical and Services Union.

Decision E No. 6 of 2003 refers.

I have nominated you to conduct the election. Would you please take the necessary steps.



Jennie Gzik
Australian Electoral Officer
for Western Australia

26 February 2003

For information:

Deputy Industrial Registrar
Australian Industrial Registry
Principal Registry, Melbourne

(FAX NO. (03) 9654 6672)



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 6872

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



AUSTRALIAN INDUSTRIAL REGISTRY

Level 35, Nauru House
80 Collins Street, Melbourne, VIC 3000
GPO Box 1994S, Melbourne, VIC 3001
Telephone: (03) 9661 7777
Fax: (03) 9654 6672

Mr. Paul Burlinson
Branch Secretary
Australian Municipal, Administrative, Clerical and Services Union
Western Australian Branch
P.O. Box 8208
Perth Business Centre
PERTH WA 6849

Dear Mr. Burlinson,

**Arrangement for the conduct of an election in accordance with section 214 of
the Workplace Relations Act 1996
(E2003/6)**

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, Western Australia, telephone: (08) 6363 8011.

Yours sincerely,

Larry Powell
Statutory Services Branch
24 February 2003

PR928000

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

Australian Municipal, Administrative, Clerical and Services Union
(E2003/6)

T. NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 24 FEBRUARY 2003

DECISION

On 10 and 14 January 2003, the Western Australian Branch of the abovementioned organisation lodged in the Industrial Registry the prescribed information in relation to elections for the following offices:

Branch President/First National Executive Representative/First National
Conference Delegate
Deputy Branch President
Branch Vice-President (Women)
Branch Secretary/Second National Executive Representative/Second
National Conference Delegate
Assistant Branch Secretary/Alternate National Executive Representative/Third
National Conference Delegate
Branch Treasurer
National Conference Delegates (number to be determined in accordance with
the rules)
Alternate National Conference Delegate

Branch Executive Councillors (number to be determined in accordance with
the rules) from each of the following Divisions:

Administrative, Clerical and Customer Services
ASU/MEU
Energy/Information Technology
Local Government
Social and Community Services
Transport

Provisional Branch Executive Councillors (Women) (5)

Branch Councillors (number to be determined in accordance with the rules)
from each of the following Divisions:

Administrative, Clerical and Customer Services
ASU/MEU
Energy/Information Technology
Local Government
Social and Community Services
Transport

Provisional Branch Councillors (Women) (10)

Administrative, Clerical and Customer Services Division Committee of Management

President
Vice-President (Women)
Secretary/Treasurer
Committee Members (8)
Provisional Committee Members (Women) (3)

ASU/MEU Division Committee of Management

President
Vice-President (Women)
Secretary/Treasurer
Committee Members (5)
Provisional Committee Members (Women) (3)

Energy/Information Technology Division Committee of Management

President
Vice-President (Women)
Secretary/Treasurer
Committee Members (Electricity Sector) (5)
Committee Members (Gas Sector) (2)
Committee Member (Information Technology Sector) (1)
Provisional Committee Members (Women) (3)

Local Government Division Committee of Management

President
Vice-President (Women)
Secretary/Treasurer
Committee Members (10)
Provisional Committee Members (Women) (3)

Transport Division Committee of Management

President
Vice-President (Women)
Secretary/Treasurer
Committee Members (Airlines Sector) (4)
Committee Members (Rail Sector) (2)
Committee Member (Shipping & Travel Sector) (1)
Provisional Committee Members (Women) (3)

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.



**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)

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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
PAKENHAM
FRANKSTON
BAYSWATER
MELTON
BACCHUS MARSH
BALLARAT

Associate Firms in:
SYDNEY
BRISBANE
ADELAIDE
PERTH
CANBERRA
HOBART

MEMBER FIRM
CERTIFIED
APLA
Australian
Plaintiff 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

LEVEL 30
NAURU HOUSE
80 COLLINS STREET
MELBOURNE VICTORIA 3000

TELEPHONE: (03) 9240 1414
FACSIMILE: (03) 9240 1444
AUSDOC DX 30820
WEBSITE: www.rct-law.com.au

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

YOUR REF:
OUR REF:

OT:MMT

13 February 2003



Dear Deputy Industrial Registrar

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

We act on behalf of the ASU and refer to your letter of 11 February 2003.

We understand that prescribed information for elections to be conducted in the ASU has been lodged with you pursuant to Section 214 of the Workplace Relations Act 1996 (the Act).

We note that these elections relate to all of the branches of the ASU. The appeals to which you refer that is, C2002/6236 and C2003/376 relate or impact only on the following branches: the Victorian Authorities and Services Branch and the Victorian Private Sector Branch whose rules were certified on 8 January 2003.

No stay has been granted in relation to any of the rules changes certified by you.

In the absence of any stay, in our view the provisions of Section 214 and in particular, the provisions of Sub Section 214(2) are mandatory. That is, prescribed information having been lodged on the prescribed day or later day allowed by you, and upon your satisfaction that an election is required to be held under the rules of the organisation or branch, you "shall" arrange for the conduct of the election by the Australian Electoral Commission.

In the present circumstances we submit that the proceedings presently before Vice President Ross should not impinge in any way on your consideration of the above mentioned notifications.

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

Offices in:
MELBOURNE
DANDENONG
GEELONG
CRANBOURNE
WERRIDEE
PAKENHAM
FRANKSTON
BAYSWATER
MELTON
BACCHUS MARSH
BALLARAT

Associate Firms in:
SYDNEY
BRISBANE
ADELAIDE
PERTH
CANNBERRA
HOBART

Yours faithfully

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

Orm Thomas
RYAN CARLISLE THOMAS

Direct Line: 9240 1435
Direct Fax: 9240 1437
E-mail: othomas@rct-law.com.au

Transmission Report

Date/Time
 G3 Local Terminal ID
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 Company Logo

24- 2-03:10:04AM

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AUSTRALIAN INDUSTRIAL REGISTRY

Level 35, March Mallard
 55 Collins Street, Melbourne, VIC 3000
 GPO Box 10240, Melbourne, VIC 3001
 Telephone: (03) 8581 7777
 Fax: (03) 8554 6672

FACSIMILE

TO	State Director		
Organisation	Australian Electoral Commission - Non-Parliamentary Elections Section - Western Australia		
Fax Number	(08) 6363 8052	Phone Number	(08) 6363 8011
FROM	Larry Powell		
Location	Australian Industrial Registry, Statutory Services Branch		
Fax Number	(03) 9654 6672	Phone Number	(03) 8681 7993
No of Pages (including cover)	3	Date	24 February 2003
Please notify sender if not all pages were received.		Time	

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MESSAGE:

Decision Re: Section 214 Notification (attached).

A copy of the rulebook of the organisation [062V-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 : 3

Total Pages Sent : 3

No	Doc.	Recipient	Start Time	Durat.	Pages	Mode	Contents	Status
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Note:

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|---------------------|---------------------|---------------------|-------------------|
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| CP: Completed | PG: Polling | MB: Send to Mailbox | MP: Multi Polling |
| RA: Receive Again | EN: Engaged | RS: Relay Send | PW: Print Wait |
| 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 – Western Australia		
Fax Number	(08) 6363 8052	Phone Number	(08) 6363 8011
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)	3	Date	24 February 2003
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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 – Western Australia		
Fax Number	(08) 6363 8052	Phone Number	(08) 6363 8011
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)	5	Date	13 January 2003
Please notify sender if not all pages were received.		Time	2:15 pm

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MESSAGE:
Section 214 Notification.



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 6872

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 Lapierre on (03) 8661 7787.

Yours sincerely,


Terry Nassios
Deputy Industrial Registrar
11 February 2003

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

102 East Parade,
East Perth 6004.
P.O. Box 8208
Perth Business Centre,
Perth WA 6849.

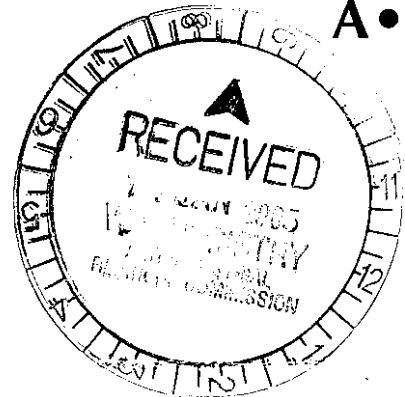
Tel: (08) 9427 7777
Fax: (08) 9427 7700
Country
Callers: 1800 064 657
Email:
branch.secretary@asuwa.asn.au
Web: www.asuwa.asn.au
ABN: 65 118 845 644

Branch Secretary
Paul Burlinson
Assistant Branch Secretary
Meredith Hammat

Enquiries: Paul Burlinson

13th January 2003

Industrial Registrar
Australian Industrial Relations Commission
Locked Bag 1
Cloisters Square Post Office
Hay Street
PERTH WA 6000



A•S•U

Dear Sir/Madam

RE: SECTION 214 – UNION ELECTIONS

Further to my correspondence of 8th January 2003, I hereby request that nominations be called for the following additional offices:

National Conference(all four year terms)

- National Conference Delegate(s), (Western Australian Branch) – (to be elected by and from the financial members of the WA Branch, the number to be determined in accordance with National Rule 7)

The WA Branch Rules provide that the first three National Conference Delegates from the Branch shall be the Branch President, Branch Secretary and Assistant Branch Secretary respectively. The total number of National Conference Delegates is determined in accordance with National Rule 7.

Please contact me at any time on Ph (08) 9427 7711 or Mobile No 0412 947 053 if you require any further clarification.

Yours sincerely

**PAUL BURLINSON
BRANCH SECRETARY**

Cc: Mr Michael O'Sullivan, ASU National Executive President



ACCS



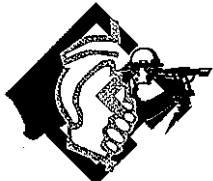
AIRLINES



ASU / MEU



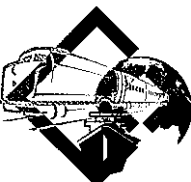
ENERGY / IT



LOCAL GOVT



SACS



TRANSPORT

FACSIMILE TRANSMISSION
AUSTRALIAN ELECTORAL COMMISSION
INDUSTRIAL AND COMMERCIAL ELECTIONS

Postal address:
GPO Box A16
PERTH WA 6001

Location address:
Level 3
111 St Georges Terrace
PERTH WA 6000

Telephone:
(08) 6363 8011

Facsimile:
(08) 6363 8052

MESSAGE FROM:	VAN PANEGYRES FILE NO. WIE 0001/4
MESSAGE TO:	03 - 9654 6672
Facsimile Number:	
Name:	CLENCY LAPIERRE
Organisation:	AIK Melbourne
Contact No.:	03 - 8661 7993
DETAILS:	
No of pages:	2
Date Sent:	Wednesday, 15 January 2003

REMARKS: ASU ELSTON

Cleency,
Further to our discussion
earlier today, I am faxing you
a copy of the additional
P.I.

Regards,
Van

Australian Services Union
Western Australian Branch

102 East Parade,
East Perth 6004.
P.O. Box 8208
Perth Business Centre,
Perth WA 6849.

Tel: (08) 9427 7777
Fax: (08) 9427 7700

Country

Callers: 1800 064 657

Email:

branch.secretary@asuwa.asu.au

Web: www.asuwa.asu.au

ABN: 65 118 843 644

Branch Secretary

Paul Burlinson

Assistant Branch Secretary

Meredith Hammat

Enquiries: Paul Burlinson

13th January 2003

Industrial Registrar
Australian Industrial Relations Commission
Locked Bag 1
Cloisters Square Post Office
Hay Street
PERTH WA 6000



ACCS



AIRLINES



ASU / MEU



ENERGY / IT



LOCAL GOVT



SACS



TRANSPORT

Dear Sir/Madam

RE: SECTION 214 – UNION ELECTIONS

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Please contact me at any time on Ph (08) 9427 7711 or Mobile No 0412 947 053 if you require any further clarification.

Yours sincerely

PAUL BURLINSON
BRANCH SECRETARY

Cc: Mr Michael O'Sullivan, ASU National Executive President

\\paul-laptop\13 jan03-jun03\air: 2nd request for 2003 elections.doc

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

102 East Parade,
East Perth 6004.
P.O. Box 8208
Perth Business Centre,
Perth WA 6849.

Tel: (08) 9427 7777
Fax: (08) 9427 7700
Country
Callers: 1800 064 657

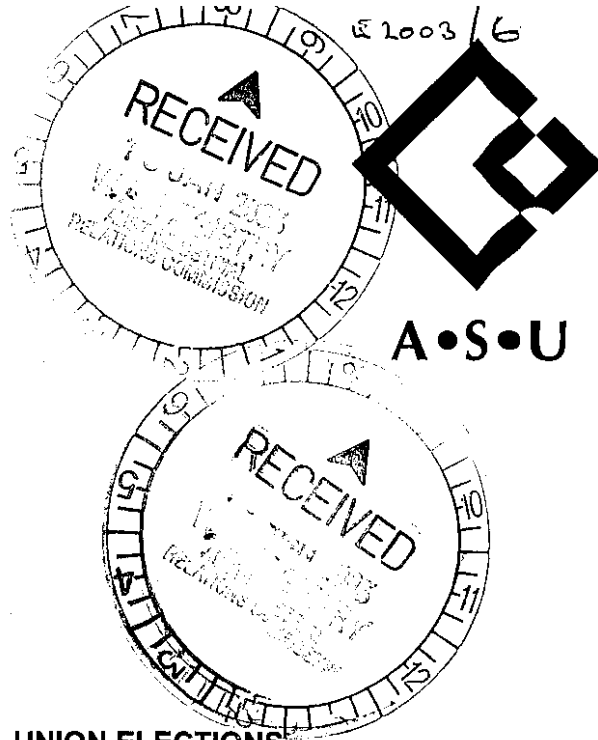
Email: branch.secretary@asuwa.asn.au
Web: www.asuwa.asn.au
ABN: 65 118 845 644

Branch Secretary
Paul Burlinson
Assistant Branch Secretary
Meredith Hammat

Enquiries: Paul Burlinson

8th January 2003

Industrial Registrar
Australian Industrial Relations Commission
Locked Bag 1
Cloisters Square Post Office
Hay Street
PERTH WA 6000



Dear Sir/Madam

RE: SECTION 214 – UNION ELECTIONS

Pursuant to Section 214 of the Workplace Relations Act 1996, I hereby respectfully advise that elections for offices within the Australian Municipal, Administrative, Clerical and Services Union, Western Australian Branch are due to be held in 2003.

The rules of the Union provide that nominations shall open on the first Wednesday in March 2003 and shall close 21 days thereafter.

The reasons for the elections are that either the term of office has expired or that new offices have been created.

The voting system to be employed is a direct voting system and unless otherwise stated the electorate is the whole of the financial membership of the Branch.

Branch Rule 8 – Voting on Branch Executive Council and Branch Rule 9 – The Branch Council provide that the number of Branch Executive Councillors and Branch Councillors to be elected to represent each Division shall be determined by the lowest number of financial members allocated to each Division as at the last day of October, November or December in the preceding year.

The following data provides the lowest number of financial members allocated to each Division as at the last day of October, November or December 2002:

Administrative, Clerical & Customer Services Division	1,004 financial members
ASU/MEU Division	467 financial members
Energy/Information Technology Division	923 financial members
Local Government Division	2,065 financial members
Social and Community Services Division	711 financial members
Transport Division	627 financial members

Nominations are to be called for the following offices:

Branch Executive Committee (all four year terms)

- Branch President/First National Executive Representative/First National Conference Representative
- Deputy Branch President



ACCS



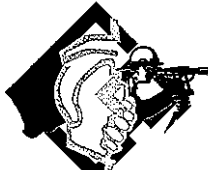
AIRLINES



ASU / MEU



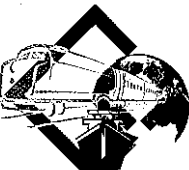
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- Branch Treasurer
- Branch Vice-President (Women) - (to be elected by and from the financial women members of the Branch)
- Branch Secretary/Second National Executive Representative/Second National Conference Representative
- Assistant Branch Secretary/Alternate National Executive Representative/Third National Conference Representative

Alternate National Conference Delegate (four year term)

- Alternate National Conference Delegate

Branch Executive Council (all four year terms)

- Branch Executive Councillor(s) (Administrative, Clerical & Customer Services) – (to be elected by and from the financial members of the Administrative, Clerical & Customer Services Division, the number to be determined in accordance with Branch Rule 8)
- Branch Executive Councillor(s) (ASU/MEU) – (to be elected by and from the financial members of the ASU/MEU Division, the number to be determined in accordance with Branch Rule 8)
- Branch Executive Councillor(s) (Energy/Information Technology) – (to be elected by and from the financial members of the Energy/Information Technology Division, the number to be determined in accordance with Branch Rule 8)
- Branch Executive Councillor(s) (Local Government) – (to be elected by and from the financial members of the Local Government Division, the number to be determined in accordance with Branch Rule 8)
- Branch Executive Councillor(s) (Social and Community Services) – (to be elected by and from the financial members of the Social and Community Services Division, the number to be determined in accordance with Branch Rule 8)
- Branch Executive Councillor(s) (Transport) – (to be elected by and from the financial members of the Transport Division, the number to be determined in accordance with Branch Rule 8)
- Such number of Branch Executive Councillor(s) (Women) that may be declared elected – (nominations to be called for 5 Provisional Branch Executive Councillor(s) (Women) to be elected by and from the financial members of the Branch)

Branch Council (all four year terms)

- Branch Councillor(s) (Administrative, Clerical & Customer Services) – (to be elected by and from the financial members of the Administrative, Clerical & Customer Services Division, the number to be determined in accordance with Branch Rule 9)
- Branch Councillor(s) (ASU/MEU) – (to be elected by and from the financial members of the ASU/MEU Division, the number to be determined in accordance with Branch Rule 9)

- Branch Councillor(s) (Energy/Information Technology) – (to be elected by and from the financial members of the Energy/Information Technology Division, the number to be determined in accordance with Branch Rule 9)
- Branch Councillor(s) (Local Government) – (to be elected by and from the financial members of the Local Government Division, the number to be determined in accordance with Branch Rule 9)
- Branch Councillor(s) (Social and Community Services) – (to be elected by and from the financial members of the Social and Community Services Division, the number to be determined in accordance with Branch Rule 9)
- Branch Councillor(s) (Transport) – (to be elected by and from the financial members of the Transport Division, the number to be determined in accordance with Branch Rule 9)
- Such number of Branch Councillor(s) (Women) that may be declared elected – (nominations to be called for 10 Provisional Branch Councillor(s) (Women) to be elected by and from the financial members of the Branch)

Division Committee(s) of Management (all two year terms)

“Administrative, Clerical & Customer Services Division” Committee of Management to be elected by and from the financial members of the Administrative, Clerical & Customer Services Division as follows:

- President
- Vice President (Women) – (to be elected by and from the financial women members of the Division)
- Secretary/Treasurer
- 8 Committee Members
- Such number of Committee Members (Women) that may be declared elected – (nominations to be called for 3 Provisional Committee Members (Women) to be elected by and from the financial members of the Division)

“ASU/MEU Division” Committee of Management to be elected by and from the financial members of the ASU/MEU Division as follows:

- President
- Vice President (Women) – (to be elected by and from the financial women members of the Division)
- Secretary/Treasurer
- 5 Committee Members
- Such number of Committee Members (Women) that may be declared elected – (nominations to be called for 3 Provisional Committee Members (Women) to be elected by and from the financial members of the Division)

“Energy/Information Technology Division” Committee of Management to be elected by and from the financial members of the Energy/Information Technology Division as follows:

- President
- Vice President (Women) – (to be elected by and from the financial women members of the Division)

- Secretary/Treasurer
- 5 members representing the Electricity Sector
- 2 members representing the Gas Sector
- 1 member representing the Information Technology Sector
- Such number of Committee Members (Women) that may be declared elected – (nominations to be called for 3 Provisional Committee Members (Women) to be elected by and from the financial members of the Division)

“Local Government Division” Committee of Management to be elected by and from the financial members of the Local Government Division as follows:

- President
- Vice President (Women) – (to be elected by and from the financial women members of the Division)
- Secretary/Treasurer
- 10 Committee Members
- Such number of Committee Members (Women) that may be declared elected – (nominations to be called for 3 Provisional Committee Members (Women) to be elected by and from the financial members of the Division)

“Transport Division” Committee of Management to be elected by and from the financial members of the Transport Division as follows:

- President
- Vice President (Women) – (to be elected by and from the financial women members of the Division)
- Secretary/Treasurer
- 4 members representing the Airlines Sector – (provided that one (1) is a member who was attached to the Airlines Branch on the day prior to the dissolution of that Branch)
- 2 members representing the Rail Sector
- 1 member representing the Shipping & Travel Sector
- Such number of Committee Members (Women) that may be declared elected – (nominations to be called for 3 Provisional Committee Members (Women) to be elected by and from the financial members of the Division)

I certify the above information has been lodged in accordance with sub-section 214(1) of the Workplace Relations Act 1996. Please contact me at any time on Ph (08) 9427 7711 or Mobile No 0412 947 053 if you require any further clarification.

Yours sincerely



**PAUL BURLINSON
BRANCH SECRETARY**

Cc: Mr Michael O’Sullivan, ASU National Executive President