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File/Our Ref: 10.4 PKS/db
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Wednesday, 18 October 2006

Australian Industrial Registrar
GPO Box 1944S
MELBOURNE VIC 3001

Attention: Larry Powell

By E-MAIL & Post
larry.powell@air.gov.au

Dear Sir

**Australian
Services
Union**

**National Office
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National Secretary
Paul Slape

**Assistant National
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Assistant National Secretary
Greg McLean

**Re: Australian Municipal, Administrative, Clerical and Services Union
(WA Branch) - Alteration to Rules**

We submit the following rule changes for certification.

Accordingly, we lodge with this letter a Notice Setting out the Particulars of the Alterations to the Rules of the ASU, containing a Declaration, pursuant to Section 159 of Schedule 1 and Regulation 126 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

The changes concerned are to the rules of the Western Australian Branch of the Australian Municipal, Administrative, Clerical and Services Union. The changes replace the current rules with a new set of rules. The thrust of the change is to do away with Branch Council and assign its powers and duties to the Branch Executive Council, establish a delegate's annual conference and simplify the rules covering proportional representation and Divisions. This new set of rules also contains a transitional rule.

For your convenience this letter together with the Notice of Particulars of the Alterations have been forwarded to you by email.

If you have any queries or requirements please contact me at this office.

Yours faithfully

Paul Slape
NATIONAL SECRETARY

[enc](#)

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Australian Municipal, Administrative, Clerical and Services Union

Workplace Relations Act 1996

**NOTICE SETTING OUT THE PARTICULARS OF THE ALTERATIONS
TO THE RULES OF THE AUSTRALIAN MUNICIPAL, ADMINISTRATIVE
CLERICAL AND SERVICES UNION**

REGULATION 126

**DECLARATION
REGULATION 126 (2)**

I, PAUL SLAPE of Ground Floor 116 Queensberry Street, Carlton South state:

1. I am National Secretary of the Australian Municipal, Administrative, Clerical and Services Union ("ASU"), an organisation of employees registered under the Workplace Relations Act 1996 ("the Act") and I am authorised to make this statement for and on behalf of the ASU and to sign the "Notice Setting out the Particulars of the Alterations to the Rules of the Union".
2. The particulars set out in this "Notice Setting out the Particulars of the Alterations to the Rules of the Australian Municipal, Administrative, Clerical and Services Union dated [18 October, 2006](#) lodged herein are correct.
3. The alterations were made in accordance with the Rules of the ASU.
4. The manner in which compliance with the Rules of the ASU was obtained is as follows:
 1. The Western Australian Branch Secretary, Paul Burlinson advised the National Secretary in a letter dated 21 September 2006 that a new set of rules had been approved by a postal vote of the WA Executive Branch Council which carried the following resolution:

"That Branch Executive Council notes that Division 5 – WA Branch rules approved on 27 June 2006 and 21 July 2006 have been further amended after discussion with the Australian Industrial Registry and the WA Branch Executive Council now approves the complete Division 5 – WA Branch rules attached to this report."
 2. On Wednesday 27 September 2006 in accordance with Rule 8j. the National Secretary determined to submit the rule alterations as approved by the WA Branch Executive Council to a postal/facsimile vote of National Executive.
 3. In accordance with Rule 49, the National Executive carried the rule changes by a majority of votes cast in accordance with Rule 8 and the vote was declared on Monday 9 October 2006. A total of 92.5 votes were received supporting the rule change. No negative votes were received. The total number of votes on National Executive is 124 with a majority needed to carry a resolution being 63.

DATED: [Wednesday, 18 October 2006](#)

TO: The Industrial Registrar



PAUL SLAPE
National Secretary
Australian Municipal, Administrative, Clerical and Services Union

DIVISION FIVE

WESTERN AUSTRALIAN BRANCH

BRANCH RULES

1 - NAME

The name of the Branch shall be the Western Australian Branch of the Australian Municipal, Administrative, Clerical and Services Union.

2 - REGISTERED OFFICE

The Registered Office of the Branch shall be at 102 East Parade, East Perth, or at such other place as may be determined upon from time to time by the Branch Executive Council.

3 - ALLOCATION OF MEMBERS

Every member attached to the Branch shall be allocated to one of the following Divisions by the Branch Executive Council:

- Administrative, Clerical and Customer Services Division
- ASU Municipal Employees Division
- Energy / Information Technology Division
- Local Government Division
- Transport Division
- Social and Community Services Division

The Branch Secretary shall keep, or cause to be kept, a separate register of members for each Division.

4 - BRANCH EXECUTIVE COUNCIL

- a. The Branch Executive Council shall control and manage the affairs of the Branch and shall be the Committee of Management of the Branch within the meaning of the Workplace Relations Act 1996. .
- b. The Branch shall have autonomy in matters affecting members of the Branch only.
- c. The Branch Executive Council shall consist of:
 - i. The Branch Executive Committee consisting of the Branch President, the Deputy Branch President, the Branch Vice-President (Women), the Branch Secretary, the Assistant Branch Secretary and the Branch Treasurer.
 - ii. Branch Executive Councillors representing Divisions, the number of whom shall be calculated in accordance with Rule 8 and such number of Branch Executive Councillor (Women) as may be required pursuant to Rule 19.
- d. Members of Branch Executive Council shall be elected every four years in accordance with Rules 18 and 19.

- e. No Branch Executive Councillor shall be eligible to hold office unless that person is a financial member employed in the Industry for which the Division he or she represents is formed. Provided that a person who was so employed and becomes unemployed and is seeking employment in the relevant Industry, shall not be disqualified by the operation of this sub-rule for a period of three months from the date on which their employment terminated.

5 - BRANCH EXECUTIVE COMMITTEE

- a. The Branch Executive Committee shall consist of the Branch President, the Deputy Branch President, the Branch Vice-President (Women), the Branch Secretary, the Assistant Branch Secretary and the Branch Treasurer.
- b. The Branch Executive Committee shall submit reports and recommendations to Branch Executive Council.
- c. The Branch Executive Committee shall meet at least once each month and otherwise as required and shall be convened by the Branch Secretary or at the request of any two Branch Executive Committee members.
- d. Branch Executive Committee shall exercise such powers as are delegated to it by Branch Executive Council from time to time provided that the power to amend these Rules shall not be so delegated.
- e. Branch Executive Committee members shall have the right to attend and be heard at any meeting held within the Branch.

6 - POWERS AND DUTIES OF THE BRANCH EXECUTIVE COUNCIL

- a. The Branch Executive Council shall do all such things as are necessary for the control and management of the affairs of the Branch.
- b. The Branch Executive Council may of its own motion, or may on the recommendation of a Division meeting carried by a majority of financial members present at the Division meeting, establish a Divisional Committee(s) and Divisional Sub-Group Committee(s) and may disband, amalgamate or re-organise such Committees.
- c. Where the Branch Executive Council establishes such Committees it will determine the role, function and allocation of resources to them. It may from time to time alter, amend, rescind or make by-laws for the conduct of any Divisional Committee(s) or Divisional Sub-Group Committee(s).
- d. Branch Executive Council may appoint financial members from their Division to their Divisional Committee or Divisional Sub-Group Committee and determine their role within the Committee. In appointing members to a Divisional Committee or Divisional Sub-Group Committee, the Branch Executive Council shall adhere to the principles of proportional representation established in Rule 19 wherever practicable.
- e. Branch Executive Councillors representing a Division shall be a member of any Divisional Committee or Divisional Sub-Group Committee established for that Division on an ex-officio basis.
- f. Branch Executive Council will convene and determine the agenda, time, date and place of the Annual Delegates Conference. Branch Executive Council may invite

- an unlimited number of financial members who it considers are active within their workplace to attend.
- g. Where the number of financial members of a Division, calculated in accordance with Rule 8, falls below 100 financial members the Branch Executive Committee shall prepare a report to Branch Executive Council.
 - h. The Branch Executive Council shall carry out its responsibilities regarding Discipline pursuant to National Rules 35 and 36.
 - i. The Branch Executive Council shall receive and consider the Auditor's Reports.
 - j. The Branch Executive Council may employ such persons for the purposes of carrying out these Rules as the Branch Executive Council thinks proper. Such employees shall be employed on such terms and conditions as the Branch Executive Council may prescribe from time to time. The Branch Executive Council shall allocate each employee, who is a member of the Union, to a Division.
 - k. The Branch Executive Council shall fix the expenses, honoraria and allowances consistent with National Rule 21.
 - l. The Branch Executive Council shall subject to the Rules, determine Branch policies, consider and determine the Branch's position in respect to the National Conference agenda, make recommendations to National Conference or National Executive and may provide guidance to the National Executive Representatives from the Branch.
 - m. The Branch Executive Council shall decide questions of affiliation.

7 - MEETINGS OF THE BRANCH EXECUTIVE COUNCIL

- a. The Branch Executive Council shall meet at least once each three months and at such other times as its members may determine. The Branch Secretary shall, upon the request of the Branch President, or at least one quarter of the members of the Branch Executive Council summon a meeting of the Branch Executive Council to be held within seven (7) days of the receipt of the request by the Branch Secretary.
- b. The Branch Secretary shall give at least 24 hours notice when summoning members to meetings of the Branch Executive Council.
- c. Notwithstanding anything hereinbefore contained, where the Branch President or Branch Secretary consider that a matter requires urgent attention, a meeting of the Branch Executive Council may be called by the Branch President or the Branch Secretary who shall give such notice of the meeting as is practicable in the circumstances. Such meeting may be conducted by telephone, radio or any other method by which members of the Branch Executive Council are able to communicate with each other without being physically present.
- d. If the Branch President is absent from a meeting of the Branch Executive Council, the Deputy Branch President or, in the absence of the Deputy Branch President, a Branch Executive Committee member or a Branch Executive Council member as determined by the meeting, shall act with powers of the Branch President while so acting.
- e. A member of the Branch Executive Council not present at a meeting or part thereof may appoint in writing another member of the Branch as proxy to

exercise such vote or votes to which such member is entitled to cast. Provided that no member shall hold more than one proxy at any meeting.

- f. At any meeting of the Branch Executive Council a majority of members eligible to attend shall constitute a quorum.
- g. If at any meeting of the Branch Executive Council no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given 2 clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present shall be deemed to be a quorum for the purpose of the business to be determined.
- h. The minutes of each Branch Executive Council meeting shall be prepared by the Branch Secretary and forwarded to each member of the Branch Executive Council, and to the National Secretary. A copy of the minutes of each Branch Executive Council meeting shall be available for inspection by the members of the Branch during the ordinary office hours of the Branch.
- i. A member of the Branch Executive Council absent from 3 consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with National Rule 35 - Removal of Officers.
- j. Decisions shall be by simple majority of the votes cast by those present unless otherwise provided in these rules.
- k. Questions may be submitted by the Branch Secretary to the Branch Executive Council by letter, email or facsimile and the decision of the majority of the votes entitled to be cast in accordance with this rule, shall be as valid and binding for all purposes as though taken at a duly assembled meeting of the Branch Executive Council. Provided that, if within a period of seven days from the despatch of the letter, email or facsimile, the motion has not been determined in accordance with the foregoing provision, the motion shall be determined in accordance with the majority of votes cast, and thereupon shall become a resolution of Branch Executive Council.

8 - VOTING ON BRANCH EXECUTIVE COUNCIL

- a. Commencing from the declaration of the elections in 1999, votes to be exercised on Branch Executive Council shall be as follows:
- b. Each member of the Branch Executive Committee shall be entitled to one vote.
- c. The number of votes to be exercised by Branch Executive Councillors representing each Division shall, from 1 February in each year, be determined by the lowest number of financial members allocated to each Division on the last day of October, November or December in the preceding year. For the purposes of this rule the Branch Secretary shall produce a report showing the numbers of financial members in each of those Divisions on the last day of October, November and December, and forward a copy of the report to each member of the Branch Executive Council not later than the last day of January in each year.
- d. i. Branch Executive Councillors representing each Division shall be entitled to cast one vote for each 200 financial members or part thereof.

- ii. Each Division shall be entitled to one Branch Executive Councillor for each 600 financial members or part thereof.
- iii. Where a Division has more than one Branch Executive Councillor the votes to which the Branch Executive Councillors are entitled in accordance with this Rule shall be divided equally between them.

9 - DELEGATES ANNUAL CONFERENCE

- a. A Delegates Conference shall be held annually.
- b. A Delegates Conference will consist of Branch Executive Committee members, Branch Executive Councillors, Divisional Committee members, Divisional Sub-Group Committee members and other financial members recognised by Branch Executive Council as being Workplace Representatives, Delegates and Shop Stewards. Branch Executive Council may also invite an unlimited number of financial members who it considers are active within their workplace to attend.
- c. A Delegates Conference will receive and consider reports from the Branch President and Branch Secretary and it will provide advice to Branch Executive Council on Branch policy, organising, campaigning and industrial affairs.

10 - BRANCH PRESIDENT

- a. There shall be a Branch President who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Branch President shall be the First National Executive Representative and the First National Conference Representative.”
- c. The Branch President shall be the official head of the Branch and shall:
 - i. preside at all meetings of the Branch when present and preserve order thereat so that business may be conducted in due form with propriety and in conformity with Standing Orders.
 - ii. be impartial in all transactions and shall see that the Rules are adhered to.
- d. Upon confirmation of the minutes of meetings of Branch Executive Council, sign such minutes confirming them as a true and accurate record.

11 - DEPUTY BRANCH PRESIDENT

- a. There shall be a Deputy Branch President who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Deputy Branch President shall assist the maintenance of strict order during meetings, and shall discharge the duties of the President during any temporary absence.

12 - BRANCH TREASURER

- a. There shall be a Branch Treasurer who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.

- b. The Branch Treasurer shall check the accounts of the Branch as kept by the Branch Secretary and ensure that the Branch Secretary carries out the duties with respect to the accounts of the Branch.

13 - BRANCH VICE-PRESIDENT (WOMEN)

- a. There shall be a Branch Vice-President (Women) elected each four years by and from the financial women members of the Branch in accordance with Rule 18.
- b. The Branch Vice-President (Women) shall liaise with the Branch Secretary in co-ordinating and activating the Western Australian Branch Women's Network for the purpose of promoting membership and encouraging participation in the Branch decision making processes by financial women members.

14 - BRANCH SECRETARY

- a. There shall be a Branch Secretary who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Branch Secretary shall be the Chief Executive Officer of the Branch who between meetings of the Branch Executive Council shall conduct and manage the affairs of the Branch. The Branch Secretary shall be the Second National Executive Representative and the Second National Conference Representative.
- c. The Branch Secretary shall:
 - i. Consult with the Branch President or in his/her absence the Deputy Branch President, or in the absence of both the Branch President and the Deputy Branch President one of the Branch Executive Committee members on urgent matters which require a decision between meetings of the Branch Executive Council which would ordinarily be subject to a Branch Executive Council decision.
 - ii. Keep or cause to be kept an up-to-date register of the Union members within the Branch, and within the Divisions, and Sectors within Divisions, and their postal addresses so far as known.
 - iii. Be the officer to attend or be represented and to be heard on any matter at any meeting within the Branch. Provided that where another person represents the Branch Secretary at any meeting within the Branch, such persons shall have the right to be heard.
 - iv. In consultation with the Branch President, allocate the duties and responsibilities of employees of the Branch.

15 - ASSISTANT BRANCH SECRETARY

- a. There shall be an Assistant Branch Secretary who shall be elected each four years by and from the financial members of the Branch in accordance with Rule 18.
- b. The Assistant Branch Secretary shall assist the Branch Secretary and shall carry out the directions and instructions of the Branch Secretary. The Assistant Branch Secretary shall be the Alternate National Executive Representative and the Third National Conference Representative.

- c. In the temporary absence of the Branch Secretary, or when that office is vacant, the Assistant Branch Secretary shall assume the powers and functions of the Branch Secretary.
- d. Pending the filling of any casual vacancy in the office of the Assistant Branch Secretary, or during any period that the Assistant Branch Secretary is absent or unable to carry out the functions of the office, the Branch Executive Council may appoint any person eligible to be elected as the Assistant Branch Secretary to be the Acting Assistant Branch Secretary. The Acting Assistant Branch Secretary shall have all of the powers and duties of the Assistant Branch Secretary.

16 - BRANCH AUDITOR

The Branch Executive Council shall appoint a Branch Auditor.

17 - RETURNING OFFICER

The Branch Executive Council shall appoint a Returning Officer who shall not be a holder of any other office in or be an employee of the Union or a Branch.

18 - ELECTION OF BRANCH OFFICE HOLDERS

- a. Commencing in 2007 and thereafter in every fourth year an election shall be held for the purpose of electing the following:
 - 1. The Branch President/First National Executive Representative/First National Conference Representative
 - 2. The Deputy Branch President
 - 3. The Branch Secretary/Second National Executive Representative/Second National Conference Representative
 - 4. The Branch Treasurer
 - 5. The Branch Vice-President (Women)
 - 6. The Assistant Branch Secretary / Alternate National Executive Representative / Third National Conference Representative
 - 7. The Branch Executive Councillors to be elected by and from the financial members of Divisions
 - 8. The National Conference Delegates to be elected by and from the financial members of the Branch.
 - 9. The Branch Executive Councillor(s) (Women) to be elected by the financial members of the Branch.
- b. In addition to the qualifications for candidates required in sub-rules a., c. and d. of National Rule 39 and the nomination procedures contained in sub-rules c. and e. of National Rule 40, the following shall apply:

Office	Eligibility
Branch Vice-President (Women)	Any financial woman member

Branch Executive Councillor (Women) Any financial woman member

- c. In addition to the qualifications for nominators required by sub-rule e. of National Rule 40, the following shall apply:

Office	Additional Qualifications
Branch President	Any two members of Branch Executive Council
Deputy Branch President	Any two members of Branch Executive Council
Branch Vice-President (Women)	Any two members of Branch Executive Council
Branch Secretary	Any two members of Branch Executive Council
Branch Treasurer	Any two members of Branch Executive Council
Assistant Branch Secretary	Any two members of Branch Executive Council
Branch Executive Councillor (Women)	Any two members of Branch Executive Council

- d. The number of Branch Executive Councillors to be elected shall be calculated in accordance with Rule 8.
- e. Employees of the Branch shall not be eligible to stand for election for the offices of Branch President, Deputy Branch President, Branch Treasurer, Branch Vice-President (Women), Branch Executive Councillor or National Conference Delegate.

19 - PROPORTIONAL REPRESENTATION

- a. Commencing in 2007 women shall be represented among Branch Executive Council members as follows:
- i. Where the Branch has more than 50% women financial members, not less than 30% of such offices shall be filled by women.
 - ii. Where the Branch has more than 30% but less than 50% women financial members, not less than 20% of such offices shall be filled by women.
 - iii. Where the Branch has more than 10% but less than 30% women financial members, not less than 10% of such offices shall be filled by women.
- b. At each quadrennial election, in addition to the requirements of PART VII of the National Rules, and any other requirements of the Branch Rules, the Branch Secretary shall provide to the Returning Officer a certificate showing the percentage of women financial members in the Branch.

- c. In the event that, at the declaration of the election, the number of women elected as members of Branch Executive Council does not equal or exceed the number required by the relevant provision of sub-rule a. hereof, then the Returning Officer shall commence a second election by immediately calling nominations for the number of Branch Executive Councillor(s) (Women) required to achieve the requisite number of offices being filled by women members and subject to sub-rule d. hereof shall conduct the ballot in accordance with sub-rule b. hereof.
- d. When the Returning Officer is required to conduct a second election pursuant to sub-rule c. hereof, then the requisite number of additional offices for Branch Executive Councillor(s) (Women) shall be elected from amongst eligible financial women members by all of the financial members of the Branch.
- e. A Branch Executive Councillor (Women) shall exercise one vote on Branch Executive Council.

20 - APPLICATION OF FUNDS

All orders for the withdrawal of monies from the Branch funds and all cheques shall be signed by any one of the Branch Secretary or Assistant Branch Secretary AND any one of the Branch President, Deputy Branch President or the Branch Treasurer.

21 - ALTERATION OF RULES

The Branch Executive Council may add to, amend, alter or rescind these rules:

- a. at any meeting of Branch Executive Council; or
- b. by decision of Branch Executive Council made in accordance with the postal ballot provisions of Rule 7 of these Branch Rules.
- c. no alteration to these Branch Rules shall be effective unless and until the approval of National Executive to such alteration has been sought and obtained.
- d. no alteration shall be made to these Branch Rules (whether pursuant to National Rule 49 or not) without the consent of the Branch Executive Council.

22 - GENERAL MEETINGS

- a. A General Meeting of members of the Branch shall be held if:
 - i. The Branch Executive Council so determines, or
 - ii. A request to summon a General Meeting for the purpose of considering the Auditor's Report, the General Purpose Financial Report and the Operating Report, is received by the Branch Secretary within 5 months after the end of the financial year, bearing the name, address and signature of five percent of the members of the Branch.
- b. Where a General Meeting is to be held in accordance with sub-rule a. the Branch Secretary shall cause notice of not less than seven days and not more than twenty one days to be given to members by newspaper advertisement setting out the time and place of the meeting and the business of the meeting.

- c. The quorum for a General Meeting of the Branch shall be five percent of the members of the Branch, or two hundred and fifty members, whichever is the lesser.

23 - DIVISIONS

- a. The Branch Secretary shall call a meeting of financial members of each Division, at least once every 4 months for the purpose of discussing organising, campaigning and industrial affairs relevant to the Division.
- b. Additional meetings of a Division's financial members shall be called by the Branch Secretary upon the request of any two (2) Branch Executive Councillors.
- c. A member of Branch Executive Council shall be appointed by those present to act as Chairperson of the meeting.
- d. Where a member of Branch Executive Council is not available then a financial member of the Division shall be appointed by those members present to act as the Chairperson of the meeting.
- e. A Division meeting may, by a resolution carried by a majority of financial members present, recommend to Branch Executive Council that a Divisional Committee or Divisional Sub-Group Committee be established.
- f. Where the Branch Executive Council has established a Divisional Committee or Divisional Sub-Group Committee, such Committee shall discuss and provide advice to the Branch Executive Council on organising, campaigning and industrial affairs relevant to the Division.

24. TRANSITIONAL RULE

- a. The purpose of this Rule 24 is to provide for the commencement of operation of the amendments made to these rules in 2006 providing for the abolition of the Branch Council, the offices of Branch Councillors elected by and from the financial members of the Divisions, Branch Councillors (Women) and the abolition of the offices of Division Executive Members, Division Committee of Management Members and Alternate National Conference Delegate.
- b. The provisions of this Rule 24 and of all the rules referred to in this Rule 24 (the amended rules) shall take effect on and from the day they are certified by the Industrial Registrar (the commencement date) subject to this rule. The Branch and its members shall comply with them severably as provided in this rule.
- c. Subject to the provisions of this Rule 24, on and after the commencement date, the Branch and its members shall continue to comply with the Branch Rules in operation immediately prior to that date (the unamended rules).
- d. In the year 2007 elections shall be conducted for the Branch office holders as provided for in Rule 18 of the amended rules and in accordance with Part VII of the National Rules (the new elections).
- e. On and from the declaration of the poll for the new elections and the assumption of office of the office holders as provided for in Rule 18 of the new rules (the abolition date) the unamended rules shall cease to have effect.

- f. On and from the abolition date the persons holding the offices of Branch Councillors elected by and from the financial members of the Division, Branch Councillors (Women), Division Executive members, Division Committee of Management members and Alternate National Conference Delegate shall cease to hold those offices and those offices shall be abolished.
- g. On and from the abolition date Council as provided for in Rule 9 of the unamended rules shall be abolished.
- h. On and from the abolition date the Division Executives and the Division Committees of Management shall be abolished.
- i. On and from the abolition date the Branch and the members of the Branch shall comply with all of the amended rules.
- j. At the earliest possible opportunity after the abolition date the Branch Secretary shall convene a meeting of the Branch Executive Council.