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(replaces rulebook dated 19 June 2025 [R2025/32])

Independent Education Union of Australia

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 109 both inclusive contain a true and correct copy of the registered rules of the Independent Education Union of Australia

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the Independent Education Union of Australia

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RULES OF THE INDEPENDENT EDUCATION UNION

1 – NAME

The name of the organization shall be the Independent Education Union of Australia (hereinafter referred to as "the Union").

2 – CONSTITUTION

The Union shall consist of an unlimited number of persons howsoever described who are employed, usually employed or qualified to be and desirous of being employed or seeking to be employed in or in connection with the industry or industries, and/or occupation, and/or calling, and/or vocations, and/or industrial pursuits of:

(a) teachers, teacher-librarians and librarians including Principals and others exercising supervisory and/or counselling and/or advisory functions at schools and colleges conducted anywhere in Australia, its Territories and States by any person, body, corporation, religious institution, or group or combination of persons other than schools and colleges conducted by the Government of a State or Territory or by the Government of the Commonwealth of Australia or conducted by a public body established by a Government of a State or Territory or the Commonwealth;

(b) without limiting the generality of the foregoing, any person engaged in any clerical or administrative capacity in any school, secondary college or post secondary college within the terms of paragraph (a) above and any person acting in any capacity as an assistant, aide or helper to any person described in paragraph (a) herein;

(c) any person employed in any clerical capacity or administrative capacity or as an advisor, supervisor or educational officer by any Authority responsible for the conduct or supervision of a non-government school or any group of such schools (excluding, however, all employees of the Government of any State, Territory or of the Commonwealth, and any Public or Statutory Authority, Board or Commission established by such Governments);

(d) any persons (other than teachers, teacher-librarians, librarians, Principals and others exercising supervisory, counselling or advisory functions, or assistants, aides or helpers to them) employed to provide, or to assist in providing, educational instruction or employed in any other capacity in non-government schools or educational institutions;

(e) teachers in non-government pre-schools and/or centres in which Early Childhood Services are provided in New South Wales, the Australian Capital Territory and Queensland only (but excluding any teacher employed by any municipal or Shire Council in New South Wales), and teachers employed in or by any non-government social or community organization, or any non-government educational institution or body;

(f) any person employed or appointed as an officer or elected as an official of the Union;

(g) without limiting the generality of the other Parts of this Rule or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union;

(h) all persons employed or principally employed as teachers, instructors, recreational specialists, howsoever called, employed in private correctional institutions, and counsellors and case managers in the Junee Correctional Centre, but excluding all persons employed as clerical staff, cleaners, maintenance staff, correctional officers, nurses, senior managerial staff, industrial staff, cooks, chefs and catering staff.

For the purposes of these Rules "a school" shall include a school for the physically and/or mentally handicapped.

Provided that notwithstanding anything contained hereinbefore, no person shall be eligible for membership of the Union who is -

(i) employed in or by any institution being a College of Advanced Education as defined by the Remuneration Tribunals Act 1973 (as amended) and the Tertiary Education Commission Act 1977 (as amended) or any Act replacing either such Act; or who is employed in or by the Victorian College of Agriculture and Horticulture, the Australian Film and Television School, the Australian Maritime College, the West Australian College of Performing Arts, the Victorian College of the Arts, or McAuley College, other than school teachers who are employed on a part-time (non-fractional) basis in the supervision and/or co-ordination of student teachers during their periods of practice teaching in schools;

(ii) employed or usually employed in or by any university or university college, other than school teachers who are employed on a part-time (non-fractional) basis in the supervision and/or co-ordination of student teachers during their periods of practice teaching in schools;

(iii) employed in teaching or supervising teaching in day training centres registered pursuant to the Mental Health Act 1959 (Vic) or any Act in substitution or amendment thereof;

(iv) employed in houses of religious and clerical formation;

(v) employed in a non-government school or educational institution:-

(i) throughout Australia by any cleaning, catering, security, laundry, gardening, building and/or domestic services contractor engaged to provide such services to any non government school or educational institution;

(ii) as a cleaner in New South Wales, Western Australia, Northern Territory, Queensland, and Tasmania and the ACT;

(iii) as a catering employee in New South Wales and the ACT (including cooks and chefs, kitchen hands, and waiters) other than canteen assistants;

(iv) in boarding schools in New South Wales and the ACT as a housekeeper, security employee, laundry employee or domestic employee;

(v) in South East Queensland at Fairholme College, in an Anglican school or in a Grammar school as a housekeeper, janitor, caretaker, handyperson, groundsperson, gardener, greenkeeper, security employee, laundry employee, domestic employee, catering employee (including employment as a cook, chef, kitchen hand, or waiter), or canteen assistant;

(vi) in Western Australia and the Northern Territory as a housekeeper, janitor, caretaker, handyperson, groundsperson, gardener, greenkeeper, security employee, laundry employee, domestic employee or catering employee (including cooks, chefs, kitchen hands and waiters), or canteen assistant;

(vii) in Tasmania in an independent non-Catholic school as a housekeeper, janitor, caretaker, handyperson, groundsperson, gardener, greenkeeper, security employee, laundry employee, domestic employee, catering employee (including employment as a cook, chef, kitchen hand, or waiter), or canteen assistant and in a catholic day-school in Tasmania which has live-in facility during the week as a housekeeper, laundry employee, domestic employee or catering employee (including cook, chefs, kitchen hands and waiters)

(viii) as a licensed and/or registered plumber;

(ix) by an employer who employs that person as part of their business as a contractor in the building, building maintenance and construction industries.

(vi) a Bursar/Business Manager (however titled) employed in a senior managerial (or executive) position in a non-government school who has managerial responsibilities including the delegated authority to act for the employer from time to time in the recruitment and termination of staff; any managerial, industrial or legal staff (other than in a school) employed by any non-government educational authority, person, body, corporation, religious institution or combination thereof including Diocesan Directors of Education and Directors of Catholic Education Offices in Australia, (provided however that this exclusion shall not refer to any Principal of a school, nor any educational consultants, advisors or any educational officers whatsoever);

(vii) employed in the teaching and/or the training of handicapped children in Queensland in establishments conducted by the Endeavour Foundation or the Autistic Children's Association of Queensland;

(viii) employed as a teacher, administrator, house parent and/or resident's aide, at a pre-school kindergarten or child-care centre and/or social trainer at a Slow Learning Children's Centre and/or an Aboriginal Education Worker (provided however that this exclusion shall not apply to any teacher or other salaried officer employed at any non-government school) in the State of Western Australia;

(ix) a Principal or Deputy Principal (howsoever called), who as a condition of employment has or may from time to time have, the autonomous authority and responsibility to employ and dismiss teachers.

3 – DESCRIPTION OF INDUSTRY

The description of industry in or in connection with which the Union is registered is the industry of non-government schools, educational institutions and teachers and the Industry of education in the Northern Territory.

4 – REGISTERED OFFICE

The registered office of the Union shall be at Unit 10, 40 Brisbane Ave, Barton ACT, or at such place as may be determined from time to time by the Federal Council or Federal Executive.

5 – OBJECTS

The objects of the Union shall be:

(a) To promote and advance the interests of the members in all matters having a bearing upon or in relation to their employment.

(b) To encourage and initiate whatever may tend toward improvement of the status, training and qualifications of all members of the Union.

(c) To formulate, insofar as may be found desirable, the professional usages and customs of the industry of the Union and to formulate, protect and extend, when necessary, the beneficial privileges of members of the Union generally.

(d) To mediate in regard to and, if possible, to reconcile and settle disputes affecting members of the Union.

(e) To monitor all legislative or other proposals which may affect members in the discharge of their professional duties, or their status or interests generally.

(f) To publish or support newsletter, newspaper, magazine, electronic or social media communications in the interests of the Union.

(g) To devise a scheme or system of providence against the exigencies of old age, sickness, death or misfortune for the benefit of members and/or their dependants.

(h) To promote the general welfare of members: to regulate, protect and improve the conditions of labour, and the relations between employers and employees.

(i) To provide legal assistance in defence of members' rights at the Union’s sole and absolute discretion.

(j) To establish special funds for carrying out the objects of the Union and to ensure that at all times there are sufficient funds to meet and pursue the objects of the Union.

(k) To establish social clubs in connection with the Union and to adopt such other methods for furthering the social enjoyment of the members as may be deemed proper.

(l) To acquire property, to borrow or invest moneys, and to enter into any mortgage, charge or other security.

(m) To take advantage of the machinery provided by legislation for the prevention and settlement of industrial disputes and for the determination and settlement of questions relating to conditions of employment.

(n) To secure preference of employment for members of the Union.

(o) To do all things that may be for the advancement and benefit of the members and/or each of them.

(p) To act in the capacity of Trustee for the purpose of furthering any of the objects of the Union.

(q) To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial union, or association, or association of trade unions or any other organization having objects similar in whole or in part to the objects of this Union.

(r) To establish Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

(s) To establish and maintain one united Union of teachers in non-government schools and educational institutions throughout Australia.

(t) To protect and advance the industrial and professional interests of teachers and other staff employed in non-government schools and educational institutions.

(u) To support the existence of non-government schools and to support the right of access of such schools to public funding on an equitable and accountable basis.

(v) Act as an agent for and behalf of members or non-members, other unions, associations, persons or groups of persons whether those persons are members of the union or not or whether those persons are eligible for membership of the union or not.

(w) To promote, determine, fund and take action on issues of concern and social justice, both within Australia and internationally.

(x) To ensure that its members enjoy the same civil rights, human rights and rights to freedom from discrimination as are enjoyed by other citizens.

(y) To speak authoritatively for members.

(z) To uphold the rights of labour and to represent members in the peak councils of the trade union movement and in international forums or organisations.

(aa) To develop and support relationships with international education bodies which promote the profession and work in the best interests of members.

(ab) To promote the participation of women in the Union and to encourage their representation in its elected offices.

(ac) To co-operate with, promote and assist industry-based superannuation funds committed to enhancing members' retirement incomes.

(ad) To represent members on and participate in education organisations and bodies.

(ae) To do all things necessary to achieve any and/or all of the above objects.

6 – ADMISSION TO MEMBERSHIP

(a) Any person desirous of becoming a member of the Union shall forward to the Branch Secretary an application form (either paper or electronic) in the form as approved by the Branch Secretary from time to time in accordance with paragraph (d) of this Rule. Provided that a person who wishes to become a member may also apply by telephone. Where this occurs the person shall be required to provide information set out in paragraph (d) and receipt of the application shall be confirmed by the Branch in writing within seven business days.

A person shall apply to the appropriate Branch as determined in accordance with Rule 12 (c). An error or omission in the form of the application shall not invalidate the membership of the applicant.

(b) Where the Branch Secretary has received a completed application form including arrangements for payment and where the Branch Secretary is satisfied as to the member's eligibility then membership shall commence from that date. The Branch Secretary shall advise the member of the acceptance of their application.

(c) Where the Branch Secretary is not satisfied of the applicant's eligibility the Branch Secretary shall notify the applicant accordingly and refer the application together with any submissions thereof of the applicant to the Branch Executive. In the case of an application for membership being refused, a person shall have a right of appeal from a decision of a Branch Executive to the Federal Executive and from there, subject to these Rules, to the Federal Council. Subject to the Industrial Relations Act, 1988, the decision of the Federal Council thereon shall be final.

(d) The application form approved by the Branch Secretary shall in general require information concerning the applicant's name, address, employer, address of employer and position in which the applicant is employed. Where possible the applicant shall sign the application for membership. The Branch shall advise the applicant in writing of the financial obligations arising from membership and the circumstances and manner in which a member may resign.

(e) The application shall be accompanied by details of arrangements for payment of the appropriate membership fee.

(f) Any application for membership made to the Federal Secretary shall be forwarded by the Federal Secretary to the Branch Secretary of the appropriate Branch, as determined by these Rules, and shall be dealt with by the Branch Secretary. The date of receipt by the Federal Secretary shall be the date of membership, if the application is accepted.

(g) The Federal Secretary and/or the Federal President and/or any other officer authorised by the Federal Council or Federal Executive may enter into agreements with State registered unions to the effect that members of the State registered union concerned who are ineligible to join the Union under Rule 2 of the Rules, are eligible to become members of the organisation under the agreement. Such members shall be entitled to all benefits accruing to members in accordance with the other rules of the Union, provided that the Union is not entitled to represent the industrial interests of persons who are only eligible for membership of the Union under the agreement.

(h) (1) An associated body may, after the relevant date, make application for membership of the Union on behalf of financial members of the associated body eligible for membership of the Union, to the relevant Branch Secretary pursuant to a dual membership rule.

(2) An application by an associated body on behalf of a member shall include the information referred to in paragraph (d) of this Rule.

(3) On receipt of an application which complies with this Rule the Branch Secretary shall forthwith accept the Application without payment of entrance fees or subscriptions to the Union provided that an agreement of the type referred to in Rule 7(e) continues in effect.

(4) A member of an associated body shall not become a member of the Union pursuant to this paragraph if, having been notified by the associated body of the intention of that associated body to make an application on behalf of members for members pursuant to this rule, the member notifies the Branch Secretary within 30 days of the notification that he/she does not wish to become a member of the Union.

(5) For the purposes of this paragraph -

(i) The term "associated body" has the same meaning as in Rule 7(f)(i).

(ii) A "dual membership rule" is a rule of an associated body which permits the associated body to apply on behalf of members of the associated body for membership of the Union.

(iii) The "relevant date" is the date determined by the Federal Secretary following upon an associated body having made and having in effect a dual membership rule.

(iv) The "relevant Branch Secretary" is the Secretary of the Branch of the Union whose membership corresponds with that of the associated body making an application in accordance with this Rule.

7 – FEES, SUBSCRIPTIONS AND LEVIES

(a) The Branch Executive shall in each year fix a sum which shall be the annual membership fee for the following year. The membership fee is payable from the first day of any period to which the payment relates. Such fee shall be paid by all Branch members other than members of an associated body [as defined in Rule 7(f)(i)] and who are financial pursuant to paragraph (e) of this Rule.

(b) A Branch Executive may also impose levies to be paid at such time as is determined by the Branch.

(c) Whether or not a member is financial shall be determined in accordance with the Branch Rules. In the absence of such a provision in the Branch Rules, a member shall be financial if

(i) The member is not more than three months in arrears in payment of the membership fee and has paid any levy required to be paid; or

(ii) the member has a current and unrevoked authorisation of deductions from salary payments by the employing authority or a current and unrevoked authorisation for payment from an account by a bank or other institution for payment of the membership fee and any other payments to the Branch, and deductions are being remitted to the Branch, or have been remitted to the Branch. Provided that an unfinancial member shall be financial on and from the payment of all arrears.

(d) The Federal Council shall have power to strike a levy/levies on all branches and/or members for any purpose in furtherance of the objects of the Union.

A resolution to strike a levy shall require a two-thirds majority of all votes cast in order to be passed.

Provided that where the delegates of a Branch (or all the delegates of a Branch if there is more than one) votes (or vote) against such a resolution, the delegate or delegates may require that the resolution (if passed) be referred to branches in accordance with the procedure contained in Rule 10(f)

(e) Any applicant for membership or member who is a financial member of an Association recognised by these Rules as an Associated Body (being a member of such Associated Body) shall subject to these Rules during the currency of any agreement between the Union and such Associated Body providing for the payment of an approved amount by the Associated Body to the Union or Branch of the Union designated by the Federal Council or Federal Executive, be and be deemed to be for all purposes of these Rules a financial member of the Union.

(f) For the purposes of this rule:

(i) "Associated Body" means:

Queensland Independent Education Union; New South Wales Independent Education Union; Independent Education Union (South Australia) Inc.; Independent Education Union of Western Australia, Union of Employees; Tasmanian Independent Schools Teachers Association; Independent Education Union of Australia Tasmania Branch; or any successor thereto or reconstitution thereof by whatever name called.

(ii) "Approved Amount" means:

An amount in each case calculated by reference to the total number of members of the Associated Body who have applied for membership of the Union in the Branch of the Union designated by the Federal Council or Federal Executive pursuant to Rule 12 (c) of these Rules multiplied by the amount of any capitation fees payable by such Branch in respect of each such member.

(g) (i) Each Branch shall each year remit to the Federal Secretary in respect of each financial member of the Union attached to that Branch as at 31 December in the year preceding a capitation fee.

(ii) The capitation fee in any year shall be as determined by the Federal Council or Federal Executive on an annual basis no later than the end of November in the preceding year.

A proposal for the capitation fee shall require a two-third majority of votes cast in order to be passed. Provided that if no resolution attracts the necessary majority the capitation fee from the previous year shall apply.

(iii) The Capitation fee payable in each year by a Branch shall be paid in four equal instalments, the first instalment to be paid before the last day in February in any year, and the final instalment to be paid before the last day of October in that year.

(iv) Provided that where an “Associated Body” makes a payment of an amount under 7(g) that payment shall constitute payment in full of that amount by the respective Branch.

(h) Subject to any provisions in the Branch Rules an unfinancial member may be removed by a branch from the membership roll as long as the member has been given at least 21 days notice.

8 – FEDERAL COUNCIL

(a) The supreme governing body of the Union shall be the Federal Council convened at least once a year or specially in accordance with these rules.

(b) The Federal Council consists of delegates elected as Council delegates, the Federal Secretary and the two Assistant Federal Secretaries, provided that the Assistant Federal Secretaries shall be entitled to all the rights of a Council delegate other than the right to vote.

In addition to his or her vote as Branch delegate, the Federal President shall hold a casting vote which may be exercised to resolve a tied vote on a resolution, provided the resolution has been put to the meeting twice without determination.

(c) (i) Branches shall be entitled to elect delegates to Federal Council depending on the size of the Branch in accordance with the following table. Each delegate shall hold one vote.

(ii) Table

Number of Members	Total Number of Delegates
Fewer than 3001 members	2
Between 3001 and 5000 members	3
Between 5001 and 7000 members	4
Between 7001 and 9000 members	5
Between 9001 and 11000 members	6
Between 11001 and 13000 members	7
Between 13001 and 15000 members	8
Between 15001 and 17000 members	9
Between 17001 and 19000 members	10
Between 19001 and 21000 members	11
Between 21001 and 23000 members	12
Between 23001 and 25000 members	13
Between 25001 and 27000 members	14
Between 27001 and 29000 members	15
Between 29001 and 31000 members	16
Between 31001 and 33000 members	17
Between 33001 and 35000 members	18
Between 35001 and 37000 members	19

Notwithstanding any provisions of these Rules, commencing from the next scheduled election of Branch delegates to Federal Council following certification of this rule, where a Branch has more than 50% women financial members, not less than 50% of the offices on Federal Council for the Branch delegation outlined in Rule 8(c)(i) will be filled by women. At each triennial election, the Branch Secretary will provide to the Returning Officer a certificate showing the percentage of women financial members at 31 December in the preceding year. This sub rule shall not apply to the Queensland and Northern Territory Branch where that Branch has 5000 members or fewer.

(d) For the purpose of paragraph (c), the membership of the Branch shall be determined as at 31 December of the year preceding the year in which the election is held. Where the membership of the Branch as at 31 December in a subsequent year has increased such that the Branch would be entitled to an additional delegate then such additional position shall be created and filled by election as if it were a casual vacancy within six months of the entitlement arising, and the delegate shall hold office until the same date as other delegates of the Branch.

(e) Where a delegate to Federal Council is unable to attend a meeting of the Federal Council or any part thereof that delegate may appoint another elected delegate to Federal Council from the same Branch to act as a proxy. Where a delegate is the only representative of a Branch and is unable to attend that delegate may appoint an elected delegate from another Branch as the proxy.

(f) The method of calling nominations and the election of Branch delegates to Federal Council shall be under the provisions of Rule 17 "Elections".

(g) The Federal Council shall have power (subject to any powers explicitly reserved to a Branch pursuant to Rule 12):

(i) to take such steps subject to these Rules as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects.

(ii) to decide the general policy of the Union pursuant to paragraph (h) of this Rule and to take steps to carry out such policy.

(iii) to settle disputes in matters likely to affect the proper function of the Union.

(iv) to deal with and decide any matter submitted to it by any member.

(v) to establish or close any Branch pursuant to paragraphs (i) and (j) of this Rule.

(vi) to make, alter and rescind the Rules in accordance with Rule 10;

(vii) to control and conduct the business and affairs of the Union.

(viii) to submit any matter to the members for decision by ballot.

(ix) to hear and determine any appeal from the Federal Executive.

(x) to vary or terminate industrial agreements or awards.

(xi) to authorise the serving of logs of claims or otherwise initiate participation in the industrial relations system or the making of industrial agreements provided that where such action affects the members of a Branch, such participation shall be authorised by the Branch.

Without limiting the generality of the foregoing nothing in this subrule or any other rule of the union limits the power of a branch committee of management to compile, authorise and/or serve any claims applying only to members of the branch to which the committee of management relates or to authorise any branch officer or employee to take any and all steps to compile and serve any such log of claims. Nothing in the immediately preceding sentence limits the powers and authority of any federal officer, the Federal Executive or Federal Council and the immediately preceding sentence shall not be used to limit or qualify any such power and shall not be taken into account in construing any such power or authority.

(xii) to authorise any officer or employee of the union or any branch thereof to act as an agent for and on behalf of members or non members whether eligible to be members or not, or other unions, associations or groups of persons whether eligible to be members of the union or not and/or to impose conditions as a requirement for so acting as an agent and/or so to act with or without conditions.

(h) Where the delegate of a Branch (or all the delegates if there are more than one) considers (or consider) that a resolution proposed at a meeting of the Federal Council relates to a matter of policy, then the delegate or delegates may require that the matter be dealt with pursuant to this paragraph.

Such policy resolution shall then require a two-thirds majority of votes cast to be passed.

Further the delegates of a Branch (or all the delegates if there are more than one) may require at the meeting that the resolution (if passed) be referred to the Branches pursuant to the procedure contained in Rule 10(f).

For the purposes of this paragraph policy shall not include a matter the determination of which is explicitly referred to elsewhere in these Rules.

(i) The Federal Council may create, establish, restructure, join or otherwise constitute Branches in and for any State and/or Territory or any combination thereof for which it has eligibility to enrol members. For such purpose it may federate with, amalgamate with or otherwise constitute an existing trade union or body under any law of the State as its said Branch in that State. The Federal Council may take all steps necessary subject to the Workplace Relations Act 1996 to effect the creation of one body representing non-government education employees in any one State or Territory.

A resolution proposing the creation, establishment or constitution of a Branch shall be forwarded to members of the Federal Council not less than two weeks prior to the meeting at which it is to be considered.

The resolution shall require a two thirds majority of votes cast to be passed.

Provided however that the Federal Council shall not have the power to create, establish, or otherwise constitute a Branch within a state if a Branch within that state whose coverage is thereby reduced opposes the creation of the new Branch. Federal Council may only restructure or join Branches where the executive bodies of those Branches have requested such action.

(j) The Federal Council may close a Branch which in the view of the Council is functioning so ineffectively so as to affect the proper functioning of the Union.

A resolution proposing the closure of a Branch shall be forwarded to members of the Federal Council not less than two weeks prior to the meeting at which it is to be considered. The resolution shall include the reasons for the closure.

Such resolution shall not be considered by the Federal Council (except with the consent of the relevant Branch) unless the Branch has received at least six weeks' notice of the intention to move such a resolution from the Federal Secretary or the mover of the resolution and four weeks' notice of the actual resolution. The Federal Council shall afford to the Branch President and/or the Branch Secretary the opportunity to address the Federal Council on the matter and shall consider any relevant material of a written nature provided by the Branch Executive.

A resolution to close a Branch shall require a two thirds majority of votes cast in order to be passed.

(k) Where a Branch is closed pursuant to paragraph (j), the Federal Council shall deal in the manner it thinks best in the light of the objects of the Union and the Workplace Relations Act 1996 with the funds of the Branch. The members of any Branch so closed shall be allocated to another Branch, which in the opinion of the Federal Council is most appropriate. On and upon the closure the officers of the Branch concerned shall cease to hold office and the Federal Council shall notify the Industrial Registrar and the officers of the branch concerned of the closure and of other consequential decisions.

(l) All decisions of the Federal Council shall be made by a majority of the members present at the meeting unless otherwise provided by these rules and all acts and decisions of the Federal Council shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended.

(m) Meetings of the Federal Council shall be held at such time and place as shall be decided by the Federal Executive. As determined by Federal Executive, meetings of Federal Council may be conducted using appropriate technologies such as video or teleconferencing. Members so participating shall be deemed present for the purposes of 8(l). The quorum for any meeting of the Federal Council shall be one half of those at that time holding membership of the Federal Council.

(n) The Federal Secretary may take a telephonic, electronic, facsimile, postal or verbal vote of members of the Federal Council at any time. Members of the Federal Council shall be advised of the details of the voting. Such vote shall have the same force and effect as a decision of the Federal Council made in meetings assembled.

(o) Notice of meetings of Federal Council may be given by letter, facsimile, email, text, electronically, telephone or verbally provided that in the latter two instances this is confirmed by another means of communication which provides to the receiver written advice thereof.

(p) A copy of the minutes containing all decisions and business of Federal Council shall be forwarded to each Branch Secretary within a reasonable time after the conclusion of each Federal Council. Any member of the Union may, upon request to the Branch Secretary, inspect a copy of the minutes of each Federal Council at the Branch office during the ordinary hours in which the Branch office is open.

(q) The Federal Secretary on receipt of resolutions from a majority of Branches or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a specially convened Federal Council shall call such Council within 30 days.

The Federal Executive may direct the Federal Secretary to call such a specially convened Federal Council at any time. Branches and delegates shall be given seven days' notice if practicable.

9 – FEDERAL EXECUTIVE

(a) There shall be a Federal Executive composed of the Federal President, the Federal Secretary, two Assistant Federal Secretaries, a Federal Deputy President and two Federal Vice Presidents and one delegate from each Branch who shall be the Branch Secretary. Provided that in the case that the Branch Secretary is unable to attend or where the Branch Secretary is the Federal President, the Branch shall be represented by the alternate delegate elected by and from the Branch Executive in accordance with Rule 12(f) and further provided that in the event the Federal Deputy President or Federal Vice Presidents are Branch Secretaries the Branch or Branches concerned shall not be entitled to an additional delegate.

(b) The Federal Secretary shall hold one vote; an Assistant Federal Secretary shall be entitled to all the rights of an Executive member other than the right to vote; in the event that the Federal Deputy President and either or both of the Federal Vice Presidents do not otherwise hold a voting entitlement they shall not by virtue of their position as Federal Deputy President or Federal Vice President hold a vote; and the Federal President shall hold a casting vote only which may be exercised to resolve a tied vote on a resolution provided the resolution has been put to the meeting twice without determination.

The delegates from each branch shall hold votes depending on the membership of the Branch as at 31 December in the preceding year in accordance with the following table:

Fewer than 1000 members	1 vote
Between 1001 and 3500 members	2 votes
Between 3501 and 6000 members	3 votes
Between 6001 and 8500 members	4 votes
Between 8501 and 11000 members	5 votes
Between 11001 and 13500 members	6 votes
Between 13501 and 16000 members	7 votes

and one extra vote for each additional 2500 members or part thereof.

(c) The Federal Executive shall between meetings of the Federal Council and subject to decisions of the Federal Council exercise all of the functions and powers of the Federal Council other than those contained in Rule 8(g)(ii), (v) and (ix). Provided however that the Federal Executive shall not have power to make, alter or rescind the Rules except as expressly authorised by Rule 10.

(d) The Rules relating to the conduct and calling of Federal Council meetings, shall, the necessary changes being made, apply with equal force and effect to the Federal Executive. Federal Executive may permit participation of a delegate in an Executive meeting by teleconference or video conference.

(e) Any member aggrieved shall be able to appeal any decision of the Federal Executive to the Federal Council. In circumstances where such an appeal is desired to be heard before the next planned meeting of the Federal Council the appeal may be determined by postal vote. In those circumstances, the person seeking to appeal shall supply to the Federal Secretary a written appeal in sufficient copies to enable the Federal Secretary to distribute same to members of the Federal Council. The Federal Secretary may also distribute such information as the Federal Executive feels appropriate to answer any such appeal.

(f) The Federal Secretary may take a telephonic, electronic, facsimile, postal or verbal vote of members of the Federal Executive at any time. Members of the Federal Executive shall be advised of the details of the voting. Such vote shall have the same force and effect as a decision of the Federal Executive made in meetings assembled.

9A - FEDERAL COUNCIL AND FEDERAL EXECUTIVE AUTHORITY OVER BRANCHES

(a) If a Branch Executive or an officer of a Branch refuse or fail to comply with these Rules or with a lawful resolution of the Federal Council or Federal Executive, the Federal Council or Federal Executive may, after inquiry, determine that the Branch Executive or officers of the Branch have acted in a manner prejudicial to the good order and government of the Union.

(b) A determination under this Rule shall not be made unless:

(i) the refusal or failure to comply, relates to a Rule, resolution or direction in respect of which notice to comply, so as far as practicable, has been brought to the attention of members of the Branch Executive or the officers of the Branch, and is not desisted from as soon as reasonably practicable after such notice;

(ii) the refusal or failure to comply amounts to a misappropriation of the funds of the Branch or the Division, a substantial breach of the Rules, gross misbehaviour or gross neglect of the duties of the Branch Executive, or of the officers of the Branch;

(c) Where the Federal Council or Federal Executive have made a determination under this Rule it may, after inquiry, and after hearing from (or providing reasonable opportunity to be heard to) representatives appointed by the Branch Executive or officers in defence of themselves or the Branch:

(i) suspend the members of the Branch Executive or officers from office for such periods not exceeding 12 months as it determines;

(ii) appoint at the expense of the Union a member of the Federal Council or Federal Executive to conduct and manage the affairs of the Branch during the period of suspension, subject to the direction of the Federal Council or Federal Executive; and

(iii) require such Branch Executive to deliver up to the person so appointed all the funds of the Branch.

(d) During the period of any suspension imposed pursuant to this Rule, a paid officer of the Branch shall, subject to his/her not being removed from office pursuant to these Rules, continue to be remunerated out of the funds of the Branch and shall perform such duties as are allocated to him/her by the person appointed by the Federal Council or Federal Executive to conduct and manage the affairs of the Branch.

(e) All property, money and books of the Branch in respect of which there is a determination under paragraph (a) of this Rule shall, on demand made by the Federal Council or Federal Executive to a person or member having the custody or control of same, be forthwith delivered up to the person charged to receive them as specified in the demand.

(f) A person appointed pursuant to sub-rule 9A(c)(ii) to conduct and manage the affairs of a Branch has, subject to any direction by the Federal Council and/or Federal Executive, all the powers under these Rules of the Branch Executive and officers who have been suspended. The operation of these Rules are modified to the extent necessary to enable the person to exercise such powers during the period of suspension.

10 – ALTERATION OF RULES

(a) These Rules may be altered or rescinded or new Rules made by the Federal Council or Federal Executive in accordance with this Rule. Such resolution may be considered at a meeting of the Federal Council or Executive or pursuant to Rule 8(n) or Rule 9(d).

(b) Amendments to Rule 2 - Constitution shall be made by the Federal Council or Federal Executive pursuant to this paragraph. A proposal to amend Rule 2 may be moved or seconded by any two members of the Executive or Council, as the case may be. Such proposal shall be forwarded to members of the Federal Council or Executive not less than two weeks prior to the meeting at which the proposal is to be considered. Provided however that the Federal Council or Executive may, notwithstanding the above, alter Rules of which previous notice has not been given by a unanimous vote.

A resolution to amend Rule 2 shall require a two-thirds majority of votes cast to be passed.

Provided that alterations to Rule 2 considered by the Federal Secretary to be of an emergent or urgent nature may be voted on by the Federal Council or Executive without the notice otherwise required by this Rule.

Provided also that where the delegate of a Branch (or all delegates if there are more than one) votes (or vote) against such a resolution to amend Rule 2, the Branch delegate or delegation may require at the meeting that the Federal Secretary refers the resolution (if passed) to the branches in accordance with the procedure in paragraph (f) of this Rule.

(c) Amendments to this Rule, Rule 10 - Alteration of Rules, paragraph (g) of Rule 8 - Federal Council, paragraph (c) of Rule 9 - Federal Executive and Rule 12 - Branches (described in this paragraph as fundamental rules) shall be made by Federal Council in accordance with this paragraph.

A proposal to amend a fundamental rule may be moved and seconded by any two members of the Federal Council. Such proposal shall be forwarded to members of the Federal Council not less than four weeks prior to the meeting at which the proposal is to be considered.

Provided however that the Federal Council in session may, notwithstanding the above, alter Rules of which previous notice has not been given subject to a unanimous vote.

A resolution to amend a fundamental rule shall require two-thirds majority of votes cast to be passed.

Provided that the delegate of a Branch (or all the delegates if there are more than one) may require at the meeting that the Federal Secretary refers the resolution to the Branch in accordance with the procedure in paragraph (f) of this Rule.

(d) Amendments to these Rules, other than amendments within paragraphs (b), (c) and (e) of this Rule, shall be made by Federal Council or Executive in accordance with this Rule.

A proposal for such an amendment may be moved and seconded by any two members of the Council or Executive - such proposal shall be forwarded to members of the Federal Council or Executive not less than two weeks prior to the meeting at which it is to be considered.

Provided however that the Federal Council or Executive in session, may notwithstanding the above, alter Rules of which previous notice has not been given subject to unanimous vote.

A resolution to amend a Rule pursuant to this paragraph shall require a two-thirds majority of votes cast to be passed.

Provided that the delegate of a Branch (or all the delegates if there are more than one) may require at the meeting that the Federal Secretary refer the resolution to the Branches in accordance with the procedure in paragraph (f) of this Rule.

(e) A proposal to amend the Rules which is resolved unanimously by the Federal Executive or Federal Council to be of a minor technical or procedural nature may be made by the Federal Executive or Federal Council.

Such a proposal to amend the Rules may be moved and seconded by any two members of the Executive or Federal Council.

The resolution shall require a majority of votes cast to be passed.

(f) The Federal Secretary shall forward the resolution in question to all Branches within two weeks of the Federal Council or Executive at which it was considered requesting the Executive of each Branch to vote for or against the resolution. If more than two Branches vote to oppose the resolution and advise the Federal Secretary of such decision in writing within six weeks of the relevant Federal Council or Executive, then the resolution will be deemed to be of no effect, and the Federal Secretary shall advise Branches accordingly.

(g) DELETED.

11 – BINDING NATURE OF RULES

These Rules, and all alterations, additions or rescissions thereof or thereto shall apply to and be binding on all members who now, or who may hereafter, belong to the Union unless and until they are made or become null and void according to the law.

12 – BRANCHES

(a) There shall be the following Branches of the Union

A Branch for members employed in Queensland and the Northern Territory; a Branch in New South Wales and the Australian Capital Territory; a Branch in South Australia; a Branch in Western Australia; a Branch in Tasmania and Victoria.

(b) The names of the Branches shall be as follows:

(i) Independent Education Union of Australia NSW/ACT Branch

Independent Education Union of Australia Queensland and Northern Territory Branch

Independent Education Union of Australia WA Branch

Independent Education Union (South Australia) Branch

Independent Education Union of Australia Victoria Tasmania Branch

(c) Each of the members of the Union shall be allocated to the appropriate Branch. The appropriate Branch shall be decided as follows:

(i) The Branch which covers the member's place of employment, as indicated in paragraph (b) above; or

(ii) Where the member is simultaneously employed in two places which are covered by different Branches of the Union, the Branch of the member's choice; or

(iii) In the case of unemployed members, the Branch which covers either the place of residence, or the place of desired employment.

(d) Each Branch shall at all times conform to the Rules of the Union.

(e) Each Branch shall have full autonomy in matters affecting members of the Branch only and matters concerning the participation of the Branch in any State industrial relations system. The Union shall not participate in the systems of industrial relations established under the law of a state or territory except when and to the extent that the participation of the Union is requested by the Branch established in that State or Territory and where the Union so participates the Secretary of the Branch of the Union established in that State or Territory shall be the person to sue or to be sued under the law of the State or Territory in respect of any acts or omissions arising from that participation.

In the case of a Branch located in a Territory and in the case of a matter relating only to members within a Branch, the Branch Executive shall have power to serve logs of claims or participate in the federal industrial relations system whether or not such service or participation is authorised by the Federal Council or Federal Executive.

(f) The Branch Executive shall consist of such persons required to be elected by Branch rules as are adopted by the particular Branch pursuant to Rule 26. The Branch Executive shall include (among others) one Branch Secretary and at least one assistant to the Secretary (named as an Assistant Secretary or the Deputy Secretary). One member shall be elected by and from the Branch Executive (who may be an Assistant Secretary or the Deputy Secretary) as the alternate delegate of the Branch Executive to the Federal Executive if the Branch Secretary is unable to attend or is the Federal President.

(g) Each Branch shall have the power to make rules for its own internal management pursuant to Rule 26, save that if a rule of a Branch is inconsistent with any Rule of the Union then the latter shall prevail and the former shall, to the extent of the inconsistency, be void.

Each Branch shall subject to these Rules and the *Fair Work (Registered Organisations) Act 2009* and any amendment thereof have power to constitute, reform or dissolve sub-branches, sections and local committees and to determine or vary their powers and duties. Members of any such sub-branch, section or local committee shall at all times be governed by the Rules of the Union and of the Branch.

Unless specified to the contrary elsewhere in these rules or the Branch Rules the quorum for any meeting of a body described in these rules or the Branch Rules, is one half of those at that time holding membership of the body or, in respect of general meetings of members, 20% of the relevant body of members.

(h) Without limiting the generality of the foregoing and without being limited thereby any branch committee of management may authorise any officer or employee of that branch or any other branch or any Federal Officer or employee in the Federal Office to act as an agent in like terms to Rule 8(g)(xii) but only in relation to members or persons, whether eligible for membership or not, resident, employed or engaged in the geographical area covered by the branch or in relation to other unions, associations or groups of persons whether eligible for membership or not in so far as those persons or the members of the associations or unions are resident or employed or engaged in the geographical area covered by the branch. Nothing in this subrule limits or any way qualifies any or all of the powers and/or authorities granted to the Federal Council, the Federal Executive and/or any federal officer and this rule shall not be taken into account in construing any power or authority reposed in any federal officer, Federal Executive or Federal Council.

13 – DUTIES OF OFFICERS

(a) Federal President.

The Federal President shall:

(i) ordinarily preside at all meetings of the Federal Council or Federal Executive or other body of the Union under these Rules;

(ii) cause all members of the Federal Executive and Federal Council respectively to be notified of meetings;

(iii) speak publicly on behalf of the Union; and

(iv) carry out such functions as may be determined by the Federal Council or Federal Executive from time to time.

(b) Federal Vice-Presidents and Deputy President.

The Federal Vice-Presidents shall assist the Federal President in the conduct of meetings as determined by the Federal Council and Executive. The Deputy President shall chair meetings in the absence of the President and another Vice-President shall chair the meeting in the absence of both the President and Deputy President.

(c) Federal Secretary.

The Federal Secretary shall:

(i) have the power, subject to the Rules and to Federal Council or Federal Executive decisions:

(a) to manage the day to day conduct of the activities of, and use of the assets of, the Federal Union (other than where responsibility is vested in a Branch), and

(b) to define the duties of, direct the work of, and direct the discharge of functions by, officers and employees of the Federal Union (other than in their capacity as officers or employees of a Branch);

(c) to appoint and dismiss employees of the Federal Union (other than in their capacity as employees of a Branch).

(ii) be responsible for the general correspondence of the Union, finance, filing of documents, industrial returns and the carrying out of decisions of the Federal Council and Federal Executive;

(iii) have prepared, properly audited financial statements;

(iv) be the Registered Officer of the Union and be the person to sue or be sued on behalf of the Union;

(v) have the power to take such legal proceedings as are necessary to enforce any award or agreement or to seek penalties against any employer or any member in arrears;

(vi) have the power to demand the payment and observance of wages and conditions on any employer and to submit any dispute or impending dispute to conciliation and arbitration;

(vii) attend, where possible, all meetings of the Federal Executive and Federal Council and be responsible for the keeping of, or causing to be kept, correct minutes, recorded in minute books, of the proceedings of such meetings;

(viii) inform Federal Executive and Federal Council members of relevant meetings called in accord with these rules;

(ix) submit progress reports to the Federal Executive as required or as determined by the Federal Secretary to be necessary;

(x) in the event of the President's absence from Federal Executive or Federal Council meetings or other public meetings at which the Union is officially present, inform the President of the business conducted at such meetings;

(xi) speak publicly on behalf of the Union and issue media and public statements in the name of the Union;

(xii) cause to be issued receipts where necessary and ensure the prompt banking of all monies received by the Union;

(xiii) keep or cause to be kept in appropriate books of account a correct statement of all monies received and expended by or on behalf of the Union;

(xiv) present to each ordinary meeting of the Federal Executive a financial statement showing the total income and expenditure, general account bank balance and balance of all investments, to the date of the statements;

(xv) present the accounts for each period between meetings to the Federal Executive, for the ratification of payments made;

(xvi) ensure that all cheques issued in the name of the Union shall be signed by at least two of the following: President, Federal Secretary, Assistant Federal Secretary, or any person authorised by the Federal Executive;

(xvii) present the Federal Executive a budget for the next financial year for its deliberations;

(xviii) ensure that payments from the funds of the Union are made in the manner specified in the Rules;

(xix) take all reasonable steps to ensure the Union meets its compliance obligations under relevant legislation;

(xx) carry out such further functions as the Federal Council and Federal Executive may from time to time decide.

(d) Assistant Federal Secretaries.

The Assistant Federal Secretaries shall assist the Federal Secretary in the carrying out of all functions and otherwise perform all duties assigned by the Federal Council and/or Federal Executive. The Assistant Federal Secretaries shall be authorised to carry out the duties listed in (i), (v) and (vi) of paragraph (c) above, provided he or she has the permission of the Federal Secretary in relation to each instance, and with the concurrence of the Federal President an Assistant Federal Secretary shall be the Acting Federal Secretary in the absence from duty of the Federal Secretary.

(e) Federal Council Members.

Members of the Federal Council shall attend meetings of the Federal Council.

(f) Federal Executive Members.

Members of the Federal Executive shall attend meetings of the Federal Executive.

13A – EXECUTION OF DOCUMENTS

(a) Industrial Agreements and other instruments that may be needed by or on behalf of the union shall be made as follows:

(i) An Industrial Agreement, any instrument and any document not required by law to be under seal may be executed by the Federal Secretary or the Federal President or, in the absence of the Federal Secretary, an Assistant Federal Secretary who is the Acting Federal Secretary.

(ii) An instrument and any other document required by law to be under seal may be executed by the Federal Secretary, or the Federal President, or, in the absence of the Federal Secretary, an Assistant Federal Secretary who is the Acting Federal Secretary.

(b) In the case of a matter affecting members of a Branch only, Industrial Agreements and any other instruments and documents that may be needed by or on behalf of the Union in relation to that Branch, or by and on behalf of the branch, shall be made as follows:

(i) An Industrial Agreement, any instrument and any document not required by law to be under seal may be executed by the Branch Secretary or other such person duly authorised by the Executive of that Branch.

(ii) An instrument and any other document required by law to be under seal may be executed by the Branch Secretary or other such person duly authorised by the Executive of that Branch.

14 – FEDERAL FUND AND PROPERTY

(a) There shall be a Federal Fund, which shall consist of

(i) Any real or personal property or moneys of which the Federal Council or Federal Executive has or is entitled to have the right of custody, control or management.

(ii) Any capitation fees paid by Branches in accordance with these Rules.

(iii) Any moneys raised by special levy on members or Branches for the purposes of the Federal Council in accordance with these Rules.

(iv) Any interest, rents, dividends or other income derived from the investment or use of the Federal Fund.

(v) Any fund established by the Federal Council or Federal Executive for the payment of superannuation, retiring allowance or long service leave to paid officials or office staff.

(vi) Any property acquired wholly or mainly by expenditure of the moneys of the Federal Fund or derived from other assets of the Federal Fund.

(vii) The proceeds of any disposal of parts of the Federal Fund.

(b) All moneys received by the Union shall be paid to the credit of the Union into an account with a financial institution(s) approved by the Federal Council. No funds shall be drawn from the financial institution(s) except on the authorisation of any two of the following: The Federal Secretary, an Assistant Federal Secretary, the Federal President, a member of Federal Council nominated by the Federal Executive as signatory.

(c) All expenditure for ordinary purposes may be disbursed by decision of the Federal President or the Federal Secretary.

(d) The funds of the Union shall be invested wherever possible in the name of the Union. The funds of the Union may be invested in such securities as are permitted by the laws of any State or Commonwealth for the investment of funds by Trustees.

(e) The funds and property of the Union shall be under the control of the Federal Council.

(f) The financial year shall start at 1 January in any year and end on 31 December in the same year, provided that a Branch may make Branch rules which provide for a different financial year.

15 – BRANCH FUNDS AND PROPERTY

(a) Each Branch shall have a Branch Fund which shall be managed and controlled in accordance with the Rules of that Branch and which shall consist of:-

(i) Any real or personal property or moneys of which the Branch has or is entitled to have the right of custody, control or management.

(ii) The amounts of entrance fees, subscriptions, fines, fees or levies received by the Branch, less so much of those amounts as is payable by the Branch to the Federal Council or Federal Executive pursuant to Rule 7 of these Rules.

(iii) Any interest, rents or dividends derived from the investment of the Branch Fund.

(iv) Any superannuation or long service leave or retiring allowance fund operated or controlled by the Branch for the benefit of its officials or office staff.

(v) Any property acquired wholly or mainly by expenditure of the moneys of the Branch Fund or derived from other assets of the Branch Fund.

(vi) The proceeds of any disposal of parts of the Branch Fund.

(b) Branch Funds may be applied for the exercise of the control and management of the business and affairs of the Branch, subject always to the Federal Rules and the Branch Rules, including the pursuit of the objects of the Union insofar as it is within the power of the Branch, under the Rules, to do so and including the payment of any affiliation dues or subscriptions to any organization or association with which the Branch has or may become affiliated.

(c) Rules relating to a Branch Fund shall not be altered except with the consent of the Branch concerned.

(d) The Branch Secretary (or such other Officer authorised in the Branch rules) is authorised to enter into arrangements with the State registered union [an Associated Body having the same meaning as in Rule 7(f)(i)], setting out arrangements for the management and control of the assets and liabilities of the organisation and the State registered union concerned.

(e) All moneys received by the Branch shall be paid to the credit of the Union into an account with a financial institution(s) approved by the Branch Executive. No funds shall be drawn from the financial institution(s) except on the authorisation of any two of the following: The Branch Secretary, an Assistant or Deputy Branch Secretary, the Branch President, members of the Branch Executive nominated by the Branch Executive as a signatory.

(f) Each Branch will ensure that it is able to pay its debts as and when they become due and payable. If a Branch may not be able to pay its debts as and when they become due and payable the Branch must notify the Federal Executive as soon as possible.

16 – AUDITOR

The Federal Council shall appoint as auditor an approved auditor resident in the city in which the Registered Office is located who shall at least once a year audit the books and accounts of the Union and draw up a correct report on same.

For the purposes of this Rule an approved auditor shall have the same meaning as in Section 256 of Schedule 1B to the Workplace Relations Act 1996 and Regulation 4 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 or any successors thereto.

17 – ELECTIONS

(a) The method of electing the Branch delegates to the Federal Council shall be by secret postal ballot of all financial members of the whole of the Branch. Such elections shall be held every third year at a date fixed by the Branch Executive pursuant to paragraph (h) of this Rule.

(b) Where an election is required to be conducted by these Rules, an election shall be conducted by the Australian Electoral Commission, except where the Branch applies for an exemption pursuant to subsection 183(1) of Schedule 1B to the Workplace Relations Act 1996 or in the case of a casual vacancy pursuant to Rule 19.

(c) "Branch Returning Officer" means either:

(a) the person appointed by the Australian Electoral Commission to conduct an election under these rules;
or

(b) where the Branch has obtained an exemption pursuant to section 183 of the Fair Work (Registered Organisations) Act 2009 the person appointed by the Branch Executive to conduct an election under these rules who shall not be a holder of an office in the Union nor an employee of the Union or any part thereof nor a candidate for any election for Office within the Union;
or

(c) for all other elections that are not subject to the operation of the Fair Work (Registered Organisations) Act 2009, and where the Australian Electoral Commission has not been asked to conduct the election, the person appointed by the organisation or branch.

(d) The Branch Returning Officer shall have the control of such elections as are conducted by the Branch in accordance with these Rules.

(e) Nominations for the position of Branch delegate to the Federal Council shall be called for by the Branch Returning Officer on the same day that nominations open for the election.

The election notice shall be arranged by the Returning Officer to be published:

(A) on the Australian Electoral Commission website; and

(B) on the Branch website; and

(C) electronically to all members eligible to participate in the election by way of email or in a journal, bulletin or newsletter howsoever published by the Branch.

The notice shall:

(i) state that the election is being conducted by the Branch Returning Officer and specify the address, which may be an electronic one, to contact the Branch Returning Officer;

(ii) invite nominations from eligible members and specify how to submit a nomination;

(iii) provide information about how the nomination forms can be accessed;

(iv) inform voters of the fact of the election, the names of the offices to be filled and where there is more than one office bearing the same name, the number of such offices to be filled;

(v) clearly indicate that the Federal Officers, other than Federal Executive members, are elected by and from the Federal Council members and not otherwise;

(vi) state the opening and closing times and dates for the submission of nominations;

(vii) specify the means and times by which a nomination may be withdrawn;

(viii) specify the entitlement to submit a candidate statement and/or photograph, in accordance with Rule 17(i);

(ix) state the opening and closing times and dates of any ballot required; and

(x) inform voters of absent voting requirements.

(f) Any member of the Branch who is financial at the time nominations are called may nominate for the position of Branch delegate to the Federal Council.

(g) Any person wishing to nominate shall be provided with a nomination form by the Branch Returning Officer or in a manner determined by the Branch Returning Officer. The content and appearance of the nomination form shall be determined by the Branch Returning Officer. Such forms shall be signed by the candidate and by two financial members and forwarded to the Branch Returning Officer at an address in a manner determined by the Branch Returning Officer.

(h) The Branch Executive shall fix a time during which an election shall be held. The date for the completion of such election shall be not later than 31 October in the year in which the election is to be held. That decision shall be published and/or notified to members in the first regular communication to members following the making of the decision. Nominations shall close at 4.00 p.m. on a date specified in the advertisement published in accordance with sub-rule (e) herein which shall not be earlier than 21 days after the publication of the first such advertisement.

(i) Candidates may include with their nomination form a statement not exceeding 200 words containing only the candidate's personal history and/or policy statement and/or a passport-sized photograph.

(j) The Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give the nominee the opportunity of remedying the defect within a period not less than seven (7) days after being so notified. The Branch Returning Officer shall accept any written withdrawal of nomination by a nominee for a period of seven (7) days from the closing of nominations for any position to which the person has nominated.

(k) If at the closing date for nominations only sufficient nominations have been received by the Branch Returning Officer to fill any vacancy or vacancies the Branch Returning Officer shall thereupon declare the person or persons so nominating elected by forthwith reporting the results of the ballot to the Branch Secretary, the candidates and the Federal Secretary.

(l) If all nominations are received and there are more nominations than there are vacancies the Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee thereof to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the Branch Returning Officer to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the full name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Branch Secretary shall provide to the Branch Returning Officer seven (7) days prior to the opening of nominations, a certified list of financial members entitled to vote. Provided that, notwithstanding any rule of the Union to the contrary, any member who pays union fees on a payroll deduction basis, eg, under Rule 7(e) of these Rules, and who is included in a list of members paying union fees by payroll deduction which list is supplied by the person referred to in Rule 7(e) shall continue to be treated by the Union as a financial member until the Union is advised of the cessation of the payroll deduction agreement in relation to that member, or until the aforesaid person provides a later list of all members on such arrangement, or until the member ceases to be a member by resignation, expulsion, death or otherwise.

(p) The Branch Returning Officer shall on a date which will enable the ballot paper to be posted not later than twenty-one (21) clear days before the closing date of the ballot, send by pre-paid post to each member eligible to vote in the election an envelope addressed to such member at the address appearing on the list of members eligible to vote supplied to the Branch Returning Officer by the Branch Secretary, and that envelope shall contain only the following documents.

(i) a ballot paper initialled by the Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) a declaration envelope in the form prescribed in Schedule 1B to the Workplace Relations Act 1996 and Regulations of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 which fits inside a pre-paid envelope as prescribed in Schedule 1B to the Workplace Relations Act 1996 and Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 or any successors thereto.

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Branch Returning Officer may consider necessary.

(iv) The candidate's statement and any material provided for and in accordance with Rule 17(i).

(q) For the purpose of the election the books of the Branch shall be deemed to have closed as at seven (7) clear days before the opening date of the nominations. Members who are shown in the records at the office as having paid all contributions, levies and fines seven (7) clear days prior to the aforementioned date herein shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Branch Returning Officer that such member has paid all contributions, levies and fines prior to the date upon which the books of the Branch shall be deemed to have closed, shall be entitled to receive a ballot paper and the Branch Returning Officer shall send by pre-paid post a ballot paper in accordance with Rule 17(p).

Further provided that, subject to the foregoing proviso herein, the list of financial members entitled to vote supplied by the Branch Secretary under sub-rule 17(p) shall be conclusive proof of the membership and financial status of each member included therein and no error, omission, irregularity or nullity in any office record or application shall affect either the membership or financial status of any member as shown in that list.

(r) The opening date of the ballot shall be on no later than six weeks following the close of nominations and the closing time and date shall be at noon on the 22nd day after the opening date of the ballot respectively in each year in which the ballot is held. All ballot papers shall be returned to the Branch Returning Officer, C/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Branch Returning Officer prior to the despatch of the ballot papers or if a box has been previously used by the union, the lock thereto shall be changed.

(s) The Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box.

(t) At the conclusion of the ballot the ballot box shall be opened by the Returning Officer. Counting the ballot papers shall proceed in the presence of any scrutineers in attendance at the time fixed for the scrutiny. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Candidates at their own expense, may appoint a financial member of the Union to act as a Scrutineer by notification in writing to the Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

(v) The system of voting shall be that known as "first past the post" and shall allow for an order of preference to be indicated by the voter so that in the event of the lapsing of a nomination pursuant to Sub-rule 18(g)(v) an effective vote may still be cast as follows:

(i) In the event of there being only one vacancy to be filled, the voter shall vote by using sequential numbers and the candidate who has the number one placed against his or her name shall be the candidate who is favoured by the voter;

(ii) In the event of there being more than one vacancy to be filled, the voter shall vote by using sequential numbers and the candidates who have a number up to the number of positions to be filled against their names shall be the candidates favoured by the voter and the votes so marked shall be counted accordingly as primary votes of equal value; to be valid a vote must number at least the number of candidates to be elected in the election;

(iii) A vote which indicates a clear intention to vote in a way which is consistent with the above shall be valid;

(iv) Notwithstanding the above in the event that the nomination of the candidate has lapsed pursuant to Sub-rule 18(g)(v) for any position, the Returning Officer shall count the next preference on the ballot paper to allow a fully effective vote to be cast.

(w) Provided that in the counting of votes under Rule 17(v) that the maximum number of male candidates elected from all nominees from a Branch would be equal to no more than half the total delegates for that Branch. Where a Branch is entitled to an odd number of delegates, the maximum number of men to be elected shall be rounded down to the nearest whole number (for example, if a Branch is entitled to five delegates, a maximum of two male delegates can be elected). In the event that at the close of nominations there are insufficient women nominees, the Returning Officer will call for further nominations from the Branch to be filled by women so that the quota required by Rule 8(c)(ii) is achieved. This sub rule shall not apply to the Queensland and Northern Territory Branch where that Branch has 5000 members or fewer.

(x) In the case of an equality of votes for any two or more candidates the Branch Returning Officer shall determine by casting a vote which of the candidates is elected, provided that where an electoral officer is the Branch Returning Officer such shall be determined by casting lots.

(y) The Branch Returning Officer shall declare the successful candidates elected by notifying the result of the ballot to the Branch Secretary, the candidates and the Federal Secretary.

(z) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(aa) In any election the Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Branch Returning Officer may proceed nonetheless.

(bb) Successful candidates shall take office from 1 December in the year in which the election was held and shall hold office for three years.

18 – ELECTION OF FEDERAL OFFICERS

(a) The Federal President, Federal Secretary, the Assistant Federal Secretaries (2 positions), Deputy President and Vice Presidents shall be elected by a secret postal ballot by and from all members of the Federal Council. The Federal Secretary and the Assistant Federal Secretaries shall be eligible to stand for election to any such position, provided he or she does not hold the position of Federal Secretary or Assistant Federal Secretary merely because of having filled a casual vacancy in the position where such vacancy was not filled in the same manner as the original officer was elected.

(b) Such election shall be held every third year with the date of the close of nominations to be fixed between 1 March and 31 March.

(c) An election pursuant to paragraph (a) or paragraph (f) shall be conducted by the Australian Electoral Commission, except where the Union applies for an exemption pursuant to subsection 183(1) of Schedule 1B to the Workplace Relations Act 1996 or in the case of a casual vacancy pursuant to Rule 19.

(d) Where an election or referendum is to be conducted by the Union, then the Federal Executive shall appoint a Federal Returning Officer who shall not during the term of office be the holder of an office in nor an employee of the Union or any part thereof nor a candidate at any election within the Union (other than the election of a Returning Officer).

The Federal Returning Officer may at any time in writing resign the positions and shall do so if he or she desires to become a candidate at any elections held under the Rules of the Union.

Any casual vacancy of the Federal Returning Officer shall be filled by the Federal Executive.

(e) The Federal Returning Officer shall have control of such elections which are conducted by the Union in accordance with these Rules.

(f) During the Counting of the election, the positions shall be determined in the order as listed in subrule (a) above.

(g) The conduct of the ballot for the positions of Federal President, Federal Secretary, Assistant Federal Secretary (2 positions), Deputy President and Vice Presidents shall be held in the manner provided for the election of delegates to Federal Council, as set out in Rule 17, with any necessary changes being made:

(i) The Federal Secretary shall provide all necessary information to the Federal Returning Officer to enable a true and proper election to be conducted.

(ii) The first such election for Federal Officers shall take place as soon as practicable following the completion of all Branch-conducted elections for delegates to the Federal Council to be held prior to 31 October 1989.

(iii) The Federal Returning Officer shall call for nominations by writing to each member of the Federal Council to that effect, and shall notify each Branch Secretary that such nominations are being called.

(iv) A member of the Federal Council shall be nominated for any position for which he or she intends to stand by another financial member of the Union, and the nominations shall be accepted in writing by the nominee.

(v) The same person may be nominated for more than one office for which an election is being held but he or she may not hold more than one such office at a time. During the counting of the election, the determination of positions shall be in the following order: Federal President, Federal Secretary, Assistant Federal Secretaries (2 positions), Deputy President, Vice Presidents. If a person who is elected to one of the above positions was also nominated for any other office, any such nomination shall lapse.

(vi) Candidates may appoint any member of the Union to act as scrutineer on behalf of the candidate.

(vii) The Federal Returning Officer shall advise the Industrial Registrar of the dates proposed for the conducting of the first election after the gaining of registration. Subject to any requirements of the Industrial Registrar then made, the Federal Returning Officer shall allow two clear weeks between the notification of the election in writing to Federal Council members (with nomination forms enclosed) to the date for the close of nominations. The election shall be conducted as expeditiously as possible, with two clear weeks being allowed between the posting of ballot papers and the date by which ballot papers must be returned.

(viii) The Federal Returning Officer shall following the close of the ballot count the ballot papers, and declare the result. A written notification of the result shall be sent by the Federal Returning Officer to the Federal Secretary which shall be the declaration of the ballot. The Federal Secretary shall then send a copy of that declaration to each member of the Federal Council and to the retiring Federal Officers if such persons were not re-elected and to each Branch Secretary.

(xi) The newly elected officials shall hold office from a date two weeks after the declaration of ballot.

19 – CASUAL VACANCY

(a) In the event of any office of Federal Secretary, Assistant Federal Secretary, Federal President, Deputy President and Federal Vice-President becoming vacant for any reason where the unexpired term of office exceeds three quarters of the term of office, the Federal Secretary shall advise the Australian Electoral Commission or the Federal Returning Officer (as appropriate) of the vacancy within one month and the vacancy shall be filled in the same manner as the original officer was elected and the person elected to fill such casual vacancy shall hold office for the remainder of the term of office in which the vacancy occurred. In the event of such office becoming vacant where the unexpired term of office is three-quarters of the term of office or less, the vacancy shall be filled within three months and in such manner as the Federal Council or Federal Executive may determine, and the person so appointed shall hold office for the remainder of the term of office in which the vacancy occurred.

(b) In the event of the office of Branch delegate to Federal Council becoming vacant for any reason or in the case of a vacancy pursuant to Rule 8(d), where the unexpired term of office exceeds three quarters of the term of office, the Branch Secretary shall advise the Australian Electoral Commission or the Branch Returning Officer (as appropriate) of the vacancy and the procedures in paragraph (a) for filling casual vacancies for federal officers shall apply.

In the event of such office (other than a vacancy pursuant to Rule (d))becoming vacant where the unexpired term of office is three quarters of the term of office or less, the vacancy shall be filled within three months and in such manner as the Branch Executive (or such other body as specified by Branch Rules) may determine, and the person so elected shall hold office for the remainder of the term of office in which the vacancy occurred.

Further, in the event of the office of Branch delegate to Federal Council becoming vacant for any reason or in the case of a vacancy pursuant to Rule 8(d) the filling of such a vacancy must be consistent with Rule 8(c)(ii).

(c) In the event of a casual vacancy occurring in the position of Federal President, Federal Secretary or Assistant Federal Secretary an officer holding one of the other three offices (hereinafter "the previous office") may nominate for and be elected to the casual vacancy and upon such election the previous office shall become vacant and an election held therefore.

20 – REGISTER OF MEMBERS

A register of members and any other records required to be kept by the Workplace Relations Act 1996 and the Regulations made pursuant thereto shall be kept at the registered office of the Union and/or so far as such records relate to a Branch at the registered office of the Branch.

21 – RESIGNATION FROM MEMBERSHIP

(a) A member of the Union may resign from membership by written notice addressed and delivered to the relevant Branch Secretary.

(b) A notice of resignation from membership takes effect:

(i) Where the member ceases to be eligible to become a member of the Union.

(A) on the day on which the notice is received by the Union; or

(B) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is later; or

(ii) in any other case:

(A) at the end of two weeks after the notice is received by the organisation; or

(B) on the day specified in the notice;

whichever is the later.

(c) Any dues payable and not paid by a former member in relation to a period before the member's resignation from the organisation took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.

(d) A notice delivered to the person mentioned in subclause (a) shall be taken to have been received by the Union when it was delivered.

(e) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with Subclause (a).

(f) A resignation from membership of the Union is valid even if it is not effected in accordance with this section if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

22 – REFERENDA

(a) The Federal Council and/or Federal Executive may at any time, and shall on receipt of a petition signed by at least 10% of the members, take a referendum of the whole of the members of the Union on the matter so submitted. A decision of the members at such a referendum shall be binding on the Federal Council and/or Federal Executive and all members of the Union. The decision shall be that decision reached by a majority of the actual votes recorded provided however that at least 25% of the members of the Union vote.

(b) The Federal Council and/or Federal Executive shall on receipt of a petition from two-thirds of the Branches (such petition having been authorised by meetings of the respective Branch Executives for which meetings notice of the matter of the petition was duly given) take a referendum of the whole of the members of the Union on the matter so submitted, and the further provision as provided for in Sub-rule (a) of this Rule, shall also apply.

(c) Subject to any provision in Branch rules to the contrary the Branch Executive may at any time, and shall on receipt of a petition signed by at least 10% of the members of the Branch, take a referendum of the whole of the members of the Branch on the matter so submitted, provided that the matter so submitted is within the power of a Branch, under these Rules, to seek to decide. A decision of the members at such a referendum shall be binding on the Branch Executive and all members of the Branch. The decision shall be that decision reached by a majority of the actual votes recorded, provided that at least 25% of the members of the Branch vote.

(d) In all respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections for delegates to the Federal Council.

22A – GENERAL MEETING - FINANCIAL REPORTS

(1) The Federal Secretary shall convene a meeting of the members of the Union upon a request in writing by members calling for a General meeting for the purposes of considering the financial reports as described in Schedule 1B of the Workplace Relations Act 1996 if such a request:

(i) Is signed by no less than 5% of the members of the Union as at the date of receipt of the request, and

(ii) Contains in relation to each signature

(a) The date of signing
(b) The signatory's name in block letters
(c) The name of the Branch to which the signatory belongs.

(2) A General Meeting of the members of the Union pursuant to this Rule may be conducted as a series of meetings held at different locations.

(3) The Federal Secretary shall give 28 days notice to the members of the Union of any General Meeting called pursuant to this Rule.

(4) The Federal Secretary shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to and posted in a conspicuous place at each member's place of employment or by email communication to each member or by notice on the Union website to members who have immediate access to that website and to each Branch Secretary.

(5) A meeting conducted pursuant to this Rule is taken to have been completed at the time of the last meeting in any series of meetings.

(6) All decisions at a meeting called in accordance with this Rule shall be by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

(7) Attendance at meetings conducted under this Rule shall be recorded.

(8) The quorum for any General Meeting called under this rule shall be 1000 members provided where the General Meeting is conducted as a series of meetings held in different locations the quorum shall in aggregate be 3000 members.

23 – DISMISSAL OF OFFICER

(a) The Federal Council by a two-thirds majority may dismiss from office an officer of the Union or a member of the Federal Council or Federal Executive found guilty, in accordance with the Rules of the Union, of misappropriation of the funds of the Union, a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or who has ceased according to the Rules of the Union to be a member of the Union.

(b) Subject to any provision in Branch rules to the contrary a Branch Executive by a two-thirds majority may dismiss from office an officer of that Branch of the Union or a member of that Branch Executive found guilty, in accordance with the Rules of Union and any relevant Rules of the Branch, of misappropriation of the funds of the Union or of the Branch, a substantial breach of the Rules of the Union or of the Branch, or gross misbehaviour or gross neglect of duty or who has ceased according to the Rules of the Union to be a member of the Union.

(c) Any charge on the basis of which a procedure for dismissal is based must be in writing, setting out the particulars of the alleged violation of rules, gross misbehaviour or gross neglect of duty. The person concerned shall be given no less than two weeks notice of any meeting which is to decide the matter of a dismissal, which notice shall be accompanied by the written charge. The person charged shall be given reasonable opportunity to attend the meeting at which the charges are heard, and of being heard in his or her defence. If the person charged prefers, he or she may answer the charge in writing.

(d) No right of appeal to the Federal Executive or Federal Council exists in respect of any decision of a Branch Executive made pursuant to this rule.

23A – OFFENCES BY MEMBERS

(a) The Federal Executive may, by summons in writing, call upon a member whom the Federal Executive and/or the Branch Executive alleges is acting or has within the preceding twelve months committed any offence against these Rules or the Rules of the Branch in which their membership lies, to attend a hearing of the charge. At such a hearing, the member shall be required to demonstrate why they should not be reprimanded, fined or expelled from the Union.

(b) The Federal Executive shall, at the request of a Branch Executive which has submitted a prima facie case against a member, by summons in writing, call upon any member whom the Federal Executive and/or the Branch Executive alleges is acting or has within the preceding twelve months committed any offence against these Rules or the Rules of the Branch in which their membership lies, to attend a hearing of the charge. At such a hearing, the member shall be required to demonstrate why they should not be reprimanded, fined or expelled from the Union.

(c) The summons shall:

(i) state the allegation together with particulars thereof;

(ii) disclose the evidence on which the allegation is based;

(iii) be signed by the Federal President or Federal Secretary;

(iv) state the time, date and place at which the member is to show cause;

(v) offer the opportunity for the member to make their case in writing;

(vi) state whether the Union or Branch will bear the financial cost of transporting the member, should the hearing be interstate;

(vii) offer teleconference or videoconference provisions should the member be unable to attend the hearing;

(viii) be delivered personally to the member concerned or posted by registered mail to their last known address at least 21 days before the hearing at which the matter is to be determined;

(ix) have attached to it a copy of this rule.

(d) At such a hearing the member shall be entitled to appear and/or be represented and the member and/or the member's representative shall be entitled to be present during the giving of evidence. to cross-examine witnesses and to present a defence.

(e) Should any member against whom an allegation is made fail to appear at the hearing and fail to provide either a written response or attend the hearing by teleconference or video conference or provide a satisfactory explanation for their non-attendance, the Federal Executive may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this Rule has been served on them.

(f) The evidence relating to the alleged offence shall be heard by the Federal Executive and the member concerned shall be heard in their defence either personally and/or in writing and/or by teleconference or videoconference.

(g) If in the opinion of the Federal Executive the member is guilty of the offence alleged the Federal Executive may:

(i) reprimand or
(ii) fine a sum not exceeding One Hundred Dollars for any one offence or
(iii) suspend the member for a period not exceeding 12 months or
(iv) expel the member from the Union or
(v) not impose a penalty.

(h) The Federal Secretary shall promptly inform the member by registered letter of the decision of the Federal Executive. In the event of expulsion the expulsion shall become effective 21 days after the date of posting such letter and in the event of a fine being imposed the fine subject to sub-rule (g) hereof shall become payable immediately and the member shall be deemed unfinancial if the fine is unpaid one month after the date of posting such letter and shall remain unfinancial until the fine is paid.

(i) A member who is found guilty of an offence by the Federal Executive shall have a right of appeal to the next Federal Council against such finding and/or any penalty imposed by the Federal Executive provided that such appeal is submitted to the Federal Secretary in writing not more than 14 days after receipt of the letter informing them of the decision of the Federal Executive and pending the determination of any such appeal the finding and/or penalty shall not become effective. The Federal Council determination of the appeal shall be final.

(j) Any member expelled pursuant to this Rule shall not be re-admitted to membership except by a vote of Federal Council.

24 – SEAL OF THE UNION

The seal of the Union shall be a map of Australia with letters I.E.U. therein and on the outer edge thereof the words "Independent Education Union of Australia".

25 – LOANS

A loan, grant or donation of an amount exceeding $1,000 shall not be made by the Union, or a Branch of the Union, unless the Federal Council or Federal Executive, or the Branch Executive, as the case may be, -

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other rules of the Union, or the Branch of the Union, as the case may be; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

26 – DESCRIPTION OF RULES

These Rules shall be known as The Federal Rules. Each Branch will adopt a set of Branch Rules to be known as Branch Rules (with the name of the Branch as listed in Federal Rule 12(b) being filled in the space provided). The Branch Rules that the Branch is required to adopt must be in accordance with such requirements of the Federal Rules as a whole, along with all amendments, variations, and/or additions as it determines. Such rules must conform with the requirements of the Fair Work (Registered Organisations) Act 2009 and the Federal Rules.

INDEPENDENT EDUCATION UNION (SOUTH AUSTRALIA) BRANCH

1 – DESCRIPTION OF RULES

1.1 These rules shall be known as the Rules of the Independent Education Union (South Australia) Branch.

1.2 These rules shall be the rules of the Independent Education Union (South Australia) Branch and shall pertain only to that Branch and shall be read in conjunction with the Federal Rules.

1.3 Any rule of these branch rules shall be read and construed subject to the Federal Rules and shall to the extent of any inconsistency therewith become inoperative.

2 – NAME OF BRANCH

2.1 The name of the Branch shall be Independent Education Union (South Australia) Branch.

3 – MEMBERSHIP

3.1 Subject to a section 151 agreement being in force, the following persons shall be eligible for membership of the Branch.

3.1.1 The Union shall consist of an unlimited number of persons howsoever described who are employed, usually employed or desirous of being employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocation and/or industrial pursuits of:

3.1.1.1 Persons engaged in teaching or eligible to be engaged in teaching including Principals and others exercising supervisory and/or counselling and/or advisory functions in a non-government, school, college or educational institution;

3.1.1.2 Persons engaged in any clerical or administrative capacity in a non-government, school, college or educational institution, or acting in any capacity assisting any of the persons described in paragraph 3.1.1.1;

3.1.1.3 Any other person employed in a non-government school, college, or educational institution (other than persons employed by any cleaning, catering, security, laundering, gardening, construction, building maintenance or domestic service contractor engaged to provide such services to any non-government, school, college or educational institution);

3.1.1.4 Persons employed by any authority or body responsible for the conduct or supervision of a non-government, school, college or educational institution, or any group of such schools, as an advisor, supervisor or educational officer or engaged in any clerical or administrative capacity provided that nothing in this rule entitles the Union to enrol as members any persons employed by or on behalf of the State of South Australia.

3.1.1.5 Any person employed by, or appointed as an officer of, the Union.

3.1.2 Such other persons eligible for membership as determined by Rule 2 of the Federal Rules.

3.1.3 Life Membership - Life members of the Union are appointed by the Special General Meeting or by a meeting of Executive.Life members shall be considered as financial members for all purposes of these rules.

4 – APPLICATION FOR MEMBERSHIP

4.1 Application for membership shall be in accordance with the provisions contained in Rule 6 of the Federal Rules.

5 – FEES AND SUBSCRIPTIONS

5.1 Provisions relating to fees, subscriptions and capitation fees shall be as set out in Rule 7 of the Federal Rules save that the annual membership fee to be paid by Branch members who are not members of the "Associated Body", the Independent Education Union (South Australia) Inc., shall be the same membership fee as would be required to be a member of that "Associated Body".

5.2 The Branch Executive may impose a levy or levies on each member of the Union attached to the Branch pursuant to Rule 12 (c) of the Federal Rules.

5.3 Such levy or levies shall become due and payable on the date specified by the Branch Executive.

5.4 The Branch Secretary shall forward to the Federal Secretary such capitation fees and other levies as are determined in accordance with the Federal Rules, and shall be forwarded within such time scales as are so determined. The Branch Secretary shall provide to the Federal Secretary such information on numbers and categories of Branch membership as the Federal Council or Federal Executive determines should be provided.

6 – BRANCH EXECUTIVE AND THE ELECTION THEREOF

6.1 The governing body of the Branch shall be the Branch Executive.

6.2 The Branch Executive shall consist of one (1) Secretary, one (1) Deputy Secretary, and eleven (11) Ordinary Members.

6.3 Elections for the Branch Executive shall occur at the same time and in the same manner as elections for Branch Delegates to Federal Council in accordance with Rule 17 of the Federal Rules including the gender balance mechanism in federal rule 17 (w).

6.3.1 Members of the Branch Executive are not precluded from holding an office as Branch Delegate to Federal Council by virtue of holding any other office of the Branch.

6.4 During the counting of the election the determination of positions shall be in the order of Secretary, Deputy Secretary then Ordinary Member.

6.4.1 If a person who is elected to the position of Secretary or Deputy Secretary was also nominated for a position as an Ordinary Member of the Branch Executive then such nomination shall lapse.

6.5 A member shall be eligible for election as a member of the Branch Executive if
(a) the member is financial at the date of closing of nominations, and

6.6 The Branch Executive shall take office from 31st December in the year in which the election is held and shall hold office for three years or until new elections are held in accordance with these Rules.

6.7 The inaugural Deputy Secretary shall be elected under Branch Rule 6 mutatis mutandis (and in particular without the application of the gender balance mechanism in Federal Rule 17 (w)) and shall hold office for the remainder of the current Executive's term of office and shall thereafter be elected as per Branch Rule 6.

7 – ADDITIONAL BRANCH OFFICERS AND THE ELECTION THEREOF

7.1 As soon as possible after the election of the Branch Executive, the incoming Branch Executive shall elect, in accordance with Rule 18 of the Federal Rules, the necessary changes being made, by and from itself, an additional five (5) Office Bearers who shall be one (1) President, two (2) Vice-Presidents, one (1) Treasurer and one (1) Alternate Delegate to Federal Executive and such officers shall hold office in accordance with Rule 6.6.

7.1.1 The elected Branch Secretary may not also hold a position as President, a Vice-President or Alternate Delegate to Federal Executive.

(a) The elected Deputy Secretary may not also hold a position as President or a Vice President.

7.1.2 The elected Branch President may not also hold a position as a Vice-President.

7.1.3 During the counting of the election the determination of positions shall be in the order of President, Vice President, Treasurer and then Alternate Delegate to Federal Executive.

7.2 In the event that an insufficient number of members is nominated for the election of Branch Executive, the election for Additional Branch Officers shall proceed and the vacant positions on the Executive shall be filled in the manner of a casual vacancy.

8 – CASUAL VACANCIES

8.1 Casual vacancies shall be filled in accordance with Rule 19 of the Federal Rules.

9 – POWERS OF THE BRANCH EXECUTIVE

9.1 The Branch Executive shall have power to control and manage the business and affairs of the Branch subject always to the Federal Rules and the Branch Rules and without limiting the generality of this power, shall have power to:

(a) Take such steps as it shall consider necessary to carry out the objects of the Union insofar as it is within the power, under the Rules, for the Branch to do so, and to raise or spend such funds as are necessary to carry out the objects;

(b) Direct the policy of the Branch;

(c) Rescind, amend or add to Branch Rules including rules to constitute, reform or dissolve sub-branches, sections and local committees and to determine or vary their powers and duties;

(d) Hear and determine all appeals that are submitted in accordance with the rules;

(e) Fix salaries, allowances and honoraria for Branch officials and employees, and any delegate or person appointed by the Branch to do any work on behalf of the Branch;

(f) Appoint a Branch Returning Officer for the conduct of any elections required by these Rules provided that:

(i) the Branch Executive shall so appoint a Branch Returning Officer who shall hold office until a successor is duly appointed,

(ii) the Branch Returning Officer shall have absolute control of any election,

(iii) the Branch Returning Officer may or may not be a member of the Union, and

(iv) the Branch Returning Officer shall not be the holder of any office in, or be an employee of, the Union or any Branch of the Union;

(g) Appoint delegates to organisations of bodies to which the Branch is affiliated;

(h) Receive and adopt or otherwise deal with the Annual Report;

(i) Fix fees and subscriptions in accordance with Rule 5 of these Branch Rules;

(j) Institute and/or defend legal proceedings in matters affecting the affairs of the Branch;

(k) Decide on the service of any log of claims upon an employer in respect of employees who are, or are eligible to be, members of the Branch.

(l) The Branch Executive shall appoint as auditor a competent person to audit the books of the Branch and report on same. This to be done in the same terms as provided for in Rule 16 of the Federal Rules.

(m) The executive may form such ad hoc or on-going committees with terms of reference and compositions as it sees fit. One Standing Committee shall be the Management Committee which shall have oversight of

- The finances of the Union including budgeting, audit, monitoring and extraordinary items
- Human resource management of the Union employees including hiring, disciplining and terminating employment as appropriate.
- Other matters that any of the committee members wish to raise as business
- Urgent matters between executive meetings

The Management Committee shall be six members; The Secretary, the Deputy Secretary, the President, two Vice Presidents and Treasurer.

(n) To receive and adopt, or otherwise deal with the full financial report.

9.2 The Branch Executive may allow the participation of an Executive Member in a Branch Executive Meeting by teleconference or video conference or equivalent electronic means. The Secretary may make a telephonic, electronic, facsimile, postal or verbal vote of members of Branch Executive. Such vote shall have the same force and effect as a decision of the Branch Executive made in meetings assembled.

9.3 A quorum for an Executive meeting shall be the next highest integer greater than half the number of Executive members at the time.

10 – DUTIES OF OFFICERS

10.1 The President shall, have the power to convene meetings of the Executive and/or members, to preside at those meetings using only a casting vote as necessary and to ensure that, as far as is reasonably possible, the Rules of the Branch are maintained and observed by all Officers and members of the Branch.

10.2 The Vice-Presidents shall exercise all of the rights and powers and perform all of the duties of the President in the absence or at the request of the President.

(a) The duties shall be shared by the Vice-Presidents in a manner determined between them and in consultation with the President prior to the first meeting of the newly appointed Executive.

10.3 The Secretary shall be responsible to the Executive for the smooth and efficient operation of the office and staff, for the safe keeping of all documents and property of the Branch, for signing and executing any document or process on behalf of the Branch, to diligently carry out any instructions of the Executive and generally to pursue by all lawful means the objects, business and purpose of the Branch.

10.3.1 The Secretary shall cause the keeping of minute books (which may be electronic) in which are recorded the proceedings and resolutions of meetings of Branch Executive.

10.3.2 In addition to being a fully participatory member of Branch Executive, the Deputy Secretary shall be authorised to undertake the role of the Secretary in full or in part at the request of the Secretary or if the Secretary is absent or incapacitated.

10.4 The Treasurer shall be responsible to the Executive for the investment of Branch funds and shall keep or cause to be kept proper books of account of the Branch and shall cause such books of account to be audited within 6 months of the expiration of the Branch financial year or such mandated timeframe as per the Registered Organisations Act 2009**.**.

10.5 The Ordinary Members of the Branch Executive shall regularly attend Executive meetings at a time decided upon by the Branch Executive as being most convenient for that Executive.

11 – REGISTER OF MEMBERS

11.1 A register of members and any other records required to be kept by the Fair Work (Registered Organisations) Act 2009 and the regulations made pursuant thereto shall be kept at the registered office of the Branch.

12 – BRANCH FUNDS AND PROPERTY

12.1 All moneys received by the Branch shall be paid to the credit of the Branch on current account with a Bank selected by the Branch Executive.

12.2 No funds shall be drawn from the Bank except on the signature of any one or two persons holding the Office of Treasurer, President, Secretary, Vice-President or such other person/s as authorised by executive.

12.3 All expenditure for ordinary purposes may be disbursed by decision of the Branch Secretary or the Branch President.

12.4 The funds and property of the Branch shall be under the control of the Branch Executive.

12.5 As of 1 January 2017 the financial year of the Branch shall commence on 1 January in any year and conclude on 31 December of the same year.

12.6 Provisions for the making of loans, grants or donations by the Branch shall be in strict conformity with the provisions of Rule 25 of the Federal Rules.

13 – REGISTERED OFFICE

13.1 Independent Education Union (South Australia) Branch
213 - 215 Currie Street
ADELAIDE SA 5000
or such other place as Branch Executive may determine from time to time.

14 – SUB BRANCH REPRESENTATIVES

14.1 A Sub-Branch shall mean all financial members of the Union (excluding Principals and Deputies however called) who work together in the same workplace or Special Interest groups as defined from time to time by the Branch Executive.

14.1.1 One Special Interest Sub-Branch, as defined by the Branch Executive, may include all Principals and Deputies (however called) who are financial members of the Union.

14.2 Each workplace is to have only one Sub-Branch unless the Branch Executive has specifically authorised the establishment of more than one Sub-Branch in the best interest of the members at that workplace.

14.3 **Election and Appointment of Workplace Representatives**

Members of the Union at each Sub-Branch may elect, from among themselves, one or more Union Sub-Branch Representatives in accordance with the procedures approved by Branch Executive from time to time. The quorum requirements of rule 14.7 do not apply to meetings convened to elect workplace representatives and a ballot may be conducted by electronic means. The successful candidate(s) must notify the Branch Secretary in writing of the result of the election and the identity of all Sub-Branch Representatives as soon as possible after their election.

14.4 Subject only to any decision of the Branch Executive pursuant to 14.5 of these rules the Branch Secretary shall have the right to appoint a workplace representative or representatives from the membership of a Sub-Branch where there is no elected representative in that Sub-Branch. To assist the Sub-Branch the Branch Secretary may also appoint, in any workplace, additional representatives, from the membership of that Sub-Branch, to those elected by the Sub-Branch.

14.5 Resignation and Removal of Workplace Representatives

14.5.1 A workplace representative may resign their position by advising the Branch Secretary in writing of the date of their resignation.

14.5.2 The Branch Executive may remove any workplace representative who refuses or fails to comply with the union's objects or rules or lawful resolutions of the Branch Executive or who has acted in any manner prejudicial to the good order and government of the union.

14.5.3 The Branch Executive may rescind the appointment of any workplace representative appointed by the Branch Secretary.

14.6 The duties of a Union Sub-Branch Representative include but are not limited to:

14.6.1 Making every effort to enrol all persons at the workplace who are eligible to be members of the Union.

14.6.2 Acting act as a medium of communication between members and the Union office.

14.6.3 Posting on a notice-board or otherwise disseminate to members the full content of notices or other correspondence sent by the Union.

14.6.4 Convening regular meetings of the Sub-Branch.

14.6.5 Supporting or arranging support for Sub-Branch members who may have problems requiring the assistance of the Union.

14.6.6 Communicating with the management of the workplace on matters of concern to members of the Sub-Branch.

14.6.7 Participating in professional development or training to support their functioning as a Union Sub-Branch Representative.

14.6.8 Facilitating the holding of elections for the position of Union Sub-Branch Representative/s as and when they fall due.

14.6.9 Promoting the Objects of the Union and contributing to and implementing Branch policy.

14.7 At ordinary face-to-face meetings of the Sub-Branch, twenty-five percent of the members or fifteen members, whichever is the lesser, are required to attend in order to form a quorum. All questions are to be decided by a majority of the votes of the members present and voting.

14.8 In the absence of a face-to-face meeting, any Sub-Branch matters requiring a decision may be determined by a simple majority of votes lodged by electronic means.

15 – MEETINGS OF MEMBERS AND REFERENDA

15.1 Special General Meetings other than under Rule 15.2 General Meeting – Financial Reports.

15.1.2 The quorum for a Special General Meeting shall be 15 financial members.

15.1.3 At Special General Meetings a resolution shall be passed by simple majority of those present and voting.

15.2 General Meeting – Financial Reports

15.2.1 The Secretary shall convene a meeting of the members of the Branch upon a request in writing by members calling for a General Meeting for the purposes of considering the auditor's report, the general purpose financial report and the operating report if such a request:

(a) is signed by no less than 5% of the members of the Branch as at the date of receipt of the request;

(b)_ contains in relation to each signature

(i) the date of signing;

(ii)the signatory's name in capital letters;

(iii) the name of the Sub Branch to which the signatory belongs.

15.2.2 The Secretary shall give 28 days' notice to the members of the Branch of any General Meeting called pursuant to this Rule.

15.2.3 The Secretary shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to and posted in a conspicuous place at each member's place of employment or by email communication to each member or by notice on the Branch website to members.

15.2.4 Resolutions at a meeting called in accordance with this Rule shall be voted on by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

15.2.5 Attendance at a meeting conducted under this Rule shall be recorded.

15.2.6 Ten percent (10%) of the number of members who have requested in writing the convening of a meeting under this clause shall constitute a quorum. If on the expiration of thirty (30) minutes after the time appointed for a meeting, a quorum is not present, the meeting shall be deemed to have lapsed.

15.3 Special General Meeting other than under Rule 15.2 General Meeting – Financial Reports

15.3.1 Executive may at any time on its own resolution, and shall upon a requisition by 50 financial members of the Branch, call a Special General Meeting and shall fix the time and place for holding such Special General Meeting provided that only such business as is stated in the notice convening the meeting shall be dealt with and that business is within the power of the Branch to seek to decide.

15.3.1.1 Executive shall give 21 days' notice of Special General Meetings to all members.

15.3.2 Where a Special General Meeting is called upon a requisition signed by 50 financial members of the Branch the requisition shall specify what is to be discussed at such Special General Meeting.

15.3.3 Amendments without notice may be put and discussed at Special General Meetings.

15.4 Referendum

15.4.1 Special General Meetings may resolve by a majority, or Executive meetings may resolve by a two-thirds majority, to refer any question or motion before it or any decision reached by it to a referendum of financial members of the Branch.

15.4.1.1 The result of any referendum is carried by a simple majority of members voting and shall be binding upon the Branch membership and shall become Branch policy.

15.4.1.2 There shall be provided a period of not less than four school weeks for the preparation and dissemination of information on matters in question in any referendum.

15.4.1.3 Executive shall make available such resources of the Branch as it shall see fit equally to selected parties for the preparation of affirmative and negative "cases" pertinent to any referendum.

15.4.1.4 The period of time allowed for distribution of voting papers and closing time of ballot to be determined at the Special General Meeting or Executive meeting at which the decision to hold a referendum is taken, but that time is to be not less than fourteen (14) days.

15.5 General meetings of members other than under Rule 15.2 General Meeting – Financial Reports.

15.5.1 The Secretary (or a delegated person) may call a general meeting of members or a special interest group of members at his/her own initiative or upon the direction of the Executive.

15.5.2 Members may call for a meeting as per rule 15.3 Special General Meeting.

15.5.3 Under normal circumstances at least 7 days' notice shall be provided to members, but notice of less than 7 days will not invalidate the calling of a meeting or decisions made at a meeting.

15.5.4 Notification of general meetings may be made through the Sub-Branch Representative networks, with the Sub-Branch Representatives being responsible for forwarding the notice to Sub-Branch members in a timely fashion.

15.5.5 The quorum for a general meeting shall be 5 members

15.5.6 A question at a general meeting is determined by a simple majority of those present and voting.

15.6 The Secretary may permit the participation of members in any meeting of members including a General Meeting – Financial Reports, Special General Meeting, or a General Meeting of members by teleconference, video conference or equivalent electronic means.

NSW/ACT BRANCH

1 – NAME OF THE BRANCH AND BRANCH RULES

1.1 The name of the Branch shall be the Independent Education Union of Australia NSW/ACT Branch.

1.2 These Rules shall be the Rules of the Independent Education Union of Australia NSW/ACT Branch and shall be referred to in these Rules as the Branch Rules.

2 – REGISTERED OFFICE

2.1 The registered office of the Branch is situated at 485-501 Wattle Street, Ultimo NSW, 2007.

3 – MEMBERSHIP

3.1 The membership of the Branch shall be as set out in Rule 12(c) of the Federal Rules.

4 – APPLICATION FOR MEMBERSHIP

4.1 Application for membership shall be in accordance with the provisions contained in Rule 6 of the Federal Rules.

5 – FEES, SUBSCRIPTIONS, CAPITATION FEES AND LEVIES

5.1 Provisions relating to fees, subscriptions and capitation fees shall be as set out in Rule 7 of the Federal Rules, provided that the membership fee shall be payable for a year or pro rata for a shorter period of less than one year. The fee shall be payable from the commencement of the relevant period to which the fee relates.

5.2 The Branch Executive may impose a levy or levies on each member of the Union attached to the Branch pursuant to Rule 12(c) of the Federal Rules.

5.3 Such levy or levies shall become due and payable on the date specified by the Branch Executive.

5.4 The Branch Secretary shall forward to the Federal Secretary such capitation fees and other levies as are determined in accordance with the Federal Rules and shall be forwarded within such time scales as are so determined.

5.5 The Branch Secretary shall provide to the Federal Secretary such information on numbers and categories of Branch membership as the Federal Council or Federal Executive determines should be provided.

6 – COUNCIL

6.1 The supreme governing body of the Branch shall be Council which shall meet at least three times per year, at times and places as it may determine (or if not so determined by Council, by Branch Executive) including the Annual General Meeting of Council. Provided further however, the powers of the Council do not include any duties or powers relating to the financial management of the Branch, such matters being reserved to the Branch Executive.

6.2 Council shall consist of Executive members and elected delegates of sub-branches. Employees appointed as officers shall be entitled to attend and speak at Council but shall not be entitled to vote.

6.3 All financial members of the Branch shall be entitled to attend at any Council and shall have, with the permission of the meeting, the right to speak. Any member wishing to attend Council should notify the Secretary in writing no later than fourteen days before the start of such Council, and priority of space and catering will be given to those who so notify.

6.4 Sub-branches shall be entitled to elect Delegates to Council on the basis of two Delegates for the first two hundred financial members or part thereof and an additional Delegate for each additional two hundred financial members or part thereof, to a maximum of six Delegates. For the purpose of this paragraph, membership of the sub-branch shall be determined as at 1st January in the year in which the election of Delegates to Council is held.

6.5 A Special Council may be convened by Council or Branch Executive or if the Secretary receives a request for a meeting signed by at least three-fifths of the voting members of Council (each request dealing with the same or substantially the same item of business), then the Secretary shall convene a Special Council meeting to deal with such business and any other matters within thirty days of the receipt of such request.

6.6 A quorum of Council shall be half of the voting members of Council, present in person.

6.7 The Secretary shall give at least twenty-one days' notice of a meeting of Council to members of Council. The Secretary, in consultation with the President, shall prepare an agenda for Council that shall include any item of business submitted by a sub-branch or the Branch Executive no later than fourteen days before the meeting. The agenda shall be posted or provided electronically to members of Council, where practicable, ten days prior to the meeting. The Council may alter the order of business at the meeting and may deal with any business, whether or not such business was on the agenda circulated to members of Council.

6.8 A resolution of Council must be moved and seconded by members of Council. A resolution shall be passed if a majority of the votes cast in person are in favour of the resolution, except where otherwise provided in these Rules. Once a matter has been determined at a meeting, the matter can only be re-opened at the same meeting by a resolution to suspend standing orders passed by a three-fifths majority of votes cast in person. A motion passed at a previous Council meeting shall only be rescinded if notice of the rescission motion is given to the Secretary in time for the rescission motion to appear on the agenda of the meeting at which it is to be considered.

6.9 The Council shall have power to take such steps, subject to these Rules and except in relation to financial management, as it shall think fit, to carry out all or any of the objects of the Union, including the power to:

(a) Direct the policy of the Branch in all matters affecting the interests of members;

(b) Deal with and decide any matter submitted to it by any member;

(c) Rescind, amend or add to these Branch Rules in any way, provided that:

(i) the proposed alteration is placed on the agenda of the Council meeting circulated to delegates prior to the meeting;

(ii) the proposed alteration shall only be passed if a three-fifths majority of votes cast in person are in favour; and

(iii) Nothing in subparagraph (i) prevents the Council meeting voting to amend the proposal before it without the giving of further notice;

(d) Appoint or dissolve committees to advise Council or Branch Executive in relation to any matter;

(e) Control and conduct the business and affairs of the Branch (not including financial matters);

(f) Establish or close any sub-branch;

(g) Generally assist and guide the Branch Executive, employees appointed as officers and sub-branches in the performance of their functions and act as a forum for communication both within the Branch and between the Branch and bodies external to the Branch;

(h) Establish or dissolve forums of the Branch for groups of members to meet and advise Council or Branch Executive in relation to any matter;

(i) Suspend, fine, expel or remove any member subject to these Rules;

(j) Hear and determine an appeal by a member of the employees appointed as officers against their dismissal by the Branch Executive within twenty-one days of such appeal being lodged, provided that such appeal is lodged with the President within fourteen days of the date upon which notice of dismissal has been received by the person dismissed and the person dismissed is given an adequate opportunity to be heard at the hearing of such appeal;

(k) Appoint a Returning Officer to conduct an election for any position elected by Councillor Branch Executive (other than an office) or to fill a casual vacancy in an office where the position is not required to be filled in the same manner as the officer was elected originally;

(l) Other than in relation to financial matters, receive, adopt or otherwise deal with a report prepared by the Secretary on the business of the Branch;

(m) Decide and determine all matters, and to conduct all business concerning and affecting the Branch, not otherwise provided for in these Rules, but not including matters related to financial management;

(n) Adopt such regulations for the conduct of its business as it deems most expedient and, subject to these rules and as appropriate, adopt regulations for the conduct of meetings of other bodies of the Branch;

(o) Sit in a disciplinary or appellant capacity when required by these Rules;

(p) Delegate any powers, other than appellant powers, to the Branch Executive;

(q) Establish such forms of recognition for distinguished service to the Branch as it sees fit and determine appropriate criteria for such awards and for election to life membership; and

(r) Remove from office a person who has ceased under the rules to be eligible to hold office.

6.10 Council shall, at the Annual General Meeting, held in the fourth term of each year, deal with the following additional items of business:

(i) receive a financial report from the Secretary in relation to the finances of the Branch and the proposed budget for the following year (but the Council will not have the power to otherwise deal with the report);

(ii) receive, adopt or otherwise deal with an annual report prepared by the Secretary, exception relation to any financial or budget items;

(iii) appoint, by two-thirds majority vote, Life Members in recognition of outstanding services rendered to the Branch.

7 – BRANCH EXECUTIVE AND OFFICIALS

7.1 The committee of management of the Branch shall be the Branch Executive.

7.2 The method of election of members of the Branch Executive shall be in accordance with Rule 10 of the Branch Rules.

7.3 The Branch Executive shall consist of: One (1) President, five (5) Vice-Presidents, two (2) Financial Officers, one (1) Secretary, one (1) Deputy Secretary, two (2) Assistant Secretaries and ten (10) General Executive members. There shall be one (1) Vice-President, to be elected by and from each of the following membership sections:

(a) Members employed in NSW in early childhood services (the Vice President for Early Childhood Education and Care);

(b) Members employed in NSW in schools or as an adviser, supervisor or education officer by or under the supervision of a Catholic diocese but excluding members included in paragraph (d) (the Vice President for Catholic Systemic Dioceses);

(c) Members employed in NSW in a school or educational institution other than an early childhood service or a school or educational institution under the supervision of a Catholic Diocese but excluding members included in sub-paragraph (d) of this paragraph (the Vice President for Independent Schools and Educational Institutions);

(d) Members employed in NSW as school support staff, (including school secretaries, clerical assistants or school assistants); boarding house staff (other than teachers); grounds or maintenance staff; canteen staff and members in other related classifications (the Vice President for Support and Professional Staff); and

(e) Members employed in the Australian Capital Territory (the ACT Vice President).

The Executive shall, by and from its members, elect, in accordance with Rule 10.12, a Deputy President who shall also be a member of the Branch Executive and who shall not hold the position of President, Secretary or Deputy Secretary or Assistant Secretary. The Secretary, Deputy Secretary and Assistant Secretaries will be full–time employees of the Union.

7.4 The Branch Executive shall meet regularly and generally at least once per month, except for January, and at such other times and places as the Secretary, President or Executive may determine.

7.5 An extraordinary meeting of the Branch Executive may be called by the President and Secretary if all reasonable efforts have been made to ensure all members can participate. A special meeting of the Branch Executive shall also be held if convened by the Branch Executive or at least half the members of the Branch Executive so request to the President or Secretary, either verbally or in writing, and the special meeting shall be held as soon as possible on a date that at least half the Branch Executive can reasonably attend.

7.6 Meetings may occur by such other means as may be agreed by the Branch Executive, such as a teleconference or video–conference, and the persons participating in such conference or vote of the Branch Executive shall be deemed to be present at the meeting. Provided, however, that an Executive member will only participate by teleconference or videoconference:

(i) if they are available for all, or substantially all, of the meeting or have otherwise tendered an apology to the Executive which has been accepted;

(ii) in the case of a video conference, are visible to other members of the Executive; and

(iii) are participating in a location where the confidentiality of Executive business can be maintained.

The Secretary or President may also take a postal, email, verbal or telephone vote (or a combination of these methods) of the Branch Executive provided that information given to each member of the Executive is the same and all reasonable efforts are made to contact each member of the Branch Executive.

7.7 The Secretary shall give at least ten days' notice (verbal or in writing) to Executive members of a Branch Executive meeting, other than a special or extraordinary meeting. The Secretary shall prepare the agenda for the Branch Executive meeting which shall include any item of business submitted by a member, sub-branch or other forum of the Branch no later than seven days prior to the meeting. The agenda shall be posted or sent by electronic means to members of the Branch Executive, where practicable, seven days prior to the meeting. The Branch Executive may alter the order of business at the meeting and may deal with any business it wishes.

7.8 A financial member of the Branch may request the opportunity to attend the Branch Executive in order to address the Executive in relation to a specific matter, on the giving of seven days' written notice.

7.9 The quorum for a Branch Executive meeting will be one half of those who are at that time members of the Branch Executive.

7.10 A resolution of the Branch Executive must be moved and seconded by a member of the Branch Executive. A resolution will be passed if a majority of the votes cast by members of the Branch Executive are in favour of the resolution, except as otherwise provided by these Rules.

7.11 The Branch Executive shall be responsible for the financial management of the Branch and the management of the day to day affairs of the Branch, subject always to the Federal Rules and the Branch Rules. Without limiting the generality of this power, the Branch Executive shall have power to:

(a) Take such steps as it shall consider necessary to carry out the objects of the Union insofar as it is within the power, under the Rules, for the Branch to do so, and to raise or spend such funds as are necessary to carry out the objects;

(b) Direct the policy of the Branch;

(c) Exercise all or any of the powers and carry out all or any of the duties and functions of Council, except for the establishment or closure of a sub-branch, the alteration of Branch Rules (except as provided in this Rule 7.11) or any appellate capacity of Council and provided also that the

Branch Executive may only appoint a Returning Officer who shall hold office until the next meeting of Council;

(d) Convene a special meeting of Council;

(e) Appoint and dismiss, subject to their terms and conditions of employment, employees appointed as officers on the advice of the President and Secretary;

NOTE: This is not an exclusive power - see also clause 8.1(i)(c);

(f) Fix salaries, allowances and honoraria and conditions of employment for Branch officials, employees appointed as officers and other employees, and any delegate or person appointed by the Branch to do any work on behalf of the Branch in consultation with the Secretary, including by way of an enterprise agreement or other agreement in relation to such conditions;

(g) Appoint delegates to organisations or bodies to which the Branch is affiliated;

(h) Deal with any matter referred to the Branch Executive by a member of the Branch or a complaint, as it considers appropriate;

(i) Appoint from time to time the bankers and solicitors of the Branch;

(j) Appoint qualified auditors to carry out an annual audit of Branch accounts;

(k) Determine guidelines from time to time for the payment of reasonable meal, travel, accommodation and out-of-pocket expenses incurred by members of the Branch Executive and Council in attending meetings in the course of Union duties, incurred by Union Representatives in attending sub-branch general meetings or incurred by sub-branch committee members in relation to sub-branch duties.

(l) Receive and adopt or otherwise deal with a report from the Secretary concerning the finances and budget of the Branch;

(m) Fix membership fees, subscriptions and levies in accordance with Rule 5 of these Branch Rules;

(n) Institute and/or defend legal proceedings in matters affecting the affairs of the Branch;

(o) Decide on the service of any claims upon an employer in respect of employees who are, or are eligible to be, members of the Branch and settle any such claims;

(p) Acquire, purchase, take on and lease any real or personal property and to sell, lease, mortgage or otherwise dispose or deal with such property;

(q) Borrow, raise or secure the payment of money in any manner and secure the repayment or performance of any debt, liability, contract or other arrangement incurred by or entered into by the Branch.

(r) Rescind, amend or add to these Branch Rules only where necessary to correct unforeseen errors, anomalies or inconsistencies, provided that

(i) the proposed alteration is placed on the agenda of the Branch Executive meeting circulated prior to the meeting;

(ii) the proposed alteration shall only be passed if voted for by a three-fifths majority of Branch Executive members present and voting; and

(iii) nothing in subparagraph (i) prevents the Branch Executive voting to amend the proposal before it without the giving of further notice.

8 – DUTIES OF OFFICERS

8.1 The Secretary shall:

(i) have the power, subject to the Rules and to Council or Executive decisions:

a. to manage the day to day conduct of the activities of, and use of the assets of, the Branch;

b. to define the duties of, direct the work of, and direct the discharge of functions by, officers and employees of the Branch; and

c. to appoint or dismiss employees of the Branch; provided that, in the case of employees appointed as officers, this is performed in consultation with the President.

NOTE: The Executive also has this power in respect of employees appointed as officers;

(ii) be responsible for the general correspondence of the Branch, finance, filing of documents, industrial returns and the carrying out of decisions of Council and Executive;

(iii) have prepared, properly audited financial statements;

(iv) be the Registered Officer of the Branch and be the person to sue on behalf of the Branch;

(v) have the power to take such legal proceedings as are necessary to enforce any award or agreement or to seek penalties against any employer or any member in arrears;

(vi) have the power to demand the payment and observance of wages and conditions on any employer and to submit any dispute or impending dispute to conciliation and arbitration;

(vii) attend, where possible, all meetings of the Executive and Council and be responsible for the keeping of, or causing to be kept, correct minutes, recorded in minute books, of the proceedings of such meetings;

(viii) inform Executive and Council members of relevant meetings called in accord with these rules;

(ix) submit progress reports to the Executive as required;

(x) speak publicly on behalf of the Branch and issue media and public statements in the name of the Branch;

(xi) cause to be issued receipts where necessary and ensure the prompt banking of all monies received by the Branch;

(xii) keep or cause to be kept in appropriate books of account a correct statement of all monies received and expended by or on behalf of the Branch;

(xiii) present to each ordinary meeting of the Executive a financial statement showing the total income and expenditure, general account bank balance and balance of all investments, to the date of the statements;

(xiv) present the accounts for each period between meetings to the Executive, for the ratification of payments made;

(xv) ensure that all cheques issued in the name of the Union shall be signed by at least two of the following: President, Secretary, Deputy Secretary, Assistant Secretary, or any person authorised by the Executive;

(xvi) present the Executive a budget for the next financial year for its deliberations;

(xvii) ensure that payments from the funds of the Branch are made in the manner specified in the Rules;

(xviii) take all reasonable steps to ensure the Branch meets its compliance obligations under relevant legislation;

(xix) carry out such further functions as the Council and Executive may from time to time decide.

8.2 The duties of Financial Officers shall be to assist and advise the Executive and Secretary in the management of the financial affairs of the Branch.

8.3 The duties of the Deputy Secretary shall be to assist the Secretary in the performance of their duties and they shall, in the absence of the Secretary, have all the duties and powers of the Secretary.

8.4 The duties of the Assistant Secretaries shall be to assist the Secretary and Deputy Secretary in the performance of their duties and in the absence of both, the Assistant Secretary nominated by the Secretary shall have all the duties and powers of the Secretary.

8.5 The Secretary and Deputy Secretary shall be the Trustees of the Branch.

8.6 The President shall:

(i) ordinarily preside at all meetings of the Council or Executive or other body of the Branch under these Rules;

(ii) ensure all members of Executive and Council are notified of meetings;

(iii) speak publicly on behalf of the Branch; and

(iv) carry out such functions as may be determined by the Council or Executive from time to time.

8.7 The Deputy President shall chair meetings in the absence of the President.

8.8 Vice Presidents shall:

(i) chair a meeting in the absence of both the President and Deputy President (the particular Vice President to be determined by the meeting);

(ii) at the request of the Secretary or President, speak publicly on behalf of members in the sector they represent; and

(iii) represent the views of members at meetings of the Branch.

9 – SUB-BRANCHES

(a) Each member of the Branch shall be allocated to a sub-branch (and not more than one sub-branch) in accordance with the following criteria:

(i) a sub-branch established for members based on the classification or occupation of the member or on the basis of the location of their workplace;

(ii) if there is no appropriate sub–branch in accordance with sub-paragraph (i), then the sub-branch which covers the institution the member is attending, or the sub-branch which covers the place of residence of the member

provided that where a member so requests, the Branch Executive may determine that the member belongs to a sub-branch other than the sub-branch determined in accordance with the above criteria.

The sub–branches of the Branch as at the date of alteration of these Rules in 2016 shall be as follows:

Central Coast

Central Metropolitan

Central West

Cumberland

Hunter Valley

Ku-Ring-Gai

Lansdowne

Metropolitan East

Mid North Coast

Monaro

North Coast

North West

Northern Beaches

Northern Suburbs

Penrith/Blue Mountains

Principals

Riverina

South Coast

South East and

Southern Suburbs

(b) Council, in determining the boundaries and size of any sub-branch, shall take into account the size, area and location of sub-branches and the location of the major employing authorities and the area covered by such authorities.

(c) A new sub-branch may be formed by Council in one of two ways:-

(i) Council shall on the recommendation of the Branch Executive have the power to establish a new sub-branch consisting of members employed in workplaces or resident within a particular district or on the basis of "natural grouping" rather than on a geographical basis. Such a sub-branch may be state-wide or formed on a district basis;

OR

(ii) Council shall have the power to establish a new sub-branch upon the receipt of a written request passed by a majority of Union Representatives present at a special meeting called for that purpose and where such Representatives as support the request represent 400 or more members respectively, who have previously voted in favour of such establishment at their Chapter meeting.

Such new sub-branch shall be constituted on the date its first general meeting is held in accordance with the resolution of Council, at which meeting its first committee shall be elected.

A decision to create a new sub-branch should preferably be implemented shortly before the expiry of the term of office of Council delegates. However, the following procedure applies where a new sub-branch is created during the term of office of Council delegates. The new offices of Delegate to Council for the new sub-branch shall be filled by election within a period of three months in accordance with Rule 10, Election of Branch Executive and Officials. The elected Delegate of a sub-branch affected by the creation of a new sub - branch shall remain a member of Council until the expiry of their term of office provided that they are still members of the same sub-branch. Where the creation of a new sub-branch has the effect that an elected Council Delegate of another sub-branch is transferred into the new sub-branch, then they shall be deemed to be Council Delegate of the new sub-branch for a period of three months until an election for the new office is held in accordance with Rule 10, Election of Branch Executive and Officials, at which time they shall cease to be eligible to hold the office. Delegate positions for existing sub-branches (that is, that are not newly created offices) that are required to be filled as a result of the creation of a new sub-branch shall be filled pursuant to Rule 11, Casual Vacancy.

(d) A sub-branch may be closed by Council if, in the view of Council, it is considered appropriate and provided that appropriate consultation with members of the sub-branch has occurred. Any such adjustments shall not affect the eligibility to hold office of any elected Delegate to Council from an affected branch until the expiry of the term of office of the elected Delegate or Delegates.

If a sub-branch has a membership of less than 300 members as at 31st December in any year, then Council may review at any time whether the sub-branch is functioning effectively and whether the sub-branch should continue to exist.

In making a decision to close a sub-branch pursuant to this paragraph, Council should consider a range of factors including the membership of the sub-branch, attendance at sub-branch general meetings and the convenience or inconvenience to members if they were to be allocated to a different sub-branch.

(e) Council may adjust the boundaries of sub-branches from time to time. Any such adjustments shall not affect the eligibility to hold office of any elected Delegate to Council from an affected sub-branch until the expiry of the term of office of the elected Delegate or Delegates.

(f) The sub-branch general meeting shall be the meeting of members and Union Representatives at the local level. The role of the sub-branch general meeting shall be to:

(i) inform members of union business;

(ii) enable members to exchange information about local issues;

(iii) consider any professional or industrial matter it deems appropriate;

(iv) within the framework of existing union policy and resolutions of Council and Executive, implement any action to be taken by members of the sub-branch in relation to any issue;

(v) debate and make recommendations on any union matter to Council and Executive;

(vi) submit items of business to Council and Executive;

(vii) convene meetings of Union Representatives and members within the sub-branch.

(g) A quorum for a sub branch general meeting shall be three members from three different workplaces. Any member of the sub branch in attendance is entitled to vote.

(h) Sub-branch general meetings will be held at least three times each year and the first such meeting in any year shall be the sub-branch annual general meeting which shall be held in Term 1. Special meetings of the sub - branch may be called by the committee at any time. Not less than two weeks written notice must be given of any such meeting to each Chapter of the sub-branch by the Secretary.

(i) A meeting of members of a sub-branch, other than a sub-branch general meeting, may be called in accordance with the following:

(i) The sub - branch committee may, in consultation with the Secretary, call a meeting of all members of the sub-branch or of a section of membership of the sub-branch to discuss a particular topic or topics;

(ii) The sub-branch committee shall call a meeting of all members of the sub-branch on receipt of a request signed by 20% of members of the sub-branch or by 30% of Union Representatives in the sub-branch;

(iii) Notice of a meeting called pursuant to this rule shall be given in accordance with the requirements for sub-branch general meetings.

(j) The sub- branch annual general meeting shall elect a sub - branch committee, comprising a sub-branch President, sub-branch Secretary, sub-branch Deputy President and a possible four additional committee members. The role of the committee shall be to liaise with the Secretary and the appropriate member of the employees appointed as officers in relation to branch affairs and to co-ordinate and assist the activities of the sub-branch including, in particular:

(i) The sub-branch Secretary shall take the minutes of any meeting, and deal with correspondence of the sub-branch;

(ii) The sub-branch President shall preside at all meetings of the sub-branch and represent the sub-branch on relevant occasions;

(iii) The sub-branch Deputy President shall assist the sub-branch President and act as the President in their absence.

(k) A member shall be eligible for election as a sub-branch committee member if they are a financial member of the Union and a member of the sub branch.

Delegates to Council may stand for election to one of the positions on the sub-branch committee as listed above. If they do not stand or is not elected to such a position by the sub-branch annual general meeting, the Delegate shall be deemed in any event to be an additional member of the sub-branch committee.

The election of the sub-branch committee shall be conducted by a Returning Officer (who shall not be a candidate) elected at the sub-branch annual general meeting. The Returning Officer shall conduct the elections in the order in which the positions appear in the first sentence of paragraph (j) above, and the new committee shall take office from the end of the meeting. A casual vacancy in the sub - branch committee shall be filled by the committee as it considers appropriate, provided a report is provided to the next sub-branch general meeting.

(l) Neither a sub-branch, nor its committee, nor its members generally nor any of them, may speak or act or purport to speak or act, on behalf of the sub-branch without a specific consent to that effect from the Secretary or President of the Branch.

(m) Any meeting expenses, travel expenses or other out-of-pocket expenses incurred by a member of the sub-branch in relation to sub-branch affairs shall be reimbursed by the Branch provided such expense is within the guidelines determined from time to time by the Secretary or the Branch Executive.

10 – ELECTIONS OF BRANCH EXECUTIVE AND OFFICIALS

10.1 (a) The system of voting shall be that known as "first past the post" and shall allow for an order of preference to be indicated by the voter so that in the event of the lapsing of a nomination pursuant to Rule 10.11 an effective vote may still be cast as follows:

(i) in the event of there being only one vacancy to be filled, the voter shall vote by using sequential numbers and the candidate who has the number one placed against their name shall be the candidate who is favoured by the voter.

(ii) in the event of there being more than one vacancy to be filled, the voter shall vote by using sequential numbers for at least the number of positions to be elected and may also show a preference for some or all of the remaining candidates. The candidates who have a number up to the number of positions to be filled against their names shall be the candidates favoured by the voter and the votes so marked shall be counted accordingly as primary votes of equal value;

(iii) a vote which indicates a clear intention to vote in a way which is consistent with the above shall be valid.

(iv) notwithstanding the above in the event that the nomination of the candidate has lapsed pursuant to Rule 10.11 for any position, the Returning Officer shall count the next preference on the ballot paper to allow a fully effective vote to be cast.

(b) Where a specified date or time period is presented for the doing of any act and the specified date or the end of the period falls on a non-working day, then such date or end of time period shall be deemed to be the working day immediately preceding the non-working day.

10.2 Subject to Rule 11, Casual Vacancy, the offices of members of the Branch Executive shall be filled in accordance with this Rule by a direct voting system by first past the post by secret postal ballot.

10.3 The term of office for Branch Executive members shall be three years, commencing from 12 noon on the 31st day of October in the year in which the election is held.

10.4 The method of election of members of the Branch Executive shall be, the necessary changes being made, in accordance with the method of electing branch delegates to Federal Council under Rule 17 of the Federal Rules, subject to this rule.

10.5 A member shall be eligible for election as a member of the Branch Executive if

(a) the member is financial at the date of closing of nominations and

(b) the member has been a financial member for a period of twelve months.

(c) the member is not a full-time employee of the Union, provided that this condition shall not apply to election to the positions of Secretary, Deputy Secretary and Assistant Secretary.

10.6 A member shall be eligible for election as a Vice-President only if they are a member of the section of membership from which the Vice-President is elected in accordance with Rule 7.3.

10.7 In the case of the election of Vice-Presidents, only members in the section from whom the Vice-President is elected may vote.

10.8 (a) The Secretary shall fix a time during which an election shall be held, so that election shall be completed not later than 17 October in the year in which the election is held.

(b) Nominations for the positions on the Branch Executive shall be called for in a regular publication of the Branch, or on the website of the Branch or in an email communication to members. Nominations shall close on the date specified in the advertisement which shall be twenty-one days after the date of publication and in the first two weeks of August.

10.9 Nominations for positions on the Branch Executive shall be proposed and seconded by two financial members. In the case of a Vice President, the financial members who propose and second the nomination must be from the section of membership by which the Vice-President shall be elected.

10.10 The nomination in writing, together with the written consent of the nominee, must be received by the person specified in the notice calling for nominations by the date and time specified in such notice. Candidates may include with their nomination form (so that it is received no later than the close of nominations) a statement not exceeding 200 words containing only the candidate's personal history and/or policy statement and a passport-sized photograph of the candidate.

10.11 Withdrawal of nominations and defective nominations

A member nominating for an office may withdraw the nomination by notice in writing to the Returning Officer up to, but not later than, 7 days after the close of nominations. The withdrawal must include the signed endorsement of the member and be in a form acceptable to the Returning Officer. Note that a member who nominates another member for a position, may not subsequently withdraw that nomination.

Where the Returning Officer finds that a nomination is or may be defective, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect or providing further information in support of the nomination, within a period of not less than seven days after being notified. Where that person has remedied the defect and advised the Returning Officer within the time prescribed by the Returning Officer, the Returning Officer shall accept the nomination.

10.12 The same person may be nominated for more than one position on the Branch Executive in the one election but may not hold more than one such position at a time. During the counting of the election the determination of positions shall be in the following order: Secretary, Deputy Secretary, Assistant Secretary, President, Vice-President, Financial Officers, General Executive members. If a person who is elected to one of the above positions was also nominated for any other office, any such nomination shall lapse.

10.13 As soon as possible after the election of the Branch Executive, elections for the positions of Deputy President and alternate delegate of the Branch Executive to the Federal Executive (see Federal Rule 12(f)) shall be conducted by and from the Branch Executive. The elections shall be conducted, with the necessary changes, in accordance with Rule 18 of the Federal Rules.

10.14 The election for Branch delegates to Federal Council shall be conducted in accordance with the provisions of Federal Rule 17 - Elections. Provided however that in relation to Federal Rule 17(i), a candidate may also include a passport-sized photograph of the candidate, and in relation to Federal Rule 17(p)(iv), such passport-sized photograph shall be included with the candidate statement which is posted together with the ballot paper and other material sent to members in the ballot.

10.15 Delegates to Council

(a) The term of office for Delegates to Council shall be no longer than two years without re-election;

(b) A member shall be eligible for election as a Delegate of a sub-branch to Council if:

(i) the member is a member of that sub - branch; and

(ii) the member is financial at the date of closing of nominations.

(c) The election shall be conducted every two years. Every member who is a financial member of the sub-branch from whom the Delegate is being elected as at the date of the closing of the roll in the year in which the election is conducted shall be eligible to vote. The roll of voters shall close 7 days before the opening of nominations;

(d) Notification of the election and calling of nominations shall be placed in the union newspaper or equivalent from time to time;

(e) Nominations for the position of Delegate to Council shall be proposed and seconded by two financial members of the branch;

(f) Withdrawal of nominations

A member nominating for this position may withdraw the nomination by notice in writing to the Returning Officer up to, but not later than, 7 days after the close of nominations. The withdrawal must include the signed endorsement of the member and be in a form acceptable to the Returning Officer. Note that a member who nominates another member for a position, may not subsequently withdraw that nomination.

(g) Defective nominations

Where the Returning Officer finds that a nomination is or may be defective, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect or providing further information in support of the nomination, within a period of not less than seven days after being notified. Where that person has remedied the defect and advised the Returning Officer within the time prescribed by the Returning Officer, the Returning Officer shall accept the nomination.

(h) The voting method shall be first past the post.

(i) The date for the completion of the election shall be not later than 7 June in the year in which the election is to be held. The election shall be conducted in accordance with Rule 17 of the Rules of the Independent Education Union of Australia, as modified by this Rule 10.15.

(j) Delegates to Council shall take office from the date of the declaration of the ballot and shall hold office until the election of their successors.

(k) In the event that one or more Sub - branch Delegates to Council positions are vacant following an election referred to in Rule 10.15(c) above, then the Returning Officer will conduct a recall election to fill the positions that are vacant. If, following such second election, any positions remain vacant, such positions will be vacant until the next scheduled election of Delegates to Council.

11 – CASUAL VACANCY

11.1 In the event of any office on the Branch Executive or office of Delegate to Council becoming vacant for any reason where the unexpired term of office exceeds three-quarters of the term of office, the Secretary shall advise the Australian Electoral Commission of the vacancy within one month and the vacancy shall be filled in the same manner as the original officer was elected (with the necessary changes) and the person elected to fill such vacancy shall hold office for the remainder of the term of office in which the vacancy occurred.

In the event of such office becoming vacant where the unexpired term of office is three-quarters of the term of office or less the vacancy shall be filled as soon as possible as follows:

(a) if the office of a member of the Branch Executive becomes vacant, then the position shall be filled by such member of Council as Council may determine, provided that:

i. in the case of the positions of Secretary, Deputy Secretary and Assistant Secretary such position shall be filled as Council may determine;

ii. in the case of a Vice President, the position will be filled by such member of the Council as Council may determine who is within the section of membership set out in Rule 7.3 for that Vice President; and

iii. in the case of the Deputy President, the position will be filled by such member of the Executive, as the Executive may determine.

(b) if the office of a Delegate to Council becomes vacant, then the position shall be filled by such member of the sub-branch as is determined by a general meeting of the sub-branch;

and the person so appointed shall hold office for the remainder of the term of office in which the vacancy occurred.

11.2 A person holding an office (hereinafter called the "previous office") may nominate for and be elected to fill a casual vacancy in another office. Upon such election the previous office shall become vacant and an election shall be held to fill the office.

12 – ADVISORY STRUCTURES

12.1 CONSULTATIVE MEETINGS

The Secretary or Branch Executive may call a consultative meeting of members in a category of membership as determined by the Secretary or Executive at any time but shall call such a meeting in response to a petition calling for a meeting signed by at least 65% of members in the relevant category. Notice of the meeting and proposed business of the meeting shall be circulated in writing to Union Representatives in sufficient time to allow members to attend. The resolution of such meeting shall be passed if passed by a majority of members present and voting (or if there is more than one meeting considering the same business, a resolution shall be passed if passed by a majority of members present and voting at all such meetings).

The quorum for a meeting shall be fifteen members in the relevant category or 5% of the membership in the relevant category (whichever figure is lesser) and there shall be no entitlement to proxy voting.

Any financial member shall be entitled to speak, move and second motions in relation to the business before the meeting, provided they are in a class of membership to which the notice of meeting was directed and provided also that no member shall be entitled to vote at more than one meeting considering the same business.

12.2 ADVISORY FORUMS

The Branch Executive may establish a forum of members in a particular category of employment who shall meet from time to time and provide advice in relation to any issue.

Such forum may elect a Co-ordinating Committee of members.

12.3 EARLY CHILDHOOD EDUCATION AND CARE

There shall be an Early Childhood Education and Care State Council comprising of the Vice-President for the Early Childhood Education and Care and additional members elected by and from members employed in early childhood services. Such additional members will be as follows or as determined by the Branch Executive from time to time:

(a) three members – elected by and from the sub-branches of Metropolitan East, Ku-Ring-Gai, Lansdowne, Central Metropolitan, Northern Suburbs, Northern Beaches, Penrith-Blue Mountains, Southern Suburbs, Cumberland and any other Sydney Metropolitan sub-branch which may be established;

(b) one member - elected by and from the sub-branches of Hunter Valley, Central Coast;

(c) one member - elected by and from the sub-branch of South Coast;

(d) three members - elected by and from the sub-branches of Central West, South East, Mid-North Coast, North Coast, Riverina, North West and any other branch which be established for members outside Newcastle, Wollongong and Sydney.

The election of members of the Early Childhood Education and Care State Council shall be via secret ballot conducted every two years by the Returning Officer of the Branch appointed by Council or the Branch Executive, provided that nominations shall be by two financial members employed in early childhood services. The Returning officer shall adopt a procedure generally consistent with the procedure for the election of sub-branch Delegates to Council with the necessary changes. A casual vacancy in the Early Childhood Education and Care State Council shall be filled by appointment by that Council of a member employed in early childhood services from the electorate in which the vacancy occurred.

The State Council shall meet regularly at least three times a year and shall advise the Branch Executive and Council in relation to any matter relevant to members employed in early childhood services.

13 – CHAPTER AND UNION REPRESENTATIVES

13.1 The fundamental unit of union structure and membership shall be the Chapter. A Chapter shall be defined as all of the members who either work together in the same workplace or section or who have been grouped together by the Secretary.

Each workplace shall have at least one Chapter but may have several where a workplace has autonomous and/or separate divisions described for example as the Primary or Secondary departments, or where a separate Chapter of school support staff exists.

13.2 A member shall belong to that Chapter to which the member has been assigned. A member who is employed in more than one school may nominate the Chapter to which the member wishes to belong but may also attend meetings of the Chapter at the other workplace or workplaces at which they are employed.

Each financial union member employed in the industry shall, wherever possible, be assigned to a Chapter, except that a Casual Teacher member shall only be a member of a Chapter if they have applied to join that Chapter.

A member may attend any meeting of their own Chapter but shall have no right to attend a meeting of any other Chapter subject to the provisions in this paragraph applying to a member employed in more than one workplace.

13.3 Every Chapter shall have at least one Union Representative. The Union Representative may be elected by members in the Chapter or appointed by the Branch, following consultation with the Chapter or after a communication of the intention to elect or appoint has been sent to all Chapter members. The fact of the election or appointment must be recorded by the Branch, and such record shall serve as evidence of the appointment or election. The Union Representative must be elected from the group of members who are employed by the employer in the enterprise. Where there are only one or two union members in a Chapter, one such member shall become the Union Representative by election of the members or appointment by the Branch.

Where a Union Representative has been elected, they shall ensure the Branch office is notified of their election as soon as possible. The Union Representative or Branch shall send the full name and contact details of the new Union Representative to all members of the Chapter. In all cases, the Union Representative shall also advise the school principal or other appropriate representative of the employer.

13.4 Each Chapter with three or more members shall elect one or more Union Representatives from among the financial members of the Chapter. In addition, each Chapter with six or more members may also elect a Chapter Chairperson and Chapter Secretary, who may or may not be a Union Representative.

13.5 A meeting to elect a Union Representative may be held at any time. The meeting should be called by the current Union Representative or, in their absence any other member of the Chapter or a member of the employees of the Branch appointed as officers. If required by any candidate for election or the Secretary,the election may be conducted by a Returning Officer appointed by the Chapter who is not a candidate or by a member of the employees of the Branch appointed as officers.

The Chapter may also, if it wishes, elect additional persons to assist the Union Representative. Such persons may perform duties by agreement with the Union Representative, including the roles of Chapter Chairperson and Chapter Secretary.

The Union Representative shall notify the Secretary of their election as soon as possible and shall also advise the school principal or other appropriate representative of the employer.

13.6 The Chapter shall hold regular meetings and shall:-

(a) inform members of union business;

(b) discuss union business, including any issue in the workplace, and to adopt any appropriate resolution or recommendation;

(c) within the framework of existing union policy and resolutions of Branch Executive, determine any action to be taken by members of the Chapter in relation to any issue;

(d) seek to enrol as members all persons entitled to join the union (whilst respecting the democratic rights of such persons);

(e) assist and support any member of the Chapter entitled to support.

13.7 (a) The Branch Secretary shall have the power to request and/or convene a Chapter meeting.

(b) All questions shall be decided by a majority of the votes of members voting in person or by proxy. A Union Representative may also arrange for a motion to be voted on by circulating an email, by petition, or by any other method agreed by the Chapter that is transparent and fair;

(c) If twenty-five per cent of members request a meeting, then the Union Representative shall convene a Chapter meeting;

(d) If an election for the position of Union Representative, Chapter Chairperson, Chapter Secretary, or other person assisting the Union Representative is requested in writing by twenty-five per cent of Chapter members, then a vacancy will be deemed to occur in that position. An election may not be requested more than once in any school year in relation to each position. The Branch Secretary may also declare the positions of Union Representative, Chapter Chairperson, and/or Chapter Secretary vacant and initiate an election to fill the positions.

13.8 The Union Representative shall aim to fill the following roles:-

(a) ensure the best possible communication between the union and the members of the Chapter;

(b) place on a staff noticeboard any authorised union letters, posters or notification sent for that purpose;.

(c) distribute to members all union materials sent for that purpose and return, on behalf of members, any materials required to be returned to the union and complete any returns required of the Union Representative;

(d) maintain copies of membership application forms and other information relating to the union;

(e) convene Chapter meetings;

(f) together with the Chapter Chairperson or Chapter Secretary (if elected by the Chapter), co-ordinate and assist the functioning of the Chapter as determined by union policy from time to time, which may include the keeping or causing to be kept minutes of Chapter meetings, the circulation of motions prior to Chapter meetings, and presiding at Chapter meetings (where no Chapter Chairperson has been elected or is present);

(g) where available, attend sub-branch meetings or request another member to attend from the Chapter;

(h) act as first contact for Chapter members who may have problems requiring the union's assistance and take any further action within union policy to support the member as may be agreed between the Union Representative and the member. Such action may include action arising under grievance procedures or any disciplinary process involving other members;

(i) assist the union in the organisation of workplace visits; and

(j) exercise any other powers or rights they may have under relevant industrial instruments, agreements, and legislation, including the *Fair Work Act 2009* (Cth).

14 – AUDITORS

The Branch Executive shall appoint as auditor a competent person to audit the books of the Branch and report on same; this to be done in the same terms as provided for in Rule 16 of the Federal Rules.

15 – REGISTER OF MEMBERS

A register of members and any other records required to be kept by the *Fair Work (Registered Organisations) Act 2009* (Cth) and the Regulations made pursuant thereto shall be kept at the registered office of the Branch.

16 – LOANS

Provisions for the making of loans, grants or donations by the Branch shall be in strict conformity with the provisions of Rule 25 of the Federal Rules.

17 – BRANCH FUNDS AND PROPERTY

17.1 All moneys received by the Branch shall be paid to the credit of the Branch on current account with a Bank selected by the Branch Executive.

17.2 No funds shall be drawn from the Bank except on the signature of any two persons holding the positions of the Secretary, President, Deputy Secretary, Assistant Secretary or Financial Officer.

17.3 All expenditure for ordinary purposes may be disbursed by decision of the Secretary or the President.

17.4 The funds of the Branch shall be invested wherever possible in the name of the Branch. Where this is not possible, investments shall be made in the name of both the Secretary and President. The funds of the Branch may be invested in such securities as are permitted by the laws of any State or Commonwealth for the investment of funds by Trustees.

17.5 The funds and property of the Branch shall be under the control of the Branch Executive.

17.6 The financial year of the Branch shall commence on 1 January in any year and conclude on 31 December in the same year.

18 – GENERAL MEETING - FINANCIAL REPORTS

18.1 The Secretary shall convene a meeting of the members of the Branch upon a request in writing by members calling for a General meeting for the purposes of considering the financial reports as described in *Fair Work (Registered Organisations) Act 2009* (Cth) if such a request:

(a) Is signed by no less than 5% of the members of the Branch as at the date of receipt of the request, and

(b) Contains in relation to each signature

(i) The date of signing
(ii) The signatory's name in capital letters
(iii) The name of the sub Branch to which the signatory belongs.

18.2 A General Meeting of the members of the Branch pursuant to this Rule may be conducted as a series of meetings held at different locations.

18.3 The Secretary shall give 28 days' notice to the members of the Branch of any General Meeting called pursuant to this Rule.

18.4 The Secretary shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to and posted in a conspicuous place at each member's place of employment or by email communication to each member or by notice on the Branch Website to members who have immediate access to that website.

18.5 A meeting conducted pursuant to this Rule is taken to have been completed at the time of the last meeting in any series of meetings.

18.6 All decisions at a meeting called in accordance with this Rule shall be by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

18.7 Attendance at meetings conducted under this Rule shall be recorded.

19 – TRANSITIONAL ARRANGEMENTS (TRANSITION TO FEDERAL SYSTEM)

(a) These rule changes are the consequence of a decision to transfer the substantial operation of the union from the state industrial system to the federal industrial system, that is, from the associated body, the New South Wales Independent Education Union, to the NSW/ACT Branch of the Independent Education Union of Australia.

(b) The rule changes create a new Council of the Branch and transfer some of the powers formerly held by the Branch Executive to the Council. The Council will have powers akin to those formerly exercised by the Council of the associated body, except in relation to all financial matters that will be reserved to the Branch Executive. The Council will consist of the counterpart positions to the Council of the New South Wales Independent Education Union. The alterations also establish sub – branches which correspond to branches of the same name of the associated body.

(c) These rule alterations will take effect from the later of the following two dates:

(i) the date of certification by the General Manager of the Fair Work Commission*;

(ii) the date of consent by the NSW Industrial Registrar to corresponding alterations to the rules of the associated body.

(d) On and from the date of effect of these rule alterations an Interim Council will be created consisting of the persons holding the following offices as at that date:

(i) members of the Branch Executive;

(ii) holders of the office in the associated body of Branch Delegate to Council, in respect of all branches of that Union, that is the:

Central Coast Branch

Central Metropolitan Branch

Central West Branch

Cumberland Branch

Hunter Valley Branch

Ku-Ring-Gai Branch

Lansdowne Branch

Metropolitan East Branch

Mid North Coast Branch

Monaro Branch

North Coast Branch

North West Branch

Northern Beaches Branch

Northern Suburbs Branch

Penrith/Blue Mountains Branch

Principals Branch

Riverina Branch

South Coast Branch

South East Branch

Southern Suburbs Branch.

Such officers will be those elected in an election of the New South Wales Independent Education Union conducted by the NSW Electoral Commission in 2016, for which nominations close on 5 May 2016.

(e) No later than three months after the date of effect of these Rules, an election shall be conducted for the positions of Delegate to Council in accordance with the provisions of Rule 10 - Elections of Branch Executive and Officials, provided that the Returning Officer shall vary the prescribed dates as required. Notwithstanding any other provision of these Rules, the Delegates so elected shall hold office until an election is conducted in 2018 in accordance with the timetable set out in Rule 10 - Elections of Branch Executive and Officials.

(f) From the date of effect of these rule alterations, the sub-branches set out in Rule 9 (a) will be established. Members will be allocated to the sub - branch corresponding to the Branch of the same name of the associated body of which they were a member – for example a member of the Hunter Valley Branch of the associated body will be deemed to be a member of the Hunter Valley sub-branch of the NSW/ACT Branch of the Union.

20 – INCONSISTENCY

Any Rule of these Branch Rules shall be read and construed subject to the Federal Rules (other than Appendix A) and shall to the extent of any inconsistency therewith become inoperative.

* Alterations certified 19 August 2016 [R2016/125]

QUEENSLAND AND NORTHERN TERRITORY BRANCH

1 – BRANCH RULES

1.1 These Rules shall be the Rules of the Independent Education Union of Australia Queensland and Northern Territory Branch and shall be referred to in these Rules as the Branch Rules.

2 – NAME OF BRANCH

2.1 The name of the Branch shall be the Independent Education Union of Australia, Queensland and Northern Territory Branch.

3 – REGISTERED OFFICE

3.1 The registered office of the Independent Education Union of Australia Queensland and Northern Territory Branch shall be 346 Turbot Street, Spring Hill, Brisbane, Queensland, 4000 or at such place as the Branch Executive shall from time to time determine.

4 – MEMBERSHIP OF BRANCH

4.1 The membership of the Branch shall be as set out in Rule 12(c) of the Federal Rules.

4.2 Each member employed (or resident, if not employed) in Queensland shall be allocated to the Queensland Division.

4.3 Each member employed (or resident, if not employed) in the Northern territory shall be allocated to the Northern Territory Division.

4A – ESTABLISHMENT WITHIN QUEENSLAND DIVISION OF SUB-BRANCHES (TO BE KNOWN AS AREA COUNCILS)

4A.1 Subject to the provisions of these rules, the Branch Executive may form within the Queensland Divison sub-branches (to be known as Area Councils).

4A.2 (a) There shall be two (2) categories of Area Councils, namely:

I. Thirteen (13) Area Councils based on such districts as shall be defined by the Branch Executive – to be known as:

Bayside Area Council
Central Queensland Area Council
Darling Downs Area Council
Far North Queensland Area Council
Gold Coast Area Council
Logan Area Council
Mackay Area Council

Metropolitan Area Council
Moreton Area Council
North Metropolitan Area Council
North Queensland Area Council
Sunshine Coast Area Council
Wide Bay Area Council

II. Two (2) Area Councils (State-wide) based on the categories of membership Early Childhood and Principals – to be known as:
Early Childhood Area Council
Principals Area Council

4A.3

(a) A member employed or usually employed in either category of membership Early Childhood or Principals shall not be eligible to become a member of an Area Council based on a district.

(b) Every financial member other than those employed or usually employed in the category of membership Early Childhood or Principals shall be a member of the Area Council based on the district in which is situated where that member is employed, or, if not so employed, the district where that member resides.

41.4 No member shall be a member of more than one (1) Area Council.

5 – APPLICATION FOR MEMBERSHIP

5.1 Application for membership shall be in accordance with the provisions contained in Rule 6 of the Federal Rules.

6 – FEES, SUBSCRIPTIONS, CAPITATION FEES AND LEVIES

6.1 Provisions relating to fees, subscriptions and capitation fees shall be as set out in Rule 7 of the Federal Rules.

6.2 The Branch Executive may impose a levy or levies on each member of the Union attached to the Branch pursuant to Rule 12(c) of the Federal Rules.

6.3 Such levy or levies shall become due and payable on the date specified by the Branch Executive.

6.4 The Secretary shall forward to the Federal Secretary such capitation fees and other levies as are determined in accordance with the Federal Rules, and shall be forwarded within such time scales as are so determined.

6.5 The Secretary shall provide to the Federal Secretary such information on numbers and categories of Branch membership as the Federal Council or Federal Executive determines should be provided.

7 – BRANCH EXECUTIVE AND BRANCH COMMITTEE OF MANAGEMENT AND MEETINGS

7.1 The governing body of the Branch shall be the Branch Executive.

7.2 The method of election of members of the Branch Executive shall be in accordance with Rule 10 of the Branch Rules.

7.3 (a) The Branch Executive shall consist of thirty-four (34) members.

(b) The Northern Territory Division shall be entitled to elect five (5) persons to the Branch Executive.

(c) The Queensland Division shall be entitled to elect twenty-nine (29) persons to the Branch Executive who shall consist of:

(i) fourteen (14) members (to be known as General Members) elected by a ballot to the whole membership of the Queensland Division; and

(ii) one (1) representative of each Queensland Division Area Council elected by the members of that Area Council (to be known as Area Council Representatives).

(iii) Candidates for election to the Branch Executive from the Queensland Division as an Area Council Representative must be a member of the Area Council for which the Area Council Representative is to be elected at the close of nominations and up to and including the time of taking office as a member of the Branch Executive but shall not subsequently cease to hold office because such Area Council Representative has ceased to be a member of that Area Council.

(d) Four (4) members of the Queensland Division who are full-time elected officers or full-time employees of the Branch may be elected as a General Member of the Branch Executive, and no such person may be elected as an Area Council Representative.

(e) Two (2) members of the Northern Territory Division who are full-time elected officers or full-time employees of the Branch may be elected as a Member of the Branch Executive.

(f) Notwithstanding the provisions of paragraph (a) in the event that less than thirty-four (34) persons are nominated or elected as Branch Executive members, or if casual vacancies occur in relation to membership of the Branch Executive, it shall be competent for the Branch Executive to continue to function in accordance with these Rules so long as the number of members of Branch Executive shall not in any case be less than seventeen (17).

7.4 The Branch Electoral College must by and from its members elect in accordance with Rule 11, a Branch Committee of Management of eleven (11) members which shall consist of one (1) President, one (1) Secretary, one (1) Assistant Secretary/Treasurer, two (2) Assistant Secretaries, two (2) Senior Vice- Presidents, one (1) Junior Vice-President and three (3) Committee Members of which at least one must be a member of the Northern Territory Division.

Of the President and two Senior Vice-President offices, one shall be from the members of the Branch Electoral College attached to the Northern Territory Division and two shall be from the members of the Branch Electoral College attached to the Queensland Division.

7.5 The following provisions shall apply to the calling and conduct of meetings of the Branch Executive and Branch Committee of Management:

(a) The Branch Executive shall meet ordinarily at least five times each year.

(b) All decisions of the Branch Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these Rules and all acts and decisions of the Branch Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended.

(c) Meetings of the Branch Executive shall be held at such time and place as shall be decided by the Branch Executive or Branch Committee of Management. The quorum for any meeting of the Branch Executive shall be one half of those at that time holding membership of the Branch Executive.

(d) The Secretary may take a telephonic, electronic, facsimile, postal or verbal vote of members of the Branch Executive at any time. Members of the Branch Executive shall be advised of the details of the voting. Such vote shall have the same force and effect as a decision of the Branch Executive made in meetings assembled.

(e) Notice of meetings of Branch Executive may be given by letter, facsimile, email, text, electronically, telephone or orally provided that in the latter two instances this is confirmed by another means of communication which provides to the receiver written advice thereof.

(f) The Rules relating to the conduct and calling of Branch Executive meetings, shall, the necessary changes being made, apply with equal force and effect to the Branch Committee of Management.

7.6 (a) The Branch Executive, or the Committee of Management, or a committee, or sub-committee appointed by the Branch Executive may permit members to participate in a particular meeting, or all meetings, by:

i. Teleconference or telephone; or
ii. Video conference or video link; or
iii. Any other means of communication.

(b) A member who participates in a meeting of the Branch Executive, or the Committee of Management, or a committee, or a sub-committee appointed by the Branch Executive by permission under 7.6(a) is taken to be present at that meeting.

8 – POWERS OF THE BRANCH EXECUTIVE AND BRANCH COMMITTEE OF MANAGEMENT

8.1 The Branch Executive shall have power to control and manage the business and affairs of the Branch subject always to the Federal Rules and the Branch Rules and without limiting the generality of this power shall have power to:

(a) Take such steps as it shall consider necessary to carry out the objects of the Union insofar as it is within the power, under the Rules, for the Branch to do so, and to raise or spend such funds as are necessary to carry out the objects;

(b) Direct the policy of the Branch;

(c) Rescind, amend or add to these Branch Rules by a two-thirds majority including rules to constitute, reform or dissolve sub-branches, sections and local committees and to determine or vary their powers and duties;

(d) Hear and determine all appeals that are submitted in accordance with the Rules;

(e) Fix salaries, allowances and honoraria for Branch officials and employees, and any delegate or person appointed by the Branch to do any work on behalf of the Branch;

(f) Appoint a Branch Returning Officer for the conduct of any elections required by these Rules provided that:

(i) the Branch Executive shall so appoint a Branch Returning Officer who shall hold office until a successor is duly appointed;

(ii) the Branch Returning Officer shall have absolute control of any election;

(iii) the Branch Returning Officer may or may not be a member of the Union; and

(iv) the Branch Returning Officer shall not be the holder of any office in, or be an employee of, the Union or any Branch of the Union.

(g) Appoint delegates to organisations or bodies to which the Branch is affiliated;

(h) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet;

(i) Fix fees, subscriptions and levies in accordance with Rule 6 of these Branch Rules;

(j) Institute and/or defend legal proceedings in matters affecting the affairs of the Branch;

(k) Decide on the service of any log of claims upon an employer or otherwise participate in the Federal Industrial Relations System, in respect of employees who are, or are eligible to be, members of the Branch.

(l) Form committees of its own members and other members of the Union in connection with its powers and responsibilities under the Rules. However, those committees (and any sub-committee formed by such a committee) can only be formed and can only be provided with authority to act for the purpose of providing advice or recommendations to the Branch Executive or relevant committee.

8.2 The Branch Committee of Management, shall, between meetings of the Branch Executive and subject to its control, exercise all the power and functions of the Branch Executive. The Branch Committee of Management shall submit a report of such management to the next ensuing meeting of the Branch Executive.

9 – DUTIES OF OFFICERS

9.1 (a) President.

The President shall:

i. Ordinarily preside at all meetings of the Branch Executive or Branch Committee of Management or other body of the Union under these Rules;

ii. Cause all members of the Branch Executive and Branch Committee of Management respectively to be notified of meetings;

iii. Speak publicly on behalf of the Union; and

iv. Carry out such functions as may be determined by the Branch Executive or Branch Committee of Management from time to time.

(b) Vice-Presidents:

The Vice-Presidents shall assist the President in the conduct of meeting as determined by the Branch Executive and Branch Committee of Management. A Senior Vice-President shall chair meetings in the absence of the President.

9.2 The duties of members of the Branch Executive shall be to attend meetings of the Branch Executive.

9.3 The duties of the Committee Members of the Branch Committee of Management shall be to attend meetings of the Branch Committee of Management.

9.4 Secretary

The Secretary shall:

(a) have the power, subject to the Rules and to the Branch Executive or Branch Committee of Management decisions:

i. to manage the day to day conduct of the activities of, and use of the assets of, the Federal Union.

ii. to define the duties of, direct the work of, and direct the discharge of functions by, officers and employees of the Branch (other than in their capacity as officers of the Branch).

iii. have the power, subject to Branch Executive decisions, to appoint and dismiss employees of the Branch.

(b) be responsible for the general correspondence of the Union, finance, filing of documents, industrial returns and the carrying out of decisions of the Branch Executive and Branch Committee of Management;

(c) be the Registered Officer of the Branch and be the person to sue or be sued on behalf of the Branch;

(d) have the power to take such legal proceedings as are necessary to enforce any award or agreement or to seek penalties against any employer or any member in arrears;

(e) have the power to demand the payment and observance of wages and conditions on any employer and to submit any dispute or impending dispute to conciliation and arbitration;

(f) attend, where possible, all meetings of the Branch Executive and Branch Committee of Management and be responsible for the keeping of, or causing to be kept, correct minutes, recorded in minute books, of the proceedings of such meetings;

(g) inform the Branch Executive and Branch Committee of Management members of relevant meetings called in accord with these rules;

(h) submit progress reports to the Branch Executive as required or as determined by the Branch Secretary to be necessary;

(i) in the event of the President's absence from Branch Executive or Branch Committee of Management meetings or other public meetings at which the Union is officially present, inform the President of the business conducted at such meetings;

(j) speak publicly on behalf of the Union and issue media and public statements in the name of the Union;

(k) cause to be issued receipts where necessary and ensure the prompt banking of all monies received by the Union;

(l) keep or cause to be kept in appropriate books of account a correct statement of all monies received and expended by or on behalf of the Union;

(m) take all reasonable steps to ensure the Union meets its compliance obligations under relevant legislation;

(n) carry out such further functions as the Branch Executive or Branch Committee of Management may from time to time decide.

9.5 (a) The Assistant Secretary/Treasurer shall:

i. assist the Secretary in the performance of such duties as may be assigned to the Assistant Secretary/Treasurer by the Secretary or by the Branch Executive or the Branch Committee of Management;

ii. discharge the following treasury responsibilities:

a. handle the moneys of the Branch;

b. keep proper books of account of each account;

c. produce such books at the meetings of the Branch Executive or at the request of the President;

d. not pay, lend or otherwise appropriate any of the funds of the Branch other than for the proper purposes of the Branch and in accordance with resolutions of the Branch Executive and in accordance with these Rules;

e. present the accounts for each period between meetings to the Branch Executive, for the ratification of payments made;

f. present to each ordinary meeting of the Branch Executive a financial statement showing the total income and expenditure, general account bank balance and balance of all investments, to the date of the statements;

g. ensure that all cheques issued in the name of the Union shall be signed by at least two of the following: President, Secretary, Assistant Secretary/Treasurer, Assistant Secretary or any person authorised by the Branch Executive;

h. prepare and submit to a General Meeting of the Branch Executive a statement of the receipts and payments during the year last ended and a General Balance Sheet showing Assets and Liabilities of the Branch;

i. cause all books of account to be audited in accordance with the Fair Work (Registered Organisations) Act (2009) before they are produced and submitted to a meeting of the Branch Executive;

j. present the Branch Executive a budget for the next financial year for its deliberations;

k. ensure that payments from the funds of the Union are made in the manner specified in the Rules;

and in relation to the discharge of these treasury responsibilities is subject to the supervision of the Secretary and is expressly authorised to make at any time to the Branch Executive or Branch Committee of Management such reports as the Assistant Secretary/Treasurer may consider appropriate; and

iii. exercise the duties and powers of the Secretary in the absence or incapacity of the Secretary.

(b) An Assistant Secretary shall:

i. assist the Secretary in the performance of such duties or exercise of such powers as may be assigned or delegated to the Assistant Secretary by the Secretary or by the Branch Executive or the Branch Committee of Management; and

ii. exercise the duties and powers of the Secretary in the absence or incapacity of the Secretary and the Assistant Secretary/Treasurer.

10 – ELECTIONS OF BRANCH EXECUTIVE AND OFFICIALS

10.1 The method of electing the Branch Executive shall be by secret postal ballot of:

(a) all financial members of the whole of the Northern Territory Division of the Branch for five (5) members of the Branch Executive;

(b) all financial members of the whole of the Queensland Division for fourteen (14) general members of the Branch Executive; and

(c) all financial members of each Queensland Division Area Council for one (1) Area Council Representative of that Area Council.

Such elections shall be held every fourth year at a date fixed by the Branch Executive pursuant to sub-rule 10.8 of this Rule.

10.2 Where an election is required to be conducted by these Rules, an election shall be conducted by the Australian Electoral Commission, except where the Branch applies for an exemption pursuant to Section 183 of Schedule 1 of the Workplace Relations Act 1996 or in the case of a casual vacancy pursuant to Rule 12.

10.3 A Branch Returning Officer shall be appointed.

"Branch Returning Officer" means either:

(a) the person appointed by the Australian Electoral Commission to conduct an election under these rules;
or

(b) where the Branch has obtained an exemption pursuant to section 183 of the Fair Work (Registered Organisations) Act 2009 the person appointed by the Branch Executive to conduct an election under these rules who shall not be a holder of an office in the Union nor an employee of the Union or any part thereof nor a candidate for any election for Office within the Union;
or

(c) for all other elections that are not subject to the operation of the Fair Work (Registered Organisations) Act 2009, and where the Australian Electoral Commission has not been asked to conduct the election, the person appointed by the organisation or branch.

10.4 The Branch Returning Officer shall have the control of such elections as are conducted by the Branch in accordance with these Rules.

10.5 Nominations for the positions on the Branch Executive shall be called for by the Branch Returning Officer by notification in at least one daily newspaper circulating in the capital city of the State and Territory. The Branch Returning Officer shall also arrange, if possible, to place the advertisement in a regular publication of the Union.

10.6 A member shall be eligible for election as a member of the Branch Executive if:

(a) the member is financial at the date of closing of nominations;

(b) the member has been a financial member for a period of twelve months.

10.7 Any person wishing to nominate shall be provided with a nomination form by the Branch Returning Officer or in a manner determined by the Branch Returning Officer. The content and appearance of the nomination form shall be determined by the Branch Returning Officer. Such forms shall be signed by the candidate and by two financial members and forwarded to the Branch Returning Officer at an address in a manner determined by the Branch Returning Officer.

10.8 The Branch Executive shall fix a time during which an election shall be held. That decision shall be published and/or notified to members in the first regular communication to members following the making of the decision. Nominations shall close at 4.00 p.m. on a date specified in the advertisement published in accordance with Sub-rule 10.5 herein which shall not be earlier than 21 days after the publication of the advertisement.

10.9 Candidates may include with their nomination form (so that it is received no later than the close of nominations) a statement not exceeding 200 words containing only the candidate's personal history and/or policy statement and a passport-sized photograph of the candidate.

10.10 The Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give the nominee the opportunity of remedying the defect within a period not less than seven (7) days after being so notified.

10.11 If at the closing date for nominations only sufficient nominations have been received by the Branch Returning Officer to fill any vacancy or vacancies the Branch Returning Officer shall thereupon declare the person or persons so nominating elected by forthwith reporting the results of the ballot to the Secretary and the candidates.

10.12 If all nominations are received and there are more nominations than there are vacancies the Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee thereof to attend the draw; such attendance shall be at the candidate's own cost and expense.

10.13 The Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the Branch Returning Officer to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

10.14 Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the full name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

10.15 Where a ballot is required, the Secretary shall provide to the Branch Returning Officer within seven (7) days prior to the opening of nominations, a certified list of financial members entitled to vote. Provided that, notwithstanding any Rule of the Branch to the contrary, any member who pays union fees on a payroll deduction basis and who is included in a list of members paying union fees by payroll deduction shall continue to be treated by the Branch as a financial member until the Branch is advised of the cessation of the payroll deduction agreement in relation to that member, or until the aforesaid person provides a later list of all members on such arrangement, or until the member ceases to be a member by resignation, expulsion, death or otherwise.

10.16 The Branch Returning Officer shall on a date which will enable the ballot paper to be posted not later than twenty-one (21) clear days before the closing date of the ballot, send by pre-paid post to each member eligible to vote in the election an envelope addressed to such member at the address appearing on the list of members eligible to vote supplied to the Branch Returning Officer by the Secretary, and that envelope shall contain only the following documents;

(a) a ballot paper initialled by the Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(b) a declaration envelope in the form prescribed in Schedule 1 to the Workplace Relations Act 1996 and Regulations of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 which fits inside a pre-paid envelope as prescribed in Schedule 1 to the Workplace Relations Act 1996 and Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 or any successors thereto;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Branch Returning Officer may consider necessary;

(d) the candidate's statement provided for and in accordance with Sub-rule 10.9.

10.17 For the purpose of the election the books of the Branch shall be deemed to have closed as at seven (7) clear days before the opening date of the nominations. Members who are shown in the records at the office as having paid all contributions, levies and fines seven (7) clear days prior to the aforementioned date herein shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Branch Returning Officer that such member has paid all contributions, levies and fines prior to the date upon which the books of the Branch shall be deemed to have closed, shall be entitled to receive a ballot paper and the Branch Returning Officer shall send by pre-paid post a ballot paper in accordance with Sub-rule 10.16.

Further provided that, subject to the foregoing proviso herein, the list of financial members entitled to vote supplied by the Secretary under Sub-rule 10.15 shall be conclusive proof of the membership and financial status of each member included therein and no error, omission, irregularity or nullity in any office record or application shall affect either the membership or financial status of any member as shown in that list.

10.18 The opening date of the ballot shall be on no later than six weeks following the close of nominations and the closing time and date shall be at noon on the 22nd day after the opening date of the ballot respectively in each year in which the ballot is held. All ballot papers shall be returned to the Branch Returning Officer, C/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Branch Returning Officer prior to the despatch of the ballot papers or if a box has been previously used by the union, the lock thereto shall be changed.

10.19 The Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

10.20 At the conclusion of the ballot the ballot box shall be picked up by the Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the registered offices and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

10.21 Candidates at their own expense, may appoint a financial member of the Branch to act as a Scrutineer by notification in writing to the Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

10.22 The Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this Rule, and the candidate or candidates receiving the necessary number of votes necessary to win shall be declared elected.

10.23 In the case of an equality of votes for any two or more candidates the Branch Returning Officer shall determine by casting a vote which of the candidates is elected, provided that where an electoral officer is the Branch Returning Officer such shall be determined by casting lots.

10.24 The Branch Returning Officer shall declare the successful candidates elected by notifying the result of the ballot to the Secretary and the candidates.

10.25 Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

10.26 In any election the Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Branch Returning Officer may proceed nonetheless.

10.27 (a) The system of voting shall be that known as "first past the post" and shall allow for an order of preference to be indicated by the voter so that in the event of the lapsing of a nomination pursuant to Sub-rule 11.2 an effective vote may still be cast as follows:

(i) In the event of there being only one vacancy to be filled, the voter shall vote by using sequential numbers and the candidate who has the number one placed against his or her name shall be the candidate who is favoured by the voter;

(ii) In the event of there being more than one vacancy to be filled, the voter shall vote by using sequential numbers and the candidates who have a number up to the number of positions to be filled against their names shall be the candidates favoured by the voter and the votes so marked shall be counted accordingly as primary votes of equal value; to be valid a vote must number at least the number of candidates to be elected in the election;

(iii) A vote which indicates a clear intention to vote in a way which is consistent with the above shall be valid;

(iv) Notwithstanding the above in the event that the nomination of the candidate has lapsed pursuant to Sub-rule 11.2 for any position, the Returning Officer shall count the next preference on the ballot paper to allow a fully effective vote to be cast.

(b) Where a specified date or time period is presented for the doing of any act and the specified date or the end of the period falls on a non-working day, then such date or end of time period shall be deemed to be the working day immediately preceding the non-working day.

10.28 The term of office for Branch Executive members will be four years, commencing from 12 noon, seven (7) calendar days following the declaration under Rule 11.9(e) of the ballot for the Branch Committee of Management.

11 – ELECTION OF BRANCH COMMITTEE OF MANAGEMENT AND ALTERNATE DELEGATE TO FEDERAL EXECUTIVE

11.1 As soon as possible after declaration of election of the Branch Executive, elections for the positions on the Branch Committee of Management and alternate delegate of the Branch Executive to the Federal Executive (see Federal Sub-rule 12(f)) must be conducted by and from the Branch Committee of Management Electoral College, being those persons who have been declared elected to the Branch Executive but whose term of office has not yet commenced under Rule 10.28.

11.2 A member of the Electoral College may be nominated for more than one position on the Branch Committee of Management in the one election but may not hold more than one such position at a time. During the counting of the election the determination of positions shall be in the following order: Secretary, Assistant Secretary/Treasurer, Assistant Secretary, President, two Senior Vice-Presidents, Junior Vice-President, Committee Members of which at least one (1) shall be from the Northern Territory Division.

Of the President and two Senior Vice-Presidents offices, one shall be from the members of the Branch Electoral College attached to the Northern Territory Division and two shall be from the members of the Branch Electoral College attached to the Queensland Division.

If a person who is elected to one of the above positions was also nominated for any other office, any such nomination lapses.

If a member attached to the Northern Territory Division is elected to the position of President, any nomination for Senior Vice-President by a member attached to the Northern Territory Division will lapse.

If members attached to the Queensland Division are elected to the position of President and to a Senior Vice President position, all other nominations for Senior Vice President from members attached to the Queensland Division will lapse.

11.3 The method of election of the Branch Committee of Management must be by a secret postal ballot by and from all members of the Electoral College.

11.4 Such election shall be held every fourth year with the date of the close of nominations to be fixed within twenty-eight (28) days of the declaration of the election for members of the Branch Executive.

11.5 The election shall be conducted by the Australian Electoral Commission, except where the Branch applies for an exemption pursuant to Section 183 of the Fair Work (Registered Organisations) Act 2009 or in the case of a casual vacancy pursuant to Rule 12.

11.6 Where an election is to be conducted by the Branch, then the Branch Executive shall appoint a Branch Returning Officer who shall not during the term of office be the holder of an office in nor an employee of the Union or any part thereof nor a candidate at any election within the Union (other than the election of a Returning Officer).

The Branch Returning Officer may at any time in writing resign the positions and shall do so if he or she desires to become a candidate at any elections held under the Rules of the Branch.

Any casual vacancy of the Branch Returning Officer shall be filled by the Branch Executive .

11.7 The Branch Returning Officer shall have control of such elections which are conducted by the Branch in accordance with these Rules .

11.8 During the counting of the election, the positions shall be determined in the order as listed in Sub-rule 11.2.

11.9 (a) The Secretary shall provide all necessary information to the Branch Returning Officer to enable a true and proper election to be conducted.

(b) The Branch Returning Officer shall call for nominations by writing to each member of the Electoral College to that effect.

(c) A member of the Electoral College must be nominated for any position for which he or she intends to stand by another financial member of the Branch, and the nominations must be accepted in writing by the nominee.

(d) Candidates may appoint any member of the Branch to act as scrutineer on behalf of the candidate.

(e) The Branch Returning Officer must, following the close of the ballot, count the ballot papers, and declare the result. A written notification of the result must be sent by the Branch Returning Officer to the Secretary which will be the declaration of the ballot. The Secretary must then send a copy of that declaration to each member of the Branch Executive and Electoral College.

12 – CASUAL VACANCY

12.1 (a) In the event of a casual vacancy occurring for the position of member of the Branch Executive, the Branch Executive may determine that such vacancy shall not be filled prior to the next scheduled election, so long as the resulting number of continuing members of Branch Executive shall not be less than seventeen (17).

(b) In the event that the Branch Executive determines that a casual vacancy of the kind referred to in paragraph (a) is to be filled and where the unexpired term of office exceeds three-quarters of the term of office, the Secretary shall advise the Australian Electoral Commission of the vacancy within one month and the vacancy shall be filled in the same manner as the original Branch Executive member was elected and the person elected to fill such vacancy shall hold office for the remainder of the term of office in which the vacancy occurred;

(c) In the event that the Branch Executive determines that a casual vacancy of the kind referred to in paragraph (a) is to be filled and where the unexpired term of office is three-quarters of the term of office or less, the vacancy shall be filled within three months and in such manner as the Branch Executive may determine, and the person so appointed shall hold office for the remainder of the term of office in which the vacancy occurred;

(d) If a number of casual vacancies occur of the kind referred to in Sub-rule (a), they shall be deemed to be filled in reverse order to that in which they occurred, for the purposes of this rule.

12.2 (a) In the event of any position on the Branch Committee of Management becoming vacant for any reason where the unexpired term of office exceeds three-quarters of the term of office, the Secretary shall advise the Australian Electoral Commission of the vacancy within one month and the vacancy shall be filled in the same manner as the original Branch Committee of Management member was elected and the person elected to fill such vacancy shall hold office for the remainder of the term of office in which the vacancy occurred;

(b) In the event of such a position becoming vacant where the unexpired term of office is three-quarters of the term of office or less, the vacancy shall be filled within three months and in such manner as the Branch Executive may determine, and the person so appointed shall hold office for the remainder of the term of office in which the vacancy occurred.

13 – ELECTION OF DELEGATES TO FEDERAL COUNCIL

13.1 The members of the Northern Territory Division shall elect one (1) delegate to Federal Council of the delegates which the Branch is entitled to elect under Rule 8(c) of the Federal Rules.

13.2 The members of the Queensland Division shall elect the balance of delegates to Federal Council which the Branch is entitled to elect under Rule 8(c) of the Federal Rules.

14 – ADVISORY STRUCTURES - NORTHERN TERRITORY DIVISION

14.1 The Northern Territory Division shall form an advisory structure to assist in the operation of the Branch in the Northern Territory called the 'Northern Territory Division Advisory Committee'.

14.2 A meeting of the Northern Territory Division Advisory Committee shall be a meeting of persons elected in accordance with Sub-rule 14.3. Other members of the Division may attend as observers.

The role of the Northern Territory Division Advisory Committee meeting shall be to:

(a) inform members of Union business;

(b) enable members to exchange information about local issues;

(c) consider any professional or industrial matter it deems appropriate, especially in relation to the Northern Territory;

(d) within the framework of existing Union policy and resolutions of Branch Executive or Branch Committee of Management implement any action to be taken by members of the Branch in relation to any issues;

(e) debate and make recommendations on any Union matter to the Branch Executive or Branch Committee of Management;

(f) submit items of business to the Branch Executive or Branch Committee of Management;

(g) inform the Presidential members of the Branch attached to the Northern Territory Division of the views of members of the Branch in relation to any issue;

(h) consider issues relevant to education and employing authorities.

14.3 The Division Advisory Committee shall be comprised of the five (5) persons elected to the Branch Executive and a further four (4) persons who shall be elected at the same time in a separate ballot conducted consistent with the provisions of Rule 10.

A casual vacancy shall be filled consistent with the provisions of Rule 12.

For the purposes of conducting the election of the additional four (4) persons the Northern Territory Division shall be divided into three sub-divisions as follows:

(a) Darwin Urban which shall elect two (2) persons to the Division Advisory Committee;

(b) Top End Rural which shall elect one (1) person to the Division Advisory Committee; and

(c) Southern Region - Alice Springs which shall elect one (1) person to the Division Advisory Committee.

Each member employed in a school (or domiciled, if not employed) in the designated area shall be allocated to the respective sub-division.

14.4 (a) If the President of the Branch is attached to the Northern Territory Division, the President shall preside at all meetings of the Division Advisory Committee. If the President of the Branch is not attached to the Northern Territory Division, the Senior Vice-President attached to the Northern Territory Division shall preside at all meetings of the Division Advisory Committee;

(b) The Division Advisory Committee shall elect a Secretary at the first meeting held in any year. The Division Advisory Committee Secretary shall take the minutes of any meeting and deal with correspondence of the Division;

(c) The Division Advisory Committee shall elect a Vice-President at the first meeting held in any year. The Vice-President shall assist the President (if attached to the Northern Territory Division) or Senior Vice-President attached to the Northern Territory Division and act as the presiding officer in his or her absence.

14.5 Any meeting expenses, travel expenses or other out-of-pocket expenses incurred by a member of the Division in relation to Division affairs shall be reimbursed by the Branch provided such expense is within the guidelines determined from time to time by the Branch Executive.

15 – AUDITORS

15.1 The Branch Executive shall appoint as auditor a competent person who shall at least once a year audit the books and accounts of the Branch and draw up a correct report on same.

15.2 For the purposes of this Rule an approved auditor shall have the same meaning as in Section 256 of Schedule 1 to the Workplace Relations Act 1996 and Regulation 4 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 or any successors thereto.

16 – REGISTER OF MEMBERS

16.1 A register of members and any other records required to be kept by the Workplace Relations Act 1996 and the Regulations made pursuant thereto shall be kept at the registered office of the Branch.

17 – LOANS

17.1 Provisions for the making of loans, grants or donations by the Branch shall be in strict conformity with the provisions of Rule 25 of the Federal Rules.

18 – BRANCH FUNDS AND PROPERTY

18.1 All moneys received by the Branch shall be paid to the credit of the Branch on current account with a Bank selected by the Branch Executive.

18.2 No funds shall be drawn from the Bank except on the signature of any two persons holding the positions of the Secretary, President, Assistant Secretary/Treasurer, Assistant Secretary, Senior Vice-President or Junior Vice-President.

18.3 All expenditure for ordinary purposes may be disbursed by decision of the Secretary or the President.

18.4 The funds of the Branch shall be invested wherever possible in the name of the Branch. Where this is not possible, investments shall be made in the name of both the Secretary and President. The funds of the Branch may be invested in such securities as are permitted by the laws of any State or Commonwealth for the investment of funds by Trustees.

18.5 The funds and property of the Branch of the Union shall be under the control of the Branch Executive.

18.6 The financial year shall start at 1 January in any year and end on 31 December in the same year.

19 – GENERAL MEETINGS

19.1 General Meeting – Financial Reports

19.1.1 The Secretary shall convene a meeting of the members of the Branch upon a request in writing by members calling for a General meeting for the purposes of considering the financial reports as described in Schedule 1 of the Workplace Relations Act 1996 if such a request;

(a) Is signed by no less than 5% of the members of the Branch as at the date of receipt of the request;

(b) Contains in relation to each signature

(i) The date of signing;

(ii) The signatory's name in capital letters;

(iii) The name of the Branch to which the signatory belongs.

19.1.2 The Secretary shall give 28 days notice to the members of the Branch of any General Meeting called pursuant to this Rule.

19.1.3 The Secretary shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to and posted in a conspicuous place at each member's place of employment or by email communication to each member or by notice on the Branch website to members or by notice in the Branch journal sent to all members.

19.1.4 Resolutions at a meeting called in accordance with this Rule shall be voted on by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

19.1.5 Attendance at a meeting conducted under this Rule shall be recorded.

19.1.6 Ten percent (10%) of the number of members who have requested in writing the convening of a meeting under this clause shall constitute a quorum. If on the expiration of thirty (30) minutes after the time appointed for a meeting, a quorum is not present, the meeting shall be deemed to have lapsed.

19.1.7 The Branch Executive may hold a meeting, or allow members to take part in a meeting called under this sub clause, by using any technology reasonably contemperaneous and continuous communication between members taking part in the meeting, including, for example, teleconferencing.

19.2 General Meeting – Annual Report

19.2.1 The Secretary shall convene a meeting of the members of the Branch in October each year for the purposes of making an annual report to the Branch.

19.2.2 The Secretary shall give 28 days notice to members of the Branch of any General Meeting called pursuant to this Rule.

19.2.3 The Secretary shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to and posted in a conspicuous place at each member's place of employment or by email communication to each member or by notice on the Branch website or by notice in the Branch journal sent to all members.

19.2.4 Resolutions at a meeting called in accordance with this Rule shall be voted on by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

19.2.5 Attendance at a meeting conducted under this Rule shall be recorded.

19.2.6 The agenda for the General Meeting shall include but not be limited to: President's report; Branch Secretary's report; and a financial report from the Assistant Branch Secretary/Treasurer. Reports on the activities of the Branch shall be presented by the appropriate persons. Members are entitled to ask questions relevant to the administration and activities of the Branch.

19.2.7 Fifteen (15) members of the Branch present at any meeting convened shall constitute a quorum. If, on the expiration of thirty (30) minutes after the time appointed for a meeting, a quorum is not present, the meeting shall be deemed to have lapsed.

19.2.8 The Branch Executive may hold a meeting, or allow members to take part in a meeting called under this sub clause, by using any technology allowing reasonably contemporaenous and continuour communication between members taking part in the meeting, inlcuding, for example, teleconferencing.

20 – TRANSITIONAL PROVISIONS

20.1 From the date of certification of these Rules the following elected members of the IEUA Queensland and Northern Territory Branch Executive shall hold office as members of the IEUA Queensland and Northern Territory Branch Executive until the conclusion of the elections to be conducted in 2020 in accordance with Rule 10 of these Rules.

Mr Andrew Elphinstone
Mr Terry Burke
Mr John Brown
Ms Lyn Byrnes
Mr Chris Chapman
Mrs Janine Colwell
Ms Aleisha Connellan
Dr Anthony Cooper
Mr Peter de Waard
Mrs Jennifer Finlay
Dr Paul Giles

Mr Bryce Goldburg
Ms Melissa Goodingham
Mr Colin Grant
Mr Anthony Hallam
Mrs Erin Hawkins
Mr Brad Hayes
Mr Ian Hughes
Mr John Kennedy
Mrs Lea Martin
Ms Alex Patten
Ms Anna Pickering
Ms Melissa Roth
Ms Rebecca Sisson
Mr Andrew Street
Ms Karyl Young
Ms Louise Lenzo
Ms Erica Schultz
Mr Sam Typuszak
Mr Kieran Curnow

20.2 Persons elected and who hold office at the date of certification of these Rules shall hold office until the conclusion of the election for their respective offices to be conducted in 2020, but shall be eligible for re-election

20.3 The Rule 4A and amended Rule 7.3 and amended Rule 10.1 once certified shall apply to the elections to be conducted in 2020 in accordance with Rule 10 of these Rules.

20.4 The amended Rule 7.4 and Rule 11 (and consequential amendments to 9.1, 14.2, 14.4 and 18.2) concerning the processes for the election of, and positions on, Branch Executive and Branch Committee of Management will apply to and following the first full quadrennial elections that are held following certification of those amendments, being those due to occur 2025. Those amendments will not change the existing processes, positions or responsibilities for Branch Executive and Branch Committee of Management before the next full quadrennial elections.

21 – CHAPTERS

(a) A Chapter is defined as the members, unspecified in number, who work together in the same school or site or grouping as defined by the Committee of Management.

(b) Each school or site will have only one Chapter except where the Branch Secretary approves:

(i) separate Chapters where there are separate and distinct campuses; or
(ii) separate primary and secondary Chapters in a P-12 school; or
(iii) a separate Chapter of School Officers or Services staff; or
(iv) separate Chapters for groups as otherwise defined by the Committee of Management.

(c) Chapters of union members, who are Principals or Heads of School, howsoever called, may be formed based on a geographic region as determined by the Branch Executive.

A Principal or Head of School, howsoever called, of a school or site, who is a union member, can only be joined to a Chapter of Principals or Heads of School and cannot be joined to a school or site Chapter of members.

(d) Each Chapter will have a Chapter Executive.

(e) The Chapter Executive positions are determined by the Branch Executive from time to time.

(f) A member of the Chapter Executive, howsoever appointed, is a union delegate.

(g) A union member appointed by the Chapter to represent the Chapter members in any school or site based body, is a union delegate.

(h) A union delegate, undertakes a range of matters which include acting with:

(i) the rights provided to union delegates by law including the right to represent the industrial interest of members, and any other persons eligible to be a member, including in a dispute with their employer; and

(ii) the protections in law, including to:

(a) reasonably communicate with members and potential members in relation to their industrial interests; and

(b) have access to the workplace and any facilities at the workplace.

(i) The functions and conduct of Chapters will be determined by the Branch Executive from time to time.

22 – INCONSISTENCY

22.1 Any Rule of these Branch Rules shall be read and construed subject to the Federal Rules and shall to the extent of any inconsistency therewith become inoperative.

INDEPENDENT EDUCATION UNION OF AUSTRALIA VICTORIA TASMANIA BRANCH

1 – BRANCH RULES

These Rules are the Rules of the Independent Education Union of Australia Victoria Tasmania Branch.

2 – NAME OF BRANCH

The name of the Branch shall be the Independent Education Union of Australia Victoria Tasmania Branch. The Branch may also be known as the Victorian Independent Education Union and/or the Independent Education Union Tasmania Branch.

3 – MEMBERSHIP OF BRANCH

The membership of each Branch of the Union shall be as set out in Rule 12(c) of the Federal Rules.

4 – APPLICATION FOR MEMBERSHIP

Application for membership shall be in accordance with the provisions contained in Rule 6 of the Federal Rules.

5 – FEES, SUBSCRIPTIONS AND LEVIES

(a) Provisions relating to fees, subscriptions and capitation fees shall be as set out in Rule 7 of the Federal Rules.

(b) The Committee of Management of the Branch may impose a levy or levies on each member of the Union attached to such Branch pursuant to Rule 12(c) of the Federal Rules.

(c) Such levy or levies shall become due and payable on the date specified by the Branch Committee of Management.

6 – CAPITATION FEES AND LEVIES

The Branch General Secretary shall forward to the Federal Secretary such capitation fees and other levies as are determined in accordance with the Federal Rules, and shall be forwarded within such time scales as are so determined. The Branch General Secretary shall provide to the Federal Secretary such information on numbers and categories of Branch membership as the Federal Council or Federal Executive determines should be provided.

7 – BRANCH STRUCTURE

(a) Under these Rules the supreme control of the Branch is vested in the Members. Subject thereto, that control shall be exercised on the Members' behalf by the Committee of Management, Council Committees and Sub-Branches pursuant to their respective powers and duties under the Rules.

(b) Subject to the Rules:

the decisions of the Committee of Management shall be binding on Councils, Sub-Branches and Members;

the decisions of Sub-Branches shall be binding on Sub-Branch Members.

8 – DELETED

9 – COUNCILS

The Branch shall be divided into Councils.

(a) The affairs of a Council shall be governed by the Rules.

(b) Subject always to the Rules, a Council shall have powers as described hereunder:

(i) Contribute to and implement Branch policy;

(ii) To advise and make recommendations to the Committee of Management.

(c) The Committee of Management shall have the power to establish Councils consisting of Members employed in schools/workplaces or resident within a particular district, or Members who form a natural grouping rather than a geographical basis. Further the Committee of Management may constitute new Councils by re-organising existing structures.

(d) Such a Council shall be constituted on the date its first meeting is held in accordance with the resolution of the Committee of Management, at which meeting its first committee shall be elected.

(e) The Committee of Management in determining the boundaries and size of any Council shall take into account the size, area and location of Councils and the location of the major employing authorities and the area covered by such authorities. However an exact division of members is not required.

(f) For the purpose of the Rules the total Membership in a Council shall be the total Membership in that Council as at 1 July in that year.

(g) A Member shall ordinarily belong to the Council covering the area or grouping in which the Member is employed or was most recently employed, provided that the Committee of Management may determine that a Member belongs to a Council other than the Council covering the area in which the Member is employed or was most recently employed, and such members shall have the full rights of ordinary Members in that Council.

(h) All Members of the Branch shall be allocated by the General Secretary to a Council in accordance with this section.

(i) A Member of a Council Committee shall upon transferring from that Council to another, relinquish any position held as President or Deputy President of the Council.

(j) The Council shall normally meet twice each year. A Sub-Branch Representative shall, subject to the Rules, have a right to vote at a meeting of the Council. All votes shall be on the basis of one vote for each financial member of the Sub-Branch which the member represents. A Sub-Branch Representative may nominate a proxy from his or her Sub-Branch in the event that he or she cannot attend. Where there is more than one Sub-Branch Representative for a Sub-Branch, only one Sub-Branch Representative shall, subject to the Rules, have a right to vote at the meeting of the Council. The Sub-Branch Representatives shall by agreement select which Sub-Branch Representative from that Sub-Branch will carry the voting rights. In the case where no agreement can be reached, the General Secretary will determine which Sub-Branch Representative for that Sub-Branch will have the right to vote for the Sub-Branch at the meeting of the Council.

(k) Any votes cast by a Sub-Branch Representative on any motion shall be either all in the negative or all in the affirmative provided that such representative shall have the right to abstain from voting on any matter taking into account the wishes of the Sub-Branch.

(l) Any financial Member of the Branch will be permitted to attend meetings of the Council in which Membership is held, and be permitted to speak, but shall not, subject to this rule, be allowed to vote.

(m) No Sub-Branch Representative shall be entitled to cast any vote unless the person has had credentials duly confirmed by the General Secretary.

(n) No Council may affiliate or work with any other Union or organisation except with the permission of the Committee of Management, through the General Secretary, in the first instance.

(o) The Committee of Management shall decide when a Council is to be dissolved or has ceased to function provided that;

(i) Any such Council may be reconstituted in a manner determined by the Committee of Management or, as the case may be, the Members thereof may be enrolled in any other Council in which they may be eligible to be enrolled as determined by the Committee of Management;

(ii) The General Secretary shall, subject to the approval of the Committee of Management, assume responsibility for the closing of such Council accounts and for the reassignment of assets, books, papers and funds to the general keeping of the Branch;

(iii) The Members of any such Council shall be reallocated by the General Secretary to another Council.

(p) Neither a Council nor its Committee nor its Members generally nor any one of them, may speak or act or purport to speak or act on behalf of the Branch without a specific consent to that effect from the General Secretary or President of the Branch.

10 – SUB-BRANCHES

(a) A Sub-Branch shall be defined as a group of Members who work together in the same school or place or grouping as defined by the General Secretary.

(b) Each school shall have only one Sub-Branch, save that where there are separate and distinct campuses, there may, subject to ratification of the General Secretary, be more than one.

(c) Every Sub-Branch shall have a Sub-Branch Representative, however, the General Secretary may authorise a Sub-Branch to have more than one Sub-Branch Representative.

(d) Each Sub-Branch with more than two Members shall elect a Sub-Branch Representative from among the financial Members of the Sub-Branch in accordance with the Rules.

(e) Where there are only one or two Sub-Branch Members in a Sub-Branch at the time of the Sub-Branch Representative elections, one such Member shall by agreement or by virtue of these Rules become the Sub-Branch Representative.

In the case where no agreement can be reached, notification must be given to the General Secretary by the two Members involved. A decision will be made by the General Secretary.

(f) All Members may attend any meeting of their own Sub-Branch but shall have no rights to attend any meeting of any other Sub-Branch, without the permission of the Sub-Branch, save that officers of the Branch shall have the right to attend Sub-Branch meetings as part of their duties.

(g) No Member may belong to more than one Sub-Branch.

(h) A Member who is employed in several schools may elect to belong to the Sub-Branch of that person's own choosing and shall not have voting or attendance rights at any other Sub-Branch but the one so nominated. Such nomination must be made and notified to the Sub-Branch Representative of the Sub-Branch concerned.

(i) Failure to nominate as provided for in Rule 10(h) shall disentitle such Member to voting rights until such time as the nomination has been made and been received and acknowledged by the General Secretary.

(j) Subject to the Rules and the directives of Committee of Management, Council Committee and policy of the Branch, a Sub-Branch shall have the power and duty as described hereunder:

(i) Contribute to and implement Branch policy;

(ii) Make recommendations on any Council matter to the Council Committee or to meetings of the Council or to Committee of Management of the Branch;

(iii) Hold regular meetings;

(iv) Promote the objects, standing and representation of the Branch at school level;

(v) Seek to enrol as Members all persons entitled to join the Sub-Branch;

(vi) Assist and support any or all Members of the Sub-Branch entitled to such support.

(k) (deleted)

(l) At meetings of a Sub-Branch twenty-five percent of the Members, or fifteen Members, whichever is the less, of the Sub-Branch eligible to attend and vote shall form a quorum. All questions shall be decided by a majority of the votes of the Members present and voting.

(m) (i) Where a Sub-Branch has elected a Sub-Branch Committee in accordance with Sub-rule 11 (c)(xi) hereunder of the Rules, the provisions at (ii) to (v) hereunder shall apply:

(ii) The Sub-Branch Representative shall be a Member of the Sub-Branch Committee, and shall be the secretary of the Sub-Branch.

(iii) The Sub-Branch Committee shall provide advice and assistance to the Sub-Branch Representative.

(iv) The Sub-Branch Representative shall be the spokesperson for the Sub-Branch and shall be the person designated to attend Council Meetings and cast votes on behalf of the Sub-Branch, in accordance with the Rules.

(n) The duties of the Sub-Branch Chairperson and/or Sub-Branch Representative shall be as prescribed in the Rules or by the Committee of Management from time to time.

(o) Notwithstanding any provision of these Rules, the General Secretary shall have the authority to appoint Sub-Branch Representatives at any Sub-Branch and may exercise this power at their discretion. A member shall be eligible for appointment as a Sub-Branch Representative if the member is a financial member of the branch. Such person as is appointed shall immediately assume all the powers and duties of Sub-Branch Representatives and their appointment will be recorded by the Branch and such record shall serve as evidence of appointment. Subject to subrule (p), the term of office for a Sub-Branch Representative appointed under this Rule shall be as that under subrule 11(c)(iii), provided that the appointment will only last until the call for nomination under rule 11(c)(i).

(p) The General Secretary may at their discretion revoke the appointment of any Sub-Branch Representative appointed under Subrule (o) and provide written notice to the Sub-Branch and the Sub-Branch Representative(s) of their decision.

(q) In the event of a dispute between the Sub-Branch and the Sub-Branch Representative(s,) or where there is more than one Sub-Branch Representative at a Sub-Branch, a dispute between the Sub-Branch Representatives, the dispute shall be referred to the General Secretary who will resolve the matter and whose decision will be final.

11 – ELECTIONS

(a) Save and except for the election of members of the Branch Committee of Management in any Branch election the following shall apply.

(i) All positions shall be decided by secret ballot only;

(ii) All candidates shall be eligible for nomination if the member is a financial member of the branch at the time of calling of nominations;

(iii) All candidates shall be nominated and seconded by financial Members entitled to vote;

(iv) The candidate securing the highest number of votes shall be declared elected. In the event of a tied vote, the Returning Officer shall determine the outcome by the use of a random selection method.

(b) Returning Officer

(i) A Returning Officer shall be appointed for any election conducted in accordance with the Rules.

(ii) A Returning Officer shall be appointed by either in the case of the election of Sub-Branch Representatives, the Sub-Branch or in all other cases the General Secretary.

(iii) The relevant Returning Officer shall conduct all elections.

(iv) Only a financial Member may hold the office of Returning Officer.

(v) Upon being appointed, the Returning Officer shall call for nominations immediately from the floor of the meeting in the case of Sub-Branch Representatives, and act within time lines as set out within the Rules in all other elections.

(vi) The Returning Officer shall cause the result of any election to be recorded and sent to the General Secretary.

(c) Election of Sub-Branch Representatives

(i) The Sub-Branch Representative shall ordinarily be elected at a meeting of members in each Sub-Branch in the first eight weeks of the school year. Notice of the requirement to hold an election for the position of Sub-Branch Representative shall be sent by the General Secretary to every Sub-Branch in the first four weeks of the school year in which the election is to be held. Included in such notice shall be a list of all financial union members as pertaining to each Sub-Branch.

(ii) The onus for calling such a meeting as described in (i) above shall be on the previous Sub-Branch Representative or in the event of the member having left or being unwilling or unable, on each member equally or the General Secretary should it be necessary.

(iii) The term of office for Sub-Branch Representatives shall be four years.

(iv) In the event that the office of Sub-Branch Representative in any Sub-Branch becomes vacant during their term of office the vacancy shall be filled by election or appointment under the Branch rules to fill such casual vacancy and shall hold office for the remainder of the term of office in which the vacancy occurred.

(v) On receipt of a petition signed by not less than 75% of the financial members of a Sub-Branch requesting a declaration from the General Secretary that the office of Sub-Branch Representative be declared vacant and that an election be conducted for that vacant office the General Secretary shall at his/her discretion provide advice in writing to all members of the Sub-Branch declaring the office of Sub-Branch Representative vacant and giving notice of a Sub-Branch meeting to conduct such an election.

(vi) A member shall be eligible for election or appointment as a Sub-Branch Representative if the member is a financial member of the branch at the time of calling of nominations.

(vii) Nominations can be verbal or in writing and to be valid must be accepted by the nominee. If the nominee is not present at the meeting the acceptance must be in writing and must be tabled at the meeting.

(viii) The Returning Officer will then read out all valid nominations where more than one nomination has been received and ask each financial Sub-Branch Member to cast a vote in writing on such ballot paper as the Returning Officer may provide. Before the ballot is cast, each nominee may address the meeting on the nomination.

(ix) The Returning Officer shall then proceed to count the votes and ascertain the result of the election. The Returning Officer shall advise all Sub-Branch Members of the result of the election.

(x) Such person as is elected shall immediately assume all the powers and duties of Sub-Branch Representatives.

(xi) A Sub-Branch may elect a Sub-Branch Committee, one of whom shall be the Sub-Branch Representative prescribed by the Rules, in order to manage the affairs of the Sub-Branch. Any Sub-Branch may also elect a Chairperson not being the Sub-Branch Representative to preside at all meetings of the Sub-Branch for that year, otherwise the Sub-Branch Representative shall act as such a Chairperson.

(xii) The Sub-Branch Representatives shall ordinarily notify the General Secretary of their election not later than four weeks after the election. The fact of the election will be recorded by the Branch, and such record shall serve as evidence of the election.

(d) Council Committees and Delegates

(i) The Council Committees shall, unless otherwise determined by the Committee of Management, consist of a Council President and Deputy President.

(ii) A member shall be eligible for election as a Council Committee member if the member is a financial member of the branch at the time of calling of nominations.

(iii) Election for the positions on the Council Committee shall take place every four years by the members separately assigned to each Council on the date on which nominations open. Only Sub-Branch Representatives shall be eligible to nominate for election on the Council Committee.

12 – LIFE MEMBERSHIP

Life membership shall be granted to any person by the Committee of Management, in recognition of outstanding service to the Branch. Such persons shall be released of all further payments of subscriptions and levies to the Branch.

13 – BRANCH COMMITTEE OF MANAGEMENT AND OFFICIALS AND THE ELECTION THEREOF

(a) Branch Committee of Management shall be responsible for the management of the financial affairs and the day to day affairs of the Branch.

(b) The method of election of members of the Branch Committee of Management and Officials shall be, the necessary changes being made, in accordance with the method of electing Branch delegates to Federal Council under Rule 17 of the Federal Rules.

(c) The term of office for Branch Committee of Management and Officials shall be four years. The time for the election of members of the Branch Committee of Management and Officials shall be that time fixed in accordance with Rule 17(h) for the election of Branch delegates to Federal Council.

(d) The Branch Committee of Management shall consist of:

(i) one (1) President, one (1) Deputy President, one (1) General Secretary and one (1) Deputy General Secretary (the "Officials");

(ii) the President and Deputy President of each Council;

(iii) six (6) ordinary members;

(iv) two members representing education support staff members; and

(v) from the date of the declaration of the election scheduled to be held in 2017, one member representing members resident in Tasmania.

(e) The Branch Committee of Management shall meet ordinarily eight times in each year.

(f) Any casual vacancy in the Branch Committee of Management or Officials shall be filled by the same method, the necessary changes being made, as utilized in Rule 19(b) of the Federal Rules.

(g) The General Secretary and the Deputy General Secretary shall be the Branch Trustees of the Branch.

(h) The members of the Branch Committee of Management shall be elected by and from the members of the Branch, except as follows:

(i) the President and Deputy President of each Council shall be elected by and from the members of that Council; and

(ii) the two members representing education support staff members shall be elected by and from members employed as education support staff; and

(iii) the member representing members resident in Tasmania shall be elected by and from members resident in Tasmania.

14 – POWERS OF THE BRANCH COMMITTEE OF MANAGEMENT

The Branch Committee of Management shall have power to control and manage the business and affairs of the Branch subject always to the Federal Rules and the Branch Rules, and without limiting the generality of this power shall have power to:

(a) Take such steps as it shall consider necessary to carry out the objects of the Union insofar as it is within the power, under the Rules, for the Branch to do so, and to raise or spend such funds as are necessary to carry out the objects;

(b) Determine and implement the policy of the Branch;

(c) Subject to Rule 26 and Rule 12(g) of the Federal Rules rescind, amend or add to these rules including rules to constitute, reform, or dissolve Councils, sub-branches, sections and local committees and to determine or vary their powers and duties;

(d) Fix salaries, allowances and honoraria for Branch officials and employees, and any delegate or person appointed by the Branch to do any work on behalf of the Branch;

(e) Appoint a Branch Returning Officer for the conduct of elections for members of the Branch Committee of Management provided that the Branch Returning Officer shall not be the holder of any office in, or be an employee of, the Union or any Branch of the Union, nor candidate in any election;

(f) Appoint delegates to organizations or bodies to which the Branch is affiliated;

(g) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet;

(h) Fix fees, subscriptions and levies in accordance with Rule 7 of these Branch Rules;

(i) Subject to Rule 17 of these Branch rules appoint a competent person to audit the accounts of the Branch;

(j) Institute and/or defend legal proceedings in matters affecting the affairs of the Branch;

(k) Decide on the service of any log of claims upon an employer in respect of employees who are, or are eligible to be, members of the Branch;

(l) Summons meetings of members;

(m) To establish, constitute, re-constitute, re-organise, determine the boundaries and size of, dissolve, and otherwise determine any matter relating to the constitution and operation of Councils and Council Committees.

(n) Elect from its members an alternate delegate to Federal Executive in accordance with the Federal Rules.

(o) Have the power to remove a Sub-Branch Representative from their role where the person is not compliant with the Rules, or Policies of the Branch or acting contrary to the interests of the Members or the Sub-Branch.

15 – DUTIES OF OFFICERS

(a) The General Secretary shall:

(i) be the Chief Administrative Officer of the Branch;

(ii) subject to the Rules be empowered to make any decisions as necessary in the day to day affairs of the Branch including the serving of letters of demand and logs of claims;

(iii) be responsible for the employment and dismissal of staff of the Branch, in consultation with the Deputy General Secretary;

(iv) have the right to define the duties and direct the work and function, subject to these rules, of the Branch officials and employees, save that subject to any guidelines developed pursuant to these Rules, such Branch officials and employees shall have the right to appeal to the Committee of Management in any dispute;

(v) undertake necessary administrative action to implement Committee of Management decisions and carry out the instructions of the Committee of Management, or Federal Council or Federal Executive;

(vi) be responsible for keeping or causing to be kept all documents, papers, correspondence and records of the Branch;

(vii) attend, where possible, all meetings of the Committee of Management and be responsible for the keeping of, or causing to be kept, correct minutes of the proceedings of such meetings;

(viii) be entitled to attend all meetings of the Branch;

(ix) keep a register of Members of the Branch;

(x) inform Members of relevant meetings called in accord with these rules;

(xi) submit progress reports to the Committee of Management and all other meetings of the Branch as required or as determined by the General Secretary to be necessary;

(xii) in the event of the President's absence from Committee of Management meetings or other public meetings at which the Branch is officially present inform the President of the business conducted at such meetings;

(xiii) be the only authorised person of the Branch in whose name Press or Public Statements shall be issued unless the General Secretary delegates the authority;

(xiv) cause to be issued receipts where necessary and ensure the prompt banking of all monies received by the Branch;

(xv) be responsible for seeing the books are in readiness and make the necessary arrangements for the annual audit of the Branch;

(xvi) keep or cause to be kept in appropriate books of account a correct statement of all monies received and expended by or on behalf of the Branch;

(xvii) present to each ordinary meeting of the Committee of Management a financial statement showing the total income and expenditure, general account bank balance and balance of all investments, to the date of the statements;

(xviii) present the accounts for each month to the Committee of Management or such Committee that the Committee of Management deems appropriate, for the ratification of payments made;

(xix) ensure that all cheques issued in the name of the Branch shall be signed by at least two of the following: President, General Secretary, Deputy General Secretary, or any person authorised by the Committee of Management;

(xx) present to the Committee of Management a financial statement and balance sheet for the preceding financial year duly audited by qualified auditors appointed by the Committee of Management;

(xxi) present to the Committee of Management a budget for the next financial year for its deliberation;

(xxii) ensure that payments from the funds of the Branch are made in the manner specified in the Rules;

(xxiii) perform such other duties as may from time to time be determined by the Committee of Management;

(xxiv) summons members by written notice to attend meetings called pursuant to these branch rules.

(xxv) have the authority to remove a Sub-Branch Representative from their position should the person become unfinancial during their term.

(xxvi) have all powers to make decisions as permitted by these Rules.

(b) The Deputy General Secretary shall:

(i) deputise in the absence of the General Secretary;

(ii) perform such other duties as may from time to time be determined by the Committee of Management;

(iii) assist the General Secretary as required.

(c) deleted

(d) The President shall:

(i) preside, if possible, at all meetings of the Committee of Management and preserve order so that business shall be conducted in due form, and with propriety and sign the minutes as appropriate following their confirmation;

(ii) attend such meetings of the Branch that the President at his or her discretion determines;

(iii) through the General Secretary convene meetings of the Committee of Management;

(iv) have the power always, subject to the Rules, to refer a specific matter to the Committee of Management;

(v) where the President deems it necessary, conduct a vote through the General Secretary of Committee of Management members on any issue by post, telephone or any other means, provided that any information given to each member so voting shall be exactly the same in every respect;

(vi) perform all such other duties as may be prescribed by the Rules from time to time;

(vii) perform other such duties as may from time to time be determined by the Committee of Management;

(viii) shall bring to the attention of the Branch any matter the President believes to affect the welfare of members;

(ix) have a casting vote in the event of tied vote.

(e) The Deputy President shall:

(i) in the absence of the President, preside at all meetings of the Committee of Management with the full powers of the President for such meetings;

(ii) perform such other duties as may from time to time be determined by the Committee of Management;

(iii) assist the President as required;

(iv) perform all such other duties as may be prescribed by the Rules from time to time.

(f) deleted.

(g) The duties of ordinary members shall be to attend meetings of the Committee of Management.

16 – INCONSISTENCY

Any rule of these Branch rules shall be read and construed subject to the Federal Rules (other than Appendix A) and shall to the extent of any inconsistency therewith become inoperative.

17 – AUDITORS

The Branch Committee of Management shall appoint as auditor a competent person to audit the books of the Branch and report on same, and this is to be done in the same terms as provided for in Rule 16 of the Federal Rules.

18 – REGISTER OF MEMBERS

A register of members and any other records required to be kept by the *Fair Work (Registered Organisations) Act* 2009 and the Regulations made pursuant thereto shall be kept at the registered office of the Branch.

19 – LOANS

Provisions for the making of loans, grants or donations by the Branch shall be in strict conformity with the provisions of Rule 25 of the Federal Rules.

20 – REGISTERED OFFICE OF THE BRANCH

The registered office of the Branch shall be as here set out, or at such other place as may be determined from time to time by the Branch Committee of Management of the Branch:

Ground Floor
120 Clarendon Street
South Melbourne 3205

21 – BRANCH FUNDS AND PROPERTY

(a) All moneys received by the Branch shall be paid to the credit of that Branch on current account with a Bank selected by the Branch Committee of Management. No funds shall be drawn from the Bank except on the signature of at least two of the following: President, General Secretary, Deputy General Secretary or any person authorised by the Committee of Management.

(b) All expenditure for ordinary purposes may be disbursed by decision of the Branch General Secretary.

(c) The funds of the Branch shall be invested in the name of the Branch.

(d) The funds and property of the Branch of the Union shall be under the control of the Branch Committee of Management.

(e) The financial year shall start at 1 February in any year and end on 31 January in the following year.

22 – SPECIAL MEETINGS OF THE COMMITTEE OF MANAGEMENT

(a) Where no less than 10% financial members request that the Committee of Management meet to consider a specific matter, then the General Secretary shall, within 14 days, convene a meeting of the Committee of Management.

(b) The meeting of the Committee of Management called in accord with sub-rule (a) of this rule shall be held within 14 days of the notification forwarded by the General Secretary.

(c) Such a meeting shall consider the specific matters in question and any other matter proposed by the member of the Committee of Management and supported by a majority of members of the Committee of Management.

23 – FINANCIAL REPORTS - MEETINGS OF MEMBERS

23.1 The Branch General Secretary shall convene a meeting of the members of the Branch upon a request in writing by members calling for a General meeting for the purposes of considering the financial reports as described in the *Fair Work (Registered Organisations) Act 2009* if such a request:

(a) Is signed by no less than 5% of the members of the Branch as at the date of receipt of the request;

(b) Contains in relation to each signature:

(i) the date of signing
(ii) the signatory's name in capital letters
(iii) the name of the Sub-Branch to which the signatory belongs.

23.2 A General Meeting of the members of the Branch pursuant to this Rule may be conducted as a series of meetings held at different locations.

23.3 The Branch General Secretary shall give 28 days notice to the members of the Branch of any General Meeting called pursuant to this Rule.

23.4 The Branch General Secretary shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to and posted in a conspicuous place at each member's place of employment or by email communication to each member or by notice on the Branch Website to members who have immediate access to that Website.

23.5 A meeting conducted pursuant to this Rule is taken to have been completed at the time of the last meeting in any series of meetings.

23.6 All decisions at a meeting called in accordance with this Rule shall be by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

23.7 Attendance at meetings conducted under this Rule shall be recorded.

24 – DELETED

INDEPENDENT EDUCATION UNION OF AUSTRALIA WA BRANCH

1 – BRANCH RULES

1.1 These Rules are the Rules of the Independent Education Union of Australia WA Branch and shall be referred to in these rules as the Branch Rules.

1.2 Notwithstanding anything contained in Appendix A of the Federal Rules, these rules shall be the rules of the Independent Education Union WA Branch and shall pertain only to that Branch and shall be read in conjunction with the Federal Rules.

2 – NAME OF BRANCH

2.1 The name of the Branch shall be the Independent Education Union of Australia WA Branch.

3 – MEMBERSHIP

3.1 A member shall be a member of the Branch where:

(a) The member's place of employment is in Western Australia; or

(b) Where the member is simultaneously employed in two places, one of which is covered by a different Branch of the Union, the member chooses the WA Branch; or

(c) In the case of unemployed members, either the place of residence, or the place of desired employment is in Western Australia.

4 – APPLICATION FOR MEMBERSHIP

4.1 Application for membership shall be in accordance with the provisions contained in Rule 6 of the Federal Rules.

5 – FEES, SUBSCRIPTIONS AND LEVIES

5.1 Provisions relating to fees, subscriptions and capitation fees shall be as set out in Rule 7 of the Federal Rules.

5.2 The Branch Executive may impose a levy or levies on each member of the Union attached to the Branch.

5.3 Such levy or levies shall become due and payable on the date specified by the Branch Executive.

5.4 The Branch Secretary shall forward to the Federal Secretary such capitation fees and other levies as are determined in accordance with the Federal Rules, and shall be forwarded within such time scales as are so determined.

5.5 The Branch Secretary shall provide to the Federal Secretary such information on numbers and categories of Branch membership as the Federal Council or Federal Executive determines should be provided.

6 – BRANCH CONFERENCE AND THE ELECTION OF DELEGATES

6.1 The governing body of the Branch shall be the Branch Executive.

6.2 The Branch Executive shall consist of one (1) President, one (1) Vice-President, one (1) Secretary, one (1) Deputy Secretary and eight (8) Ordinary Executive members.

6.3 The method of election of members of the Branch Executive shall be, the necessary changes being made, in accordance with the method of electing Branch delegates to Federal Council under Rule 17 of the Federal Rules.

6.3.1 Members of the Branch Executive are not precluded from holding an office as Branch Delegate to Federal Council by virtue of holding any other office of the Branch.

6.4 The time for the election of members of the Branch Executive shall be that time fixed in accordance with Rule 17(h) for the election of Branch delegates to Federal Council.

6.5 During the counting of the election the determination of positions shall be in the order of President, then Vice President, then Secretary, the Deputy Secretary and then Ordinary Member.

6.5.1 Where a candidate nominates for several positions, and is elected to the higher position, this shall take precedence over the nomination for the lower position. The order of positions shall be President, Vice President, Secretary, Deputy Secretary and then Ordinary Member.

6.6 The Branch Executive shall meet at least twice every year.

6.7 A member shall be eligible for election as a member of the Branch Executive if:

(a) the member is financial at the date of closing of nominations; and

(b) the member has been a financial member for a period of twelve months.

6.8 The Branch Executive shall take office from 1st December in the year in which the election is held and shall hold office for three years or until new elections are held in accordance with these rules.

6.9 Any casual vacancy in the Branch Executive shall be filled by the same method, the necessary changes being made, as utilized in Rule 19(b) and (c) of the Federal Rules.

6.10 The inaugural Deputy Secretary shall be elected under Branch Rule 6 mutatis mutandis and shall hold office for the remainder of the current Executive's term of office and shall thereafter be elected as per Branch Rule 6.

7 – POWERS OF THE BRANCH EXECUTIVE

7.1 The Branch Executive shall have power to control and manage the business and affairs of the Branch subject always to the Federal Rules and the Branch Rules, and without limiting the generality of this power shall have power to:

(a) Take such steps as it shall consider necessary to carry out the objects of the Union insofar as it is within the power, under the Rules, for the Branch to do so, and to raise or spend such funds as are necessary to carry out the objects;

(b) Direct the policy of the Branch;

(c) Rescind, amend or add to these Branch Rules including rules to constitute, reform, or dissolve sub-branches, sections and local committees and to determine or vary their powers and duties;

(d) Hear and determine all appeals that are submitted in accordance with the Rules;

(e) Fix salaries, allowances and honoraria for Branch officials and employees, and any delegate or person appointed by the Branch to do any work on behalf of the Branch;

(f) Appoint a Branch Returning Officer for the conduct of any elections required by these Rules provided that:

(i) the Branch Executive shall so appoint a Branch Returning Officer who shall hold office until a successor is duly appointed,

(ii) the Branch Returning Officer shall have absolute control of any election,

(iii) the Branch Returning Officer may or may not be a member of the Union, and

(iv) the Branch Returning Officer shall not be the holder of any office in, or be an employee of, the Union or any Branch of the Union;

(g) Appoint delegates to organisations or bodies to which the Branch is affiliated;

(h) Receive and adopt or otherwise deal with the Annual Report;

(i) Fix fees, subscriptions and levies in accordance with Rule 5 of these Branch Rules;

(j) Institute and/or defend legal proceedings in matters affecting the affairs of the Branch;

(k) Decide on the service of any log of claims upon an employer or otherwise participate in the Federal Industrial Relations System, in respect of employees who are, or are eligible to be, members of the Branch.

8 – DUTIES OF OFFICERS

8.1 The duties of the Branch Secretary shall:

(a) be the Chief Administrative Officer of the Branch;

(b) subject to the Rules be empowered to make any decisions as necessary in the day to day affairs of the Branch including the serving of letters of demand and logs of claims;

(c) be responsible for the employment and dismissal of administrative staff of the Branch, in consultation with the President and Vice President.

(d) have the right to define the duties and direct the work and function, subject to these rules, of the Branch officials and employees.

(e) undertake necessary administrative action to implement Executive decisions and carry out the instructions of the Branch Executive, or Federal Council or Federal Executive;

(f) be responsible for keeping or causing to be kept all documents, papers, correspondence and records of the Branch;

(g) attend, where possible, all meetings of the Branch Executive and be responsible for the keeping of, or causing to be kept, correct minutes of the proceedings of such meetings;

(h) be entitled to attend all meetings of the Branch;

(i) keep a register of Members of the Branch;

(j) inform Members of relevant meetings called in accord with these rules;

(k) submit progress reports to the Branch Executive and all other meetings of the Branch as required or as determined by the General Secretary to be necessary;

(l) in the event of the President's absence from Branch Executive meetings or other public meetings at which the Branch is officially present inform the President of the business conducted at such meetings;

(m) be the only authorised person of the Branch in whose name Press or Public Statements shall be issued unless the Branch Secretary delegates the authority;

(n) cause to be issued receipts where necessary and ensure the prompt banking of all monies received by the Branch;

(o) be responsible for seeing the books are in readiness and make the necessary arrangements for the annual audit of the Branch;

(p) keep or cause to be kept in appropriate books of account a correct statement of all monies received and expended by or on behalf of the Branch;

(q) present to each ordinary meeting of the Branch Executive a financial statement showing the total income and expenditure, general account bank balance and balance of all investments, to the date of the statements;

(r) present the accounts for each month to the Branch Executive, for the ratification of payments made;

(s) ensure that all cheques issued in the name of the Branch shall be signed by at least two of the following: President, Branch Secretary, or Vice President, or any person authorised by the Branch Executive;

(t) present to the Branch Executive a financial statement and balance sheet for the preceding financial year duly audited by qualified auditors appointed by the Branch Executive;

(u) present to the Branch Executive a budget for the next financial year for its deliberation;

(v) ensure that payments from the funds of the Branch are made in the manner specified in the Rules;

(w) perform such other duties as may from time to time be determined by the Branch Executive;

(x) summons members by written notice to attend meetings called pursuant to these Branch Rules.

(y) be responsible for appointing workplace representatives and where 50% or more of members in a workplace request that an election be held to replace a workplace representative be responsible for the conduct of that ballot.

8.2 The President shall:

(a) preside, if possible, at all meetings of the Branch Executive and preserve order so that business shall be conducted in due form, and with propriety and sign the minutes as appropriate following their confirmation;

(b) attend such meetings of the Branch that the President at his or her discretion determines;

(c) through the Branch Secretary convene meetings of the Branch Executive;

(d) have the power always, subject to the Rules, to refer a specific matter to the Branch Executive;

(e) where the President deems it necessary, conduct a vote through the Branch Secretary of Branch Executive members on any issue by post, telephone or any other means, provided that any information given to each member so voting shall be exactly the same in every respect;

(f) perform all such other duties as may be prescribed by the Rules from time to time;

(g) perform other such duties as may from time to time be determined by the Branch Executive;

(h) shall bring to the attention of the Branch any matter the President believes to affect the welfare of members;

(i) have a casting vote in the event of tied vote.

(e) The Vice President shall:

(a) in the absence of the President, preside at all meetings of the Branch Executive with the full powers of the President for such meetings;

(b) perform such other duties as may from time to time be determined by the Branch Executive;

(c) assist the President as required;

(d) perform all such other duties as may be prescribed by the Rules from time to time.

8.4 The Deputy Secretary shall:

(a) assist the Secretary in the performance of his or her duties; and

(b) in the absence of the Secretary, have all the duties and powers of the Secretary.

8.5 The duties of Ordinary Members shall be to attend meetings of the Branch Executive.

9 – CASUAL VACANCIES

9.1 Casual vacancies shall be filled by the same method, the necessary changes being made, as utilized in Rule 19 of the Federal Rules.

10 – AUDITORS

10.1 The Branch Executive shall appoint as auditor a competent person to audit the books of the Branch and report on same, this is to be done in the same terms as provided for in Rule 16 of the Federal Rules.

11 – REGISTER OF MEMBERS

11.1 A register of members and any other records required to be kept by the Workplace Relations Act 1996 and the Regulations made pursuant thereto shall be kept at the registered office of the Branch.

12 – LOANS

12.1 Provisions for the making of loans, grants or donations by the Branch shall be in strict conformity with the provisions of Rule 25 of the Federal Rules.

13 – BRANCH FUNDS AND PROPERTY

13.1 All moneys received by the Branch shall be paid to the credit of the Branch on current account with a Bank selected by the Branch Executive.

13.2 No funds shall be drawn from the Bank except on the signature of any two persons holding the positions of the Branch Secretary, President, Vice President, or any person authorised by the Branch Executive.

13.3 All expenditure for ordinary purposes may be disbursed by decision of the Branch Secretary or the President.

13.4 The funds and property of the Branch shall be under the control of the Branch Executive.

13.5 The financial year of the Branch shall commence on 1 January in any year and conclude on 31 December in the same year.

14 – REGISTERED OFFICE

14.1 The registered office of the Independent Education Union of Australia WA Branch shall be 143 Edward Street, Perth, Western Australia, 6000 or at such other place as the Branch Executive shall from time to time determine.

15 – GENERAL MEETING OF MEMBERS

15.1 The Branch Secretary shall convene a meeting of the members of the Branch upon a written request by members if:

(a) The request is signed by no less than 5% of the members of the Branch as at the date of receipt of the request;

(b) Contains in relation to each signature:

(i) the date of signing
(ii) the signatory's name in capital letters

(c) The request contains the particulars of the matter to be dealt with at the proposed meeting.

15.2 The Branch Secretary shall give 28 days notice to the members of the Branch of any General Meeting called pursuant to this Rule.

15.3 The Branch Secretary shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to and posted in a conspicuous place at each member's place of employment or by email communication to each member or by notice on the Branch Website to members who have immediate access to that Website.

15.4 All decisions at a meeting called in accordance with this Rule shall be by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

15.5 Attendance at meetings conducted under this Rule shall be recorded.

16 – GENERAL MEETING - FINANCIAL REPORTS

16.1 The provisions of Rule 22A of the Federal Rules shall apply to the Branch in respect of a general meeting of Branch members for the purposes of considering the financial reports as described in Schedule 1B of the Workplace Relations Act 1996.

17 – INCONSISTENCY

17.1 Any rule of these Branch rules shall be read and construed subject to the Federal Rules (other than Appendix A) and shall to the extent of any inconsistency therewith become inoperative.

SCHEDULE 1 - GOVERNANCE

DEFINITIONS

(a)	board	means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.
(b)	disclosure period	For the purpose of these rules means the financial year unless a shorter period is specified.
(c)	declared person or body	A person is a declared person or body if: (i) an officer of the union or a branch of the union has disclosed a material personal interest under [sub-rule 3(A)]; and (ii) the interest relates to, or is in, the person or body; and (iii) the officer has not notified the union or the relevant branch of the union that the officer no longer has the interest.
(d)	financial duties	includes duties that relate to the financial management of the organisation or a branch of the organisation.
(e)	General Manager	means the General Manager of the Fair Work Commission.
(f)	non-cash benefit	means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
(g)	peak council	has the same meaning as defined by section 12 of the *Fair Work Act 2009.*
(h)	office	has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*
(i)	officer	has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*
(j)	related party	has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009.*
(k)	relative	in relation to a person, means: (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or (ii) the spouse of the first mentioned person.
(l)	relevant remuneration	in relation to an officer of the union or of a branch of the union for a disclosure period is the sum of the following: (i) any remuneration disclosed to the union or branch of the union by the officer under [sub-rule 2(A)] during the disclosure period; (ii) any remuneration paid, during the disclosure period, to the officer by the union or branch of the union;
(m)	relevant non-cash benefits	in relation to an officer of the union or of a branch of the union for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the union or a branch of the union or by a related party of the union or of a branch of the union.

(n)	remuneration	(i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but (ii) does not include a non-cash benefit; and (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

1. ORGANISATION/BRANCH POLICIES AND PROCEDURES

(pursuant to s.141(1)(ca))

The union and each of its branches shall develop and implement policies and procedures relating to the expenditure of the union/branch.

2. DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

(pursuant to s.148A)

A. Each officer of the union shall disclose to the union any remuneration paid to the officer:

a) because the officer is a member of a board, if:

i. the officer is a member of the board only because the officer is an officer of the union; or

ii. the officer was nominated for the position as a member of the board by the union, a branch of the union, or a peak council; or

b) by any related party of the union in connection with the performance of the officer's duties as an officer.

B. The disclosure required by sub-rule (A) shall be made to the union:

a) as soon as practicable after the remuneration is paid to the officer; and

b) in writing.

C. The union shall disclose to the members of the union and its branches:

a) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and

b) for each of those officers:

i. the actual amount of the officer's relevant remuneration for the disclosure period; and

ii. either the value of the officer's relevant non-cash benefits, or the form of the officer's relevant non-cash benefits, for the disclosure period.

D. For the purposes of sub-rule (C), the disclosure shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

E. Each officer of the branch shall disclose to the branch any remuneration paid to the officer:

a) because the officer is a member of a board, if:

i. the officer is a member of the board only because the officer is an officer of the branch; or

ii. the officer was nominated for the position as a member of the board by the union, branch or a peak council; or

b) by any related party of the branch in connection with the performance of the officer's duties as an officer.

F. The disclosure required by sub-rule (E) shall be made to the branch:

a) as soon as practicable after the remuneration is paid to the officer; and

b) in writing.

G. The branch shall disclose to the members of the branch:

a) the identity of the officers who are the two highest paid officers of the branch in terms of relevant remuneration for the disclosure period, and

b) for each of those officers:

i. the actual amount of the officer's relevant remuneration for the disclosure period; and

ii. either the value of the officer's relevant non-cash benefits, or the form of the officer's relevant non-cash benefits, for the disclosure period.

H. For the purposes of sub-rule (G), the disclosure shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

3. DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

(pursuant to s.148B)

A. Each officer of the union shall disclose to the union any material personal interest in a matter that:

a) the officer has or acquires; or

b) a relative of the officer has or acquires;
that relates to the affairs of the union.

B. The disclosure required by sub-rule (A) shall be made to the union:

a) as soon as practicable after the interest is acquired; and

b) in writing.

C. The union shall disclose to the members of the union and its branches any interests disclosed to the union pursuant to sub-rule (A).

D. For the purposes of sub-rule (C), the disclosures shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

E. Each officer of the branch shall disclose to the branch any material personal interest in a matter that:

a) the officer has or acquires; or

b) a relative of the officer has or acquires;
that relates to the affairs of the union.

F. The disclosure required by sub-rule (E) shall be made to the branch:

a) as soon as practicable after the interest is acquired; and

b) in writing.

G. The branch shall disclose to the members of the branch any interests disclosed to the branch pursuant to sub-rule (E).

H. For the purposes of sub-rule (G), the disclosures shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

4. DISCLOSURE BY UNION/BRANCH OF PAYMENTS

(pursuant to s.148C)

A. The union shall disclose to the members of the union and its branches either:

a) each payment made by the union, during the disclosure period:

i. to a related party of the union or of a branch of the union; or

ii. to a declared person or body of the union or a branch of the organisation; or

b) the total of the payments made by the union, during the disclosure period:

i. to each related party of the union; or

ii. to each declared person or body of the union.

B. Sub-rule (A) does not apply to a payment made to a related party if:

a) the payment consists of amounts deducted by the union from remuneration payable to officers or employees of the union; or

b) the related party is an officer of the union, and the payment:

i. consists of remuneration paid to the officer by the union; or

ii. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

C. For the purposes of sub-rule (A), the disclosures shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

D. The branch shall disclose to the members of the branch either:

a) each payment made by the branch, during the disclosure period:

i. to a related party of the branch; or

ii. to a declared person or body of the branch; or

b) the total of the payments made by the branch, during the disclosure period:

i. to each related party of the branch; or

ii. to each declared person or body of the branch.

E. Sub-rule (D) does not apply to a payment made to a related party if:

a) the payment consists of amounts deducted by the branch from remuneration payable to officers or employees of the branch; or

b) the related party is an officer of the branch, and the payment:

i. consists of remuneration paid to the officer by the branch; or

ii. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

F. For the purposes of sub-rule (D), the disclosures shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

5. REQUIREMENT TO UNDERTAKE APPROVED TRAINING

(pursuant to s.154D)

Each person who holds an office in the union or a branch thereof whose duties include duties (financial duties) that relate to the financial management of the union or the branch (as the case may be), must comply with all of the following:

(a) The person must undertake training approved by the General Manager of the Fair Work Commission under section 154C of the *Fair Work (Registered Organisations) Act 2009*;

(b) The training so undertaken must cover each of the person's financial duties;

(c) The training so undertaken must be completed within 6 months after the person begins to hold the office.

6. INTENT AND EFFECT

The rules in this schedule are intended to give effect to the *Fair Work (Registered Organisations) Amendment Act 2012* and prevail over any other rule to the extent of any inconsistency.

END OF RULES