

APPENDIX A

FEDERAL BRANCH RULES

FEDERAL BRANCH RULES IN RELATION TO THE ACT BRANCH

1 - NAME

The name of the Branch shall be The Australian Education Union ACT Branch.

2 - REGISTERED OFFICE

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

3 - DEFINITION

In these Rules, unless the context otherwise requires:-

- (A) References to "the Branch" shall mean The Australian Education Union ACT Branch.
- (B) The singular number shall also include the plural number and the plural number the singular number.
- (C) References to "Sub-Branch" shall mean a Sub-Branch as provided under Rules 7 and 8.
- (D) References to "public vocational education and training sector" shall mean Technical and Further Education, and vice versa; and,
- (E) References to "the Union" shall mean the Australian Education Union.
- (F) References to "the Act" shall mean the "*Fair Work (Registered Organisations) Act 2009*"
- (G) References to "the Regulations" shall mean the "*Fair Work (Registered Organisations) Regulations 2009*"
- (H) References to "TAFE Sub Branches" shall mean Sub-Branches comprised of members working in TAFE.
- (I) References to the "ACTTF" shall mean the ACT Teachers' Federation which was deregistered on its amalgamation with the Union.
- (J) References to a "financial member" shall have the same meaning as in the Federal Rules.
- (K) References to Branch Vice Presidents (School Sector) shall mean Branch Vice Presidents (public school sector), and vice versa.
- (L) References to Branch Vice President (TAFE Sector) shall mean Branch Vice President (public vocational education and training sector), and vice versa.

4 - POWERS

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

- (a) Take any action as may be considered necessary and proper to carry out the objects of the Union.
- (b) Render financial relief to members in necessitous circumstances including the provision of money to members requiring assistance as a result of their implementation of Union or Branch policy.
- (c) Render financial assistance to any union of teachers or organisation having objects wholly or in part similar to the objects of the Union.
- (d) Provide for the holding of conferences for the discussion of questions of educational interest.
- (e) Initiate and control schemes for the intellectual and professional advancement of teachers.
- (f) Encourage and support educational periodicals and promote the dissemination of educational literature.
- (g) Establish and develop a Branch library.
- (h) Publish an official organ and other necessary literature.
- (i) Rent, purchase or build suitable office premises for Branch members.
- (j) Provide some form of superannuation payments for employees of the Branch.

5 - MEMBERSHIP RIGHTS

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

6 - CONDUCT OF ELECTIONS

- (A) (a) A Branch Returning Officer who need not necessarily be a member of the Union shall be appointed by the Branch Council at its first meeting each year for the conduct of any Branch elections that may be held within the Branch throughout the ensuing year for positions which are not 'Offices' as defined by Section 9 of the Fair Work (Registered Organisations) Act 2009, and for 'offices' which have been declared exempt in accordance with s186 of the Act.

- (b) The Branch Returning Officer shall not during the term of her/his office be an employee of or the holder of any office in the Union or in the Branch or any Sub-Branch or body thereof or a candidate at any election within the Union other than an election for the appointment of Returning Officer for the following term and shall not be eligible to nominate any candidate for any election under these Rules, and shall hold office until a successor is elected. If the Branch Returning Officer is unable or unwilling to act as and when required or if there is a casual vacancy in the office, the Branch Executive shall appoint an acting Branch Returning Officer. In default of such appointments the Secretary shall appoint a person to the office. Provided that no person so appointed shall be the holder of any other office or be an employee of or a candidate for any other office in the Union, a Branch, Sub- Branch, section or division thereof.
- (B) The conduct and duties of the Returning Officer, including any such person appointed by the AEC, shall, subject to the relevant Acts and Regulations, be as follows:
 - (a) to take such action and give such directions as are reasonably necessary to ensure that no irregularities occur in or in connection with an election.
 - (b) if an impropriety or irregularity should occur which, in the opinion of the Returning Officer, will affect the result of the election - to declare the election null and void and shall forthwith conduct a further election under these rules.
 - (c) to perform such other duties as are expressly stated in these rules.
 - (d) the Returning Officer's decision on any matter concerning an election and the conduct thereof shall be final.
- (C) Conduct of election of National TAFE Council Delegates and TAFE Council Executive members.
 - (1) Subject to Sub-Rule A. the provisions of Rule 6 shall apply mutatis mutandis to the election of National TAFE Council Delegates and TAFE Council Executive Members.
 - (2) The election of National TAFE Council Delegates and TAFE Council Executive Members shall be conducted in the following manner:
 - (a) the elections for the National TAFE Council Delegates and TAFE Council Executive Members shall be simultaneously conducted;
 - (b) persons eligible to nominate may nominate for both the position of National TAFE Council Delegate and TAFE Council Executive Member;
 - (c) the votes for the position of TAFE Council Executive member shall be counted first and the successful candidate determined;
 - (d) where a successful candidate has been determined in accordance with the previous paragraph, the successful candidate shall be eliminated from the election for the National TAFE Council Delegate position and the second and subsequent preference votes cast for the person shall be allocated as first and subsequent preference votes for the remaining candidates.
- (D) A candidate may appoint one member to act as her/his scrutineer and shall advise the Returning Officer in writing of the name and private address of any such appointee.

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

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

- (b) in elections for more than one candidate in the same ballot the system of exhaustive optional preferential voting set out in Schedule A to the Federal Branch Rules shall be used provided that each voter must indicate preferences at least equal in number of vacancies involved.

7 - SUB-BRANCHES

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

8 - UNATTACHED SUB-BRANCHES

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

9 - ALLOCATION TO SUB-BRANCHES

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

10 - DISSOLUTION OF A SUB-BRANCH

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

11 - GOVERNMENT OF SUB-BRANCHES

(A) Address:

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

(B) Objects:

Each Sub-Branch shall:

- (a) endeavour by all lawful means to promote the objects of the Union in general; and in that context, the specific professional and industrial interests of the members of the Sub-Branch;
- (b) be bound, in accordance with Rule 29, at all times to any directions given by Stop Work Meetings, the Branch Executive, Branch Council and/or TAFE Council.

(C) Place of Meeting:

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

(D) Meetings:

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

(E) Quorum:

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

(F) Election and Duties of Sub-Branch Executive:

- (a) The Branch Returning Officer, elected by Council, shall act as Returning Officer for each Sub-Branch. Elections in each Sub-Branch for the positions of Sub-Branch President, Deputy Sub-Branch President and Sub-Branch Secretary shall be conducted at the commencement of each school year in accordance with Rule 6 of the Federal Branch Rules *mutatis mutandis*. Members elected by these procedures shall their position until the conclusion of elections for these positions held at the commencement of the following year, unless before such meeting they cease to be eligible.
- (b) Vacancies and any unfilled positions which occur in the positions of Sub-Branch President, Deputy Sub-Branch President or Sub-Branch Secretary following the annual elections shall be filled by and from the Sub-Branch membership at a general meeting.
- (c) A member shall not be eligible:
 - (i) to nominate for a position on the Sub-Branch Executive or Sub- Branch delegate to Council; or
 - (ii) to vote in elections for such positions, unless that member is a financial member of the Branch and is allocated to the Sub-Branch.
- (d) Duties:
 - (1) The Sub-Branch President shall, when present at a meeting, preside over the meetings and exercise a casting vote, ensure that the Rules of the Sub-Branch are adhered to at all times, and perform any other duties as prescribed by the Federal Branch Rules.
 - (2) The Deputy Sub-Branch President shall, in the absence of the Sub-Branch President, perform all the Sub-Branch President's duties and shall report any action taken under this authority to the Sub-Branch President.
 - (3) The Sub-Branch Secretary shall:
 - (i) notify the Branch Secretary immediately of any change in the Sub-Branch Executive;
 - (ii) supply without unnecessary delay such information relating to the Sub-Branch as may be requested by the Branch Secretary;
 - (iii) distribute circulars, reports or any other material forwarded by the Branch;
 - (iv) exercise control over the affairs of the Sub-Branch and ensure its active co-operation on all matters pertaining to the welfare of the Branch;
 - (v) advise the Branch Secretary or TAFE Council (if it is a TAFE Sub-Branch) of any matter the Sub-Branch wishes to raise with the Branch Executive, Branch Council and/or TAFE Council.

(G) Sub-Branch Executive:

(a) Composition:

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

(b) Powers:

- (1) The Sub-Branch Executive shall have power to act on behalf of the members of the Sub-Branch subject always to the necessity of its conforming to such directions as may be imposed upon it from time to time by the Sub-Branch and subject always to the authority of the Sub-Branch to amend or reverse a decision of the Executive.
- (2) The Sub-Branch Executive shall make a report to the Sub-Branch at the regular Sub-Branch meetings of all its executive acts since the previous Sub-Branch meeting.
- (3) The Sub-Branch Executive positions shall have no power of an 'office' as defined in Section 9 of the Fair Work (Registered Organisations) Act 2009

(H) Order of Business:

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

(I) Rescission of Motions:

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

(J) Communication:

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

(K) Meetings With Other Organisations:

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

12 - SUBMISSIONS BY SUB-BRANCHES

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

13 - RULES COMMITTEE

- (A) The Rules Committee shall consist of four members of the Union appointed by Branch Council as required.
- (B) No member of the Rules Committee shall be a member of the Branch Executive in the same year.
- (C) The Rules Committee is empowered to hear allegations that a member has knowingly committed a breach of these Rules or willingly acted in a manner contrary to a decision of Council or Executive.
- (D) The Rules Committee shall only act on allegations made in writing by a financial member of the Branch. Having due regard to present legal forms, the Rules Committee may conduct hearings for the purpose of collecting evidence. The Rules Committee may require both the member charged and the member laying allegations to submit statements in writing.
- (E) Any member named in allegations submitted to the Rules Committee shall be informed in full of the allegations not more than 10 days after the submission of such allegations.
- (F) Any member named in allegations submitted to the Rules Committee has the right to appear before the Committee for the purpose of answering or explaining any or all parts of such allegations.
- (G) The Rules Committee shall furnish a confidential report to the Branch Executive concerning all allegations and evidence received by them. A copy of the report shall be forwarded to the member against whom charges have been made.
- (H) The Branch Executive may expel or suspend from membership, impose a fine not exceeding \$100, or reprimand any member it finds guilty of the charges. A member shall remain unfinancial until the amount of any fine imposed upon that member has been paid.
- (I) Any member so dealt with under Rule 13 H above shall be entitled to appeal to the Branch Council.
- (J) Notice of a decision of the Branch Executive or Branch Council under this rule shall be posted to the members address as set out in the register of Branch members.
- (K) A member shall not be expelled or be suspended from membership of the Union under this Rule unless she/he has been found guilty of conduct referred to in Rule 14 A.
- (L) Any penalty imposed by the Branch Executive shall be held in abeyance until the result of any appeal is known.
- (M) An appeal under rule 13 I must be made to the Branch Secretary within 14 days after the decision was posted to the member.

14 - DISMISSAL FROM OFFICE

- (A) Any member elected to an office within the Federal Branch or to a position on a Sub-Branch Executive shall not be dismissed from that office or position unless that member has been found guilty, in accordance with the Federal Branch Rules, of misappropriation of the funds of the Branch, substantial breach of the Federal Branch Rules, or gross misbehaviour or gross neglect of duty, or has ceased, in accordance with the Federal Branch Rules, to be eligible to hold office.
- (B) Any action pursuant to rule 14 A shall be taken in accordance with Rule 13 of the Federal Branch Rules.

- (C) Where a member of the Rules Committee is charged with any of the offences specified in Rule 14 A that position on the Rules Committee shall be taken by a pro-tem appointment by Council during the consideration of such allegations.

15 - CONSTITUTION OF BRANCH COUNCIL

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

16 - ELECTION OF REPRESENTATIVES TO BRANCH COUNCIL

- (A) Each Sub-Branch shall annually elect representatives to Branch Council at the commencement of each school year. All financial members of the Sub-Branch shall have the right to vote. The ballot shall be conducted by the Returning Officer appointed by the AEC in accordance with Rule 6 and section 182 of the FW (RO) Act 2009.
- (B) Sub-Branch representatives shall take office on 15th March in the year in which they are elected and hold office for one year.

17 - VACANCIES ON BRANCH COUNCIL

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

18 - ALTERNATE REPRESENTATIVES TO BRANCH COUNCIL

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

19 - REGULAR MEETINGS OF BRANCH COUNCIL

- (A) Branch Council shall meet at least once a term and on other occasions as deemed necessary.
- (B) Councillors shall be distributed written notice of meetings and copies of agenda at least 7 calendar days beforehand (not including the day of despatch). This distribution may occur via post, email or by posting on the member's only section of the AEU ACT Branch website.

20 - SPECIAL MEETINGS OF BRANCH COUNCIL

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

21 - QUORUM AT BRANCH COUNCIL MEETINGS

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

22 - COMMITTEES

- (A) Committees may be established and its membership appointed by Branch Council or Branch Executive to advise on any aspects of Branch business as directed.
- (B) Committee meetings shall be called by the Branch Secretary.
- (C) A committee shall at its first meeting appoint a chairperson and a secretary, the latter to keep records of all meetings.
- (D) Committees shall furnish reports on the matters referred to them to the Branch Secretary for consideration by Branch Council or the Branch Executive.
- (E) The Branch President and Branch Secretary shall be ex officio members of all committees.
- (F) Committee meetings shall be open to all financial members of the Branch to attend and, unless otherwise determined by the Committee, they shall only have the right to observe the committee deliberations.

23 - COMPOSITION OF THE BRANCH EXECUTIVE

- (A1) The Branch Executive shall consist of:
 - (a) The Branch Secretary and Branch President who shall be elected by and from financial members.
 - (b) Two Branch Vice Presidents (Schools Sector) who shall be elected by and from financial members allocated to Sub-Branched in the Schools Sector.
 - (c) One Branch Vice President (TAFE Sector) shall be elected by and from financial members allocated to TAFE Sub-Branched.
 - (d) Eight representatives elected by and from financial members other than members allocated to TAFE Sub-Branched and the ACT Pre-School Sub-Branched.
 - (e) One representative (or an alternate representative who shall be entitled to attend Branch Executive in the absence of the representative) elected by and from financial members allocated to TAFE Sub-Branched.

- (f) One representative (or an alternate representative who shall be entitled to attend Branch Executive in the absence of the representative) elected by and from financial members allocated to ACT Pre-Schools Sub-Branches.
- (A2) As from the conclusion of the election scheduled in 2017, the Branch Executive shall consist of the following:
- (a) the Branch Secretary and the Branch President elected by and from financial members; and,
 - (b) three Branch Vice Presidents:
 - (i) two elected by and from financial members engaged in the public school sector of the ACT. For the avoidance of doubt this is the same office and same electorate as specified in sub-rule 23(A1)(b); and,
 - (ii) one elected by and from financial members engaged in the public vocational education and training sector of the ACT. For the avoidance of doubt this is the same office and same electorate as specified in sub-rule 23(A1)(c); and,
 - (c) ten representatives:
 - (i) eight elected by and from financial members (other than school assistants) engaged in the public school sector of the ACT;
 - (ii) one elected by and from financial members engaged in the public vocational education and training sector of the ACT; and,
 - (iii) one elected by and from the financial members engaged as school assistants in the public school sector of the ACT; and,
 - (d) two alternates:
 - (i) one elected by and from financial members engaged in the public vocational education and training sector of the ACT (who shall be entitled to vote at the Branch Executive only in the absence of the representative elected in accordance with Rule 23(A2)(c)(ii) above);
 - (ii) one elected by and from financial members engaged as school assistants in the public school sector of the ACT (who shall be entitled to vote at the Branch Executive only in the absence of the representative elected in accordance with Rule 23(A2)(c)(iii) above).
 - (e) The electorates for the 2017 scheduled election in 2017 shall be as set out in the sub-rule.
- (B) The Branch Secretary shall be elected in accordance with Rule 6 mutatis mutandis for a term of 2 years commencing on 1 January.
- (C) The Branch President shall be elected in accordance with Rule 6 mutatis mutandis for a term of 2 years commencing on 1 January.
- (D) (a) The three (3) Branch Vice Presidents shall be elected in accordance with Rule 6 mutatis mutandis.
- (b) The term of office of the three (3) Branch Vice Presidents shall be two years commencing on 1 January of the alternate year to the Branch Secretary and Branch President.

- (E) The remaining representatives on Branch Executive shall be elected for a term of 2 years commencing on 1st July.
- (F) In the event of an election for the position of Branch President and Branch Secretary being necessary, the Branch Executive shall, between the period of close of nominations and the issuing of ballot papers, provide each candidate at no cost facilities to publish and distribute to all Sub-Branches and places of work a maximum of 3 posters of a maximum size of 30 cms x 42 cms with printing and photographs as determined by each candidate on one side only and, also call 2 meetings of members on suitable days at suitable times for the purpose of allowing members to meet and question candidates for these positions.

24 - ELECTION OF BRANCH EXECUTIVE

The Branch Executive shall be elected in accordance with Rule 6 and the Fair Work (Registered Organisations) Act 2009 as amended or replaced.

25 - MEETINGS OF BRANCH EXECUTIVE

- (A) Regular meetings of the Branch Executive will be held at least once a month with the exception of January. The Branch Secretary will provide at least 7 calendar days notice (not including the day of despatch) of each meeting and its agenda by telephone, post, facsimile or email.
- (B) Special meetings of the Branch Executive shall be called by the Branch Secretary:
 - (a) At the request of at least 3 members of the Branch Executive.
 - (b) Whenever the circumstances arise which, in the opinion of the Branch Secretary, call for such action.

Except in a matter of urgency, the Branch Secretary shall give 7 calendar days notice (not including the day of despatch) of the special meeting by telephone, post, facsimile or email. In a matter of urgency, the Branch Secretary will determine the motion/s to be put to the Executive and arrange for a vote to occur by telephone or email. The outcome of this vote will be reported to the next Branch Executive meeting.

26 - QUORUM AT BRANCH EXECUTIVE MEETINGS

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

27 - VACANCIES ON BRANCH EXECUTIVE

Vacancies which occur in any Branch Executive office shall be filled by fresh elections held in accordance with Rule 6 and the Fair Work (Registered Organisations) Act 2009, such election to be held within 3 months of occurrence of the vacancies; except that where the unexpired period of office is less than 18 months (i.e. three-quarters of the term of office), the vacancy shall be filled by appointment by Branch Executive. This appointment must be reported to the next Branch Council meeting. Should Branch Council rescind the appointment a fresh election by and from all relevant members must be held.

28 - POWERS AND DUTIES OF BRANCH COUNCIL

- (1) Branch Council has no power or duty associated with the financial management of the Union. All such powers and duties are the responsibility of the Branch Executive as outlined in ACT Federal Branch Rule 31.

- (2) With the exception of any matter pertaining to financial management, the powers and duties of the Branch Council are to:
- (a) deal with matters submitted to it by Branch Executive, Committees, Sub-Branches and individual Councillors
 - (b) frame Standing Orders for the control of all meetings of bodies other than Branch Executive
 - (c) act as a medium of communication between Sub-Branches and individual members on the one hand and any institution participating in education on the other hand
 - (d) amend the ACT Federal Branch Rules in accordance with Rule 40 - Alteration of Rules.
 - (e) make policy for the good conduct of the Union's governance and industrial activities.

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

- (A) The decisions of Branch Council shall be binding on the Branch Executive, TAFE Council, Sub-Branches and members.
- (B) The decisions of Branch Executive on all financial management matters shall be binding on the Branch Council, TAFE Council, all Sub-Branches and members.
- (C) The decisions of Branch Executive on all matters other than financial management shall be binding on the TAFE Council, all Sub-Branches and members.
- (D) The decisions of the TAFE Council shall be binding on TAFE Sub-Branches.
- (E) A, B, C and D will apply in all matters except in the case of impending strike action, when Branch Council and/or Branch Executive is empowered to call stopwork meetings of members in accordance with the Fair Work Act 2009, at which decisions to continue industrial action will be voted upon by members present. The decisions of stopwork meetings are binding on all members.

30 - VALIDATION OF ACTS

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

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

- (A)(1.) The powers and duties of Branch Executive, as the Branch Committee of Management, are to:
- (a) manage the affairs of the Branch generally and to carry into effect the objects of the Union
 - (b) Develop and implement policies and procedures relating to the expenditure of the Branch.
 - (c) oversee the financial management of the Branch, including developing and implementing all other necessary policies and procedures

- (d) appoint employees of the Union responsible for carrying out duties within the Branch, to determine the duties, to fix remuneration and to suspend or discharge any such employee
 - (e) On behalf of the Union, to purchase, sell, mortgage, lease or otherwise deal with any land or other real estate for the use of the Branch
 - (f) determine entrance fees and subscriptions and impose a levy or levies on members.
 - (h) In accordance with S266(3) of the Fair Work (Registered Organisations) Act 2009 receive the full report required by S265(1)(a) of the Act, as submitted by the Branch Secretary
 - (i) Decide the business and the order of business to be set down for the next Branch Council meeting
 - (j) Provide to Branch Council the minutes of all Branch Executive meetings held since the previous Council meeting, including all the decisions of the Branch Executive
 - (k) Exercise all or any of the powers and carry out and perform all or any of the duties and functions which, under these Rules may be lawfully exercised, carried out, or performed by the Branch Council, subject always to the necessity of its conforming to:
 - (i) Such lawful directions as may be imposed upon it from time to time by the Branch Council.
 - (ii) The authority of the Branch Council to amend or to reverse a decision of Branch Executive other than a decision related to financial management
- (2.) As soon as the Branch Executive or the Branch Secretary determines that an industrial dispute needs to be notified to the Fair Work Commission, the Branch Secretary will:
- (i) Ensure that all necessary documents are prepared and lodged with the Fair Work Commission and served on all respondents; and
 - (ii) Provide the Federal Secretary with a copy of the document lodged.
- (B) The Branch Secretary will, subject to any direction of the Branch Council and Branch Executive:
- (a) be the Chief Officer of the Branch;
 - (b) exercise control over and conduct the affairs of the Branch;
 - (c) ensure that the Rules of the Union and the Branch are adhered to at all times;
 - (d) provide political, industrial and professional leadership to the ACT Branch of the AEU;
 - (e) manage the finances of the Branch;
 - (f) manage the professional and administrative staff of the Branch;
 - (g) attend all meetings of the Branch Council and Branch Executive and such other meetings as directed and be responsible for keeping minutes of those meetings;
 - (h) keep all documents/vouchers/papers belonging to the Branch;

- (i) summon within a reasonable time the first meeting of any committee appointed by Branch Council or Branch Executive;
 - (j) be the registered officer of the Branch and the officer to sue and be sued on behalf of the Branch;
 - (k) organise all returns required by the Act for the approval of Branch Council or Branch Executive and ensure the submission of the returns to the Industrial Registrar in accordance with the Act;
 - (l) supervise the register of the Branch;
 - (m) Deleted
 - (n) notify Sub-Branch Secretaries of the names of members allocated to Sub-Branches;
 - (o) Inform Sub-Branches of the business set down for Branch Council including proposed amendments to the Federal Branch Rules;
 - (p) perform any other duties as prescribed by the Federal Rules or Federal Branch Rules.
- (C) The Branch President will
- (a) be an honorary position and will represent the Union as required
 - (b) preside at all meetings of Branch Executive, Branch Council, Stop Work meetings and Mass meetings;
 - (c) when presiding over a meeting exercise a casting vote. In respect of any election held by such meeting she or he shall nevertheless have the right as a member of the Union to cast a vote.
- (D) The Branch Vice Presidents (public school sector):
- (a) will represent the Union as required;
 - (b) will be honorary positions;
 - (c) may, in the absence of the Branch President, chair Branch Council and Branch Executive and exercise the same powers the Branch President would in presiding over the meeting.
- (E) The Branch Vice President (public vocational education and training sector) will:
- (a) represent the Union as required;
 - (b) chair meetings of the Branch TAFE Council;
 - (c) be an honorary position. In the absence of the Branch Vice President (public vocational education and training sector) from a meeting of the Branch TAFE Council, the meeting may appoint a member of TAFE Council to chair the meeting.

32 - ELECTION FEDERAL DELEGATES

- (A) This Rule is subject to Rule 30 of the Federal Rules.
- (B) The Branch Returning Officer if an exemption applies, or the Returning Officer appointed by the AEC shall conduct an election for Federal Delegates to Federal Conference:-
- (a) each 2 years at such time as will enable the declaration of the election prior to 30 November; or
 - (b) at such earlier time as shall be notified by the Federal Returning Officer to the Branch Returning Officer if an exemption applies, or the Returning Officer appointed by the AEC as is necessary for filling a casual or extraordinary vacancy or for electing a further Federal Delegate or Delegates following an increased entitlement pursuant to Rule 24 of the Federal Rules.
- (C) Election of Female Federal Delegates
1. This Rule shall operate in conjunction with other Federal Branch Rules relating to the election of Federal Delegates to Federal Conference provided that where there is any inconsistency this Rule shall prevail over any inconsistent provision in any other Federal Branch Rule.
 2. In addition to any other information required to be set out in the notification of the calling of nominations for the election of Federal Delegates to Federal Conference the notification shall include the following additional information.
 - (a) the number of Federal Delegates to be elected and the number of female delegates to be elected; and
 - (b) advice that if the number of female candidates is less than the number of female delegates to be elected the remaining position or positions in question will be filled by a male candidate or candidates.
 3. In addition to any other information required to be set out on ballot papers for Federal Delegates the ballot paper shall include the following additional information:
 - (a) the candidates full names and, in accordance with the candidate's preference, the title Mr, Mrs, Ms or Miss; and
 - (b) the number of Federal Delegates to be elected and the number of female Federal Delegates to be elected.
 4. The Branch Returning Officer if an exemption applies, or the Returning Officer appointed by the AEC shall, having complied with Federal Branch Rule 6E(c), determine in accordance with the next Rule whether it is necessary to hold an election.
 5. The Branch Returning Officer if an exemption applies, or the Returning Officer appointed by the AEC shall conduct a ballot:
 - (i) for all positions - where the number of candidates for Federal Delegate positions exceeds the number of Federal Delegate positions to be filled; or
 - (ii) remaining positions - where the Branch Returning Officer if an exemption applies, or the Returning Officer appointed by the AEC has ascertained that the number of nominations from female candidates is less than or equal to the number of positions for female Federal Delegates and the number of male candidates is more than the number of remaining positions.

6. (a) This Rule applies to the counting of votes where it is necessary to conduct an election to fill Federal Delegate positions required by this Rule to be filled by female candidates.
- (b) The Branch Returning Officer if an exemption applies, or the Returning Officer appointed by the AEC shall count the votes and allocate preferences in accordance with the procedure set out in Rule 6 and Schedule A and determine whether the minimum number of female Federal Delegates have been elected in accordance with this Rule.
- (c) If the minimum number of female delegates have been elected in accordance with this Rule, the Branch Returning Officer if an exemption applies, or the Returning Officer appointed by the AEC shall declare all the successful candidates elected.
- (d) In the event that the minimum number of female Federal Delegates have not been elected, the Branch Returning Officer if an exemption applies, or the Returning Officer appointed by the AEC shall:
- (i) eliminate such male candidate or candidates as are necessary to allow the election of the minimum number of female delegates. The male candidate or candidates to be eliminated shall be the last candidate or candidates elected during the counting of the votes and the allocation of preferences referred to in Rule 6.
- (ii) declare elected the female candidate or candidates last eliminated in counting of the votes and the allocation of preferences during the counting of the votes and the allocation of preferences referred to in Rule 6.
- (D) The election of Federal Delegates shall be conducted in accordance with Rule 6 mutatis mutandis.

33 - ELECTION OF FEDERAL EXECUTIVE MEMBERS

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

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

- (1) This Rule is subject to Rules 73 and 74 of the Federal Rules.
- (2) The Branch Returning Officer if an exemption applies, of the Returning Officer appointed by the AEC shall conduct an election for one (1) National ATSIEC (General Division) member and one (1) National ATSIEC (TAFE Division) member:
 - (i) each 2 years at the same time as the scheduled election of Federal Conference Delegates or in any event according to a timetable which permits the declaration of the election on or before 30 November of the year prior to taking office. Provided that the first elections for the National ATSIEC (General Division) member and the National ATSIEC (TAFE Division) member shall be held as soon as practicable; or
 - (ii) at such time as shall be notified by the Federal Returning Officer to the Branch Returning Officer if an exemption applies, or the Returning Officer appointed by the AEC as is necessary for filling a casual or extraordinary vacancy.
- (3) The National ATSIEC (General Division) member shall be an Aboriginal or Torres Strait Islander member from the General Division elected in accordance with the following procedures:
 - (a) In the first instance, eligibility to nominate and vote in such elections shall be determined through self identification and placement on the General Division Indigenous Members' Roll established by the Branch Secretary for this purpose. The election shall be conducted in accordance with Federal Branch Rules 6 and 32 (the necessary changes being made).
 - (b) Where there are insufficient members on the General Division Indigenous Members' Roll to meet the nomination requirements of Federal Branch Rule 33A (3)(a) and Federal Branch Rule 6 (E)(b), the nominator and seconder may be members of the General Division who are not on the General Division Indigenous Members' Roll, provided that the member being nominated must be a General Division Aboriginal or Torres Strait Islander member.
- (4) The National ATSIEC (TAFE Division) member shall be an Aboriginal or Torres Strait Islander member from the TAFE Division elected in accordance with the following procedures:
 - (a) In the first instance, eligibility to nominate and vote in such elections shall be determined through self identification and placement on the TAFE Division Indigenous Members' Roll established by the Branch Secretary for this purpose. The election shall be conducted in accordance with Federal Branch Rules 6 and 32 (the necessary changes being made).
 - (b) Where there are insufficient members on the TAFE Division Indigenous Members' Roll to meet the requirements of Federal Branch Rule 33A (4)(a) and Federal Branch Rule 6 (E)(b), the nominator and seconder may be members of the TAFE Division who are not on the TAFE Division Indigenous Members' Roll, provided that the member being nominated must be a TAFE Division Aboriginal or Torres Strait Islander member.

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

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

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

1. This rule is subject to Rule 76 of the Federal Rules.
2. The Branch Returning Officer if an exemption applies, or the Returning Officer appointed but the AEC shall conduct an election for one [1] National Early Childhood Committee [General Division] member:
 - [i] each two years at the same time as the scheduled election of Federal Conference Delegates or in any event according to a timetable which permits the declaration of the election on or before 30 November of the year prior to taking office. Provided that the first elections for the National Early Childhood Committee [General Division] member shall be held as soon as practicable; or
 - [ii] at such time as shall be notified by the Federal Returning Officer to the Branch Returning Officer if an exemption applies, or the Returning Officer appointed by the AEC as is necessary for filling a casual or extraordinary vacancy.
3. The National Early Childhood Committee [General Division] member shall be elected by and from the General Division members of the Branch. The election shall be conducted in accordance with Federal Branch Rules 6 and 32 [the necessary changes being made] except that the member being nominated and the nominators must be from financial members allocated to ACT Preschools and Sub-Branches.

34 - MANAGEMENT AND CONTROL OF BRANCH FUNDS

- (A) The Branch Funds referred to in Rule 62 of the Federal Rules shall be administered in accordance with this Rule.
- (B) The Branch Secretary and the Branch President shall ensure that, subject to the direction of the Branch Executive:
- (a) moneys are deposited and funds invested appropriately to further the objects of the Branch
 - (b) All payments out of the Branch funds, including all cheques or drafts, have been authorised and signed by any two of the Branch Secretary, Branch President, the Branch Vice Presidents and employees of the Branch specifically authorised by Branch Executive to do so.
 - (c) A list of all payments out of Branch Funds between each Branch Executive meeting is provided to the next Executive meeting.
- (C)
1. Members are required to notify the Branch in writing of changes to their membership within 28 days of the change occurring.
 2. Where a member fails to notify of a change in circumstance in writing and fees continue to be received by the Branch, upon written request from the member the Branch Secretary will authorise a refund to the member of overpaid fees for a maximum of 3 months, or the period of the over-payment, whichever is the lesser. Circumstances in which this provision may apply include, but are not limited to:
 - [a] resignation [in accordance with Federal Rule 17 resignations must be submitted in writing]
 - [b] leave without pay
 - [c] reduced workload
 - [d] half pay leave.
 3. A member affected by this clause who believes they have exceptional circumstances in respect of failure to notify the Branch of any change to their membership status may submit a written case for consideration by the Branch Executive.
 4. A member dissatisfied with the decision of Branch Executive may refer the matter to the Fair Work Commission or the Federal Court for remedy.
 5. In exercising responsibility under Federal Rule 9(2A), regarding informing applicants for membership of their financial obligations arising from membership, the Branch Secretary will ensure that correspondence to new members of the Branch will include specific reference to these provisions of the Branch Rules.
- (D) For the purposes of this Rule the following definitions apply:
- (a) board means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.
 - (b) disclosure period means the Branch financial year as defined in Rule 36, unless a shorter period is specified.

- (c) declared person or body means a person or body:
 - (i) who as an officer of the Branch has disclosed a material personal interest under sub-rule 34(F); and
 - (ii) the interest relates to, or is in, the person or body; and
 - (iii) the officer has not notified the Branch Executive that the officer no longer has the interest.
- (d) financial duties includes duties that relate to the financial management of the Branch.
- (e) General Manager means the General Manager of Fair Work Commission.
- (f) non-cash benefit means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
- (g) peak council has the same meaning as defined by section 12 of the Fair Work Act 2009.
- (h) office has the same meaning as defined by section 9 of the Fair Work (Registered Organisation's) Act 2009
- (i) officer has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009
- (j) related party has the same meaning as defined by section 9B of the Fair Work (Registered Organisations) Act 2009.
- (k) relative in relation to a person, means:
 - (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
 - (ii) the spouse of the first mentioned person.
- (l) relevant remuneration in relation to an officer of the Branch for a disclosure period is the sum of the following:
 - (i) any remuneration disclosed to the Branch Executive by the officer under sub-rule 34(E) during the disclosure period;
 - (ii) any remuneration paid during the disclosure period, to the officer of the Branch;
- (m) relevant non-cash benefits in relation to an officer of the Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Branch or by a related party of the Branch.
- (n) remuneration
 - (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
 - (ii) does not include a non-cash benefit; and
 - (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.
- (E) 1. Each officer of the Branch shall disclose to the Branch Executive any remuneration paid to the officer:
 - a) because the officer is a member of a board, if:

- i. the officer is a member of the board only because the officer is an officer of the Branch; or
 - ii. the officer was nominated for the position as a member of the board by the Federal AEU, the Branch or a peak council; or
 - b) by any related party of the Branch in connection with the performance of the officer's duties as an officer.
 2. The disclosure required by sub-rule (E)(1) shall be made to the Branch Executive:
 - a) as soon as practicable after the remuneration is paid to the officer; and
 - b) in writing.
 3. The Branch Executive shall disclose to the members of the Branch:
 - a) the identity of the officers who are the two highest paid officers of the Branch in terms of relevant remuneration for the disclosure period, and
 - b) for each of those officers:
 - i. the actual amount of the officers' relevant remuneration for the disclosure period; and
 - ii. either the value of the officers relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
 4. For the purposes of sub-rule (E)(3), the disclosure shall be made:
 - a) in relation to each financial year;
 - b) within six months after the end of the financial year; and
 - c) in writing.
- (F) 1. Each officer of the Branch shall disclose to the Branch Executive any material personal interest in a matter that:
- a) the officer has or acquires; or
 - b) a relative of the officer has or acquires;
- that relates to the affairs of the organisation.
2. The disclosure required by sub-rule (F)(1) shall be made to the Branch Executive:
 - a) as soon as practicable after the interest is acquired; and
 - b) in writing.
 3. The Branch Executive shall disclose to the members of the Branch any interests disclosed to the Branch Executive pursuant to sub-rule (F)(1).

4. For the purposes of sub-rule (F)(3), the disclosures shall be made:
 - a) in relation to each financial year;
 - b) within six months after the end of the financial year; and
 - c) in writing.

- (G) 1. The Branch Executive shall disclose to the members of the Branch either:
 - a) each payment made by the Branch, during the disclosure period:
 - i. to a related party of the Branch; or
 - ii. to a declared person or body of the Branch; or
 - b) the total of the payments made by the Branch, during the disclosure period:
 - i. to each related party of the Branch; or
 - ii. to each declared person or body of the Branch.

2. Sub-rule (G)(1) does not apply to a payment made to a related party if:
 - (a) the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch; or
 - (b) the related party is an officer of the Branch, and the payment:
 - i. consists of remuneration paid to the officer by the branch; or
 - ii. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

3. For the purposes of sub-rule (G)(1), the disclosures shall be made:
 - a) in relation to each financial year;
 - b) within six months after the end of the financial year; and
 - c) in writing.

- (H) 1. Each officer of the Branch whose duties include duties (financial duties) that relate to the financial management of the Branch must undertake training:
 - a) approved by the General Manager under section 154C of the Act; and
 - b) that covers each of the officer's financial duties.

2. This training must be completed by the officer within 6 months after the person begins to hold office.

35 - EXECUTION OF DOCUMENTS AND COMMON SEAL

- (A) All documents required to be executed on behalf of the Branch shall be executed by the Branch Secretary. This includes documents required to be completed by a 'designated officer' as defined by section 243 of the Fair Work (Registered Organisations) Act 2009.
- (B) The Branch shall have a Common Seal which shall be kept by the Branch Secretary at the Registered Office.
- (C) When the common seal is affixed to a document the document shall be countersigned by the Branch Secretary and the Branch President.

36 - AUDITORS

- (A) Branch Executive will in accordance with the Act ensure the proper auditing of all books, papers and records of the Branch by a person competent to be an auditor for the purposes of the Regulations.
- (B) The Auditor will:
 - (a) Annually audit the cash records of the Branch
 - (b) Report immediately to Branch Executive any irregularities that become known
 - (c) Supervise the methods of keeping the accounts and dealing with the assets of the Branch and report to Branch Executive any means of improving the same and safeguarding the revenue and expenditure.
- (C) The financial year of the Branch will end for the purpose of the Annual Audit on 31 December each year.
- (D) In accordance with S266(3) of the Fair Work (Registered Organisations) Act 2009 the full report, consisting of the auditor's report, the general purpose financial report and the operating report, will be presented to the first meeting of the Branch Executive in March each year.

37 - APPLICATION OF FUNDS

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

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

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

- (a) has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with the Branch rules; and
 - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

39 - INSPECTION OF BOOKS

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

40 - ALTERATION OF RULES

The Federal Branch Rules may be altered, added to or rescinded by Branch Council or by a Special Branch Council called for the purpose, provided that:

- (a) the proposed alteration, addition or rescission is proposed by Branch Executive or by a requisition of at least 10 Sub-Branches.
- (b) The proposed rule amendments have been distributed in writing to member of Branch Council at least 7 calendar days (not including the day of despatch) prior to the meeting at which they are to be considered. Such distribution may be by post, email or facsimile.

41 - REFERRAL OF DECISIONS TO GENERAL MEETINGS

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

41A - REFERRAL OF FINANCIAL REPORTS TO GENERAL MEETINGS

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

42 - REFERENDA

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

43 - AFFILIATIONS

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

44 - MEMBER WELFARE FUND

- (A) The Branch shall maintain out of the general revenue of the Branch a fund to be described as "The Member Welfare Fund." The maximum value of the fund shall be \$45,000.
- (B) The Member Welfare Fund shall be exclusively used for the purpose of relieving a financial member or any of the financial member's dependents from severe financial hardship.
- (C) The total value of the fund specified in Rule 44 A shall be determined by adding the value of outstanding loans and the proceeds of any investments from the fund, including interest.
- (D) The Member Welfare Fund shall be administered by the Branch Executive. The Branch Executive is authorised to transfer from the general revenue of the Branch the monies necessary to ensure that the value of the fund as determined by Rule 44C is maintained at the amount specified in Rule 44A.
- (E) All applications for relief shall be made in writing to the Branch secretary and shall include a full statement of the applicant's financial position. All information provided by applicants shall be confidential. In an emergency the Branch Secretary may approve a loan or a grant of up to \$3,000 in accordance with this rule, provided that the approval is subject to a condition to the effect that, if the Branch Executive, at its next meeting, does not approve the loan or grant, it must be repaid as determined by the Branch Executive.

- (F) Advances from the Fund shall be in the form of loans or grants up to the sum of \$6,000. In considering whether to approve a loan or grant the Branch Executive shall have regard to:
- (a) whether the loan or grant was made under the rules of the organisation or branch; and
 - (b) in the case of a loan:
 - (i) whether the security (if any) given for the repayment of the loan is adequate;
 - (ii) whether the arrangements for the repayment of the loan are satisfactory.
- (G) The Branch Executive may withdraw, modify, or in any other way determine any relief granted as above when, in its opinion, the circumstances or conduct of the recipient shall justify it in so doing.

45 - BRANCH TECHNICAL AND FURTHER EDUCATION (TAFE) COUNCIL

The Branch TAFE Council shall consist of:-

- (a) The Branch Secretary, the Branch President, Branch Vice President (public vocational education and training sector) and the TAFE representatives on the Branch Executive;
- (b) the President, or if absent the Deputy President, of each TAFE Sub- Branch; and
- (c) representatives of each TAFE Sub-Branch on the basis of one delegate for the first 10 financial members or part thereof and, for every additional 20 members or part thereof, one further delegate.

46 - REPRESENTATIVES OF THE BRANCH TAFE COUNCIL

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

47 - ALTERNATE REPRESENTATIVES TO THE TAFE COUNCIL

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

48 - CASUAL VACANCIES ON THE TAFE COUNCIL

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

49 - REGULAR MEETINGS OF THE BRANCH TAFE COUNCIL

- (A) The Branch TAFE Council shall meet at least once a term and on other occasions as deemed necessary by the TAFE Council.