

## FEDERAL BRANCH RULES IN RELATION TO THE ACT BRANCH

### 1 - NAME

The name of the Branch shall be The Australian Teachers' Union - ACT Branch.

### 2 - REGISTERED OFFICE

The registered office of the Branch shall be at 40 Brisbane Avenue, Barton, ACT or at such other place as may be determined by the Branch Executive.

### 3 - DEFINITION

In these Rules, unless the context otherwise requires:-

- (A) References to "the Branch" shall mean the Australian Teachers' Union, ACT Branch.
- (B) The singular number shall also include the plural number and the plural number the singular number.
- (C) References to "Sub-Branch" shall mean a Sub-Branch as provided under Rules 7 and 8.
- (D) References to "TAFE" shall mean Technical and Further Education.
- (E) References to "the Union" shall mean the Australian Teachers' Union.
- (F) References to "the Act" shall mean the Workplace Relations Act 1996.
- (G) References to "the Regulations" shall mean the Workplace Relations Regulations.
- (H) References to "TAFE Sub Branches" shall mean Sub-Branches comprised of members working in TAFE.
- (I) References to the "ACTTF" shall mean the ACT Teachers' Federation which was deregistered on its amalgamation with the Union.
- (J) References to a "financial member" shall have the same meaning as in the Federal Rules.

### 4 - POWERS

In accordance with the Federal Rules and the Federal Branch rules the Branch may:-

- (a) Take any action as may be considered necessary and proper to carry out the objects of the Union.
- (b) Render financial relief to members in necessitous circumstances including the provision of money to members requiring assistance as a result of their implementation of Union or Branch policy.
- (c) Render financial assistance to any union of teachers or organisation having objects wholly or in part similar to the objects of the Union.

- (d) Provide for the holding of conferences for the discussion of questions of educational interest.
- (e) Initiate and control schemes for the intellectual and professional advancement of teachers.
- (f) Encourage and support educational periodicals and promote the dissemination of educational literature.
- (g) Establish and develop a Branch library.
- (h) Publish an official organ and other necessary literature.
- (i) Rent, purchase or build suitable office premises for Branch members.
- (j) Provide some form of superannuation payments for employees of the Branch.

## **5 - MEMBERSHIP RIGHTS**

- (A) Honorary members and life members of the Union and members of the Union who have been elected to Parliament shall not be eligible to vote for or be elected to an office in the Union or to vote at meetings of the Branch.
- (B) A member holding a full time office in the Branch shall not be allocated to a Sub-Branch and shall not be eligible for election as a Sub-Branch representative on Branch Council.

## **6 - CONDUCT OF ELECTIONS**

- (A) (a) A Branch Returning Officer who need not necessarily be a member of the Union shall be appointed by the Branch Council at its first meeting each year for the conduct of any Branch elections that may be held within the Branch throughout the ensuing year for the Executive positions, Branch Council positions, Branch TAFE Council positions, Sub-Branch Executive positions, Federal Conference Delegates representing the General Division, Federal Conference Delegates representing the TAFE Division, National TAFE Council delegates, National TAFE Council Executive positions and Federal Executive Member positions in accordance with the Federal Branch Rules.
- (b) The Branch Returning Officer shall not during the term of her/his office be an employee of or the holder of any office in the Union or in the Branch or any Sub-Branch or body thereof or a candidate at any election within the Union other than an election for the appointment of Returning Officer for the following term and shall not be eligible to nominate any candidate for any election under these Rules, and shall hold office until a successor is elected. If the Branch Returning Officer is unable or unwilling to act as and when required or if there is a casual vacancy in the office, the Branch Executive shall appoint an acting Branch Returning Officer. In default of such appointments the Secretary shall appoint a person to the office. Provided that no person so appointed shall be the holder of any other office or be an employee of or a candidate for any other office in the Union, a Branch, Sub-Branch, section or division thereof.

- (B) The conduct and duties of the Returning Officer shall, subject to the Act and the Regulations, be as follows:
- (a) to take such action and give such directions as are reasonably necessary to ensure that no irregularities occur in or in connection with an election.
  - (b) if an impropriety or irregularity should occur which, in the opinion of the Returning Officer, will affect the result of the election - to declare the election null and void and shall forthwith conduct a further election under these rules.
  - (c) to perform such other duties as are expressly stated in these rules.
  - (d) the Returning Officer's decision on any matter concerning an election and the conduct thereof shall be final.
- (C) Conduct of election of National TAFE Council Delegates and TAFE Council Executive members.
- (1) Subject to Sub-Rule A. the provisions of Rule 6 shall apply mutatis mutandis to the election of National TAFE Council Delegates and TAFE Council Executive Members.
  - (2) The election of National TAFE Council Delegates and TAFE Council Executive Members shall be conducted in the following manner:
    - (a) the elections for the National TAFE Council Delegates and TAFE Council Executive Members shall be simultaneously conducted;
    - (b) persons eligible to nominate may nominate for both the position of National TAFE Council Delegate and TAFE Council Executive Member;
    - (c) the votes for the position of TAFE Council Executive member shall be counted first and the successful candidate determined;
    - (d) where a successful candidate has been determined in accordance with the previous paragraph, the successful candidate shall be eliminated from the election for the National TAFE Council Delegate position and the second and subsequent preference votes cast for the person shall be allocated as first and subsequent preference votes for the remaining candidates.
- (D) A candidate may appoint one member to act as her/his scrutineer and shall advise the Returning Officer in writing of the name and private address of any such appointee.
- (a) A scrutineer shall be entitled to inspect nominations and to observe the form and distribution of ballot papers and the receipt thereof upon their return, the checking of voters, the admission and counting of votes and the declaration of the poll. The Returning Officer shall take all reasonable steps to enable each scrutineer to exercise these rights but no election shall be vitiated by the failure of a scrutineer to exercise any or all of them.
  - (b) A scrutineer shall direct the attention of the Returning Officer to any irregularity in respect of any matters to be observed under these rules.

- (c) In every case a scrutineer shall observe the directions of the Branch Returning Officer who shall take all reasonable steps to enable each scrutineer to exercise her/his rights. No election shall be vitiated should a scrutineer not exercise any or all such rights if she/he had reasonable opportunity to do so.
- (E)
  - (a) The Returning Officer shall call for nominations for the positions concerned by sending notices to all schools or other places of work of members at least 14 days prior to the close of nominations.
  - (b) Nominations shall be in writing, signed by 2 financial members eligible to vote in the ballot, shall bear the signed consent of the nominee and shall be lodged with the Returning Officer not later than 4.30 p.m on the date set for the closing of nominations.
  - (c) Where a Returning Officer conducting an election under this rule finds a nomination to be defective she/he shall, before rejecting the nomination, notify the member concerned of the defect and, where it is practicable to do so, give that member the opportunity of remedying the defect within 7 days after being notified of the defective nomination.
- (F)
  - (a) A nominee in a ballot conducted in accordance with this Rule may withdraw their nomination after nominations have closed, provided that such withdrawal is exercised within seven (7) days after the date on which nominations are advised to the Branch.
  - (b) Such withdrawal of nomination shall be by notice in writing to the Returning Officer signed by the nominee and submitted by hand, post or facsimile.
- (G) If no more than the number of valid nominations required to fill the positions are received, the Returning Officer shall declare the candidates therefore to have been elected unopposed.
- (H) If more than the required number of nominations are received the Returning Officer shall prepare or cause to be prepared a sufficient number of ballot papers which shall list the names of candidates in a sequence determined by lot by the returning officer. One ballot paper may contain provisions for voting in respect of more than one election.
- (I) On each ballot paper there shall be printed:-
  - (a) Instructions on how to vote.
  - (b) The place and the closing time and date for the receipt of returned ballot papers.
  - (c) The instructions to fold the ballot paper so that marking on it are not visible until it unfolded.
- (J) The Returning Officer shall obtain from the Branch Secretary copies of the roll of financial members of the Branch or Sub-Branch. The roll of voters for any election to be conducted pursuant to these rules is to be closed seven days before the day on which nominations are opened in relation to all elections by a direct voting system for offices in the Branch. Each candidate shall have full access to the roll on request.

- (K) (a) The Returning Officer shall, within 28 days of the closing of nominations and at least 14 days before the close of the ballot, forward by pre-paid post to every eligible voter an outer envelope, a declaration envelope and a ballot paper which has been initialled by the Returning Officer at the address as provided hereunder which can be returned to the Returning Officer without expense to the voter. Both envelopes shall be in the form prescribed by the regulations made under Schedule 1B of the Workplace Relations Act 1996.
- (b) Where a member entitled to vote at a ballot will be absent during the conduct of the ballot from the Territory she/he may during the period after the time for lodging nominations is closed and before the opening date of the ballot, apply in writing to the Branch Returning Officer for an absent vote stating that her/his absence from the Territory will otherwise prevent her/his voting at the ballot.
- (c) Where the Branch Returning Officer receives an application under Rule K(b) and is satisfied that the member will be prevented from voting at the ballot she/he shall, by pre-paid post, forward to the member a ballot paper in accordance with this Rule.
- (L) The Returning Officer shall supply a substitute ballot paper which she/he shall have initialled and marked "substitute ballot paper", to any voter, upon receipt from such a person of a damaged or misused ballot paper or upon reasonable evidence of the destruction or loss of the ballot paper by the voter.
- (M) The Returning Officer shall arrange for the use of a post office box for the receipt of returned ballot papers and shall arrange for the same not to be opened by any other person.
- (N) After the close of the ballot the Returning Officer shall collect the envelopes from the post office box abovementioned.
- (O) The Returning Officer shall admit ballot papers properly marked and count the votes indicated therein, in accordance with this Rule.
- (P) As between candidates who receive an equal number of votes the Returning Officer shall determine by lot which candidate is to be elected.
- (Q) At the conclusion of the count the Returning Officer shall declare the result.
- (R) The following procedures shall be used by the Returning Officer for the counting of votes:
- (a) in elections for one candidate only-
- (1) the candidate who receives more than half the number of first preference valid votes cast shall be the successful candidate.
- (2) should no candidate be successful on the first count, the candidate who receives the least number of first preference valid votes shall be excluded from the count and the second preference votes of that candidate shall therefore be distributed amongst the remaining candidates. A candidate then receiving more than half the total

number of valid votes cast shall thereupon be the successful candidate.

- (3) the above procedure shall be continued until one candidate has received the requisite number of votes to become the successful candidate.
  - (4) if on any count 2 or more candidates each receive the same number of votes the Returning Officer shall decide by lot which candidate shall remain in the count.
- (b) in elections for more than one candidate in the same ballot the system of exhaustive optional preferential voting set out in Schedule A to the Federal Branch Rules shall be used provided that each voter must indicate preferences at least equal in number of vacancies involved.

## **7 - SUB-BRANCHES**

- (A) All members of the Branch, except those specifically exempted in these rules, shall be members of a Sub-Branch.
- (B) Branch Council may establish Sub-Branches at any workplace where there is no Sub-Branch in existence, abolish an existing Sub-Branch or amalgamate 2 or more Sub-Branches. Branch Council shall consider any application for the establishment or abolition of a Sub-Branch made to the Branch Secretary by at least 10 members from a workplace. The Branch Secretary shall give at least one month's notice prior to Branch Council considering such applications.
- (C) The Branch Secretary shall maintain at the Registered Office a list of Sub-Branches. The list shall be available for inspection by any member of the Union or person eligible for membership of the Union pursuant to Rule 5(9) of the Federal Rules.

## **8 - UNATTACHED SUB-BRANCHES**

- (A) Council may authorise the formation of Unattached Sub-Branches.
- (B) Unattached Sub-Branches shall consist of at least 10 members at the time of establishment.

## **9 - ALLOCATION TO SUB-BRANCHES**

- (A) The Branch Secretary shall, as soon as practicable after a member has joined the Union, allocate the member to a Sub-Branch.
- (B) Members who consider that they are wrongly allocated may within 21 days make application to the Branch Secretary for a transfer to another Sub- Branch.
- (C) The Branch Secretary shall, if satisfied that the member was properly allocated, inform the member accordingly and report this decision to Branch Executive for confirmation or otherwise.
- (D) The Branch Secretary shall issue a membership card to each member.

## **10 - DISSOLUTION OF A SUB-BRANCH**

- (A) Where a Sub-Branch ceases to exist, through closure of a school, secondary college or T.A.F.E. institution or for any other reason, the members of such Sub-Branch shall be transferred to another appropriate Sub-Branch by the Branch Secretary who shall report this action to the Branch Executive.
- (B) Where a Sub-Branch fails in any year to retain a minimum of 5 members, it shall be regarded as defunct, and the Branch Secretary shall transfer members involved to another Sub-Branch. This action shall be reported to the Branch Executive by the Branch Secretary.

## **11 - GOVERNMENT OF SUB-BRANCHES**

- (A) Address:

The address of each Sub-Branch shall be at the office of the Branch or at such other place as each Sub-Branch may determine from time to time. Notice of any change in the address shall be given to the Branch Secretary.

- (B) Objects:

Each Sub-Branch shall endeavour by all lawful means to promote:

- (a) the objects of the Union in general; and
- (b) in that context, the specific professional and industrial interests of the members of the Sub-Branch.

- (C) Place of Meeting:

The Sub-Branch President and Sub-Branch Secretary shall determine the place of meeting of each Sub-Branch.

- (D) Meetings:

- (a) There shall be a minimum of 6 General Meetings of the Sub-Branch each year.
- (b) Special General Meetings may be called by the Sub-Branch President or Sub-Branch Secretary at any time or shall be called on request in writing signed by a majority of members of the Sub-Branch. At any such Special General Meeting, the business shall be confined to that specified in the notice calling such meeting.
- (c) The Sub-Branch Secretary shall notify members of the Sub-Branch of meetings referred to in (a) and (b) at least one day prior to the date of such meeting by written notice.
- (d) Meetings of Sub-Branch Executive may be called by the Sub-Branch President and/or Secretary by written notice one day in advance of the date of the meeting. Where circumstances demand, verbal notice will be sufficient.

(E) Quorum:

At all meetings of a Sub-Branch, 30% of the total financial membership of the Sub-Branch shall form a quorum provided that a quorum for meetings of the Relief Teachers Sub-Branch and the ACT Schools Office Sub-Branch shall be 15 members and the quorum for the Sub-Branched of the Canberra Institute of Technology be either 30% of the total financial membership or 15 members whichever is the smaller.

(F) Officers:

- (a) The Returning Officer, elected by Council shall act as Returning Officer for the Sub-Branch. Elections in each Sub-Branch for the positions of Sub-Branch President, Deputy Sub-Branch President and Sub-Branch Secretary shall be conducted at the commencement of each school year in accordance with Rule 6 of the Federal Branch Rules *mutatis mutandis*. Officers elected by these procedures shall hold office until the conclusion of elections for these positions held at the commencement of the following year, unless before such meeting they cease to be eligible for office.
- (b) Vacancies and any unfilled positions which occur in the positions of Sub-Branch President, Deputy Sub-Branch President or Sub-Branch Secretary following the annual elections shall be filled by and from the Sub-Branch membership at a general meeting.
- (c) A member shall not be eligible:-
  - (i) to nominate for the position of Sub-Branch Officer or Sub-Branch delegate to Council; or
  - (ii) to vote in elections for such positions, unless that member is a financial member of the Branch and is allocated to the Sub-Branch.
- (d) Duties:
  - (1) The Sub-Branch President shall, when present at a meeting, preside over the meetings and exercise a casting vote, ensure that the Rules of the Sub-Branch are adhered to at all times, and perform any other duties as prescribed by the Federal Branch Rules.
  - (2) The Deputy Sub-Branch President shall, in the absence of the Sub-Branch President, perform all the Sub-Branch President's duties and shall report any action taken under this authority to the Sub-Branch President.

- (3) The Sub-Branch Secretary shall:
- (i) notify the Branch Secretary immediately of any change in the officers of the Sub-Branch;
  - (ii) supply without unnecessary delay such information relating to the Sub-Branch as may be requested by the Branch Secretary;
  - (iii) distribute circulars, reports or any other material forwarded by the Branch;
  - (iv) exercise control over the affairs of the Sub-Branch and ensure its active co-operation on all matters pertaining to the welfare of the Branch.

(G) Sub-Branch Executive:

(a) Composition:

The Sub-Branch Executive shall consist of the Sub-Branch President, the Deputy Sub-Branch President and the Sub-Branch Secretary.

(b) Powers:

- (1) The Sub-Branch Executive shall have power to act on behalf of the members of the Sub-Branch subject always to the necessity of its conforming to such directions as may be imposed upon it from time to time by the Sub-Branch and subject always to the authority of the Sub-Branch to amend or reverse a decision of the Executive.
- (2) The Sub-Branch Executive shall make a report to the Sub-Branch at the regular Sub-Branch meetings of all its executive acts since the previous Sub-Branch meeting.

(H) Order of Business:

The Sub-Branch Executive shall decide the business and the order of business for Sub-Branch meetings. Such business shall be included in the notice of meetings which shall be notified by circular to members.

(I) Rescission of Motions:

No resolution passed at any previous meeting shall be rescinded unless notice of the intention to propose such rescission shall have been stated in the circular convening the meeting. A simple majority shall be sufficient to rescind previous resolutions.

(J) Communication:

No Sub-Branch shall communicate with any authority controlling a school, the Public Service Commission, the Commonwealth Government, the ACT Government or the ACT Administration except in matters deemed by the Branch Executive not to affect the interests of teachers other than those in that Sub-Branch.

(K) Meetings With Other Organisations:

Each Sub-Branch may co-operate with other organisations in the holding of joint meetings. Delegates and representatives to or at any such meetings shall act in conformity with Branch policy and shall oppose resolutions which conflict the Branch policy.

## 12 - SUBMISSIONS BY SUB-BRANCHES

Each Sub-Branch and Unattached Sub-Branch shall have the right to submit to Branch Council or Branch Executive matters deemed to be important by the Sub- Branch or Unattached Sub-Branch.

## 13 - RULES COMMITTEE

- (A) The Rules Committee shall consist of four members of the Union appointed by Branch Council as required.
- (B) No member of the Rules Committee shall be a member of the Branch Executive in the same year.
- (C) The Rules Committee is empowered to hear allegations that a member has knowingly committed a breach of these Rules or willingly acted in a manner contrary to a decision of Council or Executive.
- (D) The Rules Committee shall only act on allegations made in writing by a financial member of the Branch. Having due regard to present legal forms, the Rules Committee may conduct hearings for the purpose of collecting evidence. The Rules Committee may require both the member charged and the member laying allegations to submit statements in writing.
- (E) Any member named in allegations submitted to the Rules Committee shall be informed in full of the allegations not more than 10 days after the submission of such allegations.
- (F) Any member named in allegations submitted to the Rules Committee has the right to appear before the Committee for the purpose of answering or explaining any or all parts of such allegations.
- (G) The Rules Committee shall furnish a confidential report to the Branch Executive concerning all allegations and evidence received by them. A copy of the report shall be forwarded to the member against whom charges have been made.
- (H) The Branch Executive may expel or suspend from membership, impose a fine not exceeding \$100, or reprimand any member it finds guilty of the charges. A member shall remain unfinancial until the amount of any fine imposed upon that member has been paid.
- (I) Any member so dealt with under Rule 13 H above shall be entitled to appeal to the Branch Council.
- (J) Notice of a decision of the Branch Executive or Branch Council under this rule shall be posted to the members address as set out in the register of Branch members.

- (K) A member shall not be expelled or be suspended from membership of the Union under this Rule unless she/he has been found guilty of conduct referred to in Rule 14 A.
- (L) Any penalty imposed by the Branch Executive shall be held in abeyance until the result of any appeal is known.
- (M) An appeal under rule 13 I must be made to the Branch Secretary within 14 days after the decision was posted to the member.

#### **14 - DISMISSAL FROM OFFICE**

- (A) Any member elected to an office within the Federal Branch or Sub-Bran­ches shall not be dismissed from that office unless that member has been found guilty, in accordance with the Federal Branch Rules, of misappropriation of the funds of the Branch or its Sub-Bran­ches, substantial breach of the Federal Branch Rules, or gross misbehaviour or gross neglect of duty, or has ceased, in accordance with the Federal Branch Rules, to be eligible to hold office.
- (B) Any action pursuant to rule 14 A shall be taken in accordance with Rule 13 of the Federal Branch Rules.
- (C) Where a member of the Rules Committee is charged with any of the offences specified in Rule 14 A that position on the Rules Committee shall be taken by a pro-tem appointment by Council during the consideration of such allegations.

#### **15 - CONSTITUTION OF BRANCH COUNCIL**

- (A) The Branch Council shall be constituted by:-
  - (a) members of the Branch Executive;
  - (b) delegates of Sub-Bran­ches specified in these Rules on the basis of one delegate for the first twenty (20) financial members or part thereof. Provided that for every additional 20 financial members or part thereof the Sub-Bran­ch shall have one further delegate.
- (B) In the case of the Jervis Bay Primary School Sub-Bran­ch representation on Council shall be in accordance with these rules except that members allocated to Sub-Bran­ches other than the Jervis Bay Primary School Sub- Bran­ch shall be entitled to nominate as alternate delegates to represent the Jervis Bay Primary School Sub-Bran­ch.

#### **16 - ELECTION OF REPRESENTATIVES TO BRANCH COUNCIL**

- (A) Each Sub-Bran­ch shall annually elect representatives to Branch Council at the commencement of each school year. All financial members of the Sub- Bran­ch shall have the right to vote. The ballot shall be conducted by the Returning Officer in accordance with Rule 6.
- (B) Sub-Bran­ch representatives shall take office on 15th March in the year in which they are elected and hold office for one year.

## **17 - VACANCIES ON BRANCH COUNCIL**

Vacancies which occur in the office of Sub-Branch Council representative after the annual election shall be filled by appointment of a member of the Sub- Branch at a general meeting of the Sub-Branch.

## **18 - ALTERNATE REPRESENTATIVES TO BRANCH COUNCIL**

Alternate delegates may be elected by each Sub-Branch in accordance with Rule 6 mutatis mutandis on the basis of one alternate delegate for each accredited delegate. In the absence of an accredited delegate from Council one alternate delegate may replace that delegate and have the full rights pertaining to the delegate whom he or she replaces. Vacancies which occur in the office of Alternate Delegate to Council after the annual elections shall be filled from the Sub-Branch membership concerned by a general meeting of the Sub-Branch.

## **19 - REGULAR MEETINGS OF BRANCH COUNCIL**

- (A) Branch Council shall meet at least once a term and on other occasions as deemed necessary.
- (B) Councillors shall be posted written notice of meetings and copies of agenda at least 7 days beforehand.

## **20 - SPECIAL MEETINGS OF BRANCH COUNCIL**

- (A) The Branch Secretary, or in the absence of the Branch Secretary, the Branch President may call a Special Meeting of Branch Council whenever circumstances which in the opinion of the Branch Secretary or Branch President arise to call for such action.
- (B) The Branch Secretary shall call a Special Meeting of Branch Council when required to do so by a majority of Councillors.
- (C) The Branch Secretary shall also call a Special Meeting of Branch Council if 10% of all financial members sign a petition requesting such a meeting and send that petition to the Branch Secretary.
- (D) At least 7 days written notice of the Special Meeting, together with copies of the Agenda must be provided to all Councillors.

## **21 - QUORUM AT BRANCH COUNCIL MEETINGS**

At any Branch Council meeting, 30% of Councillors eligible to attend and vote shall form a quorum.

## **22 - COMMITTEES**

- (A) Committees may be appointed by Branch Council or Branch Executive to advise on any aspects of Branch business as directed.
- (B) Committee meetings shall be called by the Branch Secretary.

- (C) A committee shall at its first meeting appoint a chairperson and a secretary, the latter to keep records of all meetings.
- (D) Committees shall furnish reports on the matters referred to them to the Branch Secretary for consideration by Branch Council or the Branch Executive.
- (E) The Branch President and Branch Secretary shall be ex officio members of all committees.
- (F) Committee meetings shall be open to all financial members of the Branch who shall have full rights of participation in committee deliberations.

### **23 - COMPOSITION OF THE BRANCH EXECUTIVE**

- (A) The Branch Executive shall consist of:
  - (a) The Branch Secretary and Branch President who shall be elected by and from financial members.
  - (b) Two Branch Vice Presidents (Schools Sector) who shall be elected by and from financial members allocated to Sub-Branches in the Schools Sector.
  - (c) One Branch Vice President (TAFE Sector) shall be elected by and from financial members allocated to TAFE Sub-Branches.
  - (d) Eight representatives elected by and from financial members other than members allocated to TAFE Sub-Branches and the ACT Pre-School Sub-Branches.
  - (e) One representative (or an alternate representative who shall be entitled to attend Branch Executive in the absence of the representative) elected by and from financial members allocated to TAFE Sub-Branches.
  - (f) One representative (or an alternate representative who shall be entitled to attend Branch Executive in the absence of the representative) elected by and from financial members allocated to ACT Pre-Schools Sub-Branches.
- (B) The Branch Secretary shall be elected in accordance with Rule 6 mutatis mutandis for a term of 2 years commencing on 1 January.
- (C) The Branch President shall be elected in accordance with Rule 6 mutatis mutandis for a term of 2 years commencing on 1 January.
- (D)
  - (a) The three (3) Branch Vice Presidents shall be elected in accordance with Rule 6 mutatis mutandis.
  - (b) The term of office of the three (3) Branch Vice Presidents shall be two years commencing on 1 January of the alternate year to the Branch Secretary and Branch President.
- (E) The remaining representatives on Branch Executive shall be elected for a term of 2 years commencing on 1st July.

- (F) In the event of an election for the position of Branch President and Branch Secretary being necessary, the Branch Executive shall, between the period of close of nominations and the issuing of ballot papers, provide each candidate at no cost facilities to publish and distribute to all Sub-Branches and places of work a maximum of 3 posters of a maximum size of 30 cms x 42 cms with printing and photographs as determined by each candidate on one side only and, also call 2 meetings of members on suitable days at suitable times for the purpose of allowing members to meet and question candidates for these positions.
- (G) (a) As at the date of these amendments to Rule 23, the existing holders of the offices of Branch President, Branch Secretary and Branch Deputy President will continue to hold their office until their current term expires on 31 December 2000.
- (b) Any vacancy in any one of these offices which occurs prior to 31 December 2000 will not be filled. However, in the event that both the Branch President and the Branch Secretary positions become vacant prior to 31 December 2000, the Branch Executive will appoint a temporary Branch President for the remainder of the current term.

## **24 - ELECTION OF BRANCH EXECUTIVE**

The Branch Executive shall be elected in accordance with Rule 6 mutatis mutandis.

## **25 - MEETINGS OF BRANCH EXECUTIVE**

- (A) Regular meetings of the Branch Executive shall be called by the Branch Secretary by telephone or by post at least once a month, January and December excepted. At least 7 days notice shall be given.
- (B) Special meetings of the Branch Executive shall be called by the Branch Secretary:
  - (a) At the request of at least 3 members of the Branch Executive.
  - (b) Whenever circumstances arise which, in the opinion of the Branch Secretary, call for such action.

Except in a matter of urgency, the Branch Secretary shall give 7 days notice of the special meeting by telephone, post, facsimile or email.

- (C) A member of Branch Executive may be charged with gross neglect of duty in accordance with the Federal Branch rules if she/he is absent from 3 consecutive meetings of Executive without permission of Branch Executive or without an acceptable explanation.

## **26 - QUORUM AT BRANCH EXECUTIVE MEETINGS**

At all meetings of the Branch Executive, a simple majority of the Branch Executive shall form a quorum.

## **27 - VACANCIES ON BRANCH EXECUTIVE**

Vacancies which occur in any Branch Executive office shall be filled by fresh elections held in accordance with Rule 6 mutatis mutandis, such election to be held within 3 months of

occurrence of the vacancies; except that where the unexpired period of office is less than 12 months, the vacancy shall be filled by election from the membership by the Branch Council.

## **28 - POWERS AND DUTIES OF BRANCH COUNCIL**

Without limiting powers elsewhere specified in the Federal Rules or Federal Branch Rules, the powers and duties of the Branch Council shall be:

- (a) To manage the affairs of the Branch generally and to carry into effect the objects of the Union.
- (b) To deal with matters submitted to it by Branch Executive, Committees, Sub-Branches and individual Councillors.
- (c) To determine entrance fees and subscriptions in accordance with Federal Rule 11(1).
- (d) To impose a levy or levies on members in accordance with Federal Rule 22.
- (e) To appoint employees of the Union responsible for carrying out duties within the Branch, to determine the duties, to fix remuneration and to suspend or discharge any such employee.
- (f) To purchase property and to borrow funds on terms and conditions approved by the Council for this purchase.
- (g) To frame Standing Orders for the control of all meetings of bodies other than Branch Executive.
- (h) On behalf of the Union, to purchase, sell, mortgage, lease or otherwise deal with any land or other real estate for the use of the Branch.
- (i) To act as a medium of communication between Sub-Branches and individual members on the one hand and any institution participating in education on the other hand.
- (j) To receive the Annual Report as prepared by the Branch Executive and any relevant financial reports.
- (k) To amend the Federal Branch Rules and the Branch Rules provided notice of any proposals for the alteration, addition to or rescission of any rules shall be in the hands of the Branch Secretary not later than one calendar month prior to the opening of the Branch Council at which they are to be considered.

## **29 - DECISIONS OF BRANCH COUNCIL, BRANCH EXECUTIVE AND TAFE COUNCIL BINDING**

- (A) The decisions of Branch Council shall be binding on the Branch Executive, TAFE Council, Sub-Branches and members.
- (B) The decisions of Branch Executive shall be binding on the TAFE Council, all Sub-Branches and members.
- (C) The decisions of the TAFE Council shall be binding on TAFE Sub-Branches.

- (D) A, B and C shall apply in all matters except in the case of impending strike action, when Branch Council and/or Branch Executive be empowered to call stopwork meetings of members, at which decisions to continue industrial action shall be voted upon by members present. The decision of stopwork meetings shall be binding on all members.

### **30 - VALIDATION OF ACTS**

Subject to the provisions of the Act, the proceedings of or any acts done by any officer, by Branch Council or Branch Executive shall be valid notwithstanding any subsequently discovered defect in the method of election or appointment of such officer or of any representative or representatives, delegate or delegates, or member or members, of or at Branch Council or Branch Executive.

### **31 - POWERS AND DUTIES OF BRANCH EXECUTIVE, BRANCH SECRETARY, BRANCH PRESIDENT AND BRANCH VICE PRESIDENTS**

- (A) The Branch Executive shall:
- (a) Exercise all or any of the powers and carry out and perform all or any of the duties and functions which, under these Rules may be lawfully exercised, carried out, or performed by the Branch Council, subject always to the necessity of its conforming to:
    - (i) Such directions as may be imposed upon it from time to time by the Branch Council.
    - (ii) The authority of the Branch Council to amend or to reverse a decision of Branch Executive.
  - (b) As soon as the Branch Executive becomes aware of an industrial dispute or threatened industrial dispute -
    - (i) In relation to disputes affecting members who are employed under an Award only applicable to persons employed in the ACT Public Service - it shall notify the Industrial Registrar forthwith.
    - (ii) In relation to a dispute affecting members who are employed under an Award also applicable to members of the Union not employed in the ACT Public Service - it shall notify the Federal Secretary forthwith.
  - (c) Depute any two of the Branch Secretary, Branch President or the Branch Vice Presidents to execute industrial agreements and other documents on behalf of the Branch.
  - (d) Decide the business and the order of business to be set down for the next Branch Council meeting.
  - (e) Report to Branch Council all its acts since the previous Council meeting.
- (B) The Branch Secretary will:

- (a) be the Chief Officer of the Branch;
  - (b) carry out the instructions of Branch Council and Branch Executive and exercise general control over the affairs of the Branch;
  - (c) ensure that the Rules of the Union and the Branch are adhered to at all times;
  - (d) provide political, industrial and professional leadership to the ACT Branch of the AEU;
  - (e) manage the finances of the Branch;
  - (f) manage the professional and administrative staff of the Branch;
  - (g) attend all meetings of the Branch Council and Branch Executive and such other meetings as directed and be responsible for keeping minutes of those meetings;
  - (h) keep all documents/vouchers/papers belonging to the Branch;
  - (i) summon within a reasonable time the first meeting of any committee appointed by Branch Council or Branch Executive;
  - (j) be the registered officer of the Branch and the officer to sue and be sued on behalf of the Branch;
  - (k) organise all returns required by the Act for the approval of Branch Council or Branch Executive and ensure the submission of the returns to the Industrial Registrar in accordance with the Act;
  - (l) supervise the register of the Branch;
  - (m) with the concurrence of the Branch President, pay an urgent account which shall be submitted for confirmation to the first subsequent Branch Council or Branch Executive meeting;
  - (n) notify Sub-Branch Secretaries of the names of members allocated to Sub-Branches;
  - (o) Inform Sub-Branches of the business set down for Branch Council including proposed amendments to the Federal Branch Rules;
  - (p) perform any other duties as prescribed by the Federal Rules or Federal Branch Rules.
- (C) The Branch President will:
- (a) be an honorary position;

- (b) preside at all meetings of Branch Executive, Branch Council, Stop Work meetings and Mass meetings;
  - (c) when presiding over a meeting exercise a casting vote. In respect of any election held by such meeting she or he shall nevertheless have the right as a member of the Union to cast a vote.
- (D) The Branch Vice Presidents (Schools Sector):
- (a) will represent the Union as required;
  - (b) will be honorary positions;
  - (c) may, in the absence of the Branch President, chair Branch Council and Branch Executive and exercise the same powers the Branch President would in presiding over the meeting.
- (E) The Branch Vice President (TAFE Sector) will:
- (a) represent the Union as required;
  - (b) chair meetings of the Branch TAFE Council;
  - (c) be an honorary position. In the absence of the Branch Vice President (TAFE Sector) from a meeting of the Branch TAFE Council, the meeting may appoint a member of TAFE Council to chair the meeting.

### **32 - ELECTION FEDERAL DELEGATES**

- (A) This Rule is subject to Rule 30 of the Federal Rules.
- (B) The Branch Returning Officer shall conduct an election for Federal Delegates to Federal Conference:-
- (a) each 2 years at such time as will enable the declaration of the election prior to 30 November; or
  - (b) at such earlier time as shall be notified by the Federal Returning Officer to the Branch Returning Officer as is necessary for filling a casual or extraordinary vacancy or for electing a further Federal Delegate or Delegates following an increased entitlement pursuant to Rule 24 of the Federal Rules.
- (C) Election of Female Federal Delegates
1. This Rule shall operate in conjunction with other Federal Branch Rules relating to the election of Federal Delegates to Federal Conference provided that where there is any inconsistency this Rule shall prevail over any inconsistent provision in any other Federal Branch Rule.
  2. In addition to any other information required to be set out in the notification of the calling of nominations for the election of Federal Delegates to Federal

Conference the notification shall include the following additional information.

- (a) the number of Federal Delegates to be elected and the number of female delegates to be elected; and
  - (b) advice that if the number of female candidates is less than the number of female delegates to be elected the remaining position or positions in question will be filled by a male candidate or candidates.
3. In addition to any other information required to be set out on ballot papers for Federal Delegates the ballot paper shall include the following additional information:
  - (a) the candidates full names and, in accordance with the candidate's preference, the title Mr, Mrs, Ms or Miss; and
  - (b) the number of Federal Delegates to be elected and the number of female Federal Delegates to be elected.
4. The Branch Returning Officer shall, having complied with Federal Branch Rule 6E(c), determine in accordance with the next Rule whether it is necessary to hold an election.
5. The Branch Returning Officer shall conduct a ballot:
  - (i) for all positions - where the number of candidates for Federal Delegate positions exceeds the number of Federal Delegate positions to be filled; or
  - (ii) remaining positions - where the Branch Returning Officer has ascertained that the number of nominations from female candidates is less than or equal to the number of positions for female Federal Delegates and the number of male candidates is more than the number of remaining positions.
6.
  - (a) This Rule applies to the counting of votes where it is necessary to conduct an election to fill Federal Delegate positions required by this Rule to be filled by female candidates.
  - (b) The Branch Returning Officer shall count the votes and allocate preferences in accordance with the procedure set out in Rule 6 and Schedule A and determine whether the minimum number of female Federal Delegates have been elected in accordance with this Rule.
  - (c) If the minimum number of female delegates have been elected in accordance with this Rule, the Branch Returning Officer shall declare all the successful candidates elected.
  - (d) In the event that the minimum number of female Federal Delegates have not been elected, the Branch Returning Officer shall:
    - (i) eliminate such male candidate or candidates as are necessary to allow the election of the minimum number of female delegates. The male candidate or candidates to be eliminated

shall be the last candidate or candidates elected during the counting of the votes and the allocation of preferences referred to in Rule 6.

- (ii) declare elected the female candidate or candidates last eliminated in counting of the votes and the allocation of preferences during the counting of the votes and the allocation of preferences referred to in Rule 6.
- (D) The election of Federal Delegates shall be conducted in accordance with Rule 6 mutatis mutandis.

### **33 - ELECTION OF FEDERAL EXECUTIVE MEMBERS**

- (A) Branch Council shall elect biennially to the Federal Executive the number of members permitted to be elected by the Branch pursuant to Rule 35 of the Federal Rules.
- (B) The Branch Returning Officer shall call for nominations for Executive Members of Federal Executive by notifying all members of the Branch Council in writing immediately on the completion of the election of representatives to Branch Council in accordance with Rule 23.
- (C) Nominations shall close at 4.30 p.m. on the day before the first Branch Council meeting after 15 March 1993 and biennially thereafter.
- (D) For the purposes of Rule 33 C nominations shall be in accordance with Rule 6 E(b).
- (E) If no more than the number of valid nominations required to fill the positions are received, the Branch Returning Officer shall declare the candidates therefore to have been elected unopposed.
- (F) If more than the required number of nominations are received the Branch Returning Officer shall arrange to conduct a secret ballot during the Branch Council meeting referred to in Rule 33 C.
- (G) The Returning Officer shall conduct the secret ballot in accordance with the following Rules of Rule 6: 6 B, 6 C, 6 E, 6 F, 6 G, 6 N, 6 O, 6 P and 6 Q.

### **33A - ELECTION OF NATIONAL ATSIEC MEMBERS REPRESENTING THE GENERAL DIVISION AND TAFE DIVISION**

- (1) This Rule is subject to Rules 73 and 74 of the Federal Rules.
- (2) The Branch Returning Officer shall conduct an election for one (1) National ATSIEC (General Division) member and one (1) National ATSIEC (TAFE Division) member:
  - (i) each 2 years at the same time as the scheduled election of Federal Conference Delegates or in any event according to a timetable which permits the declaration of the election on or before 30 November of the year prior to taking office. Provided that the first elections for the National ATSIEC

(General Division) member and the National ATSIEC (TAFE Division) member shall be held as soon as practicable; or

- (ii) at such time as shall be notified by the Federal Returning Officer to the Branch Returning Officer as is necessary for filling a casual or extraordinary vacancy.
- (3) The National ATSIEC (General Division) member shall be elected by and from the General Division Indigenous members of the Branch. Eligibility to nominate and vote in such elections shall be determined through self identification and placement on the General Division Indigenous Members' Roll established by the Branch Secretary for this purpose. The election shall be conducted in accordance with Federal Branch Rules 6 and 32 (the necessary changes being made).
- (4) The National ATSIEC (TAFE Division) member shall be elected by and from the TAFE Division Indigenous members of the Branch. Eligibility to nominate and vote in such elections shall be determined through self identification and placement on the TAFE Division Indigenous Members' Roll established by the Branch Secretary for this purpose. The election shall be conducted in accordance with Federal Branch Rules 6 and 32 (the necessary changes being made).

### **33B - ELECTION OF NATIONAL PRINCIPAL COMMITTEE [GENERAL DIVISION] MEMBER**

- 1. This Rule is subject to Rule 75 of the Federal Rules.
- 2. The Branch Returning Officer shall conduct an election for one [1] National Principal Committee [General Division] member:
  - [i] each 2 years at the same time as the scheduled election of Federal Conference Delegates or in any event according to a timetable which permits the declaration of the election on or before 30 November of the year prior to taking office. Provided that the first elections for National Principal Committee [General Division] member shall be held as soon as practicable; or
  - [ii] at such time as shall be notified by the Federal Returning Officer to the Branch Returning Officer as is necessary for filling a casual or extraordinary vacancy.
- 3. The National Principal Committee [General Division] member shall be elected by and from the General Division members of the Branch. The election shall be conducted in accordance with Federal Branch Rules 6 and 32 [the necessary changes being made] except that the member being nominated and the nominators must be a Principal member.

### **33C - ELECTION OF NATIONAL EARLY CHILDHOOD COMMITTEE [GENERAL DIVISION] MEMBER**

- 1. This rule is subject to Rule 76 of the Federal Rules.

2. The Branch Returning Officer shall conduct an election for one [1] National Early Childhood Committee [General Division] member.
  - [i] each two years at the same time as the scheduled election of Federal Conference Delegates or in any event according to a timetable which permits the declaration of the election on or before 30 November of the year prior to taking office. Provided that the first elections for the National Early Childhood Committee [General Division] member shall be held as soon as practicable; or
  - [ii] at such time as shall be notified by the Federal Returning Officer to the Branch Returning Officer as is necessary for filling a casual or extraordinary vacancy.
3. The National Early Childhood Committee [General Division] member shall be elected by and from the General Division members of the Branch. The election shall be conducted in accordance with Federal Branch Rules 6 and 32 [the necessary changes being made] except that the member being nominated and the nominators must be from financial members allocated to ACT Preschools and Sub-Branches.

#### **34 - MANAGEMENT AND CONTROL OF BRANCH FUNDS**

- (A) The Branch Funds referred to in Rule 62 of the Federal Rules shall be administered in accordance with this Rule.
- (B) The Branch Secretary and the Branch President shall ensure that:
  - (a) Moneys are deposited and funds invested in accordance with the directions of the Branch Executive and Branch Council.
  - (b) All payments out of the funds have been duly authorised.
  - (c) All cheques or drafts upon the Branch Funds are signed by any two of the Branch Secretary, Branch President, the Branch Vice Presidents and employees of the Branch specifically authorised by Branch Executive to do so.

#### **Rule 34C: MANAGEMENT AND CONTROL OF BRANCH FUNDS**

1. Members are required to notify the Branch in writing of changes to their membership within 28 days of the change occurring.
2. Where a member fails to notify of a change in circumstance in writing and fees continue to be received by the Branch, upon written request from the member the Branch Secretary will authorise a refund to the member of overpaid fees for a maximum of 3 months, or the period of the over-payment, whichever is the lesser. Circumstances in which this provision may apply include, but are not limited to:
  - [a] resignation [in accordance with Federal Rule 17 resignations must be submitted in writing]
  - [b] leave without pay
  - [c] reduced workload
  - [d] half pay leave.

3. A member affected by this clause who believes they have exceptional circumstances in respect of failure to notify the Branch of any change to their membership status may submit a written case for consideration by the Branch Executive.
4. A member dissatisfied with the decision of Branch Executive may request that the matter be referred to Branch Council for final determination, and may elect to address the Branch Council when the matter is listed for consideration.
5. In exercising responsibility under Federal Rule 9 2A, regarding informing applicants for membership of their financial obligations arising from membership, the Branch Secretary will ensure that correspondence to new members of the Branch will include specific reference to these provisions of the Branch Rules.

### **35 - COMMON SEAL**

- (A) The Branch shall have a common seal which shall be kept by the Branch Secretary at the Registered Office.
- (B) The common seal shall only be used with the authority of Branch Council for executing documents required to be under seal and industrial agreements.
- (C) When the common seal is affixed to a document the document shall be countersigned by the Branch Secretary and the Branch President or another member of the Branch Executive.

### **36 - AUDITORS**

At its last ordinary meeting each year and whenever it deems it advisable thereafter the Branch Council shall make provision in accordance with the Act for the proper auditing of all books, papers and records of the Branch by a person competent to be an auditor for the purposes of the Regulations as from 1st January until 31st December.

- (A) The Auditor shall:
  - (a) annually audit the cash records of the Branch.
  - (b) report at once to Branch Executive and Branch Council any irregularities that may come under their notice.
  - (c) supervise the methods of keeping the accounts and dealing with the assets of the Branch and report for the information of the Branch any means of improving the same and safeguarding the revenue and expenditure.
- (B) The books of the Branch shall be closed for the purpose of the Annual Audit on 31st December each year. The balance sheet and statement of income and expenditure for the previous year shall be ready for presentation to a General Meeting of members in accordance with the provisions of the Act, or if no meeting of members is held, to the March Branch Council meeting in each year.

### **37 - APPLICATION OF FUNDS**

The Funds of the Branch may be applied and used for or in connection with any lawful object or purpose authorised by the Federal Rules or the Federal Branch Rules.

### **38 - LOANS, GRANTS OR DONATIONS EXCEEDING \$1,000**

A loan, grant or donation (other than a loan or grant approved in accordance with Rule 44 - Teacher Welfare Fund) of an amount exceeding \$1,000 shall not be made by the Branch unless the Branch Council-

- (a) has satisfied itself -
  - (i) that the making of the loan, grant or donation would be in accordance with the Branch rules; 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.

### **39 - INSPECTION OF BOOKS**

All books of records and membership list of the Branch shall be open to inspection by any financial member upon 7 days written notice being given to the Branch Secretary.

### **40 - ALTERATION OF RULES**

The Federal Branch Rules may be altered, added to or rescinded by Branch Council or by a Special Branch Council called for the purpose, provided that the proposed alteration, addition or rescission is proposed by Branch Executive or by a requisition of at least 10 Sub-Branches. Such alterations shall take effect upon certification by the Registrar.

### **41 - REFERRAL OF DECISIONS TO GENERAL MEETINGS**

- (A) Any decision of Branch Executive or Branch Council may be presented for acceptance or rejection to a general meeting of financial members of the Branch, provided that a petition requesting such general meeting, signed by at least 5% of the membership is received by the Branch Secretary within 30 days of the decision concerned.
- (B) Such a general meeting shall be called by the Branch Secretary within 30 days of receipt of the petition and written notice shall be given to all schools and other places of work no later than 7 days prior to the date of the proposed meeting.
- (C) The general meeting may refer the decision of Branch Council or Branch Executive to a secret ballot of all financial members to be conducted under Rule 6 mutatis mutandis. The decision of such a ballot shall be binding on all members of the Branch.

### **41A - REFERRAL OF FINANCIAL REPORTS TO GENERAL MEETINGS**

- (A) In the event that 5% or more of Members in the Branch request the Branch Secretary in writing to convene a general meeting to consider the auditor's report, the general purpose financial report and the operating report the Branch Secretary shall arrange such a meeting within 28 days of receiving the written request;
- (B) Such a general meeting shall be called by the Branch Secretary and written notice shall be given to all schools and other places of work no later than 7 days prior to the date of the proposed meeting;
- (C) A general meeting of the members called pursuant to this sub-rule may be conducted as a series of meetings held at different locations;
- (D) A general meeting conducted pursuant to this rule is taken to have been completed at the time of the last of the meetings in any series of meetings;
- (E) The ordinary rules applying to meetings as specified in these rules shall be applied at the general meeting;
- (F) The general meeting may refer any decision that is the subject of the general meeting to a secret ballot of all financial members to be conducted under Rule 6 mutatis mutandis. The decision of such a ballot shall be binding on all members of the Branch.

#### **42 - REFERENDA**

- (A) A referendum of financial members shall be taken on any topic when ordered by:
  - (a) The Council - provided that 14 days notice is given to all Councillors of intention to move for such referendum and the notice of motion is signed by at least one third of the total number of Councillors.
- (B) Any referendum ordered under this Rule shall be conducted by the Branch Returning Officer in accordance with Rule 6 mutatis mutandis.
- (C) Any decision arrived at by a referendum ordered under this Rule shall be acted upon by Branch Executive, Branch Council, TAFE Council, Sub- Branches and members.

#### **43 - AFFILIATIONS**

- (A) The Branch may affiliate with any organisation in the ACT having educational or industrial objects which are consistent with those of the Union.
- (B) All proposals for affiliations or renewal thereof will be considered together once a year only, at a Branch Council nominated by Branch Executive.
- (C) Before a decision is made regarding any proposed new affiliation, the following shall occur:
  - (a) A list of outside organisations, their purposes, their aims, the reasons for the proposed affiliations and the cost to the Branch of each proposed affiliation shall be published at least once in the official journal of the Branch.

- (b) After the first such publication of the proposed affiliation at least one calendar month shall pass before the affiliations are considered to allow the affiliations to be discussed by Sub- Branches if they so desire.

#### **44 - TEACHER WELFARE FUND**

- (A) The Branch shall maintain out of the general revenue of the Branch a fund to be described as "The Teacher Welfare Fund." The maximum value of the fund shall be \$35,000.
- (B) The Teacher Welfare Fund shall be exclusively used for the purpose of relieving a financial member or any of the financial member's dependents from severe financial hardship.
- (C) The total value of the fund specified in Rule 44 A shall be determined by adding the value of outstanding loans and the proceeds of any investments from the fund, including interest.
- (D) The Teacher Welfare Fund shall be administered by the Branch Executive. The Branch Executive is authorised to transfer from the general revenue of the Branch the monies necessary to ensure that the value of the fund as determined by Rule 44C is maintained at the amount specified in Rule 44A.
- (E) All applications for relief shall be made in writing to the Branch Secretary and shall include a full statement of the applicant's financial position. All information provided by applicants shall be confidential.
- (F) Advances from the Fund shall be in the form of loans or grants up to the sum of \$3000. In considering whether to approve a loan or grant the Branch Executive shall have regard to:
- (a) whether the loan or grant was made under the rules of the organisation or branch; and
  - (b) in the case of a loan:
    - (i) whether the security (if any) given for the repayment of the loan is adequate;
    - (ii) whether the arrangements for the repayment of the loan are satisfactory.
- (G) The Branch Executive may withdraw, modify, or in any other way determine any relief granted as above when, in its opinion, the circumstances or conduct of the recipient shall justify it in so doing.

#### **45 - BRANCH TECHNICAL AND FURTHER EDUCATION (TAFE) COUNCIL**

The Branch TAFE Council shall consist of:-

- (a) The Branch Secretary, the Branch President, Branch Vice President (TAFE Sector) and the TAFE representatives on the Branch Executive;
- (b) the President, or if absent the Deputy President, of each TAFE Sub- Branch; and

- (c) representatives of each TAFE Sub-Branch on the basis of one delegate for the first 10 financial members or part thereof and, for every additional 20 members or part thereof, one further delegate.

#### **46 - REPRESENTATIVES OF THE BRANCH TAFE COUNCIL**

The representatives of each TAFE Sub-Branch to Branch TAFE Council shall be annually elected at the commencement of each academic year, with all financial members of those Sub-Branches having the right to vote. The elections shall be conducted by the Returning Officer in accordance with Rule 6 mutatis mutandis.

#### **47 - ALTERNATE REPRESENTATIVES TO THE TAFE COUNCIL**

Alternate representatives may be annually elected by each TAFE Sub-Branch in accordance with Rule 6 mutatis mutandis on the basis of one alternate representative for each accredited representative. In the absence of an accredited representative from TAFE Council one alternate representative may replace that representative and have the full rights pertaining to the representative whom she or he replaced.

#### **48 - CASUAL VACANCIES ON THE TAFE COUNCIL**

Casual vacancies for representatives or alternative representatives of the TAFE Sub-Branches to Branch TAFE Council shall be filled from the TAFE Sub-Branch membership concerned by a general meeting of that Sub-Branch.

#### **49 - REGULAR MEETINGS OF THE BRANCH TAFE COUNCIL**

- (A) The Branch TAFE Council shall meet at least once a term and on other occasions as deemed necessary by the TAFE Council.
- (B) Councillors shall be posted written notice of meetings and copies of agenda no later than seven days beforehand.
- (C) All meetings, including special meetings of the Branch TAFE Council, shall require a quorum of 30% of those entitled to attend.

#### **50 - SPECIAL MEETINGS OF THE BRANCH TAFE COUNCIL**

- (A) The Branch Secretary, or in the absence of the Branch Secretary, the Branch President, may call a Special Meeting of Branch TAFE Council whenever circumstances arise to call for such action and must do so when requested by a majority of that Council.
- (B) The President shall call a Special Meeting of TAFE Council when requested to do so by a majority of that Council.

#### **51 - POWERS AND DUTIES OF BRANCH TAFE COUNCIL**

Subject to the overall control of Branch Council and Branch Executive, the Branch TAFE Council shall:

- (a) formulate and implement policies which further the interests of members of the Branch working in TAFE;
- (b) deal with matters submitted to it by the Branch Council and Branch Executive, TAFE Sub-Branche s and individual members working in TAFE;
- (c) act as a medium of communication between TAFE Sub-Branche s and individual members working in TAFE on the one hand and any institution participating in TAFE on the other; and
- (d) frame Standing Orders for the control of meetings of the Council.

## SCHEDULE A

### (A) Preferential Voting - One vacancy to be filled

1. The Branch Returning Officer shall count first preference votes cast for each candidate and if any candidate has received absolute majority of first preference votes he/she shall be declared elected.
2.
  - (a) If no candidate has received an absolute majority of first preference votes, the candidate with the lowest number of first preference votes shall be eliminated and the second preference votes of the eliminated candidate shall be allocated to the remaining candidates in accord with the voter's preference. If, on a count of those votes, a candidate has an absolute majority of votes he/she shall be elected;
  - (b) If no candidate then has an absolute majority of votes the process of eliminating the candidate with the lowest number of votes at that stage and allocating the next preference votes of that candidate shall be repeated until one candidate has received an absolute majority of votes; and
  - (c) The candidate who has received an absolute majority of votes shall be declared elected.

### (B) Preferential Voting - More than one vacancy to be filled

1. The Branch Returning Office shall count all first preference votes cast for each candidate and if any candidate has received an absolute majority of first preference votes he/she shall be declared elected.
2. If no candidate has received an absolute majority of first preference votes the Branch Returning Office shall proceed to eliminate candidate(s) and distribute preference votes as provided in paragraph A(2) above until a candidate has an absolute majority of votes and is declared elected.
3. To determine the next successful candidate the Branch Returning Officer shall allocate the second preference votes of the candidate who has been elected to each of the other candidates in accord with the voter's preference including to the candidates eliminated pursuant to paragraph B(2) above.
4. If a candidate then has an absolute majority of votes he/she shall be declared elected but if no candidate then has an absolute majority of votes the count shall proceed as provided in sub-paragraph A(2)(b) above until one candidate has received an absolute majority of votes and is elected.
5. Any remaining vacancies shall be filled one by one in the manner provided above and as any candidate receives an absolute majority he/she shall be declared elected. Provided that where the second preference votes of an elected candidate are given to another elected candidate the Branch Returning Office shall allocate the third preference vote of the first mentioned elected candidate to other candidates in accordance with the voters' third preference. This proviso applies equally where second and succeeding preference votes are given to two or more elected candidates.

(C) Procedure where one or more candidates have an equal number of votes

If on any count of votes pursuant to paragraphs A or B above, two or more candidates have an equal number of votes and one or more of them has to be eliminated the Branch Returning Office shall determine by lot which candidate or candidates shall be eliminated.