283V: Incorporates alterations of 24 January 2025 [R2024/172] and [R2025/3]

Replaces rulebook dated 26 September 2024 [R2024/78]

National Tertiary Education Industry Union

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 81 inclusive contain a true and correct copy of the registered rules of the National Tertiary Education Industry Union.

DELEGATE OF THE GENERAL MANAGER

FAIR WORK COMMISSION

Rules of the National Tertiary Education Industry Union

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Rules of the National Tertiary Education Industry Union

# Part 1 – Fundamental

##

## 1 – Purposes

1.1 The purposes for which the Union is formed are to:

(a) provide an organisation for its members and persons eligible to be a member;

(b) promote the rights, interests and welfare of its members and persons eligible to be a member;

(c) protect and improve the conditions of employment of its members;

(d) represent its members in approaches to and discussions with employers and other bodies;

(e) obtain industrial awards and determinations, and enter into and implement industrial agreements;

(f) promote industrial peace through conciliation and arbitration;

(g) provide assistance in the prosecution and defence of the rights and interests of its members;

(h) promote the work of tertiary education institutions in Australia and promote and defend their independence and integrity;

(i) foster intellectual debate within the Australian community;

(j) promote and defend the rights of its members to teach, research and disseminate knowledge and information without fear of reprisal;

(k) promote equal opportunity in employment, and eliminate all forms of discrimination in tertiary education and in all of the Union’s activities;

(l) create and maintain informed public opinion concerning tertiary education institutions and their staff;

(m) advance and protect the social and economic interests of its members, and of trade unionists generally, by industrial, political and other means;

(n) support and participate in community and protest actions; and

(o) facilitate the interchange of information and experience among its members.

## 2 – Way of working

2.1 In pursuing the Union’s purposes, members, union bodies and union officers must work in accordance with the following principles:

(a) members are entitled to control the Union:

(i) through elected, representative union bodies; and

(ii) directly through general meetings held under these Rules;

(b) direct member participation in and engagement with all aspects of the Union’s work should be encouraged;

(c) free and respectful debate is to be encouraged at all union meetings, but when democratic decisions are reached, members and, particularly, union officers must carry out them out; and

(d) while the Union is a unitary body needing to make national decisions, proper respect must be accorded to the autonomy and independence of the divisions and branches, and to the special status of the National Aboriginal and Torres Strait Islander Policy Committee in representing Aboriginal and Torres Strait Islander members.

## 3 – Structure

3.1 The Union has three levels:

(a) the national level, covering the whole of Australia;

(b) the division level, one division covering each state or territory; and

(c) the branch level, each branch generally covering one institution or sector.

3.2 The union bodies are:

(a) the National Council, which is responsible for:

(i) informing itself about the Union’s affairs at every level;

(ii) making policies and approving strategies to guide the Union’s work;

(iii) the effectiveness of the Union’s work at every level; and

(iv) overseeing the Union’s international activities;

(b) the National Executive, which is responsible for:

(i) the day-to-day work of the Union at the national level;

(ii) the efficiency and effectiveness of the Union’s work at every level;

(iii) preparing matters for consideration by the National Council

(iv) implementing National Council decisions;

(v) the financial management of the Union; and

(vi) the manner in which the property of the Union is to be controlled;

(c) the National Aboriginal and Torres Strait Islander Policy Committee, which is responsible for:

(i) the development of policies in relation to Aboriginal and Torres Strait Islander people for adoption by other union bodies; and

(ii) advising other union bodies as to their proper implementation;

(d) Division general meetings;

(e) Division Councils in each division, which are, within their division, responsible for:

(i) the day-to-day work of the Union to the extent that they control that work under these Rules, whether by delegation, direction of resources, or otherwise;

(ii) overseeing relations with the relevant state or territory government and their governmental authorities, and the legislative matters under their jurisdiction;

(iii) implementing national-level decisions;

(iv) co-ordinating the work of branches; and

(v) acting as a forum for branches to have collective input into decision-making at the national level;

(f) Division Executives in New South Wales and Victoria, which are, within their division, responsible for:

(i) the work of the Division Council between its meetings; and

(ii) any matters assigned to them by the Division Council;

(g) Branch general meetings, which are, within their branch, responsible for:

(i) overseeing and directing the work of the Branch Committee as it deems appropriate; and

(ii) being the primary forum for direct member participation in, and the expression of collective member opinion about, the Union’s affairs;

(h) Branch Committees, which are, within their branch, responsible for:

(i) the day-to-day work of the Union to the extent that they control that work under these Rules, whether by delegation, direction of resources, or otherwise;

(ii) overseeing relations with, and influencing the policies, decisions and actions of, the management and governing bodies of the institution(s) covered by the branch;

(iii) implementing national-level decisions, division-level decisions, and the decisions of the Branch general meeting; and

(iv) discussing and influencing decision-making at the national and division level; and

(i) sub-branches.

3.3 All union bodies are responsible for recruiting new members.

3.4 The decisions of union bodies listed earlier in rule 3.2, except for the National Aboriginal and Torres Strait Islander Policy Committee:

(a) bind those listed later; and

(b) prevail over the decisions of those listed later, to the extent of any inconsistency.

3.5 Rule 3.4 does not stop a union body from expressing an opinion about the affairs of the Union.

# Part 2 – Membership

## 4 – Eligibility

4.1 The conditions of eligibility for membership are in Schedule 1.

4.2 References in Schedule 1 to ‘rules’ and ‘sub-rules’ are to the paragraphs in that Schedule.

## 5 – Applying

5.1 A person is admitted as a member if they:

(a) are eligible for membership;

(b) are not of general bad character;

(c) submit to the Union a membership application form; and

(d) submit to the Union either:

(i) an authority for the payment of their dues; or

(ii) at least 3 months’ dues.

5.2 The membership application form must:

(a) be prescribed by the National Executive; and

(b) inform the applicant of the financial obligations arising from membership, and the circumstances, and the manner, in which a member may resign from the Union.

5.3 An error, omission or want of form in a membership application does not affect its validity.

5.4 Within 60 days of a person submitting their membership application form, the National Executive may decide that they were not admitted as a member because they were of general bad character at the time that they submitted the form, in which case any payments made by the applicant as dues will be refunded to the applicant.

## 6 – Dues and levies

6.1 The setting, payment and waiver of dues and levies are dealt with in Schedule 2.

## 7 – Duties of members

7.1 A member must not steal from, or misappropriate the property (including the intellectual property) of, the Union.

7.2 A member must not, in their capacity as a member, officer or employee of the Union, seriously and wilfully vilify, threaten or harass another member or a union employee on the grounds of:

(a) their race, sex, gender, sexual orientation; or

(b) an opinion expressed by them in the course of their:

(i) occupational or academic activities; or

(ii) union activities.

7.3 A member must abide by any Code of Conduct made under rule 17.2(g).

7.4 A member must abide by these Rules. A member must abide by decisions of the National Council, the National Executive, their Division and Branch made under these rules, provided that;

(a) No decision requiring a member to hold or express, or not hold or express any opinion, has effect,

(b) No decision purporting to direct a member to act in a particular way in the normal course of their employment is binding,

(c) No decision purporting to direct a member to act in a particular way in respect of matters related neither to their employment nor to union affairs is binding.

(d) Rule 7.4 (a), (b) and (c) are not intended to be an exhaustive list of the limitations on the operation of this rule prescribed in the Act or the general law.

7.5 A member must answer a request made of them by the National President under rule 20.6.

7.6 A member must notify the Union of any change to:

(a) their salary or other employment circumstance that affects the calculation of their dues, except for a change that the Union should be aware of, such as a general increase in salaries; and

(b) their name, postal address, e-mail address for the purpose of communication under rule 61.3, employer, and any attribute (other than their division and branch) that affects any right to vote under these Rules.

## 8 – Ceasing membership

8.1 A person ceases to be a member if they die or:

(a) cease to be a member by operation of the Act;

(b) resign from membership under rule 8.2;

(c) are removed from membership under rule 8.4(b); or

(d) are expelled under rule 8.5.

8.2 A member may resign from membership by notice given to the General Secretary.

8.3 The General Secretary must notify a member if they cease to be a financial member.

8.4 The General Secretary must:

(a) give notice to each member who has not been a financial member for the previous 90 days that they will be removed as a member under this rule unless they pay the Union all dues and levies owing within 28 days; and

(b) remove from membership each member who does not comply with such a notice.

8.5 The National Executive may expel a member if:

(a) they have been given at least 21 days’ notice of the time and place of the meeting at which their expulsion is to be considered;

(b) they have been given:

(i) the terms of the proposed resolution to expel them;

(ii) the charges upon which the proposed resolution is based;

(iii) an outline of the facts that will be asserted against them; and

(iv) any documents that may be relied upon;

(c) they are given a reasonable opportunity to present and test evidence at, and make submissions to, the meeting; and

(d) it finds that they have committed a serious breach of clause 7.1, 7.2 or 7.3.

## 9 – Register of members

9.1 The General Secretary must:

(a) keep a register of members, arranged by divisions and branches; and

(b) take reasonable steps to keep the information in it up to date.

9.2 The register of members must record, for each member, name, postal address, e-mail address for the purpose of communication under rule 61.3, employer, division, branch, any other attribute that affects any right to vote under these Rules, and any other matter required by law.

## 10 – Member awards

10.1 The National Council may award a merit award to a member or former member in recognition of meritorious service to the Union or the wider union movement.

10.2 The National Council may, on the recommendation of the National Aboriginal and Torres Strait Islander Policy Committee, award a National Aboriginal and Torres Strait Islander Policy Committee award, in recognition of meritorious service to the Union, in the capacity as a member or an officer of the Union, on behalf of Aboriginal and Torres Strait Islander members, or Aboriginal and Torres Strait Islander persons in the field of tertiary or adult education, to a member or former member:

(a) who has retired or is shortly to retire; or

(b) who has left, or is shortly to leave, the tertiary or adult education sector.

# Part 3 – Affiliated persons

## 11 – Not membership

11.1 Nothing in this Part confers, permits the conferral of, or otherwise affects membership.

## 12 – Life member

12.1 The National Council may confer the status of life member, in recognition of distinguished service to the Union, upon a member or former member:

(a) who has retired or is shortly to retire; or

(b) who has left, or is shortly to leave, the tertiary or adult education sector.

## 13 – Elder-in-residence

13.1 The National Aboriginal and Torres Strait Islander Policy Committee may confer the status of elder-in-residence upon a person who holds the position of elder-in-residence, or similar position, at an institution in recognition that the person has been called upon by that institution to act as a leading Aboriginal and Torres Strait Islander cultural mentor for that institution.

13.2 The status of elder-in-residence expires when the person ceases to hold the position of elder-in-residence, or similar position, at an institution.

## 14 – Immediate Past National President

14.1 By force of this rule, the status of Immediate Past National President is conferred upon each National President at the end of their time in that office.

14.2 The status of Immediate Past National President expires after 2 years.

14.3 An Immediate Past National President may be called upon to:

(a) advise the National Council, the National Executive or the National Officers; or

(b) represent the Union.

## 15 – Past Members’ Association

15.1 The National Council may establish a Past Members’ Association.

15.2 The National Council or the National Executive may provide for the Association’s operation.

## 16 – Associate membership

16.1 The National Executive may:

(a) establish a scheme of postgraduate student membership for persons who are not eligible for membership and enrolled as a postgraduate student; and

(b) establish schemes of membership for persons who are not eligible for membership.

# Part 4 – National

## 17 – National Council

### Composition

17.1 The National Council is made up of:

(a) each National Officer;

(b) the Chair of the National Aboriginal and Torres Strait Islander Policy Committee;

(c) each National Aboriginal and Torres Strait Islander Representative;

(d) each Division President;

(e) each Division Secretary;

(f) each Branch President who is a member of the National Council under rule 29.1;

(g) each Branch National Council Representative; and

(h) each National Executive Ordinary Member who is not one of the above (if any).

### Powers

17.2 The National Council may:

(a) exercise the powers of the Union;

(b) make a claim or demand relating to rates of pay or conditions of employment on behalf of members and persons eligible to be a member;

(c) submit a claim, demand, matter or dispute to the FWC, a court or other body;

(d) negotiate and enter into an industrial agreement;

(e) decide the Union’s co-operation or affiliation with another organisation;

(f) establish a fund for carrying out any of the purposes of the Union;

(g) make a Code of Conduct regarding members’ behaviour in their union activities;

(h) interpret these Rules; and

(i) delegate its powers, except this power of delegation, to:

(i) one or a set of National Officers, Division Officers or Branch Officers;

(ii) a Division Council, Division Executive or Branch Committee; or

(iii) a committee it has established provided that to the extent that any such committee is exercising such a delegation, it shall consist only of officers.

17.3 The National Council must exercise the following powers itself:

(a) rule 10.1 (merit award);

(b) rule 10.2 (National Aboriginal and Torres Strait Islander Policy Committee award);

(c) rule 12.1 (life membership);

(d) rule 17.2(g) (make Code of Conduct); and

(e) rule 33.1 (make standing orders).

### Procedure

17.4 The procedure for National Council meetings is in Schedule 3, section A.

## 18 – National Executive

### Composition

18.1 The National Executive is made up of:

(a) each National Officer;

(b) the Chair of the National Aboriginal and Torres Strait Islander Policy Committee;

(c) each Division Secretary; and

(d) ten National Executive Ordinary Members.

### Powers

18.2 The National Executive:

(a) may exercise the powers in rule17.2, including the power of delegation in rule17.2(i); and,

(b) must establish and administer, and may amend, the delegates policy under Schedule 7.

### Procedure

18.3 The procedure for National Executive meetings is in Schedule 3, section B.

## 19 – National Aboriginal and Torres Strait Islander Policy Committee

### Definition

19.1 In this rule, ***committee*** means the National Aboriginal and Torres Strait Islander Policy Committee.

### Composition

19.2 The Committee is made up of:

(a) the Chair of the Committee;

(b) the Deputy Chair of the Committee;

(c) three National Aboriginal and Torres Strait Islander Representatives; and

(d) each Division Aboriginal and Torres Strait Islander Representative.

### Powers

19.3 The Committee must carry out its responsibilities.

### Procedure

19.4 The procedure for Committee meetings is in Schedule 3, section C.

## 20 – National Officers

### General

20.1 The National Officers are:

(a) the National President;

(b) the National Vice-President (Academic Staff);

(c) the National Vice-President (General Staff);

(d) the General Secretary; and

(e) the National Assistant Secretary.

20.2 Each National Officer, except for the National Vice-Presidents:

(a) holds a full-time salaried office;

(b) is a member of each committee established by the National Council or the National Executive; and

(c) must, unless excused, attend each National Council and National Executive meeting.

20.3 One of the National Officers must have specific responsibility for the purpose in rule 1.1(k).

### National President

20.4 The National President is:

(a) the Chief Executive Officer of the Union;

(b) the spokesperson for the Union; and

(c) the head of all official national-level Union delegations.

20.5 The National President must:

(a) ensure, as far as possible, that these Rules are observed and performed;

(b) if they believe that these Rules have not been, or are not being, observed or performed to a material extent—report that to the National Executive;

(c) manage policy development and implementation for the Union;

(d) maintain liaison with government authorities and departments, and other trade unions and trade union organisations; and

(e) edit the national-level publications of the Union, except for Australian Universities Review.

20.6 The National President may, if concerned that these Rules have not been, or are not being, observed or performed, request that a member or officer answer their questions.

### National Vice-Presidents

20.7 The National Vice-Presidents must:

(a) assist the National President in the performance of their duties; and

(b) carry out such duties as the National President assigns to them.

### General Secretary

20.8 The General Secretary must:

(a) conduct the business and correspondence of the Union;

(b) keep the records required of an organisation registered under the Act;

(c) publish, in a publication which circulates to members each year, a list of the branches;

(d) lodge with the FWC and other government authorities all documents required to be lodged by the Union;

(e) maintain liaison with other trade unions and trade union organisations; and

(f) keep the National President informed of any significant matters affecting or likely to affect the Union, a division or a branch, and report thereon to the National Executive and, where appropriate, the National Council.

20.9 The General Secretary may:

(a) make a claim or demand relating to rates of pay or conditions of employment on behalf of members and persons eligible to be a member;

(b) submit or notify a claim, demand, matter or dispute to the FWC, a court or other body; and

(c) manage any litigation that the Union, a member or members are party to.

20.10 The General Secretary may delegate any of the powers in rule 20.8 to the National Assistant Secretary.

### National Assistant Secretary

20.11 The National Assistant Secretary must:

(a) assist the General Secretary in the performance of their duties; and

(b) carry out such duties as any of the following may direct:

(i) the General Secretary;

(ii) the National Executive; or

(iii) the National Council; and

(c) in conjunction with the National President and the General Secretary, maintain liaison with other trade unions and trade union organisations.

20.12 The National Assistant Secretary may, subject to the decisions of the National Executive or the General Secretary, exercise the powers in rule 20.9.

# Part 5 – Divisions

##

## 21 – Division general meeting

### Powers

21.1 A Division general meeting may:

(a) if at least 10% of the division’s members attend the meeting (including a series of meetings)—exercise the powers in rule 22.3 except the power of delegation;

(b) otherwise—make non-binding resolutions.

### Procedure

21.2 The procedure for Division general meetings is in Schedule 3, section D.

## 22 – Division Council

### Composition

22.1 A Division Council is made up of:

(a) each Division Officer;

(b) the Division Aboriginal and Torres Strait Islander Representative;

(c) any National Aboriginal and Torres Strait Islander Representative who is a division member;

(d) each Branch President who is a member of the National Council under rule 29.1;

(e) each Branch National Council Representative under rule 22.2;

(f) each Division Executive Ordinary Member who is not one of the above (if any); and

(g) each National Executive Ordinary Member who is a division member who is not one of the above (if any).

22.2 A Branch National Council Representative is a member of the Division Council that covers the state or territory that they are employed in or, if they are not employed, the Division of which were are a member of at the time of their election..

### Powers

22.3 A Division Council may:

(a) exercise the powers of the Union within its state or territory to the extent that it controls that work under these Rules, whether by delegation, direction of resources, or otherwise;

(b) make policy recommendations to the National Council and the National Executive;

(c) deal with any state or territory industrial jurisdiction or like matters;

(d) maintain liaison with other trade unions and trade union organisations, and decide the Union’s cooperation or affiliation with another organisation, in the state or territory;

(e) establish a committee for the purpose of dealing with any matter or matters; and

(f) delegate its powers, except this power of delegation, to:

(i) one or a set of Division Officers; or

(ii) a committee it has established provided that to the extent that such a committee is exercising such a delegation, it shall consist only of officers.

22.4 A Division Council must exercise the following powers itself:

(a) rule 23.2 (decide number of Division Executive Ordinary Members); and

(b) rule 24.3 (decide certain matters regarding Division Officers).

### Procedure

22.5 The procedure for Division Council meetings is in Schedule 3, section E.

## 23 – Division Executive (New South Wales and Victoria)

### Composition

23.1 A Division Executive is made up of:

(a) each Division Officer;

(b) the Division Aboriginal and Torres Strait Islander Representative; and

(c) each Division Executive Ordinary Member.

### Contingent offices

23.2 The Division Council may decide the number of Division Executive Ordinary Members.

23.3 The Division Secretary must give notice of such a decision to the General Secretary.

23.4 Such a decision takes effect for the election held following the next election request.

### Powers

23.5 A Division Executive may exercise the powers in rule 22.3, including the power of delegation in rule 22.3(f).

### Procedure

23.6 The procedure for Division Executive meetings is in Schedule 3, section F.

## 24 – Division Officers

### General

24.1 The Division Officers in each division are:

(a) the Division President; and

(b) the Division Secretary; and either

(c) the following:

(i) the Division Vice-President (Academic Staff);

(ii) the Division Vice-President (General Staff); and

(iii) the Division Assistant Secretary [simpliciter]; or

(d) the following:

(i) the Division Vice-President [simpliciter];

(ii) the Division Assistant Secretary (Academic Staff); and

(iii) the Division Assistant Secretary (General Staff).

24.2 Each Division Officer, except for the Division Vice-President(s), is a member of each committee established by the Division Council or Division Executive.

### Contingent offices

24.3 The Division Council may decide:

(a) whether to have the Division Officers in rule 24.1(c) or (d); and

(b) in respect of the following union offices, whether any of them is a salaried office, and, if so, whether it is a full-time office or otherwise:

(i) the Division Secretary;

(ii) the Division Assistant Secretary [simpliciter];

(iii) the Division Assistant Secretary (Academic Staff); and

(iv) the Division Assistant Secretary (General Staff).

24.4 The Division Secretary must give notice of any such a decision to the General Secretary.

24.5 Such a decision takes effect for the election held following the next election request.

### Division President

24.6 A Division President is:

(a) the head of the division; and

(b) the spokesperson for the division.

24.7 A Division President must:

(a) manage policy development and implementation for the division; and

(b) maintain liaison with government authorities and departments, and other trade unions and trade union organisations, of the state or territory.

### Division Vice-Presidents or Vice-President

24.8 A Division Vice-President must:

(a) assist the Division President in the performance of their duties; and

(b) carry out such duties as the Division President assigns to them.

### Division Secretary

24.9 A Division Secretary must:

(a) conduct the business and correspondence of the division;

(b) keep such records and prepare such returns as may be required by law to be kept by the division;

(c) maintain liaison with other trade unions and trade union organisations of the state or territory;

(d) keep the Division President informed of any significant matters affecting or likely to affect the division or a branch within the division;

(e) edit and publish or publications of the division; and

(f) must, unless excused, attend each Division Council and Division Executive meeting.

24.10 A Division Secretary may deal with any state or territory industrial jurisdiction or like matters.

### Division Assistant Secretary or Secretaries

24.11 A Division Assistant Secretary must:

(a) assist the Division Secretary in the performance of their duties; and

(b) carry out such duties as the Division Secretary may direct.

## 25 – Division membership

25.1 A member is a member of the division that covers the state or territory:

(a) if they are employed—in which they are predominantly employed;

(b) if they are not employed—that they live in.

# Part 6 – Branches

## 26 – Branch general meeting

### Powers

26.1 A Branch general meeting may:

(a) exercise the powers of the Union with respect to the institution for which the branch was formed to the extent that it controls that work under these Rules, whether by delegation, direction of resources, or otherwise; and

(b) direct each Branch Officer.

26.2 A Branch general meeting must exercise the power in rule 27.4 (decide number of Branch Committee Ordinary Members) by itself.

### Procedure

26.3 The procedure for Branch general meetings is in Schedule 3, section G.

## 27 – Branch Committee

### Composition

27.1 A Branch Committee is made up of:

(a) each Branch Officer;

(b) the Branch Committee Aboriginal and Torres Strait Islander Member (if any);

(c) the Branch Committee Ordinary Member (Casual Employees) (if any); and

(d) each Branch Committee Ordinary Member.

### Contingent offices

27.2 A Branch Committee Aboriginal and Torres Strait Islander Member is elected if, when the election request is made, there is at least one branch member who is an Aboriginal and Torres Strait Islander member.

27.3 A Branch Committee Ordinary Member (Casual Employees) is elected if, when the election request is made, there are at least 20 branch members who are employed on a casual basis.

27.4 The Branch general meeting may decide the number of Branch Committee Ordinary Members.

27.5 The Branch Secretary must give notice of such a decision to the General Secretary.

27.6 Such a decision takes effect for the election held following the next election request.

### Powers

27.7 A Branch Committee must present annually a full report of its work in the preceding year to the branch members.

27.8 A Branch Committee may:

(a) exercise the powers in rule 26.1;

(b) investigate and deal with disputes, grievances and concerns concerning branch members and negotiate with the institution for which the branch was formed and other relevant parties;

(c) recruit new members;

(d) establish a committee for the purpose of dealing with any matter or matters; and

(e) delegate its powers, except this power of delegation, to:

(i) one or a set of Branch Officers; or

(ii) a committee it has established, provided that to the extent that any such committee is exercising such a delegation, it shall consist only of officers.

### Procedure

27.9 The procedure for Branch Committee meetings is in Schedule 3, section H.

## 28 – Branch Officers

### General

28.1 The Branch Officers in each branch are:

(a) the Branch President; and

(b) the Branch Secretary; and either

(c) the Branch Vice-President [simpliciter]; or

(d) both of:

(i) the Branch Vice-President (Academic Staff); and

(ii) the Branch Vice-President (General Staff).

### Contingent offices

28.2 When the election request is made:

(a) if there are at least 20 branch members who are academic staff members and at least 20 branch members who are general staff members—a Branch Vice-President (Academic Staff) and Branch Vice-President (General Staff) are elected;

(b) otherwise—a Branch Vice-President [simpliciter] is elected.

### Branch President

28.3 A Branch President is:

(a) the head of the branch; and

(b) the spokesperson for the branch.

28.4 A Branch President may act under these Rules if the Branch Secretary has failed to do so.

### Branch Vice-President or Vice-Presidents

28.5 A Branch Vice-President must:

(a) assist the Branch President in the performance of their duties; and

(b) carry out such duties as the Branch President assigns to them.

### Branch Secretary

28.6 A Branch Secretary must:

(a) conduct the business and correspondence of the branch;

(b) keep such records and prepare such returns as may be required by law, or by the Union, to be kept by the branch; and

(c) unless excused, attend each Branch general meeting and Branch Committee meeting.

## 29 – Branch National Council representation

29.1 A branch is represented on the National Council as follows:

|  |  |
| --- | --- |
| **Members** | **Representative(s)** |
| 50 to 300 | The Branch President |
| 301 to 600 | 2 Branch National Council Representatives [simpliciter] |
| 601 or more | If there are at least 20 branch members who are academic staff members and at least 20 branch members who are general staff members—(a) a Branch National Council Representative (Academic Staff);(b) a Branch National Council Representative (General Staff); and(c) for every 300 members, or part thereof, over 600—a Branch National Council Representative [simpliciter].Otherwise—a Branch National Council Representative [simpliciter] for every 300 members, or part thereof, over 300. |

29.2 A branch’s representation on the National Council is calculated at the time that the election request is made and remains fixed until the next calculation.

## 30 – Branch membership

30.1 In this rule, ***employed by*** means:

(a) employed by or in connection with;

(b) usually employed by or in connection with; or

(c) engaged by or in connection with as an independent contractor.

30.2 A member is a branch member of:

(a) if employed by one institution—the branch (if any) for that institution;

(b) if employed by more than one institution—the branch (if any) for the institution by which they are predominantly employed, otherwise the branch (if any) for the institution by which they are next most predominantly employed.

30.3 Absent evidence to the contrary, it is presumed that a member is:

(a) if employed at an institution in the past 180 days—usually employed there; and

(b) if not employed at an institution in the past 180 days—not usually employed there.

## 31 – Branch formation

31.1 In this rule, ***employed by*** has the meaning given in rule 30.1.

31.2 The National Council and the National Executive must encourage the formation of branches.

31.3 The National Council or the National Executive:

(a) may form a branch for an institution or sector that at least ten members are employed by; and

(b) must form a branch for an institution, other than a controlled entity of another institution, that at least fifty members are employed by unless those members are, or are to be, covered by a sector branch.

31.4 A branch must be formed by reference to a defined class of members employed by or in connection with an institution or a sector.

31.5 Each branch is part of the division that covers the state or territory that most of its members are employed in, unless the National Executive decides otherwise.

31.6 More than one branch may be formed for an institution only with the consent of any branch and division with members who would be members of the proposed new branch.

31.7 A branch may change its name to reflect any change in the name of the relevant institution.

31.8 A branch must notify the General Secretary if it changes its name.

31.9 The National Council may re-form or abolish a branch.

31.10 The National Executive may re-form or abolish a branch as necessary consequent upon:

(a) the institution for which a branch was formed ceasing to have a separate legal identity;

(b) two or more institutions amalgamating; or

(c) a sector branch being formed by reference to a class of members some of whom are members of another branch.

## 32 – Sub-branches

32.1 In this rule, ***vacant*** means vacant both because of:

(a) a casual vacancy; or

(b) an insufficiency of nominations in an election for the position.

32.2 It is intended that, for the purposes of the Act:

(a) sub-branches are not branches of the Union; and

(b) the positions established by and under this rule are not offices.

32.3 A Branch Committee may establish a sub-branch consisting of the branch members who are:

(a) employed at:

(i) in the case of a sector branch—an institution;

(ii) otherwise—one or more campuses or workplaces of an institution; or

(b) if the branch has members from different divisions—members of the same division.

32.4 A sub-branch has the following positions:

(a) a Sub-Branch President; and

(b) if the Branch Committee decides, in each case:

(i) a Sub-Branch Vice-President;

(ii) a Sub-Branch Secretary; and

(iii) up to three Sub-Branch Representatives.

32.5 The sub-branch position holders may, subject to the decisions of the Branch Committee:

(a) hold meetings of sub-branch members; and

(b) assist the branch to advance the interests of the Union and the sub-branch’s members.

32.6 If a sub-branch position is vacant, the Branch Committee may appoint a sub-branch member to it.

32.7 A sub-branch may be abolished by:

(a) the Branch general meeting or the Branch Committee; or

(b) if all of the sub-branch positions have been vacant for more than four years, and 28 days’ notice of a resolution to abolish the sub-branch has been given to the Branch Secretary—the National Executive.

# Part 7 – Meetings and decisions

##

## 33 – Standing orders

33.1 A union body may make standing orders that govern the meetings of union bodies as follows:

|  |  |
| --- | --- |
| **Union body** | **Standing orders for meetings of**  |
| National Council | Any meeting |
| Aboriginal and Torres Strait Islander Policy Committee | Aboriginal and Torres Strait Islander Policy Committee |
| Division Council | Division general meetingDivision CouncilDivision Executive |
| Branch Committee | Branch general meetingBranch Committee |

## 34 – Chair

34.1 In this rule, ***union body***, ***first union officer*** and ***second union officer*** have the meaning given in the table below.

|  |  |  |
| --- | --- | --- |
| **Union body** | **First union officer** | **Second union officer** |
| General meeting of the Union under rule 57 – National CouncilNational Executive | National President | National Vice-President |
| Aboriginal and Torres Strait Islander Policy Committee (***Committee***) | Chair of the Committee | Deputy Chair of the Committee |
| Division general meetingDivision CouncilDivision Executive | Division President | Division Vice President |
| Branch general meetingBranch Committee | Branch President | Branch Vice-President |

34.2 Each meeting of a union body must be chaired by:

(a) the first union officer;

(b) in their absence—the second union officer;

(c) in the absence of both—a member of the union body appointed by the first union officer; or

(d) otherwise—a member of the union body appointed or elected by the meeting.

34.3 The chair of a meeting may call on another member to chair part of a meeting.

34.4 The chair of a meeting must preserve order thereat so that its business can be conducted with due form and propriety, in conformity with these Rules and any standing orders.

## 35 – Quorum

35.1 Except where these Rules provide otherwise, the quorum for a meeting of a union body is the majority of the current members of the body.

35.2 The quorum for a Division General Meeting is twenty-five members plus one percent of the members of the Division.

## 36 – Voting

36.1 Except where these Rules provide otherwise:

(a) each member who is eligible to vote at a meeting may vote in only one capacity;

(b) the chair of a meeting has no casting vote; and

(c) to be carried, a motion must be carried by a simple majority.

36.2 A member may vote only once on any motion put to a series of meetings.

## 37 – Proxies

37.1 The following union bodies may, by motion carried by an absolute majority, make, amend or repeal a proxy resolution under which any of its members may appoint another member as their proxy to vote at meetings of the union body:

(a) the National Executive;

(b) a Division Council;

(c) a Division Executive; and

(d) subject to the decisions of their Branch general meeting, a Branch Committee.

37.2 Such a proxy resolution must set out:

(a) that the appointment of a proxy must be in writing;

(b) the circumstances in which the appointment of a proxy is permitted;

(c) the maximum continuous duration, and the maximum proportion of the term of office of a member, during which a proxy may be appointed;

(d) that a member who may be appointed as a proxy must be:

(i) a member of the union body; or

(ii) eligible to be elected to the union office held by the appointing member; and

(e) that a member must not exercise more than two votes at a meeting.

37.3 The General Secretary must keep a register of current proxy resolutions.

37.4 The General Secretary must be notified of a proxy resolution.

37.5 A proxy resolution takes effect when it is entered into the register.

## 38 – Minutes

38.1 In this rule, ***relevant officer*** and ***relevant bodies*** have the meaning given in the table below.

|  |  |
| --- | --- |
| **Relevant officer** | **Relevant bodies** |
| General Secretary | Union general meetingNational CouncilNational Executive |
| Division Secretary | Division general meetingDivision CouncilDivision Executive (if any) |
| Branch Secretary | Branch general meetingBranch Committee |

38.2 Each relevant officer must:

(a) keep a minute book for each relevant body, in which is recorded the proceedings and resolutions of each meeting of that body; and

(b) in respect of each meeting of each relevant body except general meetings—give a copy of the portion of the minute book for the meeting, i.e. the ‘minutes of the meeting’, to each member to whom notice of the meeting must be given.

## 39 – Attendance

39.1 A union meeting may be held, in whole or in part, in confidential session and for that purpose the meeting may limit attendance to members of the relevant union body and such other persons as it decides.

39.2 Each member may, if facilities permit, without expense to the Union, attend a meeting of:

(a) the National Council;

(b) their Division Council; and

(c) their Branch Committee.

39.3 One representative of each branch may, if facilities permit, without expense to the national- or division-level budget, attend a meeting of:

(a) the National Executive; and

(b) their Division Executive (if any).

39.4 Union officers and officials have rights in respect of union meetings as follows:

|  |  |  |
| --- | --- | --- |
| **Union officer or official** | **Rights** | **Meetings** |
| National Officers | Attend and speak | Any meeting |
| National Officers except National Vice-Presidents | Appoint a representative to attend and speak on their behalf | Any meeting |
| Division Officer | Attend and speakAppoint a representative to attend and speak on their behalf | Any meeting held in the state or territory covered by the division |
| National Official | Attend and speak | National CouncilNational Executive |
| Division Official | Attend and speak | Division Council |

## 40 – Attendance expenses

40.1 The reasonable expenses of members of the following union bodies of attending meetings of those bodies as members thereof must be met out of the national-level budget:

(a) the National Council;

(b) the National Executive;

(c) a Division Council; and

(d) a Division Executive.

## 41 – Use of technology

41.1 A union body may hold a meeting by using any technology that allows its members to clearly communicate live with each other.

41.2 Where these Rules require a document to be signed, it may also be signed by the signatory:

(a) affixing an image of their signature to an electronic document; or

(b) stating in a reply e-mail that that e-mail stands as their signature.

## 42 – Motion put by e-mail flying minute

42.1 Where an initiating union officer considers that a decision of a relevant union body should be made before the next scheduled meeting of that body, they may send an e-mail flying minute, as follows:

|  |  |
| --- | --- |
| **Initiating union officer** | **Relevant union bodies** |
| National PresidentGeneral SecretaryNational Assistant Secretary | National Executive |
| Chair of the National Aboriginal and Torres Strait Islander Policy CommitteeDeputy Chair of the National Aboriginal and Torres Strait Islander Policy Committee | National Aboriginal and Torres Strait Islander Policy Committee |
| Division PresidentDivision Secretary | Division CouncilDivision Executive (if any) |
| Branch PresidentBranch Secretary | Branch Committee |

42.2 An e-mail flying minute is a motion and explanatory statement, which statement must explain why the motion should be considered before the next scheduled meeting of the relevant union body, which is e-mailed to each member of the union body along with the question ‘Do you support the motion?’ and a time and date by which voting on the motion must be undertaken.

42.3 The time and date specified must be at least the following period after the motion is e-mailed, excluding Sundays:

(a) where the initiating union officer considers the matter to be time critical—48 hours;

(b) otherwise—96 hours.

42.4 A minute must be e-mailed such that its recipients can reply either to the sender only, or to the other members of the union body for the purposes of discussion or to disclose how they voted.

42.5 To vote in favour of, or against, the motion, a recipient must reply ‘yes’ or ‘no’, respectively.

42.6 A recipient may change or revoke their vote whilst voting is open.

42.7 To be carried, the motion must:

(a) be carried by an absolute majority; and

(b) receive more than twice as many votes in favour as were received against.

42.8 The initiating union officer must submit to the next meeting of the union body a report on the result of the minute which sets out:

(a) the motion and the explanatory statement;

(b) the number of votes received in favour of, and against, the motion;

(c) the names of the members who voted and how they voted; and

(d) the number of members who abstained or did not respond.

42.9 If the motion is carried, the text of the motion must be included in the minutes of the next meeting of the union body.

## 43 – National Council electronic vote on motion

43.1 The National Council or the National Executive may initiate an electronic vote of the National Council on a motion.

43.2 The vote must be conducted by a member appointed by the National Council or the National Executive.

43.3 That member must give notice of the motion to each member of the National Council and Branch Secretary at least 14 days before voting opens.

43.4 That member, having had regard to the significance and urgency of the motion, must allow a reasonable time for votes to be cast.

43.5 To be carried, the motion must be carried by an absolute majority.

43.6 Votes must be counted as they are cast and the result announced as soon as it is known.

43.7 The General Secretary must record, in the minutes of the next National Council meeting, in respect of each member of the National Council, whether they:

(a) voted in favour of the motion;

(b) voted against the motion;

(c) advised that they would abstain from voting; or

(d) otherwise did not cast a vote.

## 44 – National or division plebiscite

44.1 In this rule, ***relevant members***, ***initiating bodies***, ***notified body***, ***appointing body*** have the meaning given in the table below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Members** | **Initiating bodies** | **First body** | **Second body** |
| Members | National CouncilNational Executive | National Executive | National Council |
| Division members | Division CouncilDivision Executive | Division Council | Division Council |

44.2 A plebiscite of the relevant members:

(a) may be initiated by one of the initiating bodies; and

(b) must be initiated by a first body if it receives a written request to do so signed by 5% of the relevant members.

44.3 A request must include:

(a) the motion to be put in the plebiscite; and

(b) the name, name of branch and date of signing of each signatory.

44.4 The motion must be a motion that could be carried by the second body.

44.5 The dates of signing of the signatories must all fall within a 60 day period.

44.6 A plebiscite must be conducted by a member appointed by the first body.

44.7 That member must:

(a) give notice of the motion to the relevant members at least 14 days before voting opens; and

(b) allow a reasonable time for votes to be cast.

44.8 For the motion to be carried:

(a) 25% of relevant members must vote; and

(b) a majority must vote in favour of the motion.

44.9 A resolution made under this rule has effect as if it had been made by the second body.

# Part 8 – Officers

## 45 – Duties

45.1 Union officers must:

(a) inform themselves of the affairs of the Union relevant to the office they hold;

(b) attend the meetings of all the union bodies that they are a member of, provided that neither occasional absences for any reason, nor absence for proven good cause, such as illness, nor absence for which leave of the relevant body has been given in advance by resolution, shall constitute a breach of this sub-rule;

(c) represent the views of the members who were eligible to elect them; and

(d) faithfully convey they views of the union bodies of their branch or division;

(e) in the case of officers whose duties includes representing their branch or division on a division- or national-level union body—as appropriate, report back to the meetings of the members and union bodies that they represent;

(f) implement union policies and decisions; and

(g) comply with a request made by the National President under rule 20.6.

## 46 – Elections

46.1 The election of union offices and positions is dealt with in Schedule 4.

## 47 – Temporary unavailability or incapacity

47.1 In this rule:

(a) ***act in the office*** means:

(i) exercise the powers of the office, including to vote; and

(ii) carry out the duties of the office; and

(b) ***first officer***, ***acting officer*** and ***deciding body*** have the meaning given in the table below.

|  |  |  |
| --- | --- | --- |
| **First officer** | **Acting officer** | **Deciding body** |
| National President | A National Vice-President | National Executive |
| General Secretary | The National Assistant Secretary | National Executive |
| Division President | A Division Vice-President | Division Executive |
| Division Secretary | A Division Assistant Secretary | Division Executive |
| Branch President | A Branch Vice-President | Branch Committee |
| Branch Secretary | The Branch President | Branch Committee |

47.2 If a first officer plans to be temporarily unavailable to carry out their duties during a period, they must appoint, in writing, an acting officer to act in the office of the first office for that period.

47.3 A deciding body must appoint an acting officer to act in the office of a first officer during any period in which:

(a) a first officer is temporarily unavailable to carry out their duties and an acting officer has not been appointed; or

(b) a first officer is temporarily incapable of carrying out their duties.

47.4 Where the first officer and the acting officer(s) are all temporarily unavailable or incapable then the deciding body must appoint a member of the deciding body to act in the office of the first officer during the period in which that is the case.

## 48 – Acting officers

48.1 In this rule, ***act in the office*** has the meaning given in rule 47.1(a).

48.2 Where a casual vacancy arises in a relevant office the term of which has more than 9 months to run, a relevant body must appoint a member who is eligible to be elected to that office to act in the office until a member is elected to fill the vacancy, as follows:

|  |  |
| --- | --- |
| **Relevant office** | **Relevant body** |
| National PresidentNational Vice-President (Academic Staff)National Vice-President (General Staff)General SecretaryNational Assistant SecretaryNational Executive Ordinary Member | National Executive |
| Division SecretaryDivision Assistant Secretary [simpliciter]Division Assistant Secretary (Academic Staff)Division Assistant Secretary (General Staff) | Division CouncilDivision Executive |

## 49 – Cessation of office

49.1 A member ceases to hold an office under these Rules if:

(a) they resign from it under rule 49.3 or die;

(b) they are removed from it under rule 50.2;

and ceases to be eligible to hold an office under these rules if:

(c) they become ineligible under rule 49.8, 49.9, 49.10 or 49.12;

(d) they cease to be a financial member; or

(e) they cease to be a member.

49.2 The General Secretary must provide a readily accessible online form by way of which a union officer may give notice to the General Secretary that they resign from a union office.

49.3 A member may resign from a union office by submitting the form.

49.4 The form must require only the following information to be provided:

(a) the name of the member;

(b) the name of the office, including the branch or division of the office, from which the member is resigning;

(c) the membership number or date of birth of the member; and

(d) whether the resignation takes effect:

(i) 14 days after it is submitted; or

(ii) on some later date, which the member must specify.

49.5 The form must give the member the opportunity to make any comment they wish to make.

49.6 The General Secretary must, generally by the next working day:

(a) advise the following that the notice has been received and the date that the resignation is set to take effect:

(i) the Branch Secretary of the member’s branch;

(ii) the Division Secretary of the member’s division and of any division of which the member is a member of the Division Council; and

(iii) in the case of the resignation of a member of the National Executive—the National Executive; and

(b) notify the member:

(i) that their notice has been received;

(ii) of the date that the resignation is set to take effect; and

(iii) that the notice of resignation may be revoked.

49.7 If the resignation is revoked, the General Secretary must advise those listed in rule 49.6(a) of the same.

49.8 A Division Officer or Division Executive Ordinary Member ceases to hold that office if they cease to be a division member.

49.9 A member of a Branch Committee ceases to hold the office by which they became such a member if they become a member of another branch. A Branch National Council Representative ceases to hold that office if they become a member of a Branch other than the one for which they were elected

49.10 A member who holds any of the following union offices ceases to hold that office if they hold any other union office at the same time for more than 90 consecutive days:

(a) National President;

(b) General Secretary;

(c) National Assistant Secretary; and

(d) Division Secretary.

49.11 A member who is elected or appointed to an office which may not be held at the same time as another office ceases to hold the latter office.

49.12 A Branch Committee member who does not attend 3 consecutive committee meetings ceases to hold office unless, by the end of the next committee meeting, the Committee resolves that the explanation given by the member for not attending is satisfactory.

## 50 – Removal from office

50.1 In rule 50.2, ***removing body*** and ***relevant officer*** have the meaning given in the table below.

|  |  |
| --- | --- |
| **Removing body** | **Relevant officer** |
| National Council | Member of the National Executive except a Division Secretary or the Chair of the National Aboriginal and Torres Strait Islander Policy Committee |
| National Aboriginal and Torres Strait Islander Policy Committee | Member of the National Aboriginal and Torres Strait Islander Policy Committee |
| Division Council | Division OfficersMember of the Division Executive except the Division Aboriginal and Torres Strait Islander Representative |
| Branch general meeting or Branch Committee on the appointment of the Branch general meeting for a specific case | Member of the Branch CommitteeBranch National Council Representative |

50.2 A removing body may remove a relevant officer from office if:

(a) they have been given at least 28 days’ notice of the time and place of the meeting at which their removal from office is to be considered;

(b) they have been given:

(i) the terms of a proposed resolution to remove them from office;

(ii) the charges upon which that resolution is based;

(iii) an outline of the facts that will be asserted against them; and

(iv) any documents that may be relied upon;

(c) they are given a reasonable opportunity to present and test evidence at, and make submissions to, the meeting; and

(d) by resolution, it finds that they are guilty of:

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of these Rules; or

(iii) gross misbehaviour or gross neglect of duty.

50.3 A resolution made under rule 50.2 must be carried by:

(a) in the case of a Branch general meeting—a majority of branch members present;

(b) otherwise—an absolute majority.

50.4 Wherever a member ceases to be eligible to hold an office under 49.1 (c ) , (d) or (e ) , the removal from office is to occur as follows:

(a) The member must advise the General Secretary that they have ceased to be eligible and the reason for that, and the General Secretary shall give effect to the cessation of office in the Union’s records and advise any relevant Union bodies; or

(b) If the General Secretary, a Division Secretary or a Branch Secretary concludes that a member has ceased to be eligible to hold an office, they must give notice to the member in writing (unless the member has already been sent a notice by another officer) stating that the member has ceased to be eligible to hold that office and that, unless the member disputes that conclusion in writing by a notice to the General Secretary, specifying the reasons why the conclusion is wrong and why the member continues to be eligible to hold the office, within seven days of receiving the notice, the member will be deemed to have been removed from the office.

(c) Where a member has disputed that they have ceased to be eligible to hold office under 50.4 (b), the matter will be determined by the next meeting of the National Executive, which must have received, before the meeting, copies of both notices referred to in that sub-rule.

(d) A member will be deemed to have been removed from the office under this sub-rule with effect from;

(i) the day on which the member ceased to be eligible to hold the office, or if that is not known;

(ii) the date the officer sending the notice formed the conclusion that the member had ceased to be eligible to hold the office.

# Part 9 – Financial

##

## 51 – Responsible officers

51.1 Union officers may, subject to the specified limitation, spend union funds and incur debts on behalf of the Union pursuant to the decisions of the relevant bodies or in respect of the ordinary operations of the Union at the relevant level, as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Union officer** | **Specified limitation** | **Relevant bodies** | **Relevant level** |
| General Secretary | None | National CouncilNational Executive | National |
| Division Secretary | Within the budget line of the division | Division CouncilDivision Executive (if any) | The division |
| Branch Secretary | Within the budget line of the branch | Branch general meetingBranch Committee | The branch |

51.2 The General Secretary must:

(a) keep a correct statement of all monies received and expended by the Union;

(b) prepare and submit a current financial statement to the National Executive meeting (other than a short meeting held for a specific purpose) held more than 60 days after the previous meeting in which that was done; and

(c) when called upon by the National Executive to do so, produce all documentation in support of the same.

51.3 A Division Secretary must:

(a) submit all accounts received by the division to the General Secretary for payment; and

(b) report to the Division Council and the Division Executive (if any) on any financial matters affecting the division.

51.4 A Branch Secretary must:

(a) submit all accounts received by the branch to the General Secretary for payment; and

(b) report to the Branch Committee on any financial matters affecting the branch.

51.5 The General Secretary and each Division Secretary and Branch Secretary must receive all monies paid to the Union and pay the same to the credit of the Union in such bank or other financial institution as the National Executive decides.

51.6 The National Executive must appoint a National Vice-President who is not employed by nor receiving a salary from the Union or, if there is no such National Vice-President, a member of the National Executive who meets those criteria to assist the General Secretary in their preparation of budgets for consideration by the National Council and the National Executive and financial statements required under these Rules or the Act.

## 52 – Expenditure policies

52.1 The National Executive must, subject to the decisions of the National Council, develop and implement policies relating to the expenditure of the Union.

52.2 Each Division Secretary and Branch Secretary must develop and implement policies relating to the expenditure of their division or branch that are not inconsistent with the policies or directions made under rules 52.1 and 52.3.

52.3 The General Secretary must, subject to the decisions of the National Executive and the National Council, make policies and give directions regulating the expenditure of divisions and branches, and such policies and directions must be followed by union officers.

52.4 The General Secretary is responsible for deciding whether to approve all union expenditure.

52.5 The accounts of the Union may only be operated by any two persons authorised by the National Executive.

## 53 – Budgets

53.1 By 31 January each year, the General Secretary must notify each Division Secretary and Branch Secretary of the date by which each Division Council and Branch Committee may submit to the General Secretary a draft division or branch budget for the next financial year.

53.2 The National Executive must:

(a) consider any draft budgets submitted under rule 53.1;

(b) make a draft budget for the next financial year; and

(c) submit it to the National Council.

53.3 The National Council:

(a) must consider the draft budget submitted under rule 53.2(a); and

(b) may make recommendations to the National Executive as to its contents.

53.4 The National Executive must:

(a) consider any recommendations made under rule 53.3(b); and

(b) make a final budget.

53.5 The National Executive may amend a final budget.

53.6 For each draft budget and final budget:

(a) the budgeted expenditure part must be divided into lines (under which further detail may be set out) for the budgeted expenditure of the national level, each division and each branch (***budget line***);

(b) the sum total of the budgeted expenditure of the divisions and branches must be at least 63% of the budgeted income from dues; and

(c) the allocation of budgeted expenditure between each division and branch must be done on a prudent and equitable basis having regard to their needs and membership.

## 54 – Reporting

54.1 The National Executive must lay before the National Council annual meeting a balance sheet and a statement of income and expenditure in respect of the previous financial year.

54.2 The General Secretary must, on the request of a member regarding their branch or division made within five months of the end of the financial year, provide the member with a report setting out in respect of that financial year the amount and nature of all expenditure of the branch or division, including any grants or donations made, and such other information as is necessary for the member to understand the financial activities of the branch or division.

## 55 – Audit

55.1 The National Executive must ensure that an auditor for the Union is appointed at all times.

55.2 The accounts of the Union must be audited yearly.

## 56 – Loans, grants and donations

56.1 In this rule, ***relevant body or bodies*** means:

(a) the National Executive; and

(b) if the loan, grant or donation is to be made a Division Council, Division Executive, Branch general meeting or Branch Committee—that union body.

56.2 This rule does not apply to payments made by the Union by way of provision for, or reimbursement of, out-of-pocket expenses incurred by persons for the benefit of the Union.

56.3 The Union must not make a loan, grant or donation of an amount exceeding $1,000 unless the relevant body or bodies:

(a) are satisfied that the making of the loan, grant or donation would be in accordance with these Rules;

(b) in the case of a loan—are satisfied 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

(c) have approved the making of the loan, grant or donation.

## 57 – General meeting about financial reports

57.1 The General Secretary must convene a general meeting of the Union for the purpose of considering the auditor’s report, general purpose financial report and operating report of the Union if they receive a written request to do so signed by 5% of all members.

57.2 Notwithstanding rule 60.1, the determination of the number of members that constitute 5% of all members for the purposes of rule 57.1 includes members who are not financial members.

57.3 A request must include the name, name of branch and date of signing of each signatory.

57.4 The General Secretary must give 28 days’ notice of such a meeting to each member.

57.5 Such a meeting may be a series of meetings held at different locations.

## 58 – Financial year

58.1 The financial year of the Union is the year ending on 30 June.

# Part 10 – Other

##

## 59 – Time

59.1 Where these Rules require something to be done but do not specify a time in which it must be done, it must be done as soon as reasonably practicable.

## 60 – Counting membership

60.1 Where these Rules require the determination of a number of members, it must be made based on the best information that the General Secretary has of the number of financial members as at the end of the previous month.

## 61 – Communication

61.1 In this rule, ***notice*** means a notice, application or other document under these Rules.

61.2 A member may give a notice to the Union by sending it, in hard copy or electronic form, to the General Secretary or any union officer or employee specified by them for the purposes of this rule.

61.3 The Union may give a notice to a member by sending it to:

(a) the e-mail address recorded for the member in the register of members; or

(b) an e-mail address provided to the member by the Union for union purposes.

61.4 The accidental failure to give a notice required by these Rules does not, alone, invalidate a decision made by a union body.

## 62 – Union employees

62.1 The appointment, dismissal and direction of union employees must occur on the authority of the General Secretary.

62.2 Union employees are responsible to the National Executive.

62.3 The National Executive may decide the pay and conditions of employment of:

(a) salaried National and Division Officers; and

(b) union employees.

62.4 The National President:

(a) is the chair of any selection committee to appoint employees who will be assigned to the work of the national office; and

(b) must consult with the General Secretary on matters relating to the day-to-day supervision and direction of union employees who have been assigned to the work of the national office.

62.5 The General Secretary:

(a) is responsible for the day-to-day supervision and direction of union employees who have been assigned to the work of the national office; and

(b) is the secretary of any selection committee to appoint employees who will be assigned to the work of the national office;

(c) must, subject to the decisions of the National Executive, delegate to the relevant Division Secretary, or another union officer agreed between the General Secretary and the Division Secretary, the power to direct the union employees who have been assigned to the work of the division; and

(d) must develop and implement employment policies that apply to all union employees.

62.6 A Division President must consult with the Division Secretary on staffing matters in their division.

62.7 A Division Secretary is responsible for staffing matters in their division.

## 63 – Register of delegations

63.1 The General Secretary must keep a register of delegations that records each delegation of a power made by a union body or union officer regarding union employees or financial matters.

63.2 Each relevant officer must advise the General Secretary of the terms of each such delegation made by each delegating union body or officer as follows:

|  |  |
| --- | --- |
| **Relevant officer** | **Delegating union body or officer** |
| Each union officer | Themselves |
| Division Secretary | Division CouncilDivision Executive (if any) |
| Branch Secretary | Branch Committee |

## 64 – Execution of documents

64.1 Any document or instrument not required by law to be executed by being sealed may be executed on behalf of the Union by any two National Officers signing it.

## 65 – Common seal

65.1 The Union has a common seal.

65.2 The General Secretary must maintain custody of the common seal.

65.3 The common seal may only be affixed to a document or instrument required by law to be executed by being sealed.

65.4 The affixing of the common seal must be witnessed and attested by two National Officers.

## 66 – Representation in industrial proceedings

66.1 Acts done by a union officer or official acting on the instructions of the National Council, the National Executive, the General Secretary, the Assistant National Secretary, a Division Council or a Division Secretary in respect of the submission or notification of a claim, demand, matter or dispute to the FWC, a court or other body are deemed to the acts of the instructing union body or officer.

66.2 The Union may only be represented at the hearing of any claim, demand, matter or dispute before the FWC, a court or other body by a person or persons authorised by the National Executive or the General Secretary.

66.3 The Union may only be represented in respect of a matter described in rule 22.3(c) by a person or persons authorised by the Division Council, the Division Executive or the Division Secretary.

## 67 – Amendment of these Rules

67.1 In this rule:

(a) ***meeting*** means the meeting at which a motion is carried; and

(b) ***motion*** means motion to amend these Rules.

67.2 In accordance with the procedure in rule 67.4:

(a) the National Council may amend these Rules; and

(b) the National Executive may amend:

(i) Schedule 1; or

(ii) these Rules as necessary to give effect to a mandatory legislative requirement and as strictly consequential or incidental to such giving of effect.

67.3 The National Council may amend these Rules in accordance with the procedure in rule 43.

67.4 The procedure in this rule is:

(a) notice of the motion must be given to the General Secretary:

(i) in the case of the National Council—at least 56 days before the meeting;

(ii) in the case of the National Executive—at least 20 days before the meeting;

(b) the General Secretary must give notice of the motion to—

(i) in the case of the National Council—each Division Secretary and Branch Secretary at least 42 days before the meeting;

(ii) in the case of the National Executive—each member of the National Executive, and Division Secretary and Branch Secretary at least 14 days before the meeting;

(c) the motion must appear in, or be appended to, the agenda of the meeting; and

(d) the motion, which may, before it is carried, be amended in any way that does not substantially alter its character, must be carried by an absolute majority.

67.5 An amendment to these Rules does not shorten the term of office of any union officer holding office at the time that the amendment takes effect.

67.6 In addition to all other procedures, the following motions must be carried by a majority of votes cast in a majority of divisional delegations where a divisional delegation is the members of the National Council who are members of the same division:

(a) a motion to amend or remove rule 53.6(b); and

(b) a motion to amend or remove this rule.

## 68 – Name of the Union

68.1 The name of the Union is the National Tertiary Education Industry Union.

68.2 The Union may refer to itself as the National Tertiary Education Union or the NTEU.

# SCHEDULE 1 - Eligibility for Membership

6.1 Persons shall be eligible for membership who are employed as academic staff in the industry of persons employed in or in connexion with tertiary education in the Australian Capital Territory, the Northern Territory and the States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; or in the other occupations specified in this sub-rule who are employed in the industry of persons employed in or in connexion with higher education in the Australian Capital Territory, the Northern Territory and the States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; or who are employed in the industry of persons employed in or in connexion with tertiary or adult education in Victoria; in any one or more of the following positions or in any class of work which forms a substantial part of the duties of such positions:

(a) Deputy Vice-Chancellor, Pro-Vice-Chancellor, Vice-Principal, Deputy Principal, Assistant Principal, Professor, Associate Professor, Assistant Professor, Reader, Principal Lecturer,

 Senior Lecturer, Lecturer, Assistant Lecturer, Associate Lecturer, Principal Tutor, Senior Tutor, Tutor.

(b) Professorial Fellow, College Fellow, Senior Fellow, Principal Fellow, Junior Fellow, Fellow, Principal Research Fellow, Senior Research Fellow, Junior Research Fellow, Research Fellow, Senior Teaching Fellow, Teaching Fellow, Institute Fellow.

(c) (i) Senior Research Assistants and Research Assistants (other than in Australian Capital Territory, Northern Territory, New South Wales, Queensland, Tasmania and Western Australia).

(ii) Research Officers at the Australian National University

(d) Senior Demonstrator, Demonstrator, Senior Instructor, Instructor, Principal Instructor, Senior Supervisor, Supervisor, Clinical Supervisor, Clinical Educator, Nurse Educator, Clinical Teacher, Clinical Instructor, Clinical Tutor, Language Teacher.

(e) Director of School, Director of Department, Head of School, Head of Department, Head of Courses and Planning, Director of Institute, Director of Specialist Centre, Director of Unit, Chairperson of Department, Director of Division, Co-ordinator, Head of Faculty, Deputy Director of School, Deputy Director of Department, Deputy Head of School, Deputy Head of Department, Deputy Head of Courses and Planning, Deputy Director of Institute, Deputy Director of Specialist Centre, Deputy Director of Unit, Deputy Chairperson of Department, Deputy Director of Division, Deputy Co-ordinator, Deputy Head of Faculty.

(f) Dean, Sub-Dean, Associate Dean, Dean of Faculty.

(g) (i) (other than at the University of Newcastle, the University of New South Wales and the University of Wollongong) University Librarian, Assistant University Librarian, Associate Librarian and Deputy Librarian.

(ii) (other than in Universities in the Australian Capital Territory, New South Wales, Queensland, Tasmania, and Western Australia) Assistant Librarian and Principal Librarian.

(iii) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Queensland and Tasmania) Senior Librarian.

(iv) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Queensland, Tasmania and at Murdoch University) Librarian and Divisional Librarian.

(v) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Queensland, Tasmania and Western Australia) Library Assistant and other qualified library staff.

(h) (i) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Western Australia), Registrar, Bursar and Deputy Bursar.

(ii) (other than in Universities in the Northern Territory, New South Wales, Tasmania and Western Australia) Assistant Registrar.

(iii) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Tasmania and Western Australia) Deputy Registrar.

(iv) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales and Tasmania) University Secretary.

(v) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Tasmania and Western Australia) Business Manager and Comptroller.

(vi) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Tasmania and Western Australia) Principal Administrative Officer, Senior Administrative Officer, Administrative Officer, Professional Officer and other Administrative Staff.

(i) (i) (other than in Universities in New South Wales) Physician.

(ii) (other than in Universities in the Australian Capital Territory, New South Wales, and Tasmania) Senior Student Counsellor.

(iii) (other than in Universities in the Australian Capital Territory, Tasmania and New South Wales except the University of Sydney) Student Counsellor.

(j) (i) (other than at the University of Newcastle, the University of New South Wales, the University of Wollongong, the University of Western Australia and Murdoch University) University Archivist.

(ii) (other than in Universities in the Australian Capital Territory, New South Wales, Queensland, Tasmania and Western Australia) Senior Archivist and Archivist.

(k) Warden and Head of a University Hall, Residence or College.

(l) (i) (other than in Universities in the Australian Capital Territory, New South Wales, Tasmania and Western Australia) University Architect.

 (ii) (other than in Universities in the Australian Capital Territory, New South Wales, Tasmania and Western Australia) Deputy University Architect and other qualified Architects employed in the University Architect's office, University Engineer, Deputy University Engineer, Controller of Buildings, Controller of Buildings and Grounds and Controller of Grounds.

6.2 Notwithstanding anything contained in sub-rule 6.1 of this Rule, membership of the Union shall be open to persons in the following positions:

(a) The positions of all professional, administrative, clerical, computing and technical staff (not including catering and hospitality, cleaning, security, parking attendants, caretakers and handy persons, gardening, child care, trades up to and including the level of leading hands, and health, fitness and leisure instructors and attendants, but including managerial positions) employed by associations of students or students and others, whether incorporated or not, which exist primarily or exclusively for the purpose of providing services to, or representation of, students of tertiary education institutions.

 (b) The positions of professional, administrative, clerical, computing and technical staff employed by the Australian National University or the University of Canberra, not including tradespersons or, at the University of Canberra, nurses; but including the following occupations howsoever named:

 Transport Officers

 House Officers/Assistants

 Building Supervisors

 Gallery/Museum Attendants

 Sports Centre Attendants

 Swimming Pool Attendants

 Dental Assistant

 Library Attendant

 Veterinary Assistant

 Pojectionist

 Animal Nurse

 Graphic Artist

 Artist

 Laboratory Attendants

 Curatorial Assistant

 Driver

 and the following classes of work (howsoever named):

 Photography

 Mail sorting and distribution

 Supply and stores work

 Managerial

 Supervisor (but not supervisory in relation to food or liquor catering)

 (c) The positions of employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed wholly or substantially in the higher education industry or in or in connexion with the provision of other educational programmes, by the University of Melbourne, La Trobe University, the Victorian College of Agriculture and Horticulture Limited, Ballarat University College, Deakin University, Swinburne University of Technology, La Trobe University College of Northern Victoria, Victoria University of Technology, Victorian College of Pharmacy, Hawthorn Institute of Education Limited, Victorian College of the Arts, the Royal Melbourne Institute of Technology and the Australian Catholic University in the State of Victoria and in the Australian Capital Territory.

 (d) Positions of employees in professional, administrative, clerical and technical occupations (excluding trades, but including Attendant-Building, Parking Attendant, Engineering Services

Officer and Plant Technician) employed wholly or substantially in the higher education industry or in or in connexion with the provision of other educational programmes, by Monash University.

 (e) Positions of employees employed by the Adelaide University Union Bookshop Pty Ltd., and the positions of employees of the University of Adelaide employed wholly or substantially in the higher education industry or in or in connexion with the provision of other educational programmes.

 (f) The positions of all professional, administrative, clerical, computing and technical staff employed by associations of staff (or branches of such associations) of universities and Colleges of Advanced Education in Victoria (other than, subject to sub-rule 6.2.(g) of this Rule, Deakin University, La Trobe University, Monash University, the University of Melbourne and the Victoria University of Technology), which associations (incorporated or unincorporated) are established in connexion with such universities or Colleges of Advanced Education or any one or more of them.

 (g) The positions of keyboard, secretarial clerical, administrative, technical, and professional staff employed by the Howard Florey Institute, the Walter and Eliza Hall Institute, the Baker Institute, the Ludwig Institute and the Murdoch Institute.

 (h) The positions of all keyboard, secretarial, clerical, administrative, technical, and professional staff employed in Colleges of Technical and Further Education in the State of Victoria except the positions of:

 (i) all classes of Nursing employees

 (ii) all classes of employees engaged in childcare work including Mothercraft Nurses

 (iii) teaching staff.

 (i) The positions of all keyboard, secretarial, clerical, administrative, technical, and professional staff:

 (i) employed in Victoria by the Council of Adult Education; or

 (ii) employed in Victoria by a non-profit, community-based provider of adult, continuing or further education which provider's primary or exclusive business is the provision of adult, continuing or further education

but not including:

 (iii) the Director of the Council of Adult Education;

 (iv) the positions of persons eligible to be members of the Australian Social Welfare Union;

 (v) Crown employees.

 (j) The positions of persons employed in Victoria by a non-profit provider of adult, continuing or further education in the following occupations:

 (i) adult literacy and basic education co-ordinator (howsoever named), being an employee who organises for adults the provision of courses of study towards the completion of certified education at the secondary level of education and/or the provision of literacy or numeracy education including courses in English as second language; or

 (ii) further education short-course co-ordinator (howsoever named) being an employee who organises for adults the provision of courses of study for the purposes of skill development, recreation or personal development;

 but not including:

 (iii) the Director of the Council of Adult Education;

 (iv) the positions of persons eligible to be members of the Australian Social Welfare Union;

 (v) Crown employees.

 (k) The positions of Reader Services Librarian, Technical Services Librarian, Computer Centre Manager and Counsellor who are paid on academic salary scales at the Australian Maritime College; and positions occupied by persons as at 1 June 1993 who are paid on academic salary scales:

 (i) In Colleges of Advanced Education in Queensland: Principal Librarian, Counsellor and Computer Manager;

 (ii) In Colleges of Advanced Education in Tasmania other than the Australian Maritime College: Reader Services Librarian, Technical Services Librarian, Computer Centre Manager and Counsellor;

 (iii) In Colleges of Advanced Education in Western Australia: Principal Librarian, Senior Librarian and Counsellor;

 (iv) In Colleges of Advanced Education in the Australian Capital Territory: Registrar, College Secretary, Librarian and Counsellor.

 (l) The following positions:

 (i) Macquarie University: Student Medical Officer;

 (ii) Murdoch University: Veterinary Resident, Senior Education Officer, Education Officer, Assistant Education Officer, Research Assistant (where there is an academic nexus and status) Research Officer (where there is an academic salary nexus and status);

 (iii) University of Sydney: Student Health Doctor;

 (iv) University of Tasmania (Hobart Campus): Business Manager (only persons employed in such position(s) as at 1 June 1993 and only while the occupant(s) of the position(s) retains an academic salary nexus) Senior Administrative Officer (only persons employed in such position(s) as at 1 June 1993 and only while the occupant(s) of the position(s) retain an academic salary nexus) Library Staff (while the occupants of the positions retain an academic salary nexus);

 (v) University of Western Australia: Curator of the Anthropology Museum.

 (vi) The positions of any persons employed by the University of Western Australia who have an academic salary nexus and academic status.

 (vii) University of Western Australia: Director - Student Health Service, Deputy Registrar, Director - Media Services, Director - University Extension, Senior Extension Officer, Extension Officer. Provided that, subject to sub-rule 6.2.(l)(vi) of this Rule, only such persons who occupied one of these positions on 28 May 1985 shall be eligible for membership.

 (m) (i) The General Secretary of the Federated Australian University Staff Association, the General Secretary of the Union of Australian College Academics, the Secretary of the Union of Australian College Academics (Victorian Branch), and the Secretary of the Union of Australian College Academics (South Australian Branch), as at the date of amalgamation of the Federated Australian University Staff Association, the Union of Australian College Academics, the Australian Colleges and Universities Staff Association, the Australian National University Administrative and Allied Officers Association and the University of Adelaide General Staff Association.

 (ii) The Secretary of the Australian Colleges and Universities Staff Association, as at the date of the amalgamation of the Federated Australian University Staff Association, the Union of Australian College Academics, the Australian Colleges and Universities Staff Association, the Australian National University Administrative and Allied Officers Association and the University of Adelaide General Staff Association.

 (n) The positions of professional, administrative, computing and clerical (but not technical or trades) staff employed by the Northern Territory University.

6.3 All members of the Union shall be entitled to retain their membership status in the event that they become employees of the Union.

6.4 Notwithstanding anything contained in this Rule, persons who are, as at the date of registration of the National Tertiary Education Industry Union, members of the Australian Colleges and Universities Staff Association and who are employees of the Federated Australian University Staff Association, the Union of Australian College Academics, the Australian National University Administrative and Allied Officers Association or the University of Adelaide General Staff Association shall be eligible for membership of the Union.

6.5 Notwithstanding sub-rules 6.1, 6.2, 6.3 and 6.4 of this rule, the following persons shall not be eligible for membership of the Union:

 (a) Persons engaged in any clerical capacity and/or engaged in the occupation of shorthand writers and typists and/or on calculating, billing or other machines designed to perform or assist in performing any clerical work whatsoever in any Institution located outside Victoria, South Australia and the Australian Capital Territory.

 (b) If the position of Assistant Vice-Chancellor of the Australian National University becomes a statutory office under the Australian National University Act 1946, the occupant of that position.

 (c) A person employed by the Australian National University who was eligible as at 24 August 1972 for membership of The Federated Miscellaneous Workers' Union of Australia.

 (d) Persons employed by the Australian National University who were eligible for membership of the Technical Service Guild of Australia as at 21 December 1976 and who are engaged for the majority of their time in servicing, repairing, maintaining, structurally altering and/or assembling business equipment, unless they were members of the Australian National University Administrative and Allied Officers Association at 21 December 1976 and wish to remain members of the Union.

 (e) A person employed by the Australian National University who was eligible as at 21 December 1976 for membership of the Printing and Kindred Industries Union.

 (f) Persons employed as teacher, principal teacher, tutor or Associate Director/Head of School (howsoever called) in Technical and Further Education Colleges (howsoever called) in Queensland.

 (g) Persons employed in any non-academic capacity in any Technical and Further Education Colleges (howsoever called) other than in Victoria.

 (h) Persons who would be eligible only by virtue of the reference to:

 Supervisor, Senior Supervisor, Director of Division, Co-ordinator, Deputy Director of School, Director of Department, Deputy Director of Department, Deputy Head of Department, Deputy Head of Courses and Planning, Deputy Director of Division, Deputy Co-ordinator;

 in Sub-rules 6.1(d) and (e), and are eligible for membership of the State Public Services Federation.

 (i) Persons employed by Curtin University, Edith Cowan University, University of South Australia, University of Western Sydney, University of Technology Sydney, Charles Sturt University, Australian Catholic University (New South Wales and Queensland campuses), University of Tasmania (Launceston campus), University of Southern Queensland, University of Central Queensland and the Queensland University of Technology who would be eligible for membership of the Union only by virtue of Sub-rules 6.1(g), (h), (i), (j), (k) or (l); except persons who were members of the Federated Australian University Staff Association as at 1 June 1993.

 (j) deleted.

6.6 The definition of institution as used in Rule 4.6 shall not be used to interpret this eligibility rule. No person shall be eligible for membership except by virtue of this rule.

6.7 Without prejudice to the generality of sub-rules 6.1, 6.2 and 6.3, membership of the union shall be open to persons in the following positions:

 (a) The positions of Professional, Administrative, Clerical and Technical Staff (including academic) employed by the Open Learning Agency of Australia and the International Development Program of Australian Universities and Colleges Limited , or any body established to carry on the business of either of them, in Victoria, South Australia and the Australian Capital Territory;

 (b) The positions of Professional, Administrative, Clerical and Technical Staff (including academic) employed by the Royal College of General Practitioners or any body established to carry on the business of that organisation.

6.8 (a) In this Rule, the term "employed" shall include engagement as an independent contractor, where such engagement is a contract for services and relates to performance of work by the independent contractor.

 (b) In this Rule, the terms "staff", "employee" and "employees" shall include persons engaged as independent contractors as described in (a) above.

 (c) A person who is qualified to be employed in, and is seeking to be employed in, an occupation which would make that person eligible for membership of the union shall also be eligible for membership.

 (d) Nothing in this sub-rule shall have the effect of limiting the scope or effect of this rule.

6.9 (a) Persons employed by any higher education institution, or employed in connection with higher education or associated research, shall be eligible for membership of the Union.

 (b) Neither the generality nor the effect of (a) above is limited in any way by anything in Sub-Rules 6.1, 6.2, 6.3, 6.4, 6.5, 6.6 or 6.7.

 (c) Nothing in Part (a) of this Sub-Rule shall make any of the following eligible for membership of the Union:

 (i) any person employed by any contractor engaged by or on behalf of, any higher education institution to perform any cleaning, security, parking, child care, catering, or building services and/or building maintenance services; or

 (ii) any person employed by associations of students or students and others whether incorporated or not, which exist primarily or exclusively for the purposes of providing services to, or representation of, students of higher education institutions in catering, cleaning, security, gardening, and child care or as parking attendants, caretakers and handypersons and in trades up to and including the level of leading hands, and as health fitness and leisure instructors and attendants (other than in managerial positions);

 (iii) any medical practitioner in respect of their employment by hospitals or by other employers whose primary or exclusive business is the provision of direct medical services to patients.

# SCHEDULE 2 – Dues and levies

## 1 – Setting of dues

1.1 The National Council may, by motion carried by an absolute majority, prospectively set dues.

1.2 Dues must be set:

(a) for members receiving a salary–as a percentage of salary;

(b) for all other members–at an annual amount which may be set differently for different categories of member.

1.3 The National Executive may adjust dues on account of any change in the rate of GST.

## 2 – Payment of dues

2.1 Dues may be paid:

(a) by way of an authority for their payment made in a prescribed form; or

(b) directly.

2.2 The General Secretary must prescribe one or more forms for the purposes of item 2.1(a).

2.3 Subject to item 2.4, dues are due to be paid:

(a) when being paid by way of an authority for their payment—at the beginning of each period for which they are paid;

(b) otherwise—at the beginning of each quarter.

2.4 Subject to item 2.5, the first dues to be paid by a new member:

(a) when being paid by way of an authority for their payment—are due to be paid at the beginning of the first new full period for which they are paid;

(b) otherwise—are due immediately, calculated pro rata for the remainder of the quarter.

2.5 If a postgraduate student member becomes a member during the same calendar year in which they paid a fee payable by postgraduate student members, that fee must be deducted from any dues payable by the member in respect of that calendar year.

2.6 Dues are not payable for any period of leave during which a member does not receive a salary.

2.7 The General Secretary may establish arrangements under which the Union seeks and collects a reasonable approximation of members’ dues based on the information it is reasonably able to ascertain or presume, and dues so collected constitute full payment for the relevant period.

2.8 When the Union becomes aware of a change to a member’s salary or other employment circumstance that affects the calculation of their dues, the member’s dues for the period between the change and the Union becoming so aware must be recalculated.

2.9 In respect of an underpayment or overpayment that arises as a result of a recalculation:

(a) if the member complied with their duty under rule 7.6(a) within 90 days:

(i) an underpayment is waived; and

(ii) an overpayment must be refunded;

(b) if the member failed to comply with their duty under rule 7.6(a) within 90 days:

(i) an underpayment must be paid; and

(ii) an overpayment constitutes the member’s dues for the relevant period; and

(c) the General Secretary may, in writing, subject to the decisions of the National Executive:

(i) waive, in whole or in part, an underpayment; or

(ii) refund, in whole or in part, an overpayment.

##

## 3 – Setting of levies

3.1 The National Council may prospectively set a levy for any special purpose.

3.2 The National Executive, at the request of a Division Council, Division Executive, Branch general meeting or Branch Committee, may prospectively set a levy on the members of the requesting Branch or Division for any special purpose of the requesting Branch or Division.

3.3 A levy may be set differently for different categories of member.

3.4 Funds collected under a levy must be applied to the special purpose for which the levy was set and any remainder must be paid into the union fund from which financial assistance is paid to members who take industrial action.

## 4 – Waiver of dues and levies

4.1 A Division Secretary may, at the request of a member or on their own initiative, for a period or up to an amount, subject to any conditions, in writing, waive the dues and levies of a member because they are:

(a) temporarily absent from Australia.

(b) engaged on active military service.

(c) suffering hardship because of loss of employment in respect of which the member was paying dues. or

(d) otherwise suffering temporary hardship.

4.2 The National Executive, or the General Secretary under a resolution of the National Executive, may, for a period or up to an amount, subject to any conditions, waive the dues, of a category or categories of members, or of all members, for the purposes of a member recruitment drive.

## 5 – Membership and Dues Agreements

5.1 The National Executive may, subject to the decisions of the National Council, approve a formal, reciprocal agreement between the Union and another trade union under which a member of both unions is relieved of the obligation to pay dues and levies to the union that covers the industry that provides the member with the less secure or substantial employment, and such relief has force and effect under these Rules.

# SCHEDULE 3 – Meetings

##

## Section A – National Council

##

## 1 – Definitions

1.1 In this section:

(a) ***Branch President*** means a Branch President who is a member of the National Council under rule 29.1;

(b) ***meeting*** means National Council meeting;

(c) ***special meeting*** means any meeting that is not an ***annual meeting***; and

(d) ***specified members*** means each:

(i) member of the National Council; and

(ii) Branch Secretary.

## 2 – Convening

2.1 An annual meeting must be convened by the General Secretary between 16 September and 15 October each year (***annual meeting***).

2.2 A special meeting:

(a) may be convened by the National Executive; and

(b) must be convened by the National Executive if the General Secretary receives, within a 60 day period, requests from:

(i) Division Councils or Division Executives in two or more divisions covering a quarter of all members or making up a third of the divisions; or

(ii) Branch general meetings or Branch Committees in two or more divisions covering a quarter of all members or a third of the branches.

2.3 A request must:

(a) set out the topics sought to be discussed at the special meeting; and

(b) be given, by the requesting union body, to every Division Secretary and Branch Secretary.

## 3 – Notice

3.1 The General Secretary must, once the date of the meeting is decided, give notice of the same to the specified members.

3.2 The General Secretary must give to the specified members:

(a) notice of the date, time and place of the meeting;

(b) an agenda for the meeting; and

(c) an e-mail address to which an appointment of a proxy may be sent.

3.3 Those must be given must be at least the following period before the meeting:

(a) for an annual meeting—25 days;

(b) for a special meeting—14 days.

## 4 – Business

4.1 The business that may be considered at a meeting is:

(a) that submitted by the National Executive;

(b) the topics set out in requests received under item 2.2(b);

(c) that submitted by a Division Council, Division Executive, Branch general meeting or Branch Committee under item 4.2; and

(d) such other business that the National Council decides that it will consider.

4.2 A Division Council, Division Executive, Branch general meeting or Branch Committee may submit a motion or item of business for consideration at a meeting by giving it to the General Secretary at least this number of days before the meeting:

(a) for an annual meeting—56 days;

(b) for a special meeting—19 days.

4.3 The General Secretary must give a motion or item of business submitted under item 4.2 to the specified members.

## 5 – Quorum (special)

5.1 The quorum for a meeting is:

(a) a majority of the current members of the National Council; and

(b) one of the following from four divisions:

(i) a Branch National Council Representative; or

(ii) a Branch President who is a member of the National Council under rule 29.1.

## 6 – Voting (special)

6.1 Each National Executive Ordinary Member who is a member of the National Council under rule 17.1(h) does not have a vote on the National Council in that capacity.

6.2 Each member of the National Council who holds one of the following union offices as well as another office the holding of which entitles them to exercise a vote must appoint a proxy to vote in the former office:

(a) National Aboriginal and Torres Strait Islander Representative;

(b) Branch President who is a member of the National Council under rule 29.1; or

(c) Branch National Council Representative.

##

## 7 – Proxies (special)

7.1 A member of the National Council may, in accordance with this item, appoint another member as their proxy:

(a) to vote at a meeting for votes that are not collegiate elections; and

(b) if Schedule 4, section C, item 6 is also complied with—to vote at a meeting in a collegiate election.

7.2 The appointment of a proxy must be:

(a) in writing; and

(b) sent to the e-mail address given under item 3.2(c).

7.3 A member may be the proxy of only one other member.

7.4 The appointment of a proxy may provide, in an ordered list, alternative appointments.

7.5 The Chair of the meeting must recognise as the proxy the eligible member who is:

(a) highest on such a list; and

(b) not already the proxy for another member.

7.6 The appointment of a proxy as required under item 6.2 is done as follows:

|  |  |  |
| --- | --- | --- |
| **Circumstances of appointment** | **Appointing member** | **Eligible member(s)** |
| More than this number of days before the meeting:(a) for an annual meeting—14 days;(b) for a special meeting—7 days | Branch National Council Representative or Branch President | A member of the National Council, or Branch Committee member, from the same branch |
| National Aboriginal and Torres Strait Islander Representative | A member of the National Aboriginal and Torres Strait Islander Policy Committee |
| Otherwise | Branch National Council Representative or Branch President | A member of the National Council from the same branch who is in attendance or, if all such members have been appointed as a proxy already or there is no such member, a member of the National Council from the same division who is in attendance |
| National Aboriginal and Torres Strait Islander Representative | A member of the National Aboriginal and Torres Strait Islander Policy Committee who is a member of the National Council and is in attendance or, if all such members have been appointed as a proxy already or there is no such member, a member of the National Council who is an Aboriginal and Torres Strait Islander member and is in attendance |

7.7 The appointment of a proxy by a member who will be absent for the whole or part of a meeting is done as follows:

| **Circumstances of appointment** | **Appointing member** | **Eligible member(s)** |
| --- | --- | --- |
| More than this number of days before the meeting:(a) for an annual meeting—14 days;(b) for a special meeting—7 days | Branch National Council Representative or Branch President | A member of the National Council, or Branch Committee member, from the same branch or, if all such members have been appointed as a proxy already or there is no such member, a member of the National Council from the same division |
| National Aboriginal and Torres Strait Islander Representative | A member of the National Aboriginal and Torres Strait Islander Policy Committee or, if all such members have been appointed as a proxy already or there is no such member, a member of the National Council who is an Aboriginal and Torres Strait Islander member |
| Otherwise | Branch National Council Representative or Branch President | A member of the National Council from the same branch who is in attendance or, if all such members have been appointed as a proxy already or there is no such member, a member of the National Council from the same division who is in attendance |
| National Aboriginal and Torres Strait Islander Representative | A member of the National Aboriginal and Torres Strait Islander Policy Committee who is a member of the National Council and is in attendance or, if all such members have been appointed as a proxy already or there is no such member, a member of the National Council who is an Aboriginal and Torres Strait Islander member and is in attendance |

## Section B – National Executive

## 1 – Definitions

1.1 In this section, ***meeting*** means National Executive meeting.

##

## 2 – Convening

2.1 A meeting may be convened by the General Secretary.

2.2 At least 4 meetings must be held between each annual National Council meeting.

##

## 3 – Notice

3.1 The General Secretary must give to each member of the National Executive and Branch Secretary:

(a) notice of the date, time and place of the meeting; and

(b) an agenda for the meeting.

3.2 Those must be given:

(a) at least 4 days before the meeting; or

(b) where the decision to convene the meeting is made less than 4 days before the meeting—immediately.

##

## 4 – Voting (special)

4.1 Each member of the National Executive may exercise votes as follows:

(a) each of the National President, the General Secretary and the National Assistant Secretary and the Chair of the National Aboriginal and Torres Strait Islander Policy Committee: 3 votes each;

(b) each Division Secretary: as provided in item 4.2; and

(c) each National Executive Ordinary Member: 1 vote each;

4.2 The offices of the Division Secretaries are allocated votes as follows:

(a) there are 33 votes to be allocated to the Division Secretaries;

(b) the Division Secretary of each division that covers less than one thirty-fourth of the members is allocated 1 vote;

(c) each Division Secretary yet to be allocated a vote or votes is a ***remaining Division Secretary***, the members of the divisions of the remaining Division Secretaries are the ***remaining members***, and the votes yet to be allocated are the ***remaining votes***;

(d) the remaining votes are allocated as follows:

(i) each remaining Division Secretary is assigned a number (***assigned number***) being the number of members of their division divided by the number of remaining members then multiplied by the number of remaining votes;

(ii) each remaining Division Secretary is allocated votes according to the integer of their assigned number;

(iii) any votes still to be allocated are allocated, one-by-one, to the remaining Division Secretary whose assigned number has the largest remainder, then to the remaining Division Secretary who assigned number has the next largest remainder, and so on until all the votes have been allocated.

4.3 The allocation of votes under rule 4.2 occurs in accordance with rule 60.1, at the commencement of the term of office of the National Executive Ordinary Members and remains fixed until the next allocation.

##

## Section C – National Aboriginal and Torres Strait Islander Policy Committee

## 1 – Definitions

1.1 In this section:

(a) ***committee*** means National Aboriginal and Torres Strait Islander Policy Committee; and

(b) ***meeting*** means National Aboriginal and Torres Strait Islander Policy Committee meeting.

##

## 2 – Convening

2.1 A meeting may be convened by:

(a) the Chair of the Committee;

(b) in their absence—the Deputy Chair of the Committee; or

(c) in the absence of both—the General Secretary.

##

## 3 – Notice

3.1 The union officer who convenes the meeting must, at least 2  working days’ before the meeting, give each member of the Committee:

(a) notice of the date, time and place of the meeting; and

(b) the agenda for the meeting.

##

## Section D – Division general meeting

## 1 – Definitions

1.1 In this section, ***meeting*** means Division general meeting.

## 2 – Convening

2.1 A meeting may be convened by the Division Council or the Division Executive.

2.2 Such a meeting may be a series of meetings held at different locations.

## 3 – Notice

3.1 The Division Secretary must, at least 2  working days’ before the meeting, or before each meeting in a series of meetings, give each division member:

(a) notice of the date, time and place of the meeting; and

(b) the agenda for the meeting.

## Section E – Division Council

## 1 – Definitions

1.1 In this section, ***meeting*** means Division Council meeting.

##

## 2 – Convening

2.1 A meeting:

(a) may be convened by the Division Council or the Division Executive; and

(b) must be convened within 21 days by agreement of the Division President and the Division Secretary if the Division Secretary receives a written request to do so signed by the Branch President or Branch Secretary of branches covering a quarter of all division members.

2.2 A request must:

(a) set out the topics sought to be discussed at the meeting.

(b) include the name and date of signing of each signatory.

2.3 The dates of signing of the signatories must all fall within a 7 day period.

##

## 3 – Notice

3.1 The Division Secretary must give to each member of the Division Council, each Branch Secretary of a branch covered by the division, and the General Secretary:

(a) notice of the date, time and place of the meeting; and

(b) an agenda for the meeting.

3.2 Those must be given:

(a) at least 14 days before the meeting; or

(b) in urgent circumstances, by agreement of the Division President and the Division Secretary—at any time before the meeting.

##

## 4 – Business

4.1 The business that may be considered at a meeting is:

(a) that submitted by the Division Executive, Division President or Division Secretary;

(b) the topics set out in requests received under item 2.1(b);

(c) that submitted by a Branch general meeting or Branch Committee under item 4.2; and

(d) such other business that the Division Council decides that it will consider.

4.2 A Branch general meeting or Branch Committee of a branch covered by the division may submit a motion or item of business for consideration at a meeting by giving it to the Division Secretary at least 17 days before the meeting.

##

## Section F – Division Executive

##

## 1 – Definitions

1.1 In this section, ***meeting*** means Division Executive meeting.

## 2 – Convening

2.1 A meeting may be convened by the Division President or Division Secretary.

2.2 A meeting must be convened if the Division Council has not held a meeting in the previous 60 days, excluding January.

##

## 3 – Notice

3.1 The Division Secretary must give to each member of the Division Executive and Branch Secretary in the division:

(a) notice of the date, time and place of the meeting; and

(b) an agenda for the meeting.

3.2 Those must be given:

(a) at least 4 days before the meeting; or

(b) where the decision to convene the meeting is made less than 4 days before the meeting—immediately.

##

## Section G – Branch general meeting

## 1 – Definitions

1.1 In this section, ***meeting*** means Branch general meeting.

## 2 – Convening

2.1 A meeting must be held at least once in every calendar year.

2.2 A meeting:

(a) may be convened by the Branch Committee;

(b) in urgent circumstances, may be convened by agreement of the Branch President and Branch Secretary;

(c) must be convened by the Branch Committee within 28 days if the Branch Secretary receives a written request to do so signed by 5% of the branch’s members; and

(d) where the Branch Committee fails to convene a meeting under item 2.2(c)—may be convened by any 5 signatories to the request within 14 days of that failure.

2.3 A request must include:

(a) a statement of the reasons for the meeting; and

(b) the name and date of signing of each signatory.

2.4 The dates of signing of the signatories must all fall within a 60 day period.

##

## 3 – Notice

3.1 The Branch Secretary must, at least 2  working days’ before the meeting, give each branch member:

(a) notice of the date, time and place of the meeting; and

(b) the agenda for the meeting.

3.2 In the case of a meeting convened under item 2.2(d), one of the members who convened the meeting must comply with item 3.1.

## 4 – Business

4.1 The business that may be considered at a meeting is:

(a) that submitted by the Branch Committee, Branch President or Branch Secretary; and

(b) such other business that the meeting decides that it will consider.

## 5 – Quorum (special)

5.1 The quorum for a meeting is 5% of the branch’s members.

5.2 If a quorum is not present by half an hour after the time set for a meeting, the meeting lapses.

## 6 – Voting (special)

6.1 In this item, ***employed by*** has the meaning given in rule 30.1.

6.2 A member who is not a branch member, but who is employed by the institution for which the branch was formed, may speak and vote on motions about claims or industrial action about, or the terms of, an enterprise agreement that regulates or would regulate their employment.

##

## Section H – Branch committee

## 1 – Definitions

1.1 In this section, ***meeting*** means Branch Committee meeting.

## 2 – Convening

2.1 At least 4 meetings must be held every calendar year.

2.2 A meeting may be convened by the Branch President.

## 3 – Notice

3.1 The Branch Secretary must give each member of the Branch Committee reasonable notice of the date, time and place of the meeting.

# SCHEDULE 4 – Elections

##

## Section A – General

## 1 – Definitions

1.1 In this Schedule:

(a) ***incompatible offices*** means two or more offices that must not be held at the same time; and

(b) ***irregularity*** has the meaning given in section 6 of the Act.

1.2 In this Schedule, a reference to the Returning Officer is a reference to any one Returning Officer or Assistant Returning Officer.

## 2 – Table of offices

2.1 The table below sets out, for each union office and position:

(a) **name:** the name of the office or position;

(b) **eligibility:** the eligibility requirements for nomination for election to the office or position;

(c) **electorate:** the financial members who are eligible to vote in the election;

(d) **method:**

(i) the method of election; and

(ii) in the case of collegiate elections—when the election takes place;

(e) **term:** the term of office of the office or position; and

(f) **CV:** the method of filling casual vacancies in the office or position.

| **Name** | **Eligibility** | **Electorate** | **Method** | **Term** | **CV** |
| --- | --- | --- | --- | --- | --- |
| National President | None | All | D | T2 | CV1 |
| National Vice-President (Academic Staff) | AS, note a | NC | C, TA | T3 | CV1 |
| National Vice-President (General Staff) | GS, note a | NC | C, TA | T3 | CV1 |
| General Secretary | None | All | D | T2 | CV1 |
| National Assistant Secretary | None | All | D | T2 | CV1 |
| Chair of the NAPC | NAPCM | NAPCM | C, TB | T3 | CV2 |
| Deputy Chair of the NAPC | NAPCM | NAPCM | C, TB | T3 | CV2 |
| National Aboriginal and Torres Strait Islander Representative | A | A | D | T4 | CV2 |
| National Executive Ordinary Member | NC | NC | C, TA | T3 | CV1 |
| Division President | DivC | DivC | C, TB | T3 | CV4 |
| Division Vice-President (Academic Staff) | DivC, AS | DivC | C, TB | T3 | CV4 |
| Division Vice-President (General Staff) | DivC, GS | DivC | C, TB | T3 | CV4 |
| Division Vice-President [simpliciter] | DivC | DivC | C, TB | T3 | CV4 |
| Division Secretary SFT | Div | Div | D | T2 | CV3 |
| Division Secretary NSFT | Div | Div | D | T1 | CV3 |
| Division Assistant Secretary [simpliciter] SFT | Div | Div | D | T2 | CV3 |
| Division Assistant Secretary [simpliciter] NSFT | Div | Div | D | T1 | CV3 |
| Division Assistant Secretary (Academic Staff) SFT | Div, AS | Div, AS | D | T2 | CV3 |
| Division Assistant Secretary (Academic Staff) NSFT | Div, AS | Div, AS | D | T1 | CV3 |
| Division Assistant Secretary (General Staff) SFT | Div, GS | Div, GS | D | T2 | CV3 |
| Division Assistant Secretary (General Staff) NSFT | Div, GS | Div, GS | D | T1 | CV3 |
| Division Aboriginal and Torres Strait Islander Representative | Div, A | Div, A | D | T4 | CV2 |
| Division Executive Ordinary Member | DivC | DivC | C, TB | T3 | CV4 |
| Branch President | B | B | D | T1 | CV5 |
| Branch Vice-President [simpliciter] | B | B | D | T1 | CV5 |
| Branch Vice-President (Academic Staff) | B, AS | B, AS | D | T1 | CV5 |
| Branch Vice-President (General Staff) | B, GS | B, GS | D | T1 | CV5 |
| Branch Secretary | B | B | D | T1 | CV5 |
| Branch Committee Aboriginal and Torres Strait Islander Member | B, A | B, A | D | T1 | CV5 |
| Branch Committee Ordinary Member (Casual Employees) | B, CE | B, CE | D | T1 | CV5 |
| Branch Committee Ordinary Member | B | B | D | T1 | CV5 |
| Branch National Council Representative [simpliciter] | B | B | D | T4 | CV5 |
| Branch National Council Representative (Academic Staff) | B, AS | B, AS | D | T4 | CV5 |
| Branch National Council Representative (General Staff) | B, GS | B, GS | D | T4 | CV5 |
| ACT Division Council Additional Member | Note b | Note b | D | T4 | CV7 |
| NT Division President | Div | Div | D | T1 | CV6 |
| NT Division Vice-President [simpliciter] | Div | Div | D | T1 | CV6 |
| NT Division Secretary | Div | Div | D | T1 | CV6 |
| NT Division Assistant Secretary [simpliciter] | Div | Div | D | T1 | CV6 |
| NT Division Aboriginal and Torres Strait Islander Representative | Div, A | Div, A | D | T1 | CV2 |
| NT Division Council Ordinary Member (Casual Employees) | Div, CE | Div, CE | D | T1 | CV6 |
| NT Division Council Ordinary Member | Div | Div | D | T1 | CV6 |
| NT Division National Council Representative | Note c | Note c | D | T1 | CV6 |
| TAFE Institute Group President | IG | IG | D | T4 | CV5 |
| TAFE Institute Group Secretary | IG | IG | D | T4 | CV5 |
| TAFE Branch Committee Aboriginal and Torres Strait Islander Member | B, A | B, A | D | T4 | CV5 |
| TAFE Branch Committee Ordinary Member (Casual Employees) | B, CE | B, CE | D | T4 | CV5 |
| TAFE Branch President | Note d | Note d | C, TB | T3 | CV5 |
| TAFE Branch Vice-President | Note d | Note d | C, TB | T3 | CV5 |
| TAFE Branch Secretary | Note d | Note d | C, TB | T3 | CV5 |
| TAFE Branch National Council Representative | Note d | Note d | C, TB | T3 | CV5 |
| Sub-Branch President (note e) | SB | SB | D | T1 | CV8 |
| Sub-Branch Vice-President (note e) | SB | SB | D | T1 | CV8 |
| Sub-Branch Secretary (note e) | SB | SB | D | T1 | CV8 |
| Sub-Branch Representative (note e) | SB | SB | D | T1 | CV8 |

2.2 The table below gives the meanings of the codes and notes used in this item.

| **Code, note** | **Meaning** |
| --- | --- |
| All | All members |
| Div | Division members |
| B | Branch members |
| SB | Sub-branch members |
| IG | Institute Group members |
| A | Aboriginal and Torres Strait Islander members |
| AS | Academic Staff members |
| GS | General Staff members |
| CE | Members who are employed on a casual basis |
| NC | Voting members of the National Council |
| DivC | Voting members of the Division Council |
| NAPCM | Members of the National Aboriginal and Torres Strait Islander Policy Committee |
| NAPC | National Aboriginal and Torres Strait Islander Policy Committee |
| SFT | Salaried full-time |
| NSFT | Not salaried full-time |
| C | Collegiate election |
| D | Direct election |
| TA | At the National Council annual meeting in each even year |
| TB | During the four week period ending the day before the National Council annual meeting in each even year |
| T1 | 4 pm 16 October in the year of the election to 4 pm 16 October in the next even year following the election |
| T2 | 4 pm 16 October in the year of the election to 4 pm 16 October in the second even year following the election |
| T3 | The end of the meeting at which they are elected until the end of the meeting, in the even year following, at which their successor is elected |
| T4 | 4 weeks before the date set for the National Council annual meeting in the year of the election to 4 weeks before the date set for the National Council annual meeting in the even year following |
| CV1 | If, when the casual vacancy arose, the term of office had more than 9 months to run—an election must be held (in the case of the National President, General Secretary or National Assistant Secretary—within 3 months, not counting January); otherwise—the National Executive must appoint a member to the office. |
| CV2 | The National Aboriginal and Torres Strait Islander Policy Committee must appoint a member. |
| CV3 | If, when the casual vacancy arose, the term of office had more than 9 months to run—an election must be held (in the case of a Division Secretary—within 3 months, not counting January); otherwise—the Division Council must appoint a member to the office. |
| CV4 | The Division Council must appoint a member. |
| CV5 | The Branch Committee must appoint: in the case of a vacancy in the office of a Branch National Council Representative where at least one member of the Branch Committee is eligible for election to, and willing to accept appointment to, that office—a member of the Branch Committee; otherwise—a member. |
| CV6 | The Division Council must appoint: in the case of a vacancy in the office of Division National Council Representative where at least one member of the Division Council is eligible for election to, and willing to accept appointment to, that office—a member of the Division Council; otherwise—a member. |
| CV7 | The Branch Committee of the branch, or of the sub-branch, the members of which elected the member whose ceasing to hold the office caused the vacancy must appoint a member. |
| CV8 | See rule 32.6. |
| Note a | See Schedule 4, section C, item 8. |
| Note b | See Schedule 5, item 2.2. |
| Note c | See Schedule 5, items 3.6(j) and (k). |
| Note d | See Schedule 5, item 6.8. |
| Note e | This is a position, not an office; see rule 32.2. |

## 3 – Incompatible offices

3.1 A member may be a candidate for incompatible offices except more than one of the following:

(a) National President;

(b) General Secretary; and

(c) National Assistant Secretary.

3.2 Subject to item 3.3, a member must not hold more than one of the following offices at the same time:

(a) National President;

(b) National Vice-President (Academic Staff);

(c) National Vice-President (General Staff);

(d) General Secretary;

(e) National Assistant Secretary;

(f) Chair of the Aboriginal and Torres Strait Islander Policy Committee;

(g) Division Secretary; and

(h) National Executive Ordinary Member.

3.3 The National Vice-President (Academic Staff) and National Vice-President (General Staff) must be either the Chair of the Aboriginal and Torres Strait Islander Policy Committee or the National Executive Ordinary Member.

3.4 A member must not hold more than one of the following offices at the same time:

(a) Division President;

(b) Division Vice-President (Academic Staff)

(c) Division Vice-President (General Staff)

(d) Division Vice-President [simpliciter];

(e) Division Secretary;

(f) Division Assistant Secretary [simpliciter];

(g) Division Assistant Secretary (Academic Staff);

(h) Division Assistant Secretary (General Staff); and

(i) Division Executive Ordinary Member.

3.5 A member must not, at the same time, hold more than one office the holding of which causes a union officer to be a member of a Branch Committee. A member must also not at the same time hold more than one of the following offices;

(a) Branch National Council Representative [simpliciter],

(b) Branch National Council Representative (Academic Staff),

(c) Branch National Council Representative (General Staff), or

(d) National Aboriginal and Torres Strait Islander Representative.

## 4 – Limitation on total term of office

4.1 Subject to item 4.2, a member elected or appointed to a particular salaried office for terms of office equal to or greater than 12 years is ineligible to be elected to that office again.

4.2 The following terms of office do not count towards the 12 years:

(a) those to fill a casual vacancy where less than two years was served in the office;

(b) those held on less than four-fifths of a full-time basis; and

(c) those that began before 1 October 2016.

4.3 For the purposes of this rule, Division Assistant Secretary, Division Assistant Secretary (Academic Staff) and Division Assistant Secretary (General Staff) are the same office.

## 5 – Returning officer—appointment and removal

5.1 The Returning Officer or Returning Officers for each election are the person or persons:

(a) in the ordinary case—appointed by the Australian Electoral Commission; and

(b) where the Union is required by law to conduct the election—appointed under item 6.2.

## 6 – Returning officer—appointment by National Executive

6.1 In this item, ***Returning Officer*** means a Returning Office appointed under item 6.2.

6.2 Where the Union is required by law to conduct the election, the National Executive must appoint one or more persons as a Returning Officer.

6.3 Such an appointment must be for a term of office of not more than 25 months.

6.4 The National Executive may appoint one or more persons as an Assistant Returning Officer to assist a Returning Officer.

6.5 A person appointed as a Returning Officer or Assistant Returning Officer:

(a) may be a member; and

(b) must not:

(i) be employed by the Union;

(ii) hold any other office under these Rules; or

(iii) be a nominee or candidate for election under these Rules.

6.6 The National Executive may remove a Returning Officer if:

(a) they have been given such opportunity to be heard as the circumstances permit; and

(b) it finds that such action is warranted:

(i) because they are unable or unwilling to act; or

(ii) for want of their competence or propriety.

6.7 A Returning Officer may remove an Assistant Returning Officer.

6.8 If a Returning Officer or Assistant Returning Officer is unwilling or unable to act as and when required, the General Secretary must appoint an eligible person to act in that office until:

(a) they are willing and able to act as and when required; or

(b) they are removed.

## 7 – Returning officer—power

7.1 A Returning Officer, and an Assistant Returning Officer under the direction of a Returning Officer, must take such actions and give such directions as they consider necessary, including declaring void a step already taken in an election, to:

(a) ensure that no irregularities occur in connection with any ballot;

(b) ensure the secrecy of the ballot;

(c) rectify any procedural defect; and

(d) remedy any irregularity.

7.2 A member must not:

(a) refuse or fail to comply with such a direction; or

(b) obstruct or hinder a Returning Officer or Assistant Returning Officer.

7.3 The decision of the Returning Officer under these Rules is final and binding in respect of an election, including as to the validity or formality of a nomination or vote.

7.4 The decision of an Assistant Returning Officer on the same questions is subject to review by a Returning Officer whose decision is final and binding.

## 8 – Notice

8.1 An election notice must:

(a) invite nominations from eligible members;

(b) provide a copy of the relevant nomination form(s); and

(c) advise voters of:

(i) the fact of the election;

(ii) the names of the offices to be filled; and

(iii) where there is more than one office bearing the same name—the number of such offices to be filled;

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

(e) the method(s) for submitting nominations;

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

(g) for an election that will be conducted by a postal ballot:

(i) the entitlement to submit a candidate statement and photograph; and

(ii) the opening and closing times and dates of any ballot required.

8.2 In the case of a direct election, the General Secretary must, at least 7 days before the opening date for the submission of nominations, distribute an election notice, in a form approved by the Returning Officer, by:

(a) posting it on the Union’s public website; and

(b) including it in a publication which is widely distributed among the members who are eligible to vote in the election.

8.3 In the case of an election that will be conducted at a meeting, the Returning Officer must, at least 10 days before the meeting, give each member eligible to vote in the election a notice specifying the time, date and place of the meeting.

8.4 In item 8.3, ***member eligible to vote in the election*** includes a person who is a candidate in an election, the result of which has not yet been declared, for an office which, were they elected to it, would cause them to be a member entitled to vote in the election.

8.5 In the case of a collegiate election that will be conducted by a postal ballot, the General Secretary must, at least 7 days before the opening date for the submission of nominations, distribute an election notice, in a form approved by the Returning Officer, by:

(a) sending it to each person entitled to vote in the election; and

(b) posting it on the Union’s public website.

8.6 In the case of an election that will be conducted at a meeting, if a member is added to the roll of voters, the Returning Officer must give an election notice to them.

8.7 A good faith failure to comply with this item does not invalidate the election.

## 9 – Nominations

9.1 Each nominee for election to an office must, at the date of nomination, be:

(a) a financial member; and

(b) eligible to be elected to that office under table in item 2.1.

9.2 Nominations are made by submitting a nomination form to the Returning Officer.

9.3 Each nomination must be endorsed by two nominators who are:

(a) financial members; and

(b) in the case of an election where the electorate is limited to the members of a branch or division, or some subset of the same members of that branch or division.

9.4 The nomination form:

(a) must be prescribed by the Returning Officer; and

(b) must require that the following information be provided:

(i) the full name of the nominee;

(ii) the form in which the nominee’s name is to appear on a ballot paper if different to their full name;

(iii) the nominee’s e-mail address;

(iv) the name of and e-mail address of each nominator;

(v) the office for which the nominee is nominating;

(vi) the signed consent of the nominee; and

(vii) the signature of each nominator; and

(c) may require the provision of any other information or documentation required by the Returning Officer.

9.5 A nomination form must be received by the Returning Officer by the closing time for the submission of nominations.

9.6 Any notice or correspondence to nominees regarding the election must be sent to the nominee’s e-mail address provided in the nomination form.

9.7 If the Returning Officer considers that a nomination is or may be defective, they must, before rejecting it, notify the nominee of the defect and, where practicable, give them the following time to remedy the defect or provide further information in support of the nomination:

(a) in the case of an election that will be conducted by postal ballot—at least 7 days; and

(b) in the case of an election that will be conducted at a meeting—such specified time as the Returning Officer considers reasonable, having regard to the need to conduct the election at the meeting.

9.8 The nomination must be:

(a) if the defect is remedied within the relevant time—accepted;

(b) otherwise—rejected.

9.9 Upon the acceptance of their nomination, a nominee becomes a candidate.

## 10 – Members who are union employees to take leave

10.1 A union employee, other than a salaried union officer, who nominates for election to an office, must, at the date of their nomination, take leave until the declaration of the election or the close of voting in any ballot, whichever is sooner.

## 11 – Withdrawal of nomination

11.1 A nominee or candidate may withdraw their nomination by notice in writing, signed by them and in a form acceptable to the Returning Officer, to the Returning Officer which is received:

(a) in the case of an election by postal ballot—by 7 days after the closing time for the submission of nominations, or such longer period as the Returning Officer allows;

(b) in the case of an election conducted at a meeting—before the ballot papers are prepared for printing.

11.2 A nominator may not withdraw their endorsement of a nomination.

## 12 – Uncontested elections

12.1 If, at the closing time for the submission of nominations, the number of candidates for an office or position is equal to or fewer than the number of offices or positions to be filled, the Returning Officer must declare that candidate or those candidates elected.

##

## 13 – Ballot papers

13.1 The Returning Officer must decide the order of the candidates on a ballot paper by lot.

13.2 The Returning Officer may include a number of ballots on the same ballot paper.

## 14 – Scrutineers

14.1 Each candidate may appoint, in writing specifying the name and address of the appointee, one person as scrutineer, and one or more substitute scrutineers, to represent their interests in the conduct of the ballot.

14.2 A scrutineer must not be a candidate for any office or position in any election that is the subject of scrutiny at the location in which the scrutiny is occurring.

14.3 The Returning Officer must, upon request, inform a scrutineer of the steps they intend taking in the conduct of the ballot.

14.4 A scrutineer may:

(a) be present at any stage in the ballot;

(b) countersign any seal, or place their own seal, on any receptacle being used for the ballot; and

(c) bring to the attention of the Returning Officer any alleged irregularity in:

(i) the issue of ballot papers;

(ii) the admission of envelopes to scrutiny;

(iii) the formality or informality of ballot papers; and

(iv) the counting of votes.

14.5 A scrutineer must not:

(a) interrupt the scrutiny or the count without lawful reason;

(b) disclose any knowledge of the vote cast by any particular voter or voters acquired as a result of having been a scrutineer;

(c) fail to comply with any lawful request made by the Returning Officer;

(d) touch any ballot material; or

(e) act in a manner that would interfere with the proper conduct of the election.

14.6 If, during a ballot, a scrutineer informs the Returning Officer that they object to an envelope being admitted to the scrutiny or a ballot paper being admitted as formal or rejected as informal, the Returning Officer must decide whether the scrutineer’s objection is upheld and endorse the decision on the envelope or ballot paper.

14.7 The failure of a scrutineer to attend any event must not delay any step in the election.

## 15 – Informal votes

15.1 The Returning Officer must reject as informal a ballot paper that:

(a) does not bear the initials or other authenticating mark of the Returning Officer;

(b) bears any mark or writing by which the voter can be identified;

(c) is not marked substantially in accordance with the instructions given on the ballot paper;

(d) is marked in such a way that the intention of the voter is not clear; or

(e) in the case of a postal ballot—is not returned inside the declaration envelope.

## 16 – Declaration

16.1 The Returning Officer must declare the result of an election:

(a) in the case of an election held at a meeting, if possible—to the meeting;

(b) in every case—within 14 days of the closing date of the ballot by giving notice in writing of the same to the candidates, the General Secretary and, where the election was held at a Division Council meeting, the Division Secretary.

16.2 The Returning Officer must, at the same time and in the same manner as they declare the result of an election, state the following information in relation to the ballot:

(a) the number of members on the roll of voters;

(b) the number of ballot papers issued;

(c) the number of envelopes that were returned undelivered by the closing date of the ballot;

(d) the number of ballot papers received by the Returning Officer; and

(e) the number of ballot papers rejected as informal.

## 17 – Vacancies

17.1 In these Rules, ***casual vacancy*** means a vacancy in a union office caused by the member who held the office ceasing to hold it otherwise than because the term of office expired.

17.2 A casual vacancy must not be filled by appointment for a period that exceeds the greater of 12 months and three-quarters of the term of office.

17.3 A member must only be appointed to a union office with their consent.

17.4 The General Secretary may, at such time as they decide, make an election request in respect of an office or position that is vacant because of:

(a) at the request of a union body—a casual vacancy; or

(b) a vacancy caused by an insufficiency of nominations in an election for the office.

17.5 A collegiate election conducted by postal ballot must be conducted as expeditiously as possible.

## 18 – Timing of first election

18.1 Where a union office or position is established by a decision made under these Rules, the first election for that office must be held:

(a) at the election for offices held in the next even-numbered year; or

(b) if the union body that established the new office requests that the election be held sooner, and the General Secretary considers that the result of the election is likely to be declared more than 6 months before the end of the term of office—at such time as the General Secretary decides.

18.2 The first term of office runs to when it would have run to had it been filled for a full term.

## 19 – Elections during a public emergency

19.1 Where, because of a pandemic, natural disaster or like emergency, the conduct of one or more elections is or would be impossible, or would be likely to be impaired or delayed by disruptions, the Returning Officer may, by written determination, subject to item 19.2, change any aspect of the conduct of that election or those elections.

19.2 Such determination:

(a) must only provide for changes that are fair, proportionate, necessary and lawful;

(b) must not:

(i) affect the eligibility requirements for an election;

(ii) affect the electorate for an election; and

(iii) change the method by which votes are counted;

(c) may allow an officer to remain in office until the declaration of an election, but without affecting the end of the term of office which begins at such declaration; and

(d) must only be made after the Returning Officer has provided a draft of the determination to the General Secretary and allowed them 7 business days to respond.

19.3 The General Secretary must lay any draft determination before the National Executive.

## Section B – Elections conducted by postal ballot

## 1 – Definition

1.1 In this section, ***election*** means election conducted by secret postal ballot.

## 2 – Timing

2.1 The Returning Officer must conduct all elections due to be held in a particular calendar year according to the same timetable unless it is not practicable to do so.

2.2 The timetable for the election must be decided by the Returning Officer, in consultation with the General Secretary, having had regard to:

(a) the election being conducted fairly;

(b) the necessity of completing the election:

(i) before the expiry of the term of office of the incumbent; and

(ii) so as to allow sufficient time for any collegiate elections the conduct of which depend on the outcome of the election;

(c) the time required to send and return ballot papers by post; and

(d) the time required to complete the other steps in the election.

## 3 – Roll of voters

3.1 The General Secretary must give the Returning Officer, in electronic form, upon their request:

(a) the name and postal address of every member eligible to vote in the election; and

(b) any information sought by them for the purposes of ensuring that no irregularity occurs.

3.2 The General Secretary must take all reasonable steps to ensure that the addresses given are the residential or other postal address of each member rather than their workplace address.

3.3 The Returning Officer must make up a roll of voters which contains the names and addresses of the members who are eligible to vote in the election as at 7 days before the closing date for the submission of nominations.

3.4 The Returning Officer must amend the roll of voters:

(a) to add to it members who were eligible to vote but were incorrectly omitted; and

(b) up until the ballot material is sent out, to delete from it members who were not eligible to vote but were incorrectly included.

3.5 The Returning Office must not otherwise amend the roll of voters.

3.6 Where the Returning Officer has issued a ballot paper to a person is later found not to have been eligible to vote, they remain eligible to vote in the election.

3.7 The Returning Office may, subject to such conditions as they may decide after consulting the General Secretary, for the purposes of the election only, to provide a copy of the roll of voters in electronic form to a candidate.

3.8 The Returning Officer must make the roll of voters available for inspection by members entitled to vote in the election or any person authorised by the Returning Officer, for the purposes of the election only, during the ordinary hours of business from 7 days before the opening date for the submission of nominations to 30 days after the declaration of the result of the election.

## 4 – Candidate information

4.1 A nominee or candidate for an election may, before 7 days after the close of nominations, submit to the Returning Officer one or both of:

(a) a photograph of themselves that is no larger than 100 square centimetres in size; and

(b) a statement in support of the candidature which must be no more than:

(i) in the case of a candidate for election as a National Officer, a Division Secretary, a salaried officer or a Branch President—600 words;

(ii) otherwise—200 words.

4.2 A nominee or candidate for election to multiple offices or positions may submit only one statement.

4.3 The Returning Officer must reject any statement that:

(a) in their opinion is false or misleading or may result in an irregularity; or

(b) does not comply with these rules.

4.4 The Returning Officer must:

(a) notify a nominee or candidate whose statement was rejected that it was and why it was; and

(b) if the rejected statement was not a replacement statement—give the nominee or candidate not more than 2 working days to submit a replacement statement.

4.5 The candidates’ statements and photographs must be collated and published:

(a) if there is more than one ballot in the election and the Returning Officer decides to do so—in alphabetical order by surname;

(b) otherwise—in the same order as their names appear on the ballot paper; and

(c) so as to indicate if a candidate failed to submit a valid statement.

## 5 – Absentee voting

5.1 A member who will be absent from their usual address during the period in which the ballot is to be conducted may apply for their ballot material to be sent elsewhere by written notice to the Returning Officer that sets out their name, their usual address and the alternative address to which they request the ballot material be sent.

5.2 The Returning Officer must grant any such application they consider was properly made.

## 6 – Post box

6.1 The Returning Officer must, for the purpose of receiving ballot material in respect of a ballot, use a private box or other secure postal facility at a post office or mail centre (***post box***).

6.2 Access to the post box must be limited to:

(a) persons authorised by Australia Post;

(b) the Returning Officer; and

(c) any person or persons authorised in writing by the Returning Officer.

## 7 – Ballot material

7.1 As soon as practicable after the day two working days before the opening date of the ballot, the Returning Officer must send the ballot material in a sealed envelope by prepaid post to each member on the roll of voters at their address on the roll.

7.2 The ballot material must include:

(a) one or more ballot papers;

(b) an envelope that may be posted without expense to the voter addressed to the post box;

(c) a declaration envelope as prescribed by the Act; and

(d) a copy of the candidates’ statements and photographs.

7.3 The following must appear on the ballot papers:

(a) the name of the Union;

(b) the name and number of the office(s) to be elected;

(c) the names of the candidates, expressed as last name followed by given names;

(d) instructions for marking the ballot paper;

(e) instructions for returning the ballot paper;

(f) the closing time and date of the ballot;

(g) any other instruction considered necessary by the Returning Officer;

(h) the name and location of the Returning Officer; and

(i) the initials or other authenticating mark of the Returning Officer.

7.4 Other than that required by 7.3(c), the ballot papers must contain no candidate information.

7.5 The following instructions to the voter must appear in the material sent with the ballot papers:

(a) not to put on the ballot paper any mark or writing by which one can be identified;

(b) to place the ballot paper in the declaration envelope;

(c) to seal the declaration envelope, place it in the provided envelope and post it to reach the Returning Officer before the closing time of the ballot; and

(d) the vote will not be counted if item 7.4(b) and (c) are not complied with.

## 8 – Destroyed, lost, damaged or misused ballot paper

8.1 If a member’s ballot material has not been received, or has been destroyed, lost, damaged or misused, they may apply in writing to the Returning Officer for replacement ballot material.

8.2 Such application must:

(a) give the applicant’s full name and postal address;

(b) set out the grounds on which the application is made;

(c) contain the applicant’s declaration that they have not voted in the ballot; and

(d) be accompanied, if practicable, by any evidence available of the destruction, loss, damage or misuse of the ballot material.

8.3 If the Returning Officer is satisfied that the application is properly made, they must issue the applicant with replacement ballot material.

## 9 – Scrutiny

9.1 During the ballot, the Returning Officer may collect returned envelopes from the post box and keep them in safe custody until the commencement of the scrutiny.

9.2 The Returning Officer must make a final clearance of returned envelopes so that all envelopes received by the Returning Officer before to the closing time for the ballot are admitted to the scrutiny.

9.3 No envelopes returned after the closing time of the ballot may be admitted to the scrutiny.

9.4 Before proceeding to count the votes, the Returning Officer must, in respect of each reply paid envelope:

(a) remove the declaration envelope from the reply paid envelope; and

(b) examine the voter’s declaration attached to the declaration envelope, and mark off the voter’s name against a copy of the roll of voters.

9.5 The Returning Officer may begin to do that before the closing time of the ballot.

9.6 A set of ballot material must be rejected and set aside if:

(a) the declaration envelope has not been returned;

(b) the declaration on the declaration envelope has not been completed to the satisfaction of the Returning Officer;

(c) the voter is ineligible to vote; or

(d) the Returning Officer is unable to identify the voter on the roll of voters.

9.7 Where a voter returns more than one set of ballot material, the Returning Officer must:

(a) decide which set to admit to the count; and

(b) in respect of the other set:

(i) reject it;

(ii) note on it that it has been rejected and the reason for the same; and

(iii) set it aside.

9.8 After the Returning Officer has determined which declaration envelopes are admit to the count, the declaration section of each such envelope must be detached and removed so that the envelope can no longer be identified.

9.9 Each envelope must then be opened and the ballot papers extracted to be counted.

## 10 – Count

10.1 The Returning Officer must open the ballot box in which ballot papers have been placed, withdraw each ballot paper and, after rejecting informal ballot papers:

(a) count the votes in accordance with the procedures prescribed in Section D;

(b) place into separate containers the ballot papers admitted as formal and those rejected as informal, seal each container and endorse each with:

(i) the name of the office(s) in the election;

(ii) the words ‘Ballot papers admitted as formal’, and ‘Ballot papers rejected as informal’, as appropriate; and

(iii) their signature and the date of signing; and

(c) keep each of the containers in safe custody.

10.2 If, at the close of nominations in respect of an election for one position, no nomination has been received, or in respect of an election where more than one position is to be elected, no or insufficient nominations have been received, then the Returning Officer shall declare any nominee properly nominated elected, but shall then as soon as reasonably practicable:

 (a) advise the General Secretary of those positions for which no or insufficient nominations have been received,

 (b) extend the closing date for nominations until noon on the nineteenth day after the date initially fixed as the date for the close of nominations, (or the next day which is a working day in every State and Territory).

 As soon as practicable after receiving the advice referred to in a) above, the General Secretary shall place prominently on the Unions Website, and shall transmit to each Branch and Division Secretary, a notice, approved by the Returning Officer which sets out the positions which remain vacant, and the extended time and date for the close of nominations, the names and address(es) to which nominations should be directed, and the places from which nominations may be obtained. Provided that the extension of nominations under this Sub-Rule may only happen on one occasion in respect of any election.

## 11 – Positions

11.1 Where an election is conducted by the Returning Officer for a position which is not an office, they must apply the same procedures as are prescribed for elections for offices.

## Section C – Elections held at meetings

## 1 – Definitions

1.1 In this section:

(a) ***election*** means election held by secret ballot at a meeting; and

(b) ***relevant officer*** has the meaning given in the table below.

|  |  |
| --- | --- |
| **Meeting at which election will be conducted** | **Relevant officer** |
| National Council | General Secretary |
| National Aboriginal and Torres Strait Islander Policy Committee | Chair of the National Aboriginal and Torres Strait Islander Policy Committee |
| Division Council | Division Secretary |
| TAFE Branch Committee | TAFE Branch Secretary |

## 2 – General and timing

2.1 An election under this section is held at the meeting of the union body the membership of which, or part thereof, constitutes the electorate.

2.2 The timetable for the election must be decided by the Returning Officer, in consultation with the relevant officer.

2.3 Subject to the capacity of the Returning Officer, a person entitled to vote in an election is entitled to be advised by the Returning Officer of who has nominated for election to any office before the closing time of nominations.

2.4 Nominations must close during the meeting at which the election is to be conducted.

2.5 The Returning Officer may, due to any exigency, put back the closing time for nominations.

2.6 Any ballot in an election must occur as soon as practicable after nominations have closed.

2.7 The relevant officer must ensure that any typing, printing or secretarial assistance sought by the Returning Officer is provided to them at the meeting.

## 3 – Roll of voters

3.1 The relevant officer must give the Returning Officer, in electronic form, upon their request:

(a) the name and e-mail address of every member eligible to vote in the election; and

(b) any information sought by them for the purposes of ensuring that no irregularity occurs.

3.2 The Returning Office may, subject to such conditions as they may decide after consulting the relevant officer, for the purposes of the election only, provide a copy of the roll of voters in electronic form to a candidate or a member eligible to vote in the election.

## 4 – Ballot material

4.1 The Returning Officer must make arrangements for the conduct of the ballot at the meeting for each applicable office and cause ballot papers to be prepared.

4.2 The following must appear on the ballot papers:

(a) the name of the Union;

(b) the name and number of the office(s) to be elected;

(c) the names of the candidates, expressed as last name followed by given names;

(d) instructions for marking the ballot paper;

(e) instructions for returning the ballot paper;

(f) any other instruction considered necessary by the Returning Officer;

(g) the name and location of the Returning Officer; and

(h) the initials or other authenticating mark of the Returning Officer.

4.3 No other candidate information will be printed on the ballot paper.

## 5 – Destroyed, lost, damaged or misused ballot paper

5.1 If a Returning Officer is satisfied that a ballot paper has been destroyed, lost, damaged or misused, they must give—in the case of a damaged or misused ballot paper, upon receipt thereof—a substitute ballot paper to the member to whom the original ballot paper was given.

##

## 6 – Proxies

6.1 A member who is entitled to vote in an election may appoint another member so entitled as their proxy to vote in any or all elections at the meeting.

6.2 The appointment of a proxy must be:

(a) in writing; and

(b) given to the Returning Officer before the opening time of the ballot in which the proxy is to vote.

6.3 A member may be the proxy of only one other member.

6.4 A person making an appointment of a proxy may request the person holding the proxy to vote in a particular manner but such a request is not binding.

6.5 A proxy appointed under a proxy resolution made under rule 37 or under Schedule 3, section A, item 7 is validly appointed under this item as long as the appointment conforms with the requirements of this item.

6.6 For the purposes of determining whether a quorum is present at the opening time of a ballot, a member who has appointed a proxy is deemed to be present.

## 7 – Count

7.1 Immediately after the closing time of the ballot, the Returning Officer must count of the votes in accordance with the procedures prescribed in Section D.

7.2 The absence of a quorum at a meeting must not prevent the Returning Officer from opening or closing nominations or declaring the result of a ballot at the meeting.

##

## 8 – Election for National Vice-Presidents

8.1 A member may only nominate for election to the offices of National Vice President (Academic Staff) or National Vice President (General Staff) if they:

(a) also nominate for election to the office of National Executive Ordinary Member; or

(b) are the Chair of the National Aboriginal and Torres Strait Islander Policy Committee.

8.2 The election for the former 3 offices must be conducted at the same time, as follows:

(a) the election for National Executive Ordinary Members is counted and declared;

(b) any candidate for either National Vice-President who was not elected as a National Executive Ordinary Member, or who is not the Chair of the Aboriginal and Torres Strait Islander Policy Committee, ceases to be a candidate for the relevant office of Vice-President; and

(c) the election for each office of National Vice-President is counted and declared with a vote cast for a member who ceased to be a candidate under item 8.2(b) being counted such that any preference for that member is ignored and each lower preference is raised by one.

##

## Section D – Method of counting

## 1 – Election for one office

1.1 This item sets out the method of counting votes where one candidate is to be elected.

1.2 In this item, ***majority of votes*** means a number greater than one-half of the whole number of ballot papers other than exhausted and informal ballot papers.

1.3 All informal ballot papers are rejected.

1.4 The number of first preferences for each candidate are counted.

1.5 Except as provided for in item 1.10, the candidate obtaining a majority of votes is elected.

1.6 If no candidate has a majority of votes, the candidate who has the fewest votes is excluded, and each ballot paper counted to that candidate is (unless exhausted) counted to the unexcluded candidate next in order of the voter’s preference.

1.7 If no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and counting each of that candidate’s ballot papers (unless exhausted) to the unexcluded candidate next in order of the voter’s preference, is repeated until one candidate has an majority of votes.

1.8 Every ballot paper not rejected as informal is counted in every count until it becomes exhausted when it is rejected in all further counts.

1.9 When a candidate is excluded, any ballot paper counted to that candidate is exhausted if there is not indicated upon it a consecutive preference for an unexcluded candidate.

1.10 If, on any count, two or more candidates have an equal number of votes and one of them has to be excluded, the candidate who, at the last count at which they had an unequal number of votes, had the fewer is excluded and, if there was no such count, the Returning Officer decides by lot which is excluded.

1.11 If, in the final count, two candidates have an equal number of votes, the candidate who, at the last count at which they had an unequal number of votes, had the greater number is elected and, if there was no such count, the Returning Officer decides by lot which candidate is elected.

## 2 – Election for more than one office

2.1 This item sets out the method of counting votes where more than one candidate is to be elected.

2.2 In this item:

(a) ***candidate’s transfer value*** is the provisionally-elected candidate’s value, less the quota at that stage of counting, all divided by the elected candidate’s value;

(b) ***candidate’s value*** means the value of the votes cast as first preferences for the candidate plus the transfer values of any votes allocated to the candidate by the distribution of preferences from candidates who have been provisionally elected or eliminated;

(c) ***continuing candidate*** means a candidate who has neither been provisionally elected nor eliminated; and

(d) ***preference*** means a preference for a continuing candidate.

2.3 The Returning Officer must determine a method of counting votes that is consistent with this item.

2.4 The system of voting used must be an optional-preference proportional-representation voting system using a single transferable vote, subject to the requirement that no vote shall be valid unless the number of preferences given is at least equal to the number of positions to be filled.

2.5 Each ballot paper is first given the value of 1.

2.6 A quota is calculated by dividing the total value of ballot papers allocated to continuing candidates by one more than the number of positions remaining to be filled.

2.7 Votes are then counted in accordance with the following procedure:

(a) the value of each ballot paper is allocated to the continuing candidate for whom the voter has indicated their highest preference; and

(b) if a ballot paper shows an equal highest preference to more than one continuing candidate or does not show a consecutive preference for at least one continuing candidate, that ballot paper is exhausted and must not be allocated or reallocated to any further candidates.

2.8 If any continuing candidates are allocated a value in excess of the quota, all such candidates are provisionally elected in order of descending number of votes.

2.9 In the order of election, the preferences of provisionally-elected candidates is distributed to continuing candidates as follows:

(a) each ballot paper allocated to a candidate who is provisionally elected is given a new value obtained by multiplying its current value by the candidate’s transfer value; and

(b) each ballot paper allocated to a candidate who is provisionally elected is then be allocated to the continuing candidate for whom the voter has indicated their highest next preference.

2.10 If no continuing candidate is allocated a value in excess of the quota, the candidate with the lowest value is eliminated and their ballot papers reallocated to the continuing candidate to whom the voter has indicated the next highest preference.

2.11 The procedure in items 2.6 to 2.10 is repeated in order until the number of positions to be filled is filled.

2.12 All calculations are performed:

(a) to an accuracy of three decimal places; or

(b) to such greater level of accuracy determined by the Returning Officer.

2.13 If there are two or more candidates with an equal value and one of these is to be eliminated or elected, the candidate who had the higher value at the last stage of counting that their value differed is deemed to have the higher number of votes.

2.14 If any candidates have had an equal value at each previous stage of counting, the Returning Officer determines by lot which of these candidates is deemed to have the higher value.

## 3 – Order of counting for incompatible offices

3.1 Subject to item 3.3, only where and to the extent necessary, the counting and declaration of any elections in which candidates are running for incompatible offices are done in accordance with the order in item 3.4.

3.2 A candidate elected to an office ceases to be a candidate for any incompatible offices.

3.3 If, after the counting and declaration of the election for the office in item 3.4(m), a candidate is a candidate in a contested election for the offices in item 3.4(n) and a candidate in an uncontested election for the office in item 3.4(o), that candidate is declared elected to the latter office.

3.4 The order in this item is:

(a) National President, General Secretary and Assistant National Secretary;

(b) Division Secretary;

(c) Division Assistant Secretary [simpliciter] or Division Assistant Secretary (Academic Staff) and Division Assistant Secretary (General Staff);

(d) Division President;

(e) Division Vice-President [simpliciter] or Division Vice-President (Academic Staff) and Division Vice-President (General Staff);

(f) Division Executive Ordinary Member;

(g) Branch President;

(h) Branch Secretary;

(i) Branch Vice-President [simpliciter] or Branch Vice-President (Academic Staff) and Branch Vice-President (General Staff);

(j) Branch Committee Aboriginal and Torres Strait Islander Member;

(k) Branch Committee Ordinary Member (Casual Employees);

(l) Branch Committee Ordinary Member;

(m) National Aboriginal and Torres Strait Islander Representative;

(n) Branch National Council Representative (Academic Staff) and Branch National Council Representative (General Staff);

(o) Branch National Council Representative [simpliciter];

(p) ACT Division Council Additional Member.

(q) Sub-Branch President;

(r) Sub-Branch Secretary;

(s) Sub-Branch Vice-President; and

(t) Sub-Branch Representative.

# SCHEDULE 5 – Special Provisions: ACT, NT, Qld, Tas, Vic

## 1 – Override

1.1 This Schedule overrides the rest of these Rules to the extent of any inconsistency.

##

## 2 – Australian Capital Territory

2.1 In this item, ***ACT*** means Australian Capital Territory.

2.2 The members of each of the following union bodies elect one Division Council Ordinary Member to the ACT Division Council for every 400 of their members or part thereof:

(a) Australian National University Branch;

(b) University of Canberra Branch;

(c) any sub-branch, for the ACT Division, of:

(i) the University of New South Wales Branch; and

(ii) the Australian Catholic University Branch.

2.3 A member must not be such a Division Council Ordinary Member and a Branch National Council Representative at the same time.

##

## 3 – Northern Territory

3.1 In this item:

(a) ***NT*** means Northern Territory; and

(b) ***employed by*** has the meaning given in rule 30.1.

3.2 There are no branches in the NT.

3.3 A NT Division general meeting:

(a) has, in respect of both the NT and the NT Division Council, the powers and responsibilities of a Branch general meeting; and

(b) follows the procedures of a Branch general meeting.

3.4 The NT Division Council has, in addition to the responsibilities and powers of a Division Council, the powers and responsibilities of a Branch Committee in respect of the NT.

3.5 The NT Division Officers have, in addition to the responsibilities and powers of those offices, the powers and responsibilities of the equivalent Branch Officers in respect of the NT.

3.6 The NT Division Council is made up of:

(a) the Division President; and

(b) the Division Vice-President (Academic Staff);

(c) the Division Vice-President (General Staff); and

(d) the Division General Secretary;

(e) the Division Assistant Secretary;

(f) the Division Aboriginal and Torres Strait Islander Representative;

(g) any National Aboriginal and Torres Strait Islander Representative who is a division member;

(h) the Division Council Ordinary Member (Casual Employees) (if any);

(i) the Division Council Ordinary Member;

(j) if there are 50 members employed by Charles Darwin University—one Division National Council Representative elected by those members for each 300 of their number or part thereof;

(k) if there are 50 members employed by the Batchelor Institute of Aboriginal and Torres Strait Islander Tertiary Education—one Division National Council Representative elected by those members for each 300 of their number or part thereof; and

(l) each National Executive Ordinary Member who is a division member who is not one of the above (if any).

3.7 The Division Council Ordinary Member (Casual Employees) is elected if, when the election request is made, there are at least 20 division members who are employed on a casual basis.

3.8 Each member of the NT Division Council, except those in item 3.6(l), is entitled to one vote.

3.9 Rule 48.1 does not apply to the offices of NT Division Officers.

##

## 4 – Queensland

4.1 The President of any sub-branch of the Australian Catholic University Branch for the Queensland Division is a member of the Queensland Division Council.

4.2 Rules 32.1(b) and 32.2(b) do not apply to the office in item 4.1.

## 5 – Tasmania

5.1 In this item, ***UTAS*** means the University of Tasmania.

5.2 The UTAS Branch Committee is the Tasmania Division Council.

5.3 The UTAS Branch Officers hold the offices of the Tasmania Division Officers as follows:

(a) the Branch President is the Division President;

(b) the Branch Vice-President [simpliciter], or the Branch Vice-President (Academic Staff) and the Branch Vice-President (General Staff), is the Division Vice-President [simpliciter], or are the Division Vice-President (Academic Staff) and the Division Vice-President (General Staff), respectively;

(c) the Branch Secretary is the Division Secretary; and

(d) the Branch Committee Aboriginal and Torres Strait Islander Member (if any) is the Division Aboriginal and Torres Strait Islander Representative.

5.4 The office of Division Assistant Secretary does not exist in the Tasmania Division.

5.5 Rule 48.1 does not apply to the offices of Tasmania Division Officers.

##

## 6 – Victorian TAFE Branch

6.1 In this item:

(a) ***branch*** means the Victorian TAFE Branch; and

(b) ***employed*** by has the meaning given in rule 30.1.

6.2 For each institution that the branch covers, there is an Institute Group made up of the members employed by the institution.

6.3 Each Institute Group has the follow offices:

(a) an Institute Group President; and

(b) an Institute Group Secretary.

6.4 The Institute Group Presidents and Secretaries may:

(a) hold meetings of Institute Group members;

(b) assist the branch to represent the interests of the Institute Group’s members; and

(c) assist the branch to advance the interests of the Union and the Institute Group’s members.

6.5 The Branch Committee is made up of:

(a) the Branch President;

(b) the Branch Vice-President [simpliciter];

(c) the Branch Secretary;

(d) the Branch Aboriginal and Torres Strait Islander Member (if any);

(e) the Branch Committee Ordinary Member (Casual Employees) (if any);

(f) each Institute Group President who is not one of the above; and

(g) if an office of Institute Group President is vacant—the Institute Group Secretary.

6.6 A Branch Committee Aboriginal and Torres Strait Islander Member is elected if, when the election request is made, there is at least one branch member who is an Aboriginal and Torres Strait Islander member.

6.7 A Branch Committee Ordinary Member (Casual Employees) is elected if, when the election request is made, there are at least 20 branch members who are employed on a casual basis.

6.8 The elections of the officers in items 6.5(a) to (c) are done as follows:

(a) each Institute Group President, each Institute Group Secretary in respect of whom item 6.9 is in effect, the Branch Aboriginal and Torres Strait Islander Member (if any) and the Branch Committee Ordinary Member (Casual Employees) (if any) elect, from their number, the Branch President, the Branch Vice-President [simpliciter], the Branch Secretary and the Branch National Council Representative(s); and

(b) each member so elected continues to hold both or all of those offices.

6.9 If an Institute Group President is absent for any part of a Branch Committee meeting, the Institute Group Secretary may attend and vote at the meeting during that absence.

# SCHEDULE 6 – Dictionary

1.1 In these Rules:

(a) ***Aboriginal and Torres Strait Islander member*** means a member who is of Aboriginal or Torres Strait Islander descent, is accepted as an Aboriginal and Torres Strait Islander by their community and has identified themselves to the Union as an Aboriginal and Torres Strait Islander;

(b) ***absolute majority*** means the majority of the current members of the union body;

(c) ***academic staff member*** means a member employed as an academic, or a union officer, official or employee who was, at the time of their election or appointment, an academic staff member;

(d) ***Act*** means the *Fair Work (Registered Organisations) Act 2009*;

(e) ***budget line*** has the meaning given in rule 53.6(a);

(f) ***casual vacancy*** has the meaning given in Schedule 4, section A, item 17.1;

(g) ***election request*** means a request to the relevant authority for authorisation to conduct an election under these Rules;

(h) ***financial member*** means a member who is no more than 90 days in arrears of the payment of dues and levies;

(i) ***FWC*** means the Fair Work Commission;

(j) ***general staff member*** means a member employed in a general staff position, or a union, official or employee who was, at the time of their election or appointment, an general staff member;

(k) ***in confidential session*** means the only persons present are the members of the union body that is meeting and any other persons it expressly permits to be present. and the persons present must keep the contents of the session confidential;

(l) ***institution*** means a Company, Institute, Institution, Provider or other organisation or body established, formed, or organised in connexion with Tertiary Education in Australia and Adult Education in Victoria;

(m) ***member*** means a member of the Union;

(n) ***membership*** means membership of the Union;

(o) ***powers of the Union*** means any powers conferred by these rules or by any law upon the Union, including the powers of a natural person;

(p) ***salary*** includes a pre-payment of salary or periodic payment in lieu of salary;

(q) ***sector*** means a set of institutions, that are not universities, grouped together on the basis of commonality of purpose or on a geographic basis;

(r) ***sector branch*** means a branch formed by reference to members employed by a sector;

(s) ***Union*** means the union referred to in rule 68.1;

(t) ***union body*** means the bodies referred to in rule 3.2, any committees established by the same, and any general meeting held under these Rules;

(u) ***union official*** means a non-elected union employee who has been assigned to the work of the national office, or to the work of a division, such as an Industrial Officer or Research Officer, whose position has been designated as such by the General Secretary, or by the Division Secretary, respectively.

# SCHEDULE 7 – Delegates

1. The purpose of this Schedule includes to provide for the appointment of delegates (who may also be known as a workplace representative) to exercise the functions and rights conferred upon delegates under any relevant legislation or industrial instrument to the extent prescribed by this Schedule.
2. The National Executive must establish, and may amend, procedures (the Delegates Policy) about:
3. The manner in which a member becomes a delegate, which officers are authorised to appoint delegates, and the circumstances in which a member ceases to be a delegate;
4. The functions of delegates, which may include the work area or type of members, or the subject-matter, to which those functions relate;
5. How a relevant employer is advised of the identity and functions of a delegate.
6. The functions of a delegate include:
7. The exercise of workplace rights under relevant legislation or any applicable industrial instrument, but only to the extent prescribed by this Schedule and any applicable policy relating to the functions and powers of delegates made by the National Executive under this Schedule; and
8. The promotion of the Union and its policies to members and to persons eligible for membership; for or in relation to members of the Union who work in a particular enterprise.
9. In their capacity as a delegate, a delegate is not an officer and is not empowered:
10. To be a spokesperson for the Union or for its members, except to the extent required by Item 3 of this Schedule.
11. To bind the Union to any legal or industrial agreement, or to enter into any legally binding agreement on behalf of a member.
12. The Delegates Policy:
13. May provide for the appointment of a member as a delegate at the initiative of an authorised officer and such an appointment is valid;
14. May include procedures for the democratic selection or approval of delegates by relevant members;
15. Must include procedures by which any two members in a group of members that are or proposed to be represented by a delegate, may require that an appropriate test of opinion among those members, such as a vote, be taken.
16. May include a provision that certain officers of the Union are delegates by reason of their holding office;
17. Must include that the delegate be required to read, be familiar with, and agree to comply with their obligations under the Delegates Policy and any policy or procedure developed by the National Executive relating to sexual harassment, bullying, discrimination, or victimisation or other misconduct.
18. May provide for functions in addition to those in Item 3 of this Schedule.
19. Nothing in this Schedule prevents the Union from appointing members to carry out functions on behalf of the Union in a capacity other than as a delegate.
20. A person appointed as a delegate (howsoever described) under the Delegates Policy made in accordance with this Schedule is a delegate under these Rules.
21. A technical failure to comply with the Delegates Policy or this Schedule does not affect the validity of:
22. The Delegates Policy; or,
23. The appointment of a delegate.

# SCHEDULE 8 – Transitional rule for the Adelaide University Branch

1. The purpose of this Schedule is to provide transitional arrangements for the operation of the Adelaide University Branch in circumstances of the establishment of Adelaide University under the *Adelaide University Act 2023 (SA)* which combines the University of Adelaide and the University of South Australia.
2. This Schedule overrides the rest of these Rules to the extent of any inconsistency.
3. In this Schedule:

***Transitional Period*** means the date this Schedule takes effect until 4:00pm 16 October 2026.

***Pre-Election Transitional Period*** means the date this Schedule takes effect to the date the results of the election in paragraph 10 below are declared.

1. A member is a member of the Adelaide University Branch if:
2. employed by Adelaide University; or
3. they are a member of the University of Adelaide Branch or the University of South Australia Branch immediately before this Schedule takes effect.
4. During the Transitional Period, the Branch Committee of the Adelaide University Branch is made up of the following positions:
5. Co-Branch Presidents (2);
6. Co-Branch Vice Presidents – Academic (2);
7. Co-Branch Vice Presidents – General (2);
8. Co-Branch Secretaries (2);
9. Branch Committee Ordinary Members (14);
10. Branch Committee Member Aboriginal and Torres Strait Islander (2); and
11. Branch Committee Member (Casual Employees) (2)

1. During the Pre-Election Transitional Period, the positions in Column A will be filled by the holders of the positions elected at the 2024 election as identified in Column B who hold those positions on the day immediately before the Adelaide University Branch is established:

|  |  |
| --- | --- |
| Column A | Column B |
| Co-Branch Presidents  | • University of Adelaide Branch President. • University of South Australia Branch President.  |
| Co-Branch Vice Presidents – Academic | • University of Adelaide Branch Vice President (Academic). • University of South Australia Branch Vice President (Academic).  |
| Co-Branch Vice Presidents – General  | • University of Adelaide Branch Vice President (General). • University of South Australia Branch Vice President (General).  |
| Co-Branch Secretaries  | • University of Adelaide Branch Secretary. • University of South Australia Branch Secretary.  |
| Branch Committee Ordinary Members  | • Each University of Adelaide Branch Committee Ordinary Member.• Each University of South Australia Branch Committee Ordinary Member. |
| Branch Committee Member Aboriginal and Torres Strait Islander Member  | • The University of Adelaide Branch Committee Aboriginal and Torres Strait Islander Member. • The University of South Australia Branch Committee Aboriginal and Torres Strait Islander Member.  |
| Branch Committee Member (Casual Employees)  | • The University of Adelaide Branch Committee Ordinary Member (Casual Employees). • The University of South Australia Branch Committee Ordinary Member (Casual Employees).  |

1. During the Transitional Period, the Branch Officers in the Adelaide University Branch are:
2. the Co-Branch Presidents (2);
3. the Co-Branch Secretaries (2);
4. the Co-Branch Vice-Presidents (Academic Staff) (2); and
5. the Co-Branch Vice-Presidents (General Staff) (2).
6. In the event Co-Branch Officers disagree as to how to exercise their power under the rules of their offices, the matter will be referred to the Branch Committee for determination.
7. During the Transitional Period, the Adelaide University Branch will be represented on National Council and Division Council by:
8. all University of Adelaide Branch representatives elected in 2024 on the National Council;
9. all University of South Australia Branch representatives elected in 2024 on the National Council.
10. The first election for the Adelaide University Branch Committee will be held within 6 months of this Schedule taking effect. The election will be conducted in accordance with Schedule 4.
11. Each member of the of the Adelaide University Branch Committee elected pursuant to the first election referred to in paragraph 10 above, will hold office from the declaration of the results of the first election until 4:00pm 16 October 2026.

\*\*\* END OF RULES \*\*\*