RULES OF

QUEENSLAND INDEPENDENT EDUCATION UNION OF EMPLOYEES

1. (a) The name of the Union shall be Queensland Independent Education, Union of Employees to be referred to as Queensland Independent Education Union and hereinafter referred to as the Union.

(b) The Registered Office of the Union shall be at 346 Turbot Street, Spring Hill, QLD 4000, or at such place as the Council of the Union shall from time to time determine.

(c) General Meetings of the Council of the Union shall be held at the Registered Office or at such place as the Council of the Union may from time to time determine.

OBJECTS

2. The objects for which the Union is established are:

A. To watch over, protect, and advance the interests of employees in Nongovernmental Schools, and Nongovernmental Preschools and Kindergartens, and other like establishments in Queensland who are eligible for membership (as hereinafter defined) and in particular, but without prejudice to the generality thereof, to

(a) promote the interests of education and the welfare of students, and children in Nongovernmental Schools, and Nongovernmental Preschools and Kindergartens, and other like establishments;

(b) improve the professional status of employees eligible for membership in Nongovernmental Schools, and Nongovernmental Preschools and Kindergartens, and other like establishments and secure due recognition of their services to the community; and to promote and support the registration of all teachers in the state;

(c) represent the members or any member or group of members of the Union in any industrial matter;

(d) protect the legal rights of members of the Union in their capacity as employees or while on Union business;

(e) ensure by any lawful and honourable means that employees shall be appropriately remunerated for their work and shall be employed under equitable conditions and terms, having regard to their qualifications, experience, and length of service, and in particular, but without prejudice to the generality thereof, with this object in view, to confer with and communicate the opinions and resolutions of this Union to Principals, to School Trustees, School Councils, or Boards, or Committees, and other managing bodies, and to the managers, directors, owners, and Principals of privately owned schools, and Nongovernmental Preschools, and Kindergartens and other like establishments;

(f) obtain employment for its members by such means as a register of those seeking employment in, and of vacancies in, the Nongovernmental Schools, and Nongovernmental Preschools and Kindergartens, and other like establishments;

(g) improve the efficiency of all employees in the discharge of their duties by arranging lectures or courses of lectures, papers, and conferences with a view to the interchange of ideas on matters of educational interest and by other means;

(h) either alone or in conjunction with other bodies and Unions take measures to secure and enhance a superannuation scheme or fund for its members;

(i) inculcate amongst its members a collegiality and a sentiment of community of interests and purposes and generally do all such things as may honourably and lawfully be done to further the interests of its members;

(j) improve its representation on Educational Bodies;

(k) encourage high standards of teaching, educational work and methods of education in light of current research, and act as a medium for expression of professional opinion on matters relating to Nongovernmental Schools, and Nongovernmental Preschools and Kindergartens, and other like establishments in Queensland;

(l) affiliate, federate, amalgamate, or otherwise combine with any Trade or Industrial Union or Association of Trade or Industrial Unions or professional associations having objects in whole or in part similar to the objects of this Union;

(m) establish branches and sub-branches in Queensland or such parts of Queensland as may from time to time be desirable or any such groupings of members as may from time to time be desirable;

(n) maintain a Union journal, newsletter and/or such other publications as may be decided upon from time to time by the Council of the Union;

(o) purchase, sell, mortgage, lease or otherwise deal with any land, buildings, or other real estate or possessions in accordance with the Industrial Relations Act 1999;

(p) establish funds, raise money, enter into contracts and agreements and lend and borrow moneys for the purpose of furthering directly or indirectly any one or more of these objects;

(q) promote, determine and take action on issues of concern and social justice, both within Australia and internationally;

(r) ensure that members enjoy the same civil rights, human rights and rights to freedom from discrimination;

(s) do all such other things as are conducive or incidental to the attainment of the objects set forth above or any one of them.

B. To watch over, protect, and advance the interests of employees in Nongovernmental Instructional/Educational Institutions with the exception of colleges and institutes of advanced education and universities and further to undertake the obligations as set out in Rules 2A(a) to (m).

MEMBERSHIP

3. (a) The Union shall consist of an unlimited number of persons who are:–

(i)A. Employed as Teachers or who are usually employed as Teachers in Nongovernmental Schools, Nongovernmental Preschools and Kindergartens, or other like establishments which are affiliated to the Creche and Kindergarten Association Inc. (or any successor or replacement institution or association to the extent that the institution or association provides approval or accreditation for educational programmes) or other like establishments which provide an educational programme but are not Child Care Centres; or teachers employed as/or usually employed as educational administrators howsoever designated in Nongovernmental Schools, Nongovernmental Preschools, and Kindergartens, which are affiliated to the Creche and Kindergarten Association Inc. (or any successor or replacement institution or association to the extent that the institution or association provides approval or accreditation for educational programmes) or other like establishments which provide an educational programme, but are not Child Care Centres; other than School Principals who have as a condition of their employment, the autonomous authority and responsibility to employ and dismiss teachers; and excluding also teachers employed in Nongovernmental Preschools and Kindergartens, or other like establishments, not affiliated to the Creche and Kindergarten Association Inc. (or any successor or replacement institution or association to the extent that the institution or association provides approval or accreditation for educational programmes) and excluding like establishments which do provide an educational programme, but are Child Care Centres who shall not be eligible for membership.

B. Employed as teachers or who are usually employed as teachers in Nongovernmental Instructional/Educational Institutions, with the exception of colleges and institutes of advanced education and universities; or teachers employed as or usually employed as educational administrators howsoever designated in Nongovernmental Instructional/Educational institutions, with the exception of colleges and institutes of advanced education and universities.

(ii) A. Employed in any clerical or administrative capacity or as an advisor, supervisor, or educational officer by any nongovernment employing authority responsible for the conduct or supervision of a Nongovernmental School, or Nongovernmental Preschool or Kindergarten, or other like establishments, which is affiliated to the Creche and Kindergarten Association Inc. (or any successor or replacement institution or association to the extent that that institution or association provides approval or accreditation for educational programmes) or other like establishments which provide an educational programme but are not Child Care Centres.

B. Employed in any clerical or administrative capacity or as an advisor, supervisor or educational officer by any Nongovernment employing authority responsible for the conduct or supervision of a Nongovernmental Instructional/Educational institution with the exception of colleges, and institutes of advanced education and universities.

A person who is eligible for membership by virtue of clauses 3(a)(ii)A&B shall not become ineligible for membership because of the exclusions contained in 3(a)(vii).

(iii) Graduates of a Kindergarten Teachers' College or the equivalent approved by the Australian Pre-School Association and who are employed or who are usually employed in teaching in the field of early childhood education in Queensland other than in State preschools conducted by the Education Department;

(iv) Persons elected to the positions of General Secretary or Assistant General Secretary/Treasurer or Assistant General Secretary.

(v) Persons elected by the Council of the Union as Honorary Life Members of the Union in accordance with clause 3(f)(i);

(vi) Persons admitted by the Council of the Union as Honorary Members or Associate Members of the Union in accordance with clause 3(f)(ii);

Any doubt as to the eligibility of a person for membership on the grounds of being usually employed in terms of clause 3(a)(i), (ii) and (iii) above shall be resolved by resolution of Council.

Should such person disagree with the decision of Council, that person may appeal within two months of the Council's resolution, to the Council, who shall hear the appeal in the same form as is provided for in clause 3(d)(ii). The Council's decision, either allowing the appeal or dismissing it, shall be final and conclusive.

(vii)A. Persons employed in any capacity in Nongovernmental Instructional/Educational Institutions, with the exception of colleges and institutes of advanced education and universities, who are not teachers, but excluding the following employees; persons employed as: a nurse; a cleaner; a licensed and/or registered plumber; and persons employed by any cleaning, catering, security, laundry, gardening, building and/or domestic services contractor engaged to provide such services to any nongovernment school or educational institution; persons employed by an employer who employs that person as part of their business as a contractor in the building, building maintenance and construction industries; and persons employed 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; and a Bursar/Business Manager (however titled) employed in a senior managerial (or executive) position in a nongovernment school or educational institution who has managerial responsibilities including the delegated authority to act for the employer from time to time in the recruitment and termination of staff and excluding persons employed outside the Southern Division, Eastern District and who are eligible for membership of The Australian Workers' Union of Employees, Queensland.

B. Persons employed in any capacity in Nongovernmental Schools, and Nongovernmental Preschools and Kindergartens, or other like establishments which are affiliated to the Creche and Kindergarten Association Inc. (or any successor or replacement institution or association to the extent that that institution or association provides approval or accreditation for educational programmes) or other like establishments which provide an educational programme but are not Child Care Centres (other than services for unemployed people funded pursuant to the Australian Government's Skillshare Programme or any programme(s) which replace it other than ITEC's) who are not teachers, and who are designated as teacher aides, kindergarten assistants, librarians, library aides, laboratory assistants, audio-visual aides, scientific personnel and other such nonteaching employees, and excluding for the purposes of this Clause persons who may be described as School Secretaries, School Assistants, School Officers, and further excluding the following employees: persons employed as: a nurse, a cleaner, a licensed and/or registered plumber; and excluding persons employed by any cleaning, catering, security, laundry, gardening, building and/or domestic services contractor engaged to provide such services; and persons employed by an employer who employs that person as part of their business as a contractor in the building, building maintenance and construction industries; and a Bursar/Business Manager (however titled) employed in a senior managerial (or executive) position who has managerial responsibilities including the delegated authority to act for the employer from time to time in the recruitment and termination of staff; persons primarily engaged in social welfare work, and excluding also those employees employed at Nongovernmental Preschools and Kindergartens not affiliated to the Creche and Kindergarten Association Inc. (or any successor or replacement institution or association to the extent that the institution or association provides approval or accreditation for educational programmes) and excluding like establishments which do provide an educational programme but are Child Care Centres and excluding persons employed outside the Southern Division, Eastern District and who are eligible for membership of The Australian Workers' Union of Employees, Queensland.

C. Persons employed in any capacity in Nongovernmental Schools, Nongovernmental Preschools and Kindergartens, which are affiliated to the Creche and Kindergarten Association Inc. (or any successor or replacement institution or association to the extent that that institution or association provides approval or accreditation for educational programmes) or other like establishments which provide an educational programme but are not Child Care Centres, (other than services for unemployed people funded pursuant to the Australian Government's Skillshare Programme or any programme(s) which replace it other than ITEC's), who are not teachers and excluding for the purposes of this Clause persons who are designated as teacher aides, librarians, library aides, laboratory assistants, audio- visual aides, scientific personnel and other such non-teaching employees but including for the purposes of this Clause persons who may be described as School Secretaries, School Assistants, School Officers whose duties involve work partly clerical in nature but who are ancillary to and/or involved in the education process and excluding also the following employees: persons employed as: a nurse, a cleaner, a licensed and/or registered plumber; and excluding persons employed by any cleaning, catering, security, laundry, gardening, building and/or domestic services contractor engaged to provide such services; and persons employed by an employer who employs that person as part of their business as a contractor in the building, building maintenance and construction industries; and persons employed 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; and a Bursar/Business Manager (however titled) employed in a senior managerial (or executive) position who has managerial responsibilities including the delegated authority to act for the employer from time to time in the recruitment and termination of staff; and persons who are wholly or principally involved in work of a clerical nature and excluding also those employees employed in nongovernment preschools and kindergartens not affiliated with the Creche and Kindergarten Association Inc. (or any successor or replacement institution or association to the extent that that institution or association provides approval or accreditation for educational programmes) and excluding like establishments which do provide an education programme but are Child Care Centres who also shall not be eligible for membership and excluding persons employed outside the Southern Division, Eastern District and who are eligible for membership of The Australian Workers' Union of Employees, Queensland.

(viii)A. Administrators howsoever designated in Nongovernmental Instructional/Educational Institutions with the exception of colleges and institutes of advanced education and universities and with the exception of services for unemployed people funded pursuant to the Australian Government's Skillshare Programme or any programme(s) which replace it (other than ITEC's) who are not excluded elsewhere in the Rules.

B. Administrators however designated in Nongovernmental Schools, Nongovernmental Preschools, Kindergartens or other like establishments which are affiliated to the Creche and Kindergarten Association Inc. (or any successor or replacement institution or association to the extent that the institution or association provides approval or accreditation for educational programmes) or other like establishments which provide an educational programme but are not Child Care Centres who are not excluded elsewhere in these Rules.

(ix) A. Teachers seconded from Nongovernmental Instructional/Educational Institutions with the exception of Colleges and institutes of advanced education and universities to various educational boards and authorities.

B. Registered teachers seconded from Nongovernmental Schools, Preschools and Kindergartens and other like establishments to various educational boards and authorities.

(x) Persons employed by the Union as Organisers, Industrial Advocates or Research Officers or in some other position, the duties of which are similar to those of such positions.

(xi) Persons who are independent contractors and who, if they were employees, would be eligible for membership under paragraphs (i) to (ix) of this clause and who are not excluded elsewhere in the Rules.

(b) *Admission*: Every application for admission to membership of the Union shall be in the form prescribed by the Council and shall be accompanied by the required subscription. The application shall be dealt with at an ensuing meeting of the Council and, if approved, the applicant shall be admitted to membership and the decision of the Council shall be conveyed to the applicant. Each membership applicant shall be informed in writing of a member's financial obligations as a member of the Union and of when and how a member of the Union may resign. Council can only refuse to admit a person if the person is not eligible for membership under these Rules.

(c) *Resignation*: A member of the Union may resign by giving a notice of the member's resignation from the Union. The resignation shall have effect from the date the notice was given or the date specified in the notice.

(d) Misconduct by members:

(i) The Council may at any time pass a resolution to hold a hearing to determine if a member has –

(a) failed to abide by the rules or By-Laws of the Union;

(b) behaved in a disorderly or offensive manner at any meeting held under the rules or By-Laws of the Union or in any office of the Union;

(c) committed any fraudulent or otherwise unlawful act in relation to the funds or property of the Union or in relation to any election held in relation to an office or other position in the Union;

(d) aided or encouraged any member to behave in any manner described in (a), (b) or (c) hereof;

(ii) As soon as reasonably practicable thereafter, the General Secretary shall forward, by certified mail, to the last-known home address of the member concerned, a copy of the said resolution, together with such other documentation, if any, as may be appropriate in the circumstances and as may have been approved by the Council, and an invitation to appear before the Council at a time and date specified and at a nominated place, of which meeting at least fourteen (14) days' notice must be given to the member.

(iii) At such meeting of the Council the member concerned 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. The Council shall be fully entitled to proceed with the enquiry if the member fails to attend.

(iv) The Council may, upon the completion of the presentation of evidence and the delivery of such addresses, if any, as the Council may consider appropriate, determine whether or not the member has behaved in any manner specified in the resolution to hold the hearing and shall, if the member is present, inform the member of the Council's findings. The Council shall then extend to the member, if present, an opportunity to address the Council as to whether, in consequence of such finding, the Council should take any action and, if so, what action.

(v) The Council shall then determine whether to take any action under this Rule against the member and the Council may take any one or more of the following actions in respect of each such finding against the member:–

(a) impose no penalty;
(b) reprimand the member;
(c) suspend the member from membership for a period not exceeding six (6) months;
(d) expel the member from the Union

(vi) The General Secretary shall, as soon as reasonably practicable after the completion of the hearing and the delivery by the Council of its decision, forward by certified mail to the last-known home address of the member concerned a copy of such findings and actions provided however that any decisions of the Council shall take effect immediately upon its delivery at the hearing.

(e) Unfinancial Membership:

(i) A member who owes to the Union any subscription for a longer period than three (3) calendar months after the due date for the payment thereof or any levy for a longer period than three (3) calendar months after the last date on which such levy may be paid shall be deemed unfinancial and, while the member so remains unfinancial, shall be excluded from all the privileges but not from the obligations of membership;

(ii) Any member who is no longer eligible for membership in terms of Clause (a) hereof or who is 12 months or more in arrears of any such payment shall automatically cease to be a member, and it shall not be the responsibility of the Union to notify such member of the cessation from membership, but such cessation shall not relieve the member concerned of the liability to the Union.

(f) (i) *Life Membership*: A General Meeting of Council shall be empowered to confer Honorary Life Membership on any member or former member of the Union in accordance with the By-Laws.

(ii) *Honorary Membership and/or Associate Membership*: Council shall be empowered to confer Honorary Membership and/or Associate Membership on any person or persons or class of persons on whatever terms it sees fit but in accordance with the By-Laws. Honorary Members and Associate Members shall not be required to pay the Annual Subscription or any levy, but Council may at any time determine that one or some or a class of Associate Members shall pay an annual fee as prescribed by Council. Honorary Members and Associate Members shall not be entitled to vote in any Union matter.

SUBSCRIPTIONS AND LEVIES

4. (a) The Annual Subscription to the Union for any calendar year shall be determined by a General Meeting of the Council held in October of the previous year; but nothing shall prevent any meeting of the Council being competent to redetermine the Annual Subscription, so long as such determination for any given year shall be published before the first day of March of that year.

(b) The Annual Subscription shall be payable at the Registered Office of the Union or to a person authorised by the Union to receive such subscriptions on its behalf on or before the first day of January in each year and the Council may grant such remission of membership fees as it deems advisable to encourage prompt payment thereof.

(c) Should the General Secretary receive a petition containing the signatures of at least ten per centum (10%) of the financial members of the Union requesting a referendum by the financial members on the amount of the proposed subscription, such referendum shall be held, in accordance with the By-Laws, within four weeks of receipt of such petition (provided that none of the said four weeks fall in vacation time), and the proposed subscription shall be deemed to have been accepted if a majority of those voting are in favour; should the proposed subscription be not accepted then the subscription of the previous year shall apply. Only one referendum may be held with regard to a proposed subscription for a particular financial year.

For the purpose of this Clause a financial member is one who was a financial member on the thirtieth day of September immediately prior to the referendum.

(d) Employees whose employment would cause them to be deemed part-time, supply, or casual Employees within the terms of the relevant award shall pay a proportion of the annual subscription as determined above, as Council determines.

(e) Any eligible Employee applying for membership after the first day of January in any year shall pay such part of the subscription as the Council determines.

(f) The Council of the Union may raise funds by levy for the attainment of the objects of the Union as set out in Clause 2 herein; such levy in any given year shall not exceed one half of the Annual Subscription for that year.

(g) (i) Notwithstanding anything to the contrary in these rules, members shall be entitled, in accordance with these provisions, to pay the annual subscription by deduction from salary or by periodic payments on their behalf by a financial institution approved by the Union;

(ii) In either case the arrangements entered into must be such that payment in full would be received in accordance with those arrangements by the Union no later than 31 December in the calendar year to which that annual subscription relates;

(iii) The deductions from salary by periodic payments by a financial institution must be regular and so far as is practical of approximately equal amounts throughout the period of deductions or payments;

(iv) If the Council shall determine that any such arrangement is unsatisfactory, the Union may give two months' notice requiring that the balance of the annual subscription for that calendar year shall be thereupon paid by that member;

(v) Any member entering into arrangements for payment of annual subscription pursuant hereto shall (subject to subclause (iv) above) be a financial member for all purposes herein whilst such arrangements remain unrevoked and payments are received by the Union in accordance with the terms thereof or if non-receipt is not due to fault of the member.

(h) The Council of the Union may determine differing levels of subscriptions depending on the categories of employee who are eligible for membership of the Union.

(i) The Council of the Union may authorise the execution by or on behalf of the Union of such contracts with and/or indemnities in favour of financial institutions agreeing to make periodic payments on behalf of members as the Council considers appropriate in the circumstances.

COUNCIL OF THE UNION

5. (a) The Management of the affairs of the Union and the custody and control of its funds and property shall be vested in a Council, the members of which shall be elected quadrennially from the members of the Union in accordance with Clause 6. Persons elected to the Council in accordance with Clause 6 shall take office at the conclusion of the First Annual General Meeting of the Council following such election. The Council, which shall be in all respects the supreme governing body of the Union shall consist of the following:–

(i) fourteen (14) members elected by a ballot of the whole of the membership of the Union (called general members); and

(ii) one (1) representative of each branch of the Union elected by the members of that branch in accordance with Clause 6. Such representative must be a member of the branch for which the representative is to be elected at the close of nominations and up to and including the time of taking office as such representative, but shall not subsequently cease to hold office merely because such representative has ceased to be a member of that branch.

The Council must not be made up of more than a total of 30% of the Union’s full-time elected officers or full-time employees.

Failure of a branch to elect a representative shall not affect the validity of the Constitution of the Council or of proceedings of the Council.

If a branch is abolished at any time by the Council, any person holding office as the elected representative of that branch on the Council at the time that such branch is abolished, shall continue to hold office as a member of Council for the same term as would have been served had the branch not been abolished.

If a new branch is constituted by the Council at anytime, such branch shall not be entitled to elect a representative to be member of Council until the next succeeding quadrennial elections conducted for representatives of all branches under Rule 6.

Notwithstanding the foregoing provisions of this Rule, in the event that less than fourteen (14) persons are nominated or elected as general members of the Council, or if casual vacancies occur in relation to the position of a general member of the Council, it shall be competent for the Council to continue to function in accordance with these Rules, provided that the number of general members of Council shall not in any case be less than ten. If the number of members of the Council shall at any time be less than ten, or if the number of persons elected to the Council for the next succeeding quadrennium shall be less than ten, the General Secretary shall take such steps as are necessary to cause sufficient elections or appointments, as the case may be, to occur as shall raise the number of members of Council to equal or exceed ten.

Executive of the Union

5. (b) The management of the affairs of the Union between meetings of the Council shall be vested in the Executive, which shall implement the policy of Council.

The Executive shall comprise the President, two (2) Vice Presidents, the General Secretary, the Assistant General Secretary/Treasurer, the Assistant General Secretary and two (2) other members of the Council. The members of the Executive shall be elected by and from the members of the Council, which election shall be held as soon as practicable after the declaration of the ballot for the quadrennial election of members of the Council in accordance with Rule 6. The ballot shall be conducted by the Returning Officer in the manner and at the times prescribed in Rule 6(n).

Such candidates as are elected shall hold office for four years as from the conclusion of the Annual General Meeting held in the year of the Quadrennial Election of members of the Council until the conclusion of the Fourth Annual General Meeting of that Council held in the year of the next ensuing Quadrennial election of Council.

No person shall occupy more than one position on the Executive at any one time.

The Executive must not be made up of more than a total of 40% of the Union's full-time elected officers or full-time employees.

ELECTION OF COUNCIL

6. (a) (i) In every fourth year the Union shall hold the Quadrennial Election of the Council.

(ii) Nominations for the election shall be in writing, substantially in the form prescribed by the By-Laws, and signed by the candidate and by two financial members of the Union in the case of nominations for General Member or by the candidate and two financial members of the Branch in the case of nominations for election as a Branch Representative. No person may be nominated unless that person has been a financial member of the Union for at least twelve (12) months immediately preceding the date of closure for nominations.

(iii) Members of Council are eligible for re-election.

(iv) Nominations must be forwarded to the Returning Officer or such other address, if any, as is stipulated by the Returning Officer, and must be received at or after 9.00am on the 10th day of July and at or before 5.00pm on the 31st day of July.

(v) The General Secretary shall, not later than the 19th day of June, cause to be published in the Journal of the Union a notice calling for nominations, and that notice must specify each of the above conditions relating to the validity of nominations of candidates in the Election.

(vi) The Returning Officer for the Election shall be appointed by the Council and shall not be a member of, or an Officer of, or an employee of, the Union.

(b) (i) The provisions of Rule 6(a) shall be subject to the requirements, if any, of the Industrial Relations Act 1999 or any Act in amendment of or substitution for it.

(ii) If an exemption has been obtained from the requirement of the Industrial Relations Act 1999 that the election is to be conducted by the Electoral Commission, the General Secretary shall, not later than the 10th day of May in the year of the Quadrennial Election of the Council, cause the prescribed information to be filed under Section 481 of the Industrial Relations Act 1999.

(c) Should more than the required number of nominations be received, a Secret Postal Ballot of financial members of the Union, at the close of nominations, shall be taken in the month of September following the receipt of nominations.

If no more than the required number of nominations are received, each person who has validly nominated shall be declared by the Returning Officer to be elected, as soon as practicable after the close of nominations.

If the Returning Officer finds a nomination to be defective, the Returning Officer must, before rejecting the nomination, notify the person concerned of the defect and must, where practicable, give the person the opportunity of remedying the defect within a period, where practicable, of not less than seven (7) days after the person is notified and where a period of not less than seven (7) days is not practicable, within such period as is practicable in the circumstances.

All candidates must be given equal opportunity to express their views to members eligible to vote in the election in which they are a candidate in a statement that is given to each member with the ballot papers for the election and paid for by the organisation.

(d) Such candidates as are elected shall hold office for four years as from the conclusion of the Annual General Meeting held in the year of the Quadrennial Election until the conclusion of the fourth Annual General Meeting of that Council held in the year of the next ensuing quadrennial election of Council.

(e) A person employed by the Union as an Organiser, Industrial Advocate or Research Officer or in some other position the duties of which are similar to those of such positions, shall be eligible to seek and to take office as a member of the Council of the Union but shall not after taking such office be eligible to hold office as a member of the Council whilst so employed except to the limited extent permitted by this clause. A person so employed, other than as General Secretary or Assistant General Secretary/Treasurer or Assistant General Secretary, who takes office as a member of the Council, and who fails to resign from such employment within twenty-eight (28) days from taking office as a member of the Council shall, at the expiration of that twenty-eight (28) days, be ineligible to hold office as a member of the Council and shall at that moment be removed from office as a member of the Council by operation of this Rule.

(f) The conduct of a Secret Postal Ballot shall be left in the hands of the Returning Officer, who shall conduct the ballot in accordance with the Industrial Relations Act 1999 and these Rules, and in such a manner as to ensure as far as practicable that no irregularity can occur in relation to such election. Branch Representatives shall be elected only by the financial members of the Branch concerned, and ballot papers shall be issued accordingly.

(g) The Returning Officer shall be responsible for the conduct of the Secret Postal Ballot.

A person may vote in the ballot only if the person is a financial member on the date which is forty (40) days before the date when nominations open.

The Returning Officer must prepare a list of the eligible persons to vote within seven (7) days of the date when nominations open.

The list of eligible persons to vote shall be available from the date the Returning Officer completes the list of eligible persons to vote and shall remain open for inspection until thirty (30) days after the result of the election is declared.

A candidate, or a member, may inspect the list of eligible persons to vote in the ballot at the registered office of the Union during office hours and shall be given a copy of the whole or a stated part of the list of eligible persons to vote, upon request. The copy provided shall be free of charge.

All expenses incurred in conducting the Secret Postal Ballot shall be a charge on Union funds.

If a member gives to the Returning Officer written notice that the member will be absent from the address stated on the Roll when voting material is posted, and informs the Returning Officer of an address to which the voting material is to be posted, the Returning Officer must post the material to the address stated in that written notice.

(h) Forthwith after a poll for the election of the Council becomes necessary, the Returning Officer shall:

(i) cause to be printed ballot papers containing the candidates' names in alphabetical order;

(ii) obtain from the General Secretary certified lists of financial members entitled to vote at such elections;

(iii) as soon as practicable send to each member so entitled to vote, a ballot paper for each ballot to be conducted, a sealable ballot paper envelope and an envelope addressed to the Returning Officer.

The ballot paper envelopes containing the said votes are to be returned in the said addressed envelope endorsed by the voter by the date specified. The votes shall be placed in a ballot box and remain in the custody of the Returning Officer until the closing of the ballot.

(i) Scrutineers may be appointed by candidates to represent them at the counting of the ballot, but no more than one scrutineer at a time may be allowed to each candidate. The appointment of a scrutineer shall be made by notice in writing addressed

to the Returning Officer and signed by the candidate, and giving the full name and place of business and residence of the scrutineer.

(j) The result of the poll shall be ascertained by scrutiny. The method of deciding the result of the ballot is by a first-past-the-post system. Those candidates to be declared elected shall be those candidates with the highest numbers of votes until such time as the number of candidates elected is equal to the number of vacancies.

(k) The scrutiny shall be conducted as follows:

(i) it shall commence as soon as practicable after the closing of the poll;

(ii) such scrutineers as have been duly appointed, pursuant to these Rules, the candidates, and any persons approved by the Returning Officer may be present;

(iii) all proceedings at the scrutiny shall be open to the inspection of candidates and scrutineers;

(iv) the scrutiny may be adjourned from time to time as may be necessary until counting of votes is complete;

(v) if a candidate or scrutineer objects to a ballot paper as being informal, the Returning Officer shall mark the ballot paper "Admitted" or "Rejected" according to the Returning Officer’s decision to admit or reject the ballot paper, but nothing shall prevent the Returning Officer from rejecting any ballot paper as being informal although it is not objected to;

(vi) if, after action is taken according to Clause 6(k)(v), the admission or rejection of any ballot paper by the Returning Officer is still disputed, any candidate affected may appeal to the Executive, and the Executive's decision, if confirmed by Council, shall be final. Such appeal shall be submitted within two weeks of the conclusion of the scrutiny, and the appeal shall be heard prior to the Annual General Meeting of the Council.

(l) A ballot paper shall be informal if:

(i) it is not authenticated by the initials of the Returning Officer or by some other official mark of the Returning Officer;

(ii) it has not the required voting marks (which clearly indicate the intention of the voter) in the squares opposite the names of the candidates;

(iii) it has upon it any mark or writing which is not authorized by these Rules to be put thereon, and which in the opinion of the Returning Officer shall or may enable any person to identify the ballot paper or the voter;

provided, however, that no ballot paper shall be rejected merely because of some informality or alleged informality in the manner in which it has been dealt with by the elector, if it is regular in other respects and if in the opinion of the Returning Officer the intention of the voter is clearly apparent.

A ballot paper shall be valid if the number of voting marks is equal to or fewer than the required number of vacancies; it shall be invalid if the number of voting marks is more than the required number of vacancies.

(m) The Returning Officer shall as soon as practicable after the counting of the votes:

(i) make out a written statement, signed by himself and countersigned by any scrutineers who are present and consent to sign the same, containing the number in words and in figures of votes received by each candidate;

(ii) forthwith, as soon as is practicable, notify the General Secretary and all candidates of the general state of the poll so ascertained, and of the names of the candidates who appear to have been elected.

(iii) provided, however, that if equal numbers of votes have been received in respect of a vacancy or vacancies by more candidates than the number of vacancies then the Returning Officer shall determine which candidate or candidates are elected by casting lots.

(n) Forthwith upon the Returning Officer notifying the General Secretary of the names of the candidates who appear to have been elected, the Returning Officer shall call for nominations from such persons for election to the Executive. The Returning Officer shall, as far as is practicable, observe the provisions of this Rule in the calling of such nominations and the conduct of any ballot which may be required, with the exceptions that:–

(a) nominations shall only be called from persons elected to the Council for the next succeeding quadrennium, and such persons shall be the only persons entitled to vote at such secret ballot;

(b) nominations shall be made and signed by one person (other than the candidate) who is entitled to vote in the ballot, and signed by the candidate.

(c) nominations shall remain open for such period as the Returning Officer decides, which period shall be notified to all persons entitled to nominate;

(d) any ballot which is required shall be held on a date, shall be a secret ballot and shall remain open for such period as the Returning Officer decides, which date and period shall be notified to all persons entitled to vote;

(e) any person entitled to vote may vote by an absentee vote by completing a declaration to the Returning Officer and casting the vote or may vote by a proxy vote by advising the Returning Officer in writing that another member of Council holds the proxy vote of the person; and

(f) The method of deciding the result of the ballot is a first-past-the-post system.

POWERS AND DUTIES OF THE COUNCIL

7. (a) The Council shall meet at least once every three months, at such times and places as it shall determine, and may regulate its own proceedings. Members of the Council shall endeavour to attend and participate in meetings whenever reasonably possible.

(b) Fifteen (15) members of Council, present at any meeting duly convened, shall constitute a quorum with power to act save that a lesser number may adjourn from time to time and place to place, provided that a quorum was present when the meeting was called to order. If, on the expiration of one hour after the time appointed for a Council meeting, a quorum is not present, the meeting shall be deemed to have lapsed. Except where otherwise herein provided, all questions arising at any meeting shall be decided by a majority of the votes of the members then present, and, in the case of an equality of votes, then as provided by Clause 7(e).

(c) The President may call a meeting of the Council at any time, and shall call a meeting of the Council at the request of any four (4) members of the Council.

(d) Members of Council shall be informed of the proposed meetings of Council at least one week before such meetings: provided that nothing herein shall prevent Council being convened for urgent reasons on shorter notice with the consent of fifteen (15) members of Council: provided that such notice is sent to all members of the Council by the General Secretary.

(e) At all meetings of the Council the President shall preside or in the President's absence a Vice-President or in their absence a member of the Council elected from the members present. The Chairman of a meeting of the Council shall in addition to a deliberative vote have a casting vote in the case of an equality of votes.

(f) The Council may appoint paid office staff and such other employees and consultants as it may think necessary, and shall determine the respective duties, salaries, wages, and working conditions of such office staff, employees and consultants, and may at any time dismiss any such office staff employees and consultants.

It shall also have the appointment from time to time of the bankers, the auditors, and the solicitors of the Union.

(g) The Council may purchase and/or rent and furnish suitable premises for the use of the Union.

(h) (i) The Council may form committees of its own members and other members of the Union for such purposes as the Council may determine provided that such committees shall have no power other than a power to give advice to and/or make recommendations to the Council. Council may empower any such committee to form sub-committees of its own members provided that such sub-committees shall have no power other than the power to give advice to and /or make recommendations to that committee.

(ii) Each member of the Executive and each Trustee of the Union shall ex officio be a member of any committee of the Council having substantial responsibilities in relation to the funds or property of the Union. The Trustees shall have the right to speak and to vote on any such committee.

(i) The Council may take recognizance of anything which may be brought before it affecting the Union, or the professional status of members of the Union, or the general interests of education in Queensland, and may negotiate with other similar societies, or with other bodies controlling or affecting education, for the furtherance of the objects of the Union.

(j) The Council may arrange courses of lectures to be delivered before the members of the Union or to the general public, and shall determine the times and places of such lectures and the fees (if any) to be paid by persons attending them.

(k) The Council shall cause to be entered regularly, in a book or books to be provided for the purpose, minutes of the proceedings of the meetings of the Council, and of the names of those present at such Council meetings. The minutes of any meeting, signed by the Chairman or by the Chairman of a subsequent meeting, pursuant to a resolution of that meeting, shall be conclusive evidence of the transactions recorded in such minutes.

(l) (i) Any member of the Council who ceases to be a member of the Union shall ipso facto cease to be a member of the Council and any member of the Council who ceases to be eligible for membership of the Union shall be required to resign from the Council.

(ii) A member of the Council may resign by notice in writing tendered to the General Secretary and such resignation shall be accepted by the next ensuing meeting of the Council.

(iii) Deleted.

(m) Each member of the Council shall be entitled to inspect any document in the possession of the Union at any reasonable time by arrangement with the General Secretary, other than any document relating to the personal, business or employment affairs of any member of the Union.

(n) All spending of funds of the Union shall be subject to the authority of the Council provided that the Council may authorise by resolution incurring of expenditure by such body or Officer of the Union as it considers appropriate and may delegate to the Executive or to such Officer or Officers as it considers appropriate such of the Council's authority in relation to the spending of the organisation's funds as the Council considers appropriate, provided that no such authorisation or delegation shall limit the powers of the Council in any way.

(o) (i) All property of the Union shall be vested in the Union.

(ii) The Council shall have the authority in relation to all property of the union to invest, manage, hold, sell, convey, transfer, mortgage, surrender, lease, and deal with the same, and any income, revenues, and moneys arising therefrom, in such manner as the Council shall by resolution or resolutions from time to time determine.

(iii) The Council shall cause to be kept a register of investments in such form and detail as to show the value of investments made on behalf of each fund which the Council administers.

(iv) The funds of the Union which are available for investment may be invested by the Council in any securities authorised by law.

PRINCIPAL OFFICERS

8. (a) *The Executive*:

(i) The Executive of the Council of the Union shall be constituted in the manner provided in Rule 5(b), and the members thereof shall respectively have the powers and duties as appear in this Rule, in addition to the general management of the affairs of the Union. Members of the Executive shall endeavour to attend and participate in meetings whenever reasonably possible.

(ii) Between meetings of the Council the management of the affairs of the Union shall be vested in the Executive, which shall implement the policy of Council. The Executive shall submit a report of such management to the next ensuing meeting of Council. A quorum for a meeting of the Executive shall be five members of the Executive.

(iii) In the event of a tied vote of the Executive the matter shall be referred to the Council for determination.

(b) *The President*: The President shall:

(i) as far as possible preside at all meetings of the Council and the Executive (whether present in person or in accordance with Rule 16(i)) and thereat preserve order so that business may be conducted in due form and with expedition; provided –

(a) that the President may at any such meeting temporarily vacate the chair, in order more fully to participate in debate, for such time as the President shall determine, during which the Senior Vice-President or, in that person's absence the Junior Vice-President, shall preside;

(b) that the President may, if the President considers it appropriate, at any meeting at which the President participates pursuant to the provisions of Rule 16(i), vacate the chair for all or such part of that meeting as the President considers appropriate, during which the Senior Vice-President or, in that person's absence, the Junior Vice-President, shall preside;

(ii) upon confirmation of the minutes sign the Minute Book in the presence of the meeting;

(iii) through the General Secretary summon members to meetings of the Council and convene meetings of the Executive;

(iv) have a deliberative vote upon all matters and also a casting vote in the event of a tie, and be ex officio a member of all committees and sub-committees of the Council;

(v) be the principal public spokesperson on behalf of the Union.

(c) *The Vice-Presidents*: The Council shall nominate one of the Vice-Presidents to be the Senior Vice-President; the other shall be the Junior Vice-President. In the event of the absence or incapacity of the President, the Senior Vice-President shall be the Acting President and shall preside in the President's place with full powers of the President (whether present in person or in accordance with Rule 16(i)); and in the subsequent absence or incapacity of the Senior Vice-President, the Junior Vice- President shall be the Acting President (whether present in person or in accordance with Rule 16(i)).

(d) *The General Secretary*

(i) *The General Secretary***:** The General Secretary shall attend all meetings of the Council as far as possible and such meetings of the Committees of the Council as the General Secretary may be directed to attend.

(ii) The General Secretary shall:

(a) keep minutes of all business transacted at meetings of the Council;

(b) convene all meetings of the Council on the instructions of the Council or the President or as otherwise provided for in Clause 7(c);

(c) produce, answer, and file all correspondence;

(d) keep a register of the members of the Union arranged according to branches and of the officers thereof;

(e) ensure that the Union complies with all the provisions of the Industrial Relations Act 1999;

(f) keep an official copy of these Rules and of the By-Laws correctly amended;

(g) act as Secretary to the Trustees;

(h) produce for inspection all books and records of the Union on being requested by the President;

(i) manage and direct the paid employees, whether officers or not, of the Union, and the day-to-day conduct of the activities of the Union subject to Council and Executive;

(j) have such other duties as by these Rules the General Secretary is required to do and as the Council shall by resolution or direction require the General Secretary to do.

(k) be the editor of all publications of the Union unless the Council by resolution appoints another person to be the editor of one or more such publications;

(l) have the carriage, subject to Council and Executive, of all industrial matters conducted by the Union on its own behalf or on behalf of a member or members;

(m) speak publicly on behalf of the Union provided that if, at anytime, their opinion on any such matter differs then that of the President shall prevail unless and until the Council determines the matter.

(n) Sign documents on behalf of the Union with the exception of:

(i) cheques (which must be signed by two members of the Executive and a Trustee); and

(ii) documents relating to transactions involving the acquisition or leasing of real property or such other documents or classes of documents as may be nominated from time to time by the Council, all of which such documents must be signed by at least two trustees.

(o) give notice to the Industrial Relations Commission of the existence or likelihood of industrial disputes in the way prescribed from time to time under the rules of court.

(e) *Assistant General Secretary*

There shall be two (2) positions of Assistant General Secretary one of whom shall be the Assistant General Secretary/Treasurer.

(i) The Assistant General Secretary/Treasurer shall:

(a) assist the General Secretary in the performance of such duties as may be assigned to the Assistant General Secretary/ Treasurer by the General Secretary or by the Executive or the Council;

(b) discharge the following treasury responsibilities:

(i) handle the moneys of the Union;

(ii) keep proper books of account of each account;

(iii) produce such books at the meetings of the Council or at the request of the President;

(iv) prepare and submit to the Annual General Meeting of the Council a statement of the receipts and payments during the year last ended and a General Balance Sheet showing Assets and Liabilities of the Union;

(v) not pay, lend or otherwise appropriate any of the funds of the Union other than for the proper purposes of the Union and in accordance with resolutions of the Council and in accordance with these Rules;

(vi) cause all books of account to be audited in accordance with the Industrial Relations Act 1999 before they are produced and submitted to the Annual General Meeting of the Council;

and in relation to the discharge of these treasury responsibilities is subject to the supervision of the General Secretary and is expressly authorised to make at any time to the Executive or Council such reports as the Assistant General Secretary/Treasurer may consider appropriate; and

(c) exercise the duties and powers of the General Secretary in the absence or incapacity of the General Secretary.

(ii) The Assistant General Secretary shall:

(a) assist the General Secretary in the performance of such duties as may be assigned to the Assistant General Secretary by the General Secretary or by the Executive or the Council; and

(b) exercise the duties and powers of the General Secretary in the absence or incapacity of the General Secretary and the Assistant General Secretary/Treasurer.

(f) The General Secretary, the Assistant General Secretary/Treasurer and the Assistant General Secretary shall be full-time paid officers of the Union, and shall be paid such remuneration and other benefits as shall be decided from time to time by the Council. All such remuneration and other benefits shall be recorded in the Minutes of the Council.

All other members of the Council and the Executive shall be honorary officers of the Union, and shall be paid only such sum as is determined by the Council on account of expenses incurred in attending meetings, as provided in these rules.

(g) *Trustees*:

(i) (a) The Trustees of the Union shall be three (3) persons, members of the Union, who shall hold office for four (4) years from the first day of November following their election until the thirty-first day of October of the fourth year of their appointment.

The Trustees shall be elected by the members of the Union in the same manner as is provided in Rule 6 for the election of general members of the Council of the Union.

(b) The Trustees shall not be members of the Council, but they are entitled to be present and to speak at all meetings of the Council. The Trustees shall not have a vote at Council.

(c) A decision of the Trustees shall be by majority decision, but no casting vote shall be allowed. A quorum of the Trustees shall be two. The Trustees may elect a Chairman from among themselves.

(d) The General Secretary of the Union shall be the Secretary to the Trustees and the General Secretary or the General Secretary's representative shall attend, as far as possible, all meetings of the Trustees.

(e) The Assistant General Secretary/Treasurer or the Assistant General Secretary/Treasurer's representative shall attend, as far as possible, all meetings of the Trustees.

(f) No member of the Council shall be eligible for election as a Trustee.

(ii) (a) The Trustees shall be responsible for the legitimate use of the Common Seal, which for safe custody shall be in the hands of the General Secretary.

(b) The Common Seal shall not be used to authenticate any rule, resolution, instrument, or document or any copy thereof except by resolution of the Council and in the presence of at least one Trustee and at least one other member of Council and the General Secretary or the General Secretary's representative, and those so present at such authentication shall countersign the rule, resolution, document, or instrument or copy thereof.

(c) Any rule, resolution, instrument, or document authenticated by the Common Seal shall be admitted in evidence without further proof. A document, purporting to be a copy of any rule, resolution, instrument, or document so authenticated and purporting to be certified by at least one trustee and at least one member of the Executive and by the General Secretary or the General Secretary's representative as a true copy, shall be evidence of the rule, resolution, instrument, or document, and be admissible in evidence without further proof.

(iii) The Trustees shall administer such trust funds as are determined by Council.

(iv) The Trustees and each of them and their estate and each of their estates shall be indemnified out of the property of the Union from all loss, damage, and expenses not occasioned by the Trustees or Trustee's own wilful default.

(v) The Trustees shall cause to be kept a register of investments in such form and detail as to show the value of investments made on behalf of each fund which they administer.

(vi) The funds of the Union which are available for investment may be invested by the Trustees under the direction of the Council in any securities authorised by law.

(h) *Auditor*:

(i) From time to time the Council shall appoint an auditor who shall audit the accounts of the Union at least once per year in accordance with the provisions of the Industrial Relations Act 1999.

(ii) The auditor's report shall accompany the statement of receipts and payments and the balance sheet of assets and liabilities which shall be submitted to the members of the Union at least fourteen (14) days before the Annual General Meeting of the Council and to the Annual General Meeting of the Council.

CASUAL VACANCIES

8A (a) In the event of the casual vacancy occurring in the position of a general member of the Council, the Council may determine, subject to Rule 5(a), that such vacancy shall not be filled prior to the next quadrennial election, provided that the resulting number of continuing general members of Council (including such members as are also members of the Executive) shall not be less than 10.

(b) In the event that the Council determines that a casual vacancy of the kind referred to in Sub-rule (a) is to be filled, it shall be filled by the Council appointing a member of the Union who is at the time of the appointment eligible for election to that position and who is not already a member of the Council provided that if the remaining term of office of the position to be filled exceeds three-quarters of the term therefor, or one year, whichever is the greater, such casual vacancy shall only be filled by the holding of a secret postal ballot in accordance with Rule 6 of these rules to the extent applicable and subject to the substitution of such dates as are appropriate in the circumstances. If a number of casual vacancies occur in positions 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.

(c) If a casual vacancy shall occur in the office of any member of the Executive, it shall be filled by means of a secret postal ballot conducted in accordance with Rule 6, to the extent applicable and subject to the substitution of such dates as are appropriate in the circumstances unless the remaining term of that office shall be less than 12 months, in which case the

Council may appoint a member of Council to fill such casual vacancy for the balance of such term. A person who is an existing member of the Executive may be appointed or elected to fill a casual vacancy under this Sub-rule (c), but upon appointment or election shall automatically be taken to have vacated their former office on the Executive, which vacancy may be filled in accordance with this Rule 8A.

(d) If a casual vacancy shall occur in the office of a Branch representative on the Council, it shall be filled in accordance with Sub-rule (b), save that the determination as to whether the casual vacancy shall be filled shall be made by the Executive of the relevant Branch, and save further that only members of the relevant Branch shall be entitled to vote in any ballot for the filling of such a casual vacancy.

(e) In the event of a casual vacancy occurring in the position of trustee of the Union the Council may determine that such vacancy shall not be filled prior to the next quadrennial election, provided that the resulting number of trustees shall be not less than two.

(f) In the event the Council determines that a casual vacancy of the kind referred to in Sub-rule (e) is to be filled, it shall be filled by the Council appointing a member of the Union who is at the time of the appointment eligible for election to the position of trustee provided that if the remaining term of office of the position to be filled exceeds three quarters of the term therefore, or one year, whichever is the greater, such casual vacancies shall only be filled by the holding of a Secret Postal Ballot in accordance with Rule 6 of these rules to the extent applicable and subject to the substitution of such dates as are appropriate in the circumstances. If a number of casual vacancies occur in the positions referred to in Sub-rule (e), they shall be deemed to be filled in reverse order to that in which they occurred, for the purposes of this rule.

REMOVAL FROM OFFICE OF MEMBERS OF EXECUTIVE OR TRUSTEES

8B (a) *Members of Executive other than General Secretary or Assistant General Secretary/Treasurer or Assistant General Secretary*.

If in the opinion of not less than ten members of the Council for the time being a member of Executive shall at any time be guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules, such members of the Council may request the Council at a meeting of the Council to give consideration to the removal from office as a member of Executive of such member of the Executive. The President shall thereupon convene a special meeting of the Council of the Union to be held not less than 21 days after the Council meeting at which such request is made but not more than 2 months thereafter failing which the Council shall meet at the head office of the Union at 10.00 a.m. on the last Sunday falling within the period of 2 months commencing on the date of the request for removal from office of the member of Executive. Those members of Council whose request has led to the convening of such special meeting of the Council shall provide to all members of the Council (including the member of Executive whose position is under consideration) sufficient details of the subject matter of the allegations so as to enable the member of the Executive whose position as a member of Executive is under consideration to have a reasonable opportunity to prepare for such meeting. At such meeting the member of Executive whose position as a member of Executive is under consideration is to be allowed an adequate opportunity to offer an explanation of the member's conduct orally and/or in writing and/or by a representative if the member desires. If the member of Executive does not attend the meeting and is not represented at the meeting and if no explanation is given nevertheless Council shall be entitled to consider the matter.

Council, after consideration of the matter, shall be empowered to remove from office as a member of Executive (but not as a member of the Council) the member of Executive provided that:–

(a) not less than two-thirds of the total membership of the Council vote in support of a resolution that the member of Executive is found guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules; and

(b) not less than two-thirds of the total membership of the Council vote in support of a resolution that the member of Executive be removed from office as such member of Executive.

If such resolutions are carried by such a majority then the member of Executive shall be removed from office as a member of Executive forthwith upon the carriage of those resolutions but shall remain a member of the Council.

(b) *General Secretary and Assistant General Secretary/Treasurer and Assistant General Secretary*

If in the opinion of the President for the time being, or of the Executive, or of the Council, the General Secretary or the Assistant General Secretary/Treasurer or the Assistant General Secretary (hereinafter called "the Officer") shall at any time be guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under the Rules, the President or the Executive by simple majority or the Council by simple majority may forthwith suspend the Officer.

Upon such suspension or with reasonable dispatch thereafter the President or the Executive shall advise the Officer in writing of the ground of such suspension, and the President shall convene a special meeting of the Council of the Union to be held within twenty-one (21) days of such suspension, of which meeting the suspended Officer is to be given notice of at least fourteen (14) days, unless the Officer agrees to a lesser period. Such notice shall be sufficient if posted by Certified Mail to the home address of the person concerned. At such meeting the suspended Officer is to be allowed to offer an explanation of the Officer's conduct orally and/or in writing and/or by a representative if the Officer desires. If the Officer or the Officer's representative does not attend and if no explanation is given, nevertheless Council shall be entitled to consider the matter.

The Council, after consideration of the matter, may by simple majority lift the suspension and reinstate the Officer to office without loss of pay or other entitlements arising from the Officer's employment, or else by a two-thirds vote of the total membership of Council resolve that the Officer is found guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules. In the latter case the officer may be censured or the Officer may be summarily dismissed without further notice provided that a two-thirds vote of the total membership of Council approve such a resolution. If the employee is so summarily dismissed, then the Officer shall not be entitled to any payment in lieu of notice, and the Officer shall be entitled only to such other rights as arise under the Officer's terms of employment. If a meeting of Council is not held within the time stated, then the Officer shall be automatically reinstated at the expiration of the said period without loss of pay.

Notwithstanding such removal from office, the Officer shall remain a member of the Council.

(c) *Trustees*

If in the opinion of not less than ten members of the Council for the time being a trustee of the Union shall at any time be guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules, such members of the Council may request the Council to give consideration to the removal from office as a trustee of such trustee. The President shall thereupon convene a special meeting of the Council of the Union to be held not less than 21 days after the Council meeting at which such request is made but not more than 2 months thereafter. Those members of Council whose request has led to the convening of such special meeting of the Council shall provide to all members of the Council (including the trustee whose position is under consideration) sufficient details of the subject matter of the allegations so as to enable the trustee whose position as a trustee is under consideration to have a reasonable opportunity to prepare for such meeting. At such meeting the trustee whose position as a trustee is under consideration is to be allowed an adequate opportunity to offer an explanation of a trustee's conduct orally and/or in writing and/or by a representative if the trustee desires. If the trustee does not attend the meeting and is not represented at the meeting and if no explanation is given nevertheless Council shall be entitled to consider the matter.

Council, after consideration of the matter, shall be empowered to remove from office as trustee the trustee provided that:–

(a) not less than two-thirds of the total membership of the Council vote in support of the resolution that the trustee is found guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules; and

(b) not less than two-thirds of the total membership of the Council vote in support of the resolution that the trustee be removed from office as a trustee.

If such resolutions are carried by such a majority then the trustee shall be removed from office as a trustee forthwith upon the carriage of those resolutions, but, shall, if a member of Council, remain as a member of Council.

8C(a) **GENERAL MEMBERS OF COUNCIL**

If a request for a vote for removal from office of a General Member of the Council signed by at least ten per centum (10%) of the financial members of the Union on the ground that the Member of Council has been guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules (and containing or having annexed thereto all the material in support of that ground) then the General Secretary shall refer that request to the Returning Officer.

The Returning Officer shall forward to the General Member of Council a full copy of the request and shall inform the Member of the Returning Officer's intention to conduct a vote to determine whether the Member is guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules and, if so, whether the Member should be removed

from office, and shall invite the Member to submit within fourteen (14) days such material, if any, in reply which the Member may wish to be included with the ballot papers.

Upon the expiration of the said period of fourteen (14) days the Returning Officer shall, as expeditiously as possible, forward to all financial members of the Union copies of the request (including any annexures thereto) and the material in reply, if any, forwarded to the Returning Officer by the General Member of Council and therewith a ballot paper upon which each financial member of the Union may record that financial member's vote in relation to the motion that the General Member of Council is found guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules and, if so, be removed from office, which ballot paper shall bear upon its face the date by which it must be returned to the Returning Officer, such date to be not less than fourteen (14) days from the date of postage to the financial member. Any votes received after that date shall not be counted.

The General Member of Council shall be removed from office if votes are received from at least thirty percent of the financial members of the Union and at least 2/3 of those votes are in favour of such removal from office.

8C(b) **BRANCH REPRESENTATIVE MEMBERS OF COUNCIL**

If a request for a vote for removal from office of a Branch Representative Member of the Council signed by at least ten per centum (10%) of the financial members of the Branch on the ground that the Member of Council has been guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules (and containing or having annexed thereto all the material in support of that ground) then the General Secretary shall refer that request to the Returning Officer.

The Returning Officer shall forward to the Branch Representative Member of Council a full copy of the request and shall inform the Member of the Returning Officer's intention to conduct a vote to determine whether the Member is guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules and, if so, whether the Member should be removed from office, and shall invite the Member to submit within fourteen (14) days such material, if any, in reply which the Member may wish to be included with the ballot papers.

Upon the expiration of the said period of fourteen (14) days the Returning Officer shall, as expeditiously as possible, forward to all financial members of the Branch copies of the request (including any annexures thereto) and the material in reply, if any, forwarded to the Returning Officer by the Branch Representative Member of Council and therewith a ballot paper upon which each financial member of the Branch may record that financial member's vote in relation to the motion that the Branch Representative Member of Council is found guilty of misappropriation of the Union's or a branch's funds or of substantial contravention of the rules or of gross misbehaviour or gross neglect of duty in the office or has stopped being eligible to hold the office under these Rules and, if so, be removed from office, which ballot paper shall bear upon its face the date by which it must be returned to the Returning Officer, such date to be not less than fourteen (14) days from the date of postage to the financial member. Any votes received after that date shall not be counted.

The Branch Representative Member of Council shall be removed from office if votes are received from at least thirty percent of the financial members of the relevant Branch of the Union and at least 2/3 of those votes are in favour of such removal from office.

LIBRARY

9. The Council may from time to time accept donations of, or may purchase, books to form a library or libraries for the use of members, and pay for those purchased out of the funds of the Union, and may make By-laws for the custody and use of the books.

FINANCE

10. The financial year of the Union shall end on the last day of August in every year. All moneys received on account of the Union shall be paid into the Union's account with its bankers by the Assistant General Secretary/Treasurer, and all moneys payable by the Union shall be paid by cheque drawn upon its bankers and signed by three persons, two of whom shall be from any of the following: the President, the Vice-Presidents, the General Secretary, and the Assistant General Secretary/Treasurer; and the third shall be from the Trustees of the Union. The Council may entrust the Assistant General Secretary/Treasurer with a sum of money to meet petty expenditures, and the Assistant General Secretary/Treasurer shall account for such expenditures to the Council.

11. All financial members interested in the funds of the Union shall be permitted to inspect the books and lists of members at all reasonable times.

11A. The Union or a Branch must not give a loan, grant or donation (a "payment") totalling more than $1,000 to anyone unless the Council or Branch's Executive committee –

(a) has approved the payment: and

(b) is satisfied the payment could be given under the other rules of the organisation; and

(c) if the payment is a loan - is satisfied -

(i) the security to be provided for the loan is sufficient; and

(ii) the proposed arrangements to repay the loan are satisfactory.

LEGAL AND INDUSTRIAL PROCEEDINGS

12(a). All subscriptions, levies, or liabilities of any kind due or payable to the Union by any member may be sued for and received in the name of the Union by the General Secretary or by any other person if such person is duly authorised by the Council. In addition to the amounts payable under the Rules, a member shall be liable to pay all legal costs incurred by the Union in recovering from the member the said subscription, levies, or liabilities except in cases where the claim of the Union against the member is unsuccessful or the Court refuses the Union's costs of proceedings.

12(b). The General Secretary or any other person duly authorised by the Council shall be the officer to sue and be sued on behalf of the Union and shall, on behalf of the Union, sue or prosecute or initiate industrial or legal proceedings of any kind against any person, firm, corporation, or other body in any court of competent jurisdiction for any cause arising in respect of which the Union might or could sue or prosecute or initiate proceedings, and for such purpose the General Secretary may sign any application, Affidavit, Declaration, information or other document necessary to initiate, carry out, or give effect to such proceedings. However, the General Secretary must not initiate any legal proceedings except with the prior approval of the Council except in circumstances of emergency, in which event the General Secretary must report to Council as soon as practicable in relation to such initiation of legal proceedings.

SIGNING OF DOCUMENTS

13. (a) The General Secretary or any other person duly authorised by the Council may sign documents on behalf of the Union with the exception of cheques (except as provided in subrule (b) hereof) and documents relating to transactions involving the acquisition or leasing of real property or such other documents or classes of documents as may be nominated from time to time by Council, all of which such documents must be signed by at least two Trustees.

(b) Cheques must be signed by two members of the Executive and a Trustee with the exception of cheques not exceeding such amount as is determined by Council from time to time which may be signed by any one member of the Executive.

DISSOLUTION

14. (a) If the Union ceases to be an industrial organisation registered under Industrial Relations Act 1999 or legislation in amendment of or substitutions for that Act, then the financial members of the Union continuing in existence after the cessation of registration as an industrial organisation may resolve to dissolve the Union provided that no such resolution shall be valid unless not less than three-quarters of the financial members voting vote in favour of dissolution.

(b) Any moneys or property belonging to the Union shall in the event of dissolution be donated to industrial organisations of teachers and school officers having objects similar to the objects of the Union, such industrial organisations to be decided by ballot.

15. ALTERATION OF RULES

(a) These rules may be altered in the manner provided for in this Rule.

(b) The procedure for alteration of these rules shall be commenced by either (i) a resolution by a simple majority of the Council seeking alteration of these rules which resolution shall incorporate the intended amendments or (ii) the presentation to the General Secretary of a request for alteration of these rules signed by at least five per centum (5%) of the financial members of the Union which request shall incorporate the intended amendments.

(c) In the case of alternative (ii) in sub-Clause (b), the General Secretary shall forward a copy of any such request to each member of Council at least seven (7) days before the first Council meeting to be held not less than fourteen (14) days after the receipt by the General Secretary of the request.

(d) The General Secretary shall after, but within fourteen (14) days of, the Council meeting referred to in sub-Clause (b) or sub-Clause (c) as the case may be, forward a copy of the intended amendments to the Branch Organising/Campaigning Co-ordinator of each branch of the Union, and in doing so shall request the Branch Organising/Campaigning Co-

ordinator of the branch to table the intended amendments at the first meeting of the branch to be held after receipt. The Branch Organising/Campaigning Co-ordinator of each branch shall take such steps as are within the power of the Branch Organising/Campaigning Co-ordinator to cause a meeting of the branch to be convened to be held within three (3) weeks of the receipt from the General Secretary of the copy of the intended amendments, and the Branch Organising/Campaigning Co-ordinator of each branch shall report in writing to the General Secretary within seven (7) days after the meeting of the branch the resolutions, if any, carried by the branch in relation to the intended amendments. However, failure by the Branch Organising/Campaigning Co-ordinator of the branch to discharge either or both of these obligations shall not invalidate any alteration of these Rules under this Rule.

The General Secretary after, but within twenty-one (21) days of, the Council meeting referred to in sub-Clause (b) or sub-Clause (c) as the case may be, forward to each Chapter representative a copy of the intended amendments and such other material, if any, as may be approved by Council.

The General Secretary shall after the Council meeting referred to in sub-Clause (b) or sub-Clause (c) as the case may be, cause to be published in the first issue of the journal of the Union in which it is practical to do so, a copy of the intended amendments and such other material, if any, as the case may be approved by Council.

(e) Council may, at any meeting held by it not less than two (2) months and not more than four (4) months after the meeting referred to in sub-Clause (b) or sub-Clause (c) as the case may be, resolve that these rules shall be altered in accordance with the intended amendments.

(f) No resolution pursuant to sub-Clause (e) that these rules shall be altered shall be effective unless carried by at least three-quarters (¾) of those members of Council present at a meeting attended by at least three-quarters (¾) of the total membership of Council.

(g) If Council has not, following a request for alteration of these rules signed by at least five per centum (5%) of the financial members of the Union pursuant to sub-Clause (b), resolved within the period of four (4) months specified in sub-Clause (e), that these rules shall be altered in accordance with the intended amendments and if within two (2) months thereafter the General Secretary is presented with a request for a referendum signed by at least ten per centum (10%) of the financial members of the Union that these rules be altered in accordance with the intended amendments, which request shall incorporate the intended amendments, then the Council shall as soon as practicable appoint a Returning Officer to conduct the Referendum.

(h) The Returning Officer, in accordance with the By-Laws, shall, as expeditiously as possible, forward to all financial members printed copies of the proposed amendments and any commentary thereon or explanation thereof which the Council or the proposers deem proper and therewith a ballot paper upon which the member may record the member's vote in relation to the proposed amendment, which shall bear upon its face the date by which it must be returned to the Returning Office, such date to have been determined by Council or, if it has been unable to meet, by a decision of the Executive. Any votes received after that date shall not be counted.

(i) The amendments shall be passed if votes are received from at least half of the financial members of the Union and at least two-thirds of these votes are in favour.

(j) Provided that a procedure similar to that described in sub-Clause 18(b), 18(c) and 18(d) be complied with, Council shall have the power to make, from time to time, without compliance with the requirements of this Clause prescribed above, changes in punctuation, numbering (including consequential re-numbering and alphabetical identification of sub-Clause), syntactical or mechanical changes and any amendments which are required by the Registrar to comply with the Industrial Relations Act 1999 that become necessary.

MEETINGS

16. (a) There shall be a General Meeting of Council at least two (2) times a year, one of which shall be held in October, and the other in any one of the months of April, May and June.

(b) Any member of the Union not a member of Council may attend a General Meeting of the Council and may speak thereat, but is not entitled to vote.

(c) The General Meeting of the Council held in October each year shall be designated the Annual General Meeting of the Union which must be held within 5 months of the end of each of the Union's financial years, at which meeting the President shall present the President's annual report and the Assistant General Secretary/Treasurer shall present the Assistant General Secretary/Treasurer's report of the transactions of the Union, accompanied by an audited financial statement and balance sheet. Reports of the year's activities shall be presented by the appropriate persons, and members are entitled to ask questions relevant to the administration of the Union for the year under review. The results of the elections held in September, if it is a quadrennial election year, shall then be recorded by the Council in accordance with Clause

6(d). The Annual General Meeting of the Union may pass a resolution that binds the Council and the Executive and the Branches of the Union, provided that any such resolution may be set aside at a General Meeting.

(d) On the conclusion of the Annual General Meeting of the Council, if it is a quadrennial election year, the newly elected Council shall take office. It shall then proceed with its first General Meeting. In accordance with Clause 4(a) it shall then determine the Annual Subscription for the ensuing year.

(e) Notice of General Meetings of Council shall be sufficient if the General Secretary sends, at least fourteen (14) days before such meeting a copy of the notice for such meeting to each school which has a member or members of the Union, or publishes such notice in the Journal, Newsletter, News Sheet or other general Publication of the Union.

(f) Eight (8) members of the Council or forty (40) financial members of the Union may, by notice in writing, request a special General Meeting of the Council, which shall be held within one month of the receipt of such request. For the purposes of calculating that period of one month, only term time shall be counted and all vacation time shall be excluded from the calculation. The only business which may be transacted at such a special General Meeting of the Council shall be that specified in the notice in writing.

(g) Members of the Union not members of Council shall be entitled to be present at ordinary meetings of the Council by invitation from or with the permission of the Council or under the provisions of the By-Laws.

(h) Ordinary Meetings of the Council may be held as often as is necessary for the transaction of the business of the Union, but it shall be powerless to act unless a quorum is present as required by Clause 7(b).

(i) (i) The Council, or the Executive or a committee or sub-committee appointed by the Council may permit members to participate in a particular meeting, or all meetings, by –

(a) telephone; or

(b) closed-circuit television; or

(c) any other means of communication.

(ii) A member who participates in a meeting of the Council, or the Executive or a committee or sub-committee appointed by the Council by permission under subsection (i) is taken to be present at that meeting.

(iii)If –

(a) two-thirds of the members of the Council, or the Executive or a committee or sub-committee appointed by the Council, as the case may be, agree in writing to a proposed resolution of the Council, the Executive or a committee or sub-committee appointed by the Council; and

(b) notice of the proposed resolution was given in accordance with the procedures prescribed in the By-laws;

the resolution is a valid resolution of the Council, or the Executive or a committee or sub-committee appointed by the Council, even though it was not passed at a meeting of the Council, or the Executive or a committee or sub-committee appointed by the Council.

BRANCHES

17.(a) *Establishment*:

(i) There shall be two (2) categories of Branches, namely:

(a) Branches based on such districts as shall be defined by Council;

(b) Branches (whether State-wide or limited in area) based on such categories of membership as shall be defined by Council;

provided that a member employed or usually employed in such a defined category of membership shall not be eligible to become a member of a Branch based on a district.

(ii) Subject to the provisions of these Rules, the Council may form Branches, provided that:–

(a) in the case of metropolitan Branches, the minimum financial membership shall be one hundred (100);

(b) in the case of all other Branches based on a district, the minimum financial membership shall be forty (40);

(c) in the case of a Branch based on the category of membership, the minimum financial membership shall be eighty (80);

(iii) No member shall be registered in more than one (1) Branch.

(iv) Every financial member (other than a member employed or usually employed in a defined category of membership) shall be a member of the Branch based on the district in which is situated the institution where that member is employed, or, if not so employed, the district where that member resides, and every financial member employed or usually employed in a defined category of membership shall be a member of the Branch based on that defined category of membership and, where relevant, employed or resident in the area by which such Branch is limited.

(v) Any financial member of the Union may be permitted to attend meetings of any Branch, and be permitted to speak at the discretion of the member presiding, but shall be allowed to vote only in the Branch of which that member is a member.

(b) *Formation*:

(i) If Council is of the opinion that in principle the formation of a Branch is desirable, then the General Secretary shall give notice of that proposed formation of a Branch to the financial members of the Union who are eligible for membership of the proposed Branch in such manner as is decided by the Council. The Council shall, prior to resolving to form the Branch, give such consideration as it considers appropriate to the correspondence, if any, received by the Union in response to that notice.

(ii) No resolution pursuant to sub-Rule (i) to form a Branch shall be effective unless carried by at least three-quarters (3/4) of those members of Council present at a meeting attended by at least three-quarters (3/4) of the total membership of Council.

(iii) The Branch shall be formed by, and at the time of, the carriage of the resolution of the Council forming the Branch and its constitution shall be in the form determined by the Council.

(c) *Branch Executive*:

(i) Each Branch shall have an Executive comprising a Branch Network Co-ordinator, a Branch Organising/Campaigning Co-ordinator and the Branch Representative on Council, who shall be a member of the Executive ex officio. No member shall hold more than one (1) such office. The Branch Executive must not be made up of more than a total of 30% of the Union's full-time elected officers or full-time employees. No person may hold more than one position on the Branch Executive. A General Member of Council shall not be eligible to hold a position on a Branch Executive.

(ii) The Branch Network Co-ordinator and Branch Organising/Campaigning Co-ordinator shall be elected by and from financial members of the Union who are members of the Branch in the same manner as is provided in Clause 6 hereof for members of Council. The General Secretary shall call nominations at the same time and in the same manner as for nominations for the Council and in the event of there being received more than the required number of nominations for a Branch, a Secret Postal Ballot of the members of that Branch shall be held in conjunction with the Quadrennial Elections for Council, and the Returning Officer for the election of Council shall be the Returning Officer for each Branch. Such candidates as are elected shall hold office for four (4) years as from the conclusion of the Annual General Meeting of the Union held in the year of the Quadrennial Election until the conclusion of the fourth Annual General meeting of the Union held in the year of the next ensuing Quadrennial Election of Council.

(iii) Notwithstanding anything to the contrary in these Rules, Council may determine upon or after forming a Branch pursuant to sub-Rule (b) hereof, that a Branch Executive comprising a Branch Network Co-ordinator and Branch Organising/Campaigning Co-ordinator (but not a Branch Representative on Council) shall be formed to hold office until the conclusion of the next Annual General Meeting of the Union to be held in the year of a Quadrennial Election. Upon such a determination being made, the General Secretary shall call for nominations for the positions of Branch Network Co-ordinator and Branch Organising/Campaigning Co-ordinator and the Branch Network Co-ordinator and Branch Organising/Campaigning Co-ordinator shall be elected by and from financial members of the Union who are members of the Branch in the same manner, to the extent to which it is applicable in the circumstances, as is provided in Clause 6 hereof for members of the Council.

(iv) In the event of a casual vacancy occurring in the position of Branch Network Co-ordinator or Branch Organising/Campaigning Co-ordinator, it shall be filled by the Branch Executive appointing a member of the Branch who is at the time of the appointment eligible for election to that position and who is not already a member of the Branch Executive provided that if the remaining term of office of the position to be filled exceeds three-quarters (3/4) of the term therefor, or one (1) year, whichever is the greater, such casual vacancy shall only be filled by the holding of a secret

postal ballot in accordance with these rules. If two (2) casual vacancies occur they shall be deemed to be filled in reverse order to that in which they occurred, for the purposes of this rule.

(v) A Branch Network Co-ordinator or a Branch Organising/Campaigning Co-ordinator may be removed from office in the same manner as a Branch Representative on Council.

(d) *Existing Branches*:

Those Branches which are in existence on the date of the registration of this Rule shall be deemed to be Branches formed under these provisions.

(e) *Public Statements*:

Neither a Branch nor its Executive nor its Office Bearers nor any of them may speak or act or purport to speak or act on behalf of the Union without a specific authorisation to that effect from the General Secretary. The authority to provide the authorisation in any instance shall be subject to Executive and Council.

(f) *Calling of Meetings:*

(i) The Branch Network Co-ordinator may call a meeting of the Branch by notice in the Union's journal or by forwarding a notice to each relevant school and if practicable to any member who is not attached to any particular school at that member's last known address or by forwarding a notice to each member at that member's last known address provided that in any case at least seven (7) days' notice is to be given; provided, however, that in cases of urgency the Branch Network Co-ordinator may call a meeting with such notice as the Branch Network Co-ordinator considers appropriate in the circumstances by telephone to each of the relevant schools and personally to any member who is not attached to any particular school by such means as the Branch Network Co-ordinator shall consider effective in the circumstances.

(ii) The Branch Network Co-ordinator of the Branch may call a meeting of the Executive of the Branch by personal contact with each of the members of the Executive or by leaving a telephone message at or posting a letter to the last known residence or place of employment of that member of the Executive provided that at least forty-eight (48) hours' notice shall be given to each member of the Executive; provided however that if all members of the Executive are present at a meeting called on less than forty-eight (48) hours' notice the Executive may by unanimous resolution waive the lack of forty-eight (48) hours' notice.

(g) *Branch Executive Responsibilities*:

(i) The Branch Network Co-ordinator shall:

(a) convene all meetings in accordance with Clause 17(f);

(b) chair all meetings; and

(c) undertake such duties of a Branch Network Co-ordinator as may be determined by Council from time to time.

(ii) The Branch Organising/Campaigning Co-ordinator shall undertake such duties of a Branch Organising/Campaigning Co-ordinator as may be determined by Council from time to time.

(h) *Teleconference Facility:*

(i) The Branch Executive may permit members to participate in a particular meeting or all meetings, by

(a) telephone; or

(b) closed circuit television; or

(c) any other means of communication.

(ii) A member who participates in a meeting of the Branch Executive under (i) is taken to be present at that meeting.

(iii) If –

(a) two-thirds of the members of the Branch Executive agree in writing to a proposed resolution of the Branch Executive and;

(b) notice of the proposed resolution was given in accordance with the By-laws; the resolution is a valid resolution of the Branch Executive even though it was not passed at a meeting of the Branch Executive.

BY-LAWS

18.(a) Council shall have power to make By-Laws, not inconsistent with these Rules and the Industrial Relations Act 1999, as it deems advisable, prescribing all matters or things which by these Rules are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of these Rules or for the better management of the Union subject only to these Rules.

(b) Notice of intended By-Laws shall be given to the General Secretary at least fourteen (14) days before a Council Meeting, and such notice shall be sent to each member of Council at least one week before the meeting of Council.

(c) A By-Law shall not operate until it has been passed by two successive meetings of the Council in substantially the same form after the provisions of Clause 18(b) have been complied with; and provided that, after its first favourable consideration by Council, the text of the proposed By-Law shall be sent to each Branch Network Co-ordinator and any comments from any Branch Executives shall be considered by Council before voting on the proposed By- Law at its subsequent meeting. At least three (3) weeks shall elapse between such successive meetings.

(d) When a proposed By-Law has been confirmed and adopted by Council in accordance with the provisions of Clause 18(c), the President shall make a declaration that the requirements having been fulfilled the By-Law then be in operation, and that declaration shall be conclusive and final, and the validity of the By-Law shall not thereafter be called into question. A copy of the By- Law as passed shall be sent forthwith to all Branch Secretaries.

(e) Should a referendum held in accordance with Clause 15(b) pass a resolution of disagreement with a By-Law, then the By-Law shall, from the Declaration of the Referendum, be cancelled and annulled and be of no effect; but this shall not affect the validity of any act or thing done in accordance with the By-Law before such cancellation.

(f) Council may alter, amend, rescind, or cancel any By-Law by following the same procedure as for a proposed By-Law or else suspend the operation of any By-Law or part of a By-Law for a period not exceeding three months provided that a simple majority of the total membership of Council is in favour of the proposed suspension.

(g) A Charter required under Clause 17 shall be deemed a By-Law.

OPERATION

19. In these Rules, unless the context implies otherwise, words importing the masculine shall include the feminine, the singular shall include the plural and vice versa.

BINDING FORCE OF RULES

20. These Rules and any alterations or recissions thereof shall apply to and be binding on all members who are now or may hereafter be members of the Union until they are made or become null and void according to law.