



## New South Wales Teachers Federation

a branch of the Australian Education Union  
AEU NSW Teachers Federation Branch ABN 86 600 150 697



15 July 2025

In reply please quote:GS0498/2025/MS/md

Fair Work Commission  
GPO Box 1994  
Melbourne VIC 3001

Email: [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au)

### **DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009***

### **ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act 2009***

I, MEL SMITH of 23-33 MARY STREET SURRY HILLS NSW am the DEPUTY BRANCH SECRETARY of the AUSTRALIAN EDUCATION UNION NEW SOUTH WALES TEACHERS FEDERATION BRANCH, designated by the Branch Secretary to perform the duties of the Branch Secretary in their absence (Rule 23(2)(b)). I am authorised to give this notice of particulars of alterations to the rules of AUSTRALIAN EDUCATION UNION NEW SOUTH WALES TEACHERS FEDERATION BRANCH and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the AUSTRALIAN EDUCATION UNION NEW SOUTH WALES TEACHERS FEDERATION BRANCH.
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
  - (a) On Friday 20 June 2025, the Branch Secretary gave notice (attached to this declaration), including a copy of the proposed Rule changes, to each Conference member. This was in accordance with Rule 64 (2) which requires notice 14 days before the Branch Conference meeting.
  - (b) The Branch Conference meeting was held from Sunday 5 July – Tuesday 8 July 2025. Rule changes were considered on the first day of conference, Sunday 5 July.
  - (c) A quorum was declared present at the Branch Council meeting by the chair. 388 members attended the Branch Council Meeting. As per Rule 7 (3), a quorum for a meeting of the Branch Council shall be 150, as such the meeting was quorate.
  - (d) The majority of conference voted in support of each rule change, as per attached draft minutes.

4. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.
5. I also ask that the Commissioner give consideration to administratively correct a spelling mistake in Rule 2 – in the heading being “Definitions”.

Yours sincerely



**Mel Smith**  
**Deputy Secretary, Operations**



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# PROPOSED CHANGES TO AEU NSW TEACHERS FEDERATION RULES

## Change to Rule 6 Branch Life and Honorary Members

### Abstract

Federation is proposing changes to the Rule 6 to provide greater clarity around branch life membership and honorary membership, and to consistently apply the use of these terms throughout the Rules.

Attached is the original rule and draft update showing the re-ordering of current paragraphs for clarity between life member and honorary member, and the additional of words for general clarity.

**Current rule:**

**6 - BRANCH LIFE AND HONORARY MEMBERS**

- (1) Subject to this rule, the Branch Conference may admit a member, or a former member, as a Branch Life Member or admit a person who is not eligible to be, or has not been a member of the Union, as an Branch Honorary member.
- (2) Before the Branch Conference considers a proposal that a member, or a former member, be admitted a Branch Life Member, it must have a recommendation from the Branch Executive and be satisfied that the member has had a minimum of 15 years cumulative membership and rendered outstanding and distinguished service to the Union or the Federation.
- (3) Before the Branch Conference considers a proposal for the admission of a person as Branch Honorary Member, it must have a recommendation from the Branch Executive and be satisfied that the person has rendered exemplary service to the Federation, the Union or to education.
- (4) A member who has been made a Branch Life Member by the Branch Conference, and remains eligible for membership of the Union, may elect to be an active Branch Life Member.
- (5) A member who elects to be an active Branch Life Member, will have all the obligations of members including the obligation to pay membership subscriptions and shall have all the benefits of membership including the right to stand for election to offices of the Union and vote in elections.
- (6) Any member of the Branch may nominate a person for admission as a Branch Life Member or Branch Honorary Member by making an application in writing to the Branch Secretary not later than 31 March in any year.
- (7) The Branch Council may admit a person to Branch Honorary Membership for a period not exceeding 12 months on the basis that the person in question is a visiting teacher or a person interested in education.
- (8) A person admitted to membership in accordance with this rule, other than an active Branch Life Member, will have all the rights of membership of the Union other than the right to hold office within the Union or vote in any election or on any question put at a meeting or in a plebiscite.

**Proposed rule:**

**6 - BRANCH LIFE AND HONORARY MEMBERS**

- (1) Subject to this rule, the Branch Conference may admit a member, or a former member, as a Branch Life Member.
  - a. Any member of the Branch may nominate a **member or former member** for admission as a Branch Life Member by making an application in writing to the Branch Secretary not later than 31 March in any year.
  - b. Before the Branch Conference considers a proposal that a member, or a former member, be admitted a Branch Life Member, it must have a recommendation from the Branch Executive and be satisfied that the member, **or former member**, has had a minimum of 15 years cumulative membership and rendered outstanding and distinguished service to the Union or the Federation.
  - c. A member who has been made a Branch Life Member by the Branch Conference, and remains eligible for membership of the Union, may elect to be an active Branch Life Member.
  - d. A member who elects to be an active Branch Life Member will have all the obligations of members including the obligation to pay membership subscriptions and shall have all the benefits of membership including the right to stand for election to offices of the Union and vote in elections.
- (2) **Subject to this rule, the Branch Conference may admit a** person who is not eligible to be, or has not been a member of the Union, as **an** Branch Honorary member.
  - a. Any member of the Branch may nominate a person for admission as a Branch Honorary Member by making an application in writing to the Branch Secretary not later than 31 March in any year.
  - b. Before the Branch Conference considers a proposal for the admission of a person as Branch Honorary Member, it must have a recommendation from the Branch Executive and be satisfied that the person has rendered exemplary service to the Federation, the Union or to education.
- (3) A person admitted to membership in accordance with this rule, other than an active Branch Life Member, will have the **same** rights **as members** of the Union other than the right to hold office within the Union or vote in any election or on any question put at a meeting or in a plebiscite.
- (4) The Branch Council may admit a person to Branch Honorary Membership for a period not exceeding 12 months on the basis that the person in question is a visiting teacher or a person interested in education.



# PROPOSED CHANGES TO AEU NSW TEACHERS FEDERATION RULES

Change to Rule 32 Conduct of elections at meetings

## Abstract

Federation is proposing changes to Rule 32 to assist with providing candidate statements to the electorate earlier than the day of the meeting / election.

Attached is the original rule and draft update showing changes for clarity

**Current rule:**

**32 - CONDUCT OF ELECTIONS AT MEETINGS**

- (1) An election conducted by a secret ballot at a meeting shall be conducted in accordance with this rule.
- (2) The Branch Returning Officer shall, on the close of nominations, check all nominations received for compliance with the Rules. Where the Branch Returning Officer considers that any nomination is defective, they shall immediately notify the person concerned of the defect by the most expeditious means and, where it is practicable to do so, give them the opportunity of remedying the defect, allowing, if practicable, at least 7 days after the notification.
- (3)
  - (a) A nominee in a ballot conducted in accordance with this Rule may withdraw their nomination at any time before the close of nominations, and after nominations have closed, provided that such withdrawal is exercised within seven (7) days after the date on which nominations are advised to the Branch.
  - (b) Such withdrawal of nomination shall be by notice in writing to the Returning Officer signed by the nominee and submitted by hand, post or facsimile or any other electronic means.
- (4) If there is no more than one nomination for a position, the Branch Returning Officer shall declare the nominated person elected to the position.
- (5)
  - (a) at the request of a candidate or group of candidates, electoral material may be lodged by the candidate or groups of candidates. That material must be lodged within seven days of the close of nominations, be provided in the form of an electronic file, be restricted to a maximum of 400 words per candidate and may include a passport sized photograph. The material may include an indication of preference provided that all candidates are shown in the order they appear on the ballot paper and there is a preference allocated to each candidate. The candidates' statements are to be lodged by the means determined by the Returning Officer at the address notified by the Returning Officer.
  - (b) The candidates' statements will be provided to eligible voters on the day of the election prior to the conduct of the election.
- (6) If more nominations are received than there are vacancies for a position, the Branch Returning Officer shall:
  - (a) have the ballot papers prepared containing the names of the candidates for each position in an order chosen by lot indicating the number to be elected to each position and the manner in which the votes shall be recorded;
  - (b) be responsible for the safe custody of the ballot papers and ensure that voters can cast a secret vote;
  - (c) initial each ballot paper or have each ballot paper bear a facsimile of their initials;



- (d) issue a ballot paper to each member present at the meeting entitled to receive a vote;
  - (e) on the closing of the ballot, in the presence of scrutineers, count all the votes in accordance with Rule 34 and declare the result of the ballot.
- (7)
  - (a) Where a person eligible to vote in an election to be conducted at a meeting in accordance with this Rule is unable to attend the meeting, they may appoint another person eligible to vote in the election vote in their stead.
  - (b) An appointment made in accordance with this sub-rule must be in writing and be provided to the Branch Returning Officer before the time appointed for the conduct of the ballot.
  - (c) A person appointed in accordance with this sub-rule shall exercise the vote of the person they replace as they see fit.

**Proposed rule:**

**32 - CONDUCT OF ELECTIONS AT MEETINGS**

- (1) An election conducted by a secret ballot at a meeting shall be conducted in accordance with this rule.
- (2) The Branch Returning Officer shall, on the close of nominations, check all nominations received for compliance with the Rules. Where the Branch Returning Officer considers that any nomination is defective, they shall immediately notify the person concerned of the defect by the most expeditious means and, where it is practicable to do so, give them the opportunity of remedying the defect, allowing, if practicable, at least 7 days after the notification.
- (3)
  - (a) A nominee in a ballot conducted in accordance with this Rule may withdraw their nomination at any time before the close of nominations, and after nominations have closed, provided that such withdrawal is exercised within seven (7) days after the date on which nominations are advised to the Branch.
  - (b) Such withdrawal of nomination shall be by notice in writing to the Returning Officer signed by the nominee and submitted by hand, post or facsimile or any other electronic means.
- (4) If there is no more than one nomination for a position, the Branch Returning Officer shall declare the nominated person elected to the position.
- (5)
  - (a) at the request of a candidate or group of candidates, electoral material may be lodged by the candidate or groups of candidates. That material must be lodged within seven days of the close of nominations, be provided in the form of an electronic file, be restricted to a maximum of 400 words per candidate and may include a passport sized photograph. The material may include an indication of preference provided that all candidates are shown in the order they appear on the ballot paper and there is a preference allocated to each candidate. The candidates' statements are to be lodged by the means determined by the Returning Officer at the address notified by the Returning Officer.
  - (b) The candidates' statements will be provided to eligible voters on the day of the election prior to the conduct of the election.
- (6) If more nominations are received than there are vacancies for a position, the Branch Returning Officer shall:
  - (a) have the ballot papers prepared containing the names of the candidates for each position in an order chosen by lot indicating the number to be elected to each position and the manner in which the votes shall be recorded;
  - (b) be responsible for the safe custody of the ballot papers and ensure that voters can cast a secret vote;
  - (c) initial each ballot paper or have each ballot paper bear a facsimile of their initials;

- (d) issue a ballot paper to each member present at the meeting entitled to receive a vote;
  - (e) on the closing of the ballot, in the presence of scrutineers, count all the votes in accordance with Rule 34 and declare the result of the ballot.
- (7)
  - (a) Where a person eligible to vote in an election to be conducted at a meeting in accordance with this Rule is unable to attend the meeting, they may appoint another person eligible to vote in the election vote in their stead.
  - (b) An appointment made in accordance with this sub-rule must be in writing and be provided to the Branch Returning Officer before the time appointed for the conduct of the ballot.
  - (c) A person appointed in accordance with this sub-rule shall exercise the vote of the person they replace as they see fit.



# PROPOSED CHANGES TO AEU NSW TEACHERS FEDERATION RULES

Change to Rule 59 Honorary Life Members of  
Associations

## Abstract

Federation is proposing changes to the Rule 59 to provide greater clarity around association life membership, and to apply consist application of the term of “life members”, throughout the Rules.

Attached is the original rule and draft update showing the changes

**Current rule:**

## 59 - HONORARY LIFE MEMBERS OF ASSOCIATIONS

- (1) Associations may admit to Honorary Life Membership of the association persons who have rendered valuable service to the association. Admission to Honorary Life Membership of an association shall in the case of a Regional association be by resolution of a General Meeting of the association or in the case of a State-wide association by resolution on notice at its State Council meeting.
- (2) Where a person is admitted to Honorary Life Membership of an association, the Branch Secretary shall be informed within 28 days.
- (3) A person admitted to Honorary Life Membership of an association is not exempted from the payment of any fees, levies or fines set in accordance with these rules.

**Proposed rule:**

## **59 - HONORARY ASSOCIATION LIFE MEMBERS OF ASSOCIATIONS**

- (1) Associations may admit to ~~Honorary~~ Life Membership of the association ~~persons a member or former member~~ who ~~has~~ rendered valuable service to ~~that~~ association. Admission to ~~Honorary~~ Life Membership of an association shall ~~in the case of an Regional association~~ be by resolution of a General Meeting or State Council meeting of the association ~~or in the case of a State-wide association by resolution on notice at its State Council meeting.~~
- (2) Where a ~~member or former member person~~ is admitted to ~~Honorary~~ Life Membership of an association, the Branch Secretary shall be informed within 28 days.
- (3) A ~~member or former member person~~ admitted to ~~Honorary~~ Life Membership of an association is not exempted from the payment of any fees, levies or fines set in accordance with these rules.



# PROPOSED CHANGES TO AEU NSW TEACHERS FEDERATION RULES

- Change to references of “ATSI roll” – throughout Rules

## Abstract

Federation is proposing changes to the Rules to be more culturally appropriate when referring to Aboriginal Members and Torres Strait Islander Members.

These proposed rules changes have resulted based on consultation with the union’s Aboriginal Members Committee.

Changes are proposed to all references of “ATSI roll” – to be “Aboriginal Members and Torres Strait Islander Member Roll” – throughout the Rules. There are approximately 46 changes throughout, as well as a change in the definition section.

**Proposed rule changes:**

FEDERAL BRANCH RULES

FEDERAL BRANCH RULES IN RELATION TO THE NEW SOUTH WALES TEACHERS  
FEDERATION (NSWTF) BRANCH

**SECTION 1 - GENERAL**

**1 - NAME AND REGISTERED OFFICE**

- (1) The name of the Branch shall be the Australian Education Union New South Wales Teachers Federation (NSWTF) Branch.
- (2) In the event that the Union successfully makes an application for registration under the IR Act and the New South Wales Teachers Federation, is de-registered, the Branch may operate under the name “New South Wales Teachers Federation” or “NSWTF”.
- (3) The registered office of the Branch shall be at 23-33 Mary Street, Surry Hills, New South Wales or at such other location as may be determined by the Branch Council.

**2 - DEFINITIONS**

- (1) A reference in the Rules to “~~ATSI Members’ Roll~~Aboriginal Members’ and Torres Strait Islander Members’ Roll” means the roll consisting of Aboriginal Members and Torres Strait Islander Members’ Roll.
- (2) A reference in the Rules to “the Act” means the Fair Work Act 2009 (Cth).
- (3) A reference in the Rules to “the FW (RO) Act” means the Fair Work (Registered Organisations) Act 2009 (Cth).
- (4) A reference in the Rules to the IR Act means the Industrial Relations Act 1996 (NSW).
- (5) A reference to the Federation means the New South Wales Teachers Federation, an Industrial Organisation registered under the IR Act.
- (6) A reference in the Branch Rules to the Branch Secretary means the General Secretary of the AEU New South Wales Teachers Federation (NSWTF) branch.

**3 - ARRANGEMENT OF MEMBERSHIP**

- (1) To facilitate the effective representation of members of the Branch, the members shall be assigned to:
  - (a) A Division in accordance with Federal Rule 7 namely:
    - (i) The General Division; or
    - (ii) The TAFE Division; and
  - (b) An association in accordance with this rule.



- (2) Members assigned to the General Division shall be assigned to an association as follows:
- (a) The Officers, Consultants and Advisers Association which shall comprise members employed as officers, consultants, advisers or professional assistants within the portfolio of the Minister for Education and Communities (with the exception of those employed in the TAFE Commission of NSW) and other such persons employed under awards, agreements and determinations negotiated for them by the Branch or applied to them.
  - (b) Regional associations in the area in which a member's school or place of employment is situated or an association in a geographic area through which they pass when travelling to or from work. Where the member works across multiple workplaces, the member will be assigned to the member's school or place of employment at which they complete most of their work or their base school.
  - (c) Temporary teacher members will be assigned to the regional association in the area in which the member's school or place of employment is situated or an association in a geographic area through which they pass when travelling to or from work. Where the temporary member works across multiple workplaces, the member will be assigned to the member's school or place of employment at which they complete most of their work or their base school.
  - (d) Casual teacher members will be assigned to the regional association covering the area in which their residence is situated or, if Federation is advised of the member's school or place of employment where they complete most of their employment, they will be assigned to their workplace regional association.
- (3) Members assigned to the TAFE Division, members employed in adult migrant education or Corrective Services, shall be assigned to the Technical and Further Education Teachers' Association.
- (4) Notwithstanding sub-rules (2) and (3) above:
- (a) A member allocated to a regional association may apply to the Branch Secretary to be allocated to another regional association on the grounds that by reason of the member's place of residence, it is more convenient for that member to be allocated to a regional association which covers the area in which the member resides.
  - (b) Applications received by the Branch Secretary in accordance with the previous sub-rule shall be submitted to the Branch Executive for approval.
  - (c) In determining whether or not to approve an application, the Branch Executive must be satisfied that an application has been made to facilitate the member's participation in the activities of a regional association and is not a device to increase the entitlement of a regional association to additional Branch Council or Branch Conference Delegates.
  - (d) Where a member's residence is located outside of NSW, and they are covered by Rule 3(2) above, then the following will be used to determine their allocation to an association:
    - (i) If the member is working at a workplace in NSW or attached by their employer to a workplace in NSW, they will be allocated to a regional association in the area in which a member's school or place of employment is situated or an association in a geographic area through which they pass when travelling to or from work. Where the member works across multiple workplaces, the member will be assigned to the member's school or place of employment or to which they complete most of their work or their base school (consistent with 2(b) and (c) above).

- (ii) If a member's workplace is not known and the member is located within travelling distance to the NSW border, they will be assigned to their nearest regional association on a geographical basis.
  - (iii) Members who are not located within travelling distance to the NSW border, will be assigned to their previously assigned association. If no association was previously assigned, the member will indicate their anticipated workplace or residence within NSW and the General Secretary will allocate to an appropriate regional association.
- (5) In the event that a member is elected to an office within the Union or appointed as a Branch Professional Officer, they may elect to:
  - (a) remain in the association they were allocated to immediately prior to their election or appointment; or
  - (b) be allocated to an association which covers the geographic area in which they work or a geographic area through which they pass when travelling to and from work; or
  - (c) in the case of a Branch Professional Officers, an association the members of which fall within their responsibilities.
- (6)
  - (a) A member who wishes to be on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll may, when seeking admission to membership, or at any other time, elect to be included on the roll by making a request in writing to the Branch Secretary.
  - (b) A member who has elected to be included on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll may, at any time, request to have their name removed from the roll.
- (7)
  - (a) In the event that a member is dissatisfied with their allocation to an association, the member may: within 21 days of receipt of notification of their allocation, appeal in writing to the Branch Executive.
  - (b) On receipt of an appeal made in accordance with this sub-rule, the Branch Executive will, at the earliest opportunity, having considered all the material before it, determine the appeal.
  - (c) A determination made by the Branch Executive in accordance with this sub-rule, shall be final.

#### 4 - SUBSCRIPTIONS AND LEVIES

- (1) The Branch Executive may, in accordance with the Federal Rules, determine subscriptions and, subject to sub-rule (2), levies.
- (2) Notwithstanding the generality of Federal Rule 22, the Branch Executive shall not impose a levy for the purposes of supporting candidates in parliamentary elections or supporting political parties.
- (3) Until otherwise determined by the Branch Executive and reported to the Branch Council, membership subscriptions shall be as follows:
  - (a) Subject to this sub-rule, for members not otherwise provided for in sub-rules below an amount equivalent to 0.76% of the maximum salary of a teacher accredited at proficient applicable for teachers in the Education Teaching Service of New South Wales at the salary level payable on or before 31 January in the relevant year.

- (b) In respect of members employed:
    - (i) on a permanent part- time basis;
    - (ii) a part-time leave without pay basis; or
    - (iii) a part-time maternity leave basis,

a pro-rata subscription based on the number of hours or days worked when compared with the time worked by a full-time member or the annual subscription payable by a casual school teacher as determined in accordance with this sub-rule, whichever is the greater.
  - (c) For members employed on a full time temporary basis, the annual membership subscription shall be two-thirds of the annual membership subscription determined in accordance with paragraph (a).
  - (d) For members employed on a temporary part-time basis, the subscription shall be the subscription for temporary teachers pro-rated on the basis of the number of hours or days worked compared to the time worked by a full time member or the subscription paid by a casual teacher, whichever is greater.
  - (e) For members employed as casual school teachers or permanent teachers leave without pay undertaking relief duty, a membership subscription which is one-third of the annual membership subscription set in accordance with paragraph (a).
  - (f) For members employed as part time/casual TAFE teachers the subscription shall be one-third of the annual membership subscription set in accordance with paragraph (a) from 1 January 2023.
  - (g) For members employed as Saturday School teachers or Music Examiners the subscription shall be one-tenth of the annual membership subscription set in accordance with paragraph (a) from 1 January 2024.
  - (h) A member who has paid membership subscriptions in accordance with paragraph (b), (c) or (d) of this sub-rule will not be liable to pay additional membership subscriptions, should that member undertake casual school teacher work in the relevant period.
- (4) (a) Until otherwise determined by Branch Executive and reported to the Branch Council, 0. 035 of the revenue received from membership subscriptions shall be paid into the New South Wales Teachers Federation Public Education Fund for the purpose of promoting and advertising the professional achievements of public school and college teachers in the public education system.
  - (b) The Branch Executive shall determine how money held in the New South Wales Teachers Federation Public Education Fund shall be expended and report on the expenditure of that money each year in the Federation's website.
- (5) Where the Branch Executive establishes membership subscriptions for particular categories of membership, and a member moves from one category of membership to another, the member shall be liable to make contributions at the higher contribution rate on and from the date the member moves to the new category of membership.
  - (6) A member may elect to pay membership subscriptions by annual, half yearly or quarter yearly payments or by a method of periodic payment approved by the Branch Executive.
  - (7) Subject to sub-rule (6), a member shall become unfinancial if their subscriptions, levies or fines remain unpaid for a period in excess of sixty (60) days after the subscription, levy or fine becomes payable.

- (8)
  - (a) The Branch Executive may exempt a member from the obligation to pay subscriptions and levies, either fully or in part, or allow a member to defer the payment of subscriptions and levies.
  - (b) A claim by a member for an exemption or deferral of their obligation to pay subscriptions or levies shall be made in writing to the Branch Secretary.
  - (c) The Branch Executive in considering a request under this sub-rule, may take into account:
    - (i) Any health issue which prevents the member from working;
    - (ii) Any period of leave without pay taken by the member;
    - (iii) Any period of military service undertaken by the member;
    - (iv) Any period of half pay leave taken by the member for more than a month; or
    - (v) Any other circumstances.
- (9) An unfinancial member shall not be entitled to nominate for or to be elected to a position within the Branch or as a Branch Professional Officer, to nominate another member for an elected office or Branch Professional Office position, vote in any election or receive any other benefit of membership, in particular, in the form of assistance whether industrial or otherwise.
- (10) Membership pursuant to this rule does not of itself confer on the member the right to hold office within the Union or vote in any election or on any question put at a meeting or in a plebiscite.

## **5 - ASSOCIATE MEMBERSHIP**

- (1) Notwithstanding Federal Rule 8, the Branch may admit persons in the following categories as Associate Members of the Union:
  - (a) Students undertaking a course that will lead to a teaching qualification recognised in New South Wales, until they are employed in accordance with Federal Rule 5(7);
  - (b) Members who have retired;
  - (c) Teachers who are otherwise eligible for membership of the Union but are currently not employed but retain accreditation with the New South Wales Education Standards Authority (NESA) or any successor body;
  - (d) With the approval of the Branch Executive, members of at least 5 years standing who are no longer eligible to be members; and
  - (e) With the approval of Branch Executive, members of other unions who are employed as teachers, supervisors, lecturers or educational officers within New South Wales.
- (2) Notwithstanding Federal Rule 8(3), an Associate Member will have all rights of membership of the Union other than the right to hold office within the Union or vote in any election or on any question put at a meeting or in a plebiscite.
- (3) A membership subscription for Associate Members will be determined annually by the Branch Executive for the following year.

## **6 - BRANCH LIFE AND HONORARY MEMBERS**

- (1) Subject to this rule, the Branch Conference may admit a member, or a former member, as a Branch Life Member or admit a person who is not eligible to be, or has not been a member of the Union, as an Branch Honorary member.
- (2) Before the Branch Conference considers a proposal that a member, or a former member, be admitted a Branch Life Member, it must have a recommendation from the Branch Executive and be satisfied that the member has had a minimum of 15 years cumulative membership and rendered outstanding and distinguished service to the Union or the Federation.
- (3) Before the Branch Conference considers a proposal for the admission of a person as Branch Honorary Member, it must have a recommendation from the Branch Executive and be satisfied that the person has rendered exemplary service to the Federation, the Union or to education.
- (4) A member who has been made a Branch Life Member by the Branch Conference, and remains eligible for membership of the Union, may elect to be an active Branch Life Member.
- (5) A member who elects to be an active Branch Life Member, will have all the obligations of members including the obligation to pay membership subscriptions and shall have all the benefits of membership including the right to stand for election to offices of the Union and vote in elections.
- (6) Any member of the Branch may nominate a person for admission as a Branch Life Member or Branch Honorary Member by making an application in writing to the Branch Secretary not later than 31 March in any year.
- (7) The Branch Council may admit a person to Branch Honorary Membership for a period not exceeding 12 months on the basis that the person in question is a visiting teacher or a person interested in education.
- (8) A person admitted to membership in accordance with this rule, other than an active Branch Life Member, will have all the rights of membership of the Union other than the right to hold office within the Union or vote in any election or on any question put at a meeting or in a plebiscite.

**SECTION 2 - GOVERNANCE****7 - COMPOSITION OF BRANCH CONFERENCE**

- (1) There shall be a Branch Conference which shall consist of:
- (a) the Branch Presidential officers;
  - (b) Branch Council representatives of associations or groups of associations;
  - (c) Branch Conference Delegates elected by and from members of associations; and
  - (d) Conference Delegates elected by and from members on the ATSI Members' Roll, Aboriginal Members' and Torres Strait Islander Members' Roll.

- (2) For the purposes of this rule, the entitlement of an Association to Conference Delegates shall be calculated in accordance with the following table:

Number of Financial Members	Conference Delegate entitlement
15-250	1
251-500	2
501-750	3
751-1000	4
1001-1300	5
1301-1600	6
1601-1900	7
1901-2200	8
2201-2500	9
2501-2800	10
2801-3100	11
3101-3400	12
3401-3700	13
3701-4000	14

- (a) for every additional 300 financial members (or part thereof) in excess of 4000, Associations will be entitled to 1 additional Conference Delegate.
- (3) A quorum for a Branch Conference shall be 150 members.
- (4) The Branch Secretary, the Branch Deputy Secretaries and the Branch Professional Officers are entitled to attend meetings of the Branch Conference, but are not entitled to vote or to be counted in determining whether a quorum is present.
- (5) The representatives of members on the ATSI Members' Roll, Aboriginal Members' and Torres Strait Islander Members' Roll shall comprise:
- (a) the representatives of members on the ATSI Members' Roll, Aboriginal Members' and Torres Strait Islander Members' Roll on the Branch Council; and
  - (b) five Conference Delegates elected by and from members on ATSI Members' Roll, Aboriginal Members' and Torres Strait Islander Members' Roll;
  - (c) where the number of members on the ATSI Members' Roll, Aboriginal Members' and Torres Strait Islander Members' Roll exceeds 1300, the formula set out in Rule 7(2) will be applied.

- (6) The representation of members on the ATSI Members' Roll Aboriginal Members' and Torres Strait Islander Members' Roll on the Branch Conference and in other decision making forums shall be reviewed if the number of members reaches a number which would create an entitlement, on the application of the formula set out in this rule, to more than 10 representatives.

- (7) In this rule, where it is necessary to determine a number of financial members of an association, the date shall be a date prescribed by the Branch Council.
- (8) In the event that a Branch Council Representative, Conference Delegate or Conference Delegate representing members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll is unable to attend a meeting of the Branch Conference, or part of a meeting, they may appoint another member of their association, or another member on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll, as their proxy provided that the appointee is not an existing representative on the Branch Conference.

## **8 - BRANCH CONFERENCE – POWERS**

- (1) Subject to this rule, the Branch Conference shall be the supreme governing authority of the Branch have the power to control and manage the business and affairs of the Branch in accordance with the Rules and objects of the Union. Without limiting the generality of this power, the Branch Conference shall have power to:
- (a) exercise powers conferred on Branch Conference elsewhere in these Rules;
  - (b) direct all other decision making bodies in the Branch and any officer, member or employee of the Branch; and
  - (c) make, amend or rescind the Federal Branch Rules in accord with the FW (RO) Act and the Federal Rules.
- (2) Decisions of the Branch Conference shall be binding on associations and members.
- (3) Notwithstanding sub-rule (1), the Branch Conference does not have power to control or manage the finances of the Branch.

## **9 - BRANCH CONFERENCE – MEETINGS**

- (1) There shall be convened, in accordance with this Rule:
- (a) Annual Branch Conferences; and
  - (b) Special Branch Conferences.
- (2) The Annual Branch Conference shall be held each year on a date determined by the Branch Council at its October meeting in the year prior to the Conference.
- (3) The business for the Annual Branch Conference shall include:
- (a) the annual report, the preparation of which shall be the responsibility of Executive;
  - (b) presentation of the Branch financial statements prepared in accordance with the requirements of the FW (RO) Act and as accepted by the Branch Executive;
  - (c) rule amendments;
  - (d) motions submitted by associations;
  - (e) urgent business submitted by the Executive; and
  - (f) any matter of urgency submitted to the Conference by a delegate on a motion for the "Suspension of Standing Orders" being carried.



- (4) The Branch Secretary shall provide each Association and Conference Delegate with 14 days notice in writing of the time, date and place of the Annual Branch Conference together with a copy of the agenda.

## 10 - SPECIAL CONFERENCES

- (1) A Special Conference may be called at any time by the Branch Secretary, the Branch President, the Branch Council or on the request of Associations representing a majority of members of the Branch.
- (2) The Branch Secretary shall provide each association and each Conference member with 14 days notice in writing of the calling of a Special Branch Conference. The notice shall specify the business to be transacted at the Special Branch Conference and the time, date and place of the Special Branch Conference.
- (3) No business other than that specified in the notice calling the Special Conference shall be transacted at a Special Conference.

## 11 - COMPOSITION OF BRANCH COUNCIL

- (1) There shall be a Branch Council which shall consist of:
- (a) The Branch Presidential Officers;
  - (b) Representatives elected by and from members of associations or groups of associations; and
  - (c) Representatives elected by and from members on the ATSI Members' Roll, Aboriginal Members' and Torres Strait Islander Members' Roll.
- (2) For the purposes of sub-rule 1, the entitlement of an association or a group of association shall be calculated in accordance with the following table:

Number of Financial Members	Branch Council Representative Entitlement
90-250	1
251-500	2
501-750	3
751-1000	4
1001-1250	5
1251-1500	6
1501-1750	7
1751-2000	8
2001-2250	9
2251-2500	10
2501-2750	11
2751-3000	12
3001-3250	13
3251-3500	14
3501-3750	15
3751-4000	16

- (a) for every additional 250 financial members (or part thereof) in excess of 4000, associations will be entitled to 1 additional representative;
- (b) for the purposes of sub-rule 1, in the case of the ATSI members' roll, Aboriginal Members' and Torres Strait Islander Members' Roll there will be five representatives

elected by and from those financial members listed on the ATSI-roll Aboriginal Members' and Torres Strait Islander Members' Roll;

- (c) where the number of members on the ~~ATSI members' roll~~Aboriginal Members' and Torres Strait Islander Members' Roll exceeds 1250, the formula set out in Rule 11(2) will be applied.
- (3) For the purpose of electing representatives to the Branch Council, the Branch Council shall group associations with less than 90 financial members with other associations in the year in which Branch Council elections are held.
- (4) A quorum for a meeting of the Branch Council shall be 100.
- (5) The Branch Secretary, the Branch Deputy Secretaries and the Branch Professional Officers are entitled to attend meetings of the Branch Council but are not entitled to vote or be counted in determining whether a quorum is present.
- (6) During any period that a Branch Professional Officer is deemed to be on leave from the Branch Council, the eligible alternative representative will be a member of the Branch Council in their stead with all the powers and responsibilities of a member of the Branch Council including the right to nominate in and vote in collegiate elections conducted within the Branch Council.
- (7) In the event that a representative of an association, group of associations or representative of members on the ~~ATSI Members' Roll~~Aboriginal Members' and Torres Strait Islander Members' Roll is going to be absent from a meeting of the Branch Council, they shall nominate in writing an alternative association representative who is not, for the time being a Branch Professional Officer, or, if an alternative association representative is not available, a financial member of the Union as their proxy.

## 12 - BRANCH COUNCIL POWERS

- (1) Subject to this rule, and to decisions of the Branch Conference, the Branch Council shall have power to control and manage the business and affairs of the Branch in accordance with the Rules and Objects of the Union. Without limiting the generality of this power, the Branch Council shall have power to:
  - (a) Deal with matters submitted to it by the Branch Conference, Branch Executive or Associations.
  - (b) Elect Branch Professional Officers and determine their duties;
  - (c) Appoint or remove a Branch Returning Officer and Deputy Branch Returning Officer qualified to act in accordance with the FW (RO) Act, to conduct any election for which a Returning Officer is required in connection with any Branch office in the Union;
  - (d) Terminate the employment of Professional Officers where:
    - i. the position held by the Branch Professional Officer has been abolished in accordance with rule 25(4) and there is no suitable alternative position available; or
    - ii. the Branch Professional Officer has misappropriated funds of the Union, has substantially breached the Union's Rules, has engaged in gross misbehaviour in relation to their position or has grossly neglected their duties.
  - (e) Dismiss from office any person elected to an office within the Branch who has been found guilty in accordance with the Rules of the Union of misappropriation of the funds of the Union, a substantial breach of the Rules of the Union, gross misbehaviour or gross neglect

of duty in relation to their office or who has ceased according to the Rules of the Union to be eligible to hold the office;

- (f) Delegate to the Branch Executive, its powers under rule 12(1)(d) and rule 12(1)(e);
  - (g) Authorise an application for the registration of the Union under Chapter 5 the IR Act;
  - (h) Participate in systems for regulating workplace relations created by the Act and the IR Act;
  - (i) Act as a medium of communication between the associations or individual members on the one hand and employing authorities or the government on the other;
  - (j) Frame standing orders for the Branch Council for the control of meetings; and
  - (k) Do all things necessary or convenient to the exercise of the foregoing powers or any powers conferred by the Federal Rules or the Federal Branch Rules.
- (2) Decisions of the Branch Council shall be binding on the Branch Executive, associations and members.
- (3) Notwithstanding sub-rule (1), the Branch Council does not have power to control or manage the finances of the Branch.

### **13 - MEETINGS OF BRANCH COUNCIL**

- (1) The Branch Council shall meet on a minimum of 8 occasions in each calendar year on dates determined by the Branch Council on or before 31 October in the preceding year and on such other occasions as it may determine by resolution.
- (2) The Branch Executive may summon a meeting of the Branch Council in the event that a scheduled meeting of the Branch Council does not take place for any reason.
- (3) A special meeting of the Branch Council shall be convened by the Branch Secretary if:
- (a) The Branch President or the Branch Secretary consider that circumstances have arisen to justify a meeting of the Branch Council; or
  - (b) On the receipt of requests from no less than 6 associations with a combined membership of not less than 1,000 members provided that the request from each association is evidenced by a resolution carried at a properly constituted meeting and the request is conveyed to the Branch Secretary in writing with a copy of the resolution.
- (4) At a special meeting of the Branch Council, the only business to be conducted will be that business specified in the notice calling for the meeting.
- (5) The Branch Secretary shall provide each association and each Branch Council member with 10 days notice in writing of the Branch Council meeting. The notice shall specify the time, date and place of the meeting and, in the case of an ordinary meeting, the agenda for the meeting and in the case of a special Branch Council meeting, the business to be conducted at the special Branch Council meeting.

#### 14 - COMPOSITION OF BRANCH EXECUTIVE

- (1) There shall be a Branch Executive which shall consist of:
  - (a) The Branch Presidential Officers, namely, the Branch President, the Branch Deputy President and the Branch Senior-Vice President;
  - (b) The 4 Branch Vice-Presidents;
  - (c) The 2 Branch Custodians;
  - (d) One Member of the Branch Council who is a representative of members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll; and
  - (e) 8 Association representatives.
- (2) The 4 Branch Vice-Presidents, the 2 Branch Custodians, the representative of members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll and the 8 association representatives shall be elected annually by and from the Branch Council at the first Branch Council meeting of the year in accordance with rule 38.
- (3) The Branch Secretary and the Branch Deputy Secretaries shall attend meetings of the Branch Executive but shall not be entitled to vote or be counted in determining whether a quorum is present.

#### 15 - BRANCH EXECUTIVE POWERS

- (1) The Branch Executive shall be the committee of management of the Branch and, subject to sub-rule (2), shall, between meetings of the Branch Council, be responsible for the management to the Branch.
- (2) Prior to the first meeting of the Branch Council, the Branch Executive shall have all the powers of the Branch Council and, thereafter, between meetings of the Branch Council, shall have all the powers except the powers to amend the Federal Branch Rules.
- (3) The Branch Executive shall, as soon as practicable, give effect to any resolution of the Branch Council.
- (4) The Branch Executive shall, in addition, have power to:
  - (a) Determine the remuneration and conditions of employment of Branch Professional Officers and Branch employees;
  - (b) Employ, and dismiss, such employees as may be necessary for the conduct of the business of the Branch and determine their duties;
  - (c) Cease the employment of Branch Professional Officers in circumstances other than those outlined in **12(1)(d)**;
  - (d) Investigate complaints by members of the Branch and take such action as may be deemed necessary;
  - (e) Delegate to officers, or the holders of any named offices, its power under rule 15(4)(a), rule 15(4)(b), rule 15(4)(c) and rule 15(4)(d);
  - (f) Determine the remuneration conditions of employment of full time elected officers and the honoraria payable to other elected officers;

- (g) Purchase, lease, hire or otherwise acquire any real or personal property, and disburse monies from the Branch Fund for the conduct of the business of the Branch;
  - (h) Make contributions to superannuation schemes, or retirement funds for the benefit of elected, appointed or employed officers and employees to enter into such arrangements as may be necessary for that purpose;
  - (i) Appoint as a Branch auditor persons qualified to act in accordance with the FW (RO) Act, for any purpose for which an auditor is required in connection with the Branch accounts and, if appropriate, remove that person;
  - (j) Demand or cause to be made an audit of the books and accounts of any association, and for that purpose take possession of all property, books, bank books, documents and correspondence from any association; and
  - (k) Raise funds by subscriptions, levies, loans, mortgages, commercial bank bills, donations and in any other manner approved by the Branch Council and to spend the monies so raised for the purpose of carrying out all or any of the objects of the Union.
- (5) Decisions of the Branch Executive shall be binding on associations and members.

#### **16 - MEETINGS OF THE BRANCH EXECUTIVE**

- (1) The Branch Executive shall meet at least once each month other than in January and December.
- (2) In addition to monthly meetings of the Branch Executive, the Branch Executive shall meet whenever:
  - (a) The Branch Executive determines;
  - (b) The Branch President or, in their absence, the Branch Deputy-President so determines; or
  - (c) A majority of the members of the Branch Executive make a request in writing to the Branch Secretary.
- (3) Branch Executive meetings shall be chaired by the Branch President or in their absence the Branch Deputy President or the Branch Senior Vice President, or in the absence of all three, a member of Branch Executive elected by the persons assembled for the meeting.
- (4) The Branch President shall, subject to sub-rule (5), determine the agenda for any meeting of the Branch Executive. The Branch Secretary shall give each member of Branch Executive three days notice of any Branch Executive meeting and shall include with that notice a copy of the agenda.
- (5) The agenda of Branch Executive shall also include any item:
  - (a) which the Branch Council or Branch Executive has previously determined should be included;
  - (b) of which notice has been given in writing by a member of the Branch Executive 10 days prior to the meeting; and
  - (c) which the Branch Executive determines should be included.
- (6) The requirements of sub-rules (4) and (5) of this Rule as to notice are directory and not mandatory and the accidental omission to give any required notice or provide any agenda shall not of itself invalidate any subsequent resolution of the Branch Executive.

- (7)
  - (a) Subject to sub-rule (7)(c), where in the interests of the Branch it is necessary that there be a meeting of the Branch Executive but it is not practicable for the Branch Executive to assemble, the Branch President may, after consultation with the Branch Secretary, determine that the business of the Branch Executive meeting, for which the agenda has been determined for the purposes of sub-rule (5), of this rule shall be conducted by video-conference and/or telephone conference vote.
  - (b) Subject to sub-rule (7)(c), where, in the interests of the Branch, it is necessary that there be an urgent a meeting of the Branch Executive, the Branch President, may after consultation with the Branch Secretary, forthwith convene a meeting of Branch Executive which meeting may be conducted by video-conference and/or telephone conference vote.
  - (c) When an urgent meeting of the Branch Executive is required to be convened, the Branch Secretary shall provide each member of the Branch Executive by email two days notice of the meeting and the business to be conducted at that meeting.
  - (d) Where a Branch Executive meeting has been convened pursuant to this sub-rule, a member of the Branch Executive may request that the meeting be a face to face meeting.
  - (e) If a face to face meeting has been requested by one third of the members, that meeting shall be held within 5 days of such request and no decision on the business that was to be determined by the Branch Executive pursuant to this sub-rule shall be made pending that meeting.
  - (f) Where a meeting of the Branch Executive has been conducted by video conference and/or telephone conference vote, the Minutes of such meetings shall be taken and a copy thereof shall forthwith be forwarded by email to each member of Branch Executive.
- (8) A majority of the members of the Branch Executive shall constitute a quorum.



### **SECTION 3 – BRANCH OFFICERS AND BRANCH PROFESSIONAL OFFICERS**

#### **17 - PRESIDENTIAL OFFICERS OF THE BRANCH**

- (a) The Branch Presidential Officers shall be:
  - (i) The Branch President;
  - (ii) The Branch Deputy President; and
  - (iii) The Branch Senior Vice President.
- (b) The Presidential Officers and the Branch Secretary shall be Senior Officers and full time officers of the Branch.

#### **18 - DUTIES OF BRANCH PRESIDENT**

The Branch President shall:-

- (a) be responsible for making public statements on behalf of the Branch;
- (b) preside at meetings of the Branch Executive, Branch Council and Branch Conference;
- (c) preside at all meetings arranged by the Branch Executive which are open to members;
- (d) preside at meetings of committees other than committees chaired by another member of the Executive;
- (e) when presiding at a meeting referred to in this sub-rule, have a casting vote;
- (f) if the Branch President believes it is appropriate, summon a special meeting of the Branch Executive or Branch Council;
- (g) represent the Branch, at meetings with a minister or senior officials of a Government department, board, committee, commission or other body set up under an Act of Parliament;
- (h) be responsible for all correspondence with a minister, head of a Government department, board, committee or commission; and
- (i) perform such other duties as may from time to time be determined by the Branch Executive.

#### **19 - DUTIES OF BRANCH DEPUTY PRESIDENT**

The Branch Deputy-President shall:-

- (a) be responsible for making public statements on behalf of the Branch;
- (b) exercise all the powers and duties of the Branch President when appointed by the Branch Executive as acting Branch President in the absence of the Branch President, or in the event that the Branch President is unable to perform the duties prescribed by these Rules;
- (c) perform all duties imposed on them by these Rules; and
- (d) perform such other duties as may from time to time be determined by the Branch Executive.

## **20 - DUTIES OF BRANCH SENIOR VICE-PRESIDENT**

The Branch Senior Vice-President shall:-

- (a) be responsible for making public statements on behalf of the Branch;
- (b) exercise all the powers and perform all the duties of the Branch Deputy President when appointed by the Branch Executive as acting Branch Deputy President in the absence of the Branch Deputy President, or in the event that the Branch Deputy President is unable to perform the duties prescribed by these Rules;
- (c) perform all duties imposed on them by these Rules; and
- (d) perform such other duties as may from time to time be determined by the Branch Executive.

## **21 - DUTIES OF THE BRANCH VICE-PRESIDENT**

The Branch Vice-Presidents shall;

- (a) be honorary officers other when they are acting in the position of Senior Vice-President or Deputy President;
- (b) in accordance with the order of seniority determined in accordance with Rule 38(8), act in the position of Senior Vice President or Deputy President; and
- (c) attend meetings of the Branch Executive.

## **22 - DUTIES OF THE BRANCH SECRETARY**

- (1) The Branch Secretary shall be a Senior Officer of the Branch and a full time officer. The Branch Secretary will be known as the General Secretary of the AEU New South Wales Teachers Federation (NSWTF) branch.
- (2) In addition to the duties imposed on the Branch Secretary by these rules, the Branch Secretary shall perform the following duties:
  - (a) Attend all meetings of the Branch Conference, Branch Council and Branch Executive and such other meetings as directed, and be responsible for the keeping of correct minutes of the proceedings of such meetings;
  - (b) Keep all documents, vouchers and papers belonging to the Branch;
  - (c) Carry out the instructions of the Branch Conference, Branch Council and Branch Executive and exercise a general control over the affairs of the Branch;
  - (d) Call meetings of the Branch Conference, Branch Council and Branch Executive in accordance with these rules and convene the first meeting of any committee appointed by the Branch Conference, Branch Council or Branch Executive as soon as is practicable;
  - (e) Be the public officer of the Branch;
  - (f) Prepare all returns required by the Act, the FW (RO) Act and the IR Act;
  - (g) Keep a register of the members of the Branch ensuring each member's financial status is recorded and a register of members on the ATSI Members' Roll Aboriginal Members' and Torres Strait Islander Members' Roll;

- (h) Have the control and supervision of the paid officers and employees of the Branch;
- (i) Perform the role of Returning Officer for all Branch Council ballots unless the Branch Deputy Secretary is directed to perform this role;
- (j) Be responsible for the financial management of the Branch;
- (k) Be responsible for ensuring that all Branch policies for the elimination of discrimination and sexual harassment are adhered to for the benefit of Branch officers, employees and members;
- (l) Notify the association secretaries of the names of members allocated to associations;
- (m) Inform association secretaries, as soon as practicable, where casual vacancies occur in the offices of association representatives on Branch Council or additional association representatives to Branch Conference;
- (n) Inform associations of the business set down for Branch Council and Branch Conference;
- (o) Delegate any duty under this rule to any Branch Professional Officer other than the power to delegate or a duty required by statute to be performed by the Branch Secretary or an elected officer; and
- (p) Perform such other duties as the Branch Council or the Branch Executive may determine from time to time.

### **23 - DUTIES OF DEPUTY BRANCH SECRETARIES**

- (1)
  - (a) There shall be 4 Deputy Branch Secretaries who shall be full-time officers.
  - (b) Branch Council before 31<sup>st</sup> May in the year of the election shall determine the role statement and nomenclature title of each of the Deputy Secretary positions.
  - (c) Each Deputy Secretary position will be elected separately. The order of the Deputy Secretary elections will be determined by the Branch Council before the 31<sup>st</sup> May in the year of the election.
  - (d) A nominee may nominate for more than one Deputy Secretary position.
  - (e) Where a nominee for a Deputy Secretary has nominated for more than one position:-
    - (i) the ballot, shall be counted in the order determined by the Branch Council; and
    - (ii) where a nominee for more than one Deputy Secretary position is declared elected to a Deputy Secretary position, their votes for the remaining positions will be discarded and their preferences distributed to remaining candidates.
- (2) The Deputy Branch Secretaries shall:
  - (a) Assist the Branch Secretary in the performance of their duties;
  - (b) On being designated by the Branch Secretary, or the Branch President, if the Branch Secretary has not done so, or is not able to do so, perform the duties of the Branch Secretary in their absence; and
  - (c) At the direction of the Branch Secretary, be responsible for the control and supervision of designated Branch Professional Officers or Branch employees.

## **24 - DUTIES OF BRANCH CUSTODIAN**

There shall be 2 Branch custodians who shall be responsible for ensuring that:

- (1) Monies received by the Branch are deposited and funds invested in accordance with the rules of the Branch and the directions, if any, of Branch Conference or Branch Council; and
- (2) That all payments out of the funds of the Branch have been duly authorised.

## **25 - BRANCH PROFESSIONAL OFFICERS**

- (1) The Branch shall employ Branch Professional Officers to fill Branch Professional Officer positions established in accordance with this rule.
- (2) The Branch Council may, on the recommendation of the Branch Executive, or on a notice of motion supported by at least 20 association representatives on the Branch Council, establish new Branch Professional Officer positions provided that 14 days notice has been given to all members of the Branch Council.
- (3) The Branch Conference may, on the recommendation of the Branch Executive or on a notice of motion supported by at least 20 association representatives on Branch Council, establish Branch Professional Officer positions provided that 14 days notice has been given to all members of the Branch Conference.
- (4) The Branch Council may, at any time, abolish a Branch Professional Officer position provided that notice of the proposal to abolish the position appears on the Notice paper of the Branch Council meeting at which the proposal is to be considered.
- (5) Branch Professional Officers will be responsible for implementing the policies of the Union and the Branch, performing any other duties as are determined by the Branch Council and will be subject to the day to day control and direction of the Branch Secretary.
- (6) The Branch Secretary may, notwithstanding the statement of duties of a Branch Professional Officer, assign the Branch Professional Officer, on a temporary basis, to an area of need.
- (7) Where a Branch Professional Officer is assigned to an area of need, and is dissatisfied with the nature of the duties assigned to them, they may appeal against that decision to the Branch Executive.

## **26 - EMPLOYMENT OF BRANCH PROFESSIONAL OFFICERS**

- (1) Any financial member of the Branch may nominate for election to a position as a Branch Professional Officer. The Branch Professional Officers shall be elected by members of the Branch Council at a meeting.
- (2) The members of the Branch Council entitled to vote in an election for Branch Professional Officers will be the members of the Branch Council as at the date of the close of nominations.
- (3) In the event that a person who is elected as a Branch Professional Officer is, at the time of their election, a member of the Branch Council or the Branch Executive:
  - (a) they will be deemed to be on leave from their position on the Branch Council; and
  - (b) if they hold a position on the Branch Executive, they will no longer be eligible to hold the position on the Branch Executive.

- (4) A Branch Professional Officer may nominate for and be elected to a position on the Branch Council provided that, if they are elected, they shall be deemed to be on leave from the Branch Council while they remain a Branch Professional Officer.
- (5) Where a member of the Branch Council is deemed to be on leave from the Branch Council:
  - (a) they will have none of the rights of a member of a Branch Council other than the right to nominate for and vote in elections for the offices of Branch Secretary and Branch Deputy Secretary; and
  - (b) the duties of their position on the Branch Council shall be performed by an eligible alternative association representative.
  - (c) For the purposes of this sub-rule, the eligible alternative representative will be an alternative representative from the association which the Branch Professional Officer was elected to the Branch Council, or if the Branch Professional Officer was elected to the Branch Council by members on the ATSI Members' Roll, Aboriginal Members' and Torres Strait Islander Members' Roll, an alternate representative of members on that Roll.
  - (d) An alternative representative who is performing the duties of a member of the Branch Council in accordance with this sub-rule shall have the right to nominate for and vote in elections for offices elected by and from members of the Branch Council.
  - (e) In the event that a Branch Professional Officer who is deemed to be on leave from the Branch Council ceases to be a Branch Professional Officer before the expiration of their term of office as a member of the Branch Council, they shall resume their former position on the Branch Council and the alternative representative who has replaced them shall cease being a member of the Branch Council unless they have been elected to an office elected by and from members of the Branch Council.

## **27 - BRANCH PROFESSIONAL OFFICERS' COMMITTEE**

- (1) There shall be a Branch Professional Officers' Committee which shall be comprised of the Branch President and 4 members of the Branch Council appointed by the Branch Council at its first meeting each year.
- (2) The function of the Branch Professional Officers' Committee shall be to:
  - (a) Consider all nominations for the position of a Professional Officer and to investigate the qualifications and credentials of candidates for election as a Professional Officer;
  - (b) To report to the Branch Council on the suitability of candidates for election to Professional Officer positions; and
  - (c) To recommend to the Branch Council whether or not a vacancy for a position of a Professional Officer should be filled.

## **28 - FILLING CASUAL VACANCIES FOR BRANCH PROFESSIONAL OFFICERS - DELETE29 - RELIEF BRANCH PROFESSIONAL OFFICERS**

- (1) The Branch Council will establish a pool of Relief Branch Professional Officers who will be elected by a secret exhaustive preferential ballot of the Branch Council.

- (2) Persons elected as Relief Branch Professional Officers will be eligible to be appointed by the Branch Secretary as Relief Branch Professional Officers for the purposes of specific projects, to undertake work during emergency circumstances, or during a temporary absence of a Professional Officer in the calendar year following their election.
- (3) The Branch Secretary shall determine the period of appointment of the Relief Branch Professional Officer.
- (4) A Relief Branch Professional Officer who is appointed by the Branch Secretary shall have, for the period of such appointment, the rights, duties and entitlements of a Branch Professional Officer.
- (5) A Relieving Branch Professional Officer who is also a member of the Branch Executive or the Branch Council shall be granted leave from such positions during the period they are a Relieving Branch Professional Officer.

## **SECTION 4 – ELECTIONS**

### **30 - BRANCH RETURNING OFFICER**

- (1) A reference in these Rules to the Branch Returning Officer shall be a reference to the returning officer appointed by the Australian Electoral Commission or a Returning Officer or Assistant Returning Officer appointed by the Branch Council at its first meeting each year to conduct elections in accordance with an exemption given in accordance with section 186 of the FW (RO) Act, or to perform functions allocated to a Returning Officer or an Assistant Returning Officer not undertaken by the Australian Electoral Commission.
- (2)
  - (a) A Returning Officer or Assistant Returning Officer appointed by the Branch Council shall not, during the term of their office, be an employee of or holder of any office within the Union or the Branch or a candidate in any election within the Union or the Branch and shall not be eligible to nominate any candidate for any election under the Federal Rules or the Federal Branch Rules and shall hold office until their successor is appointed.
  - (b) If the Returning Officer is unable to undertake their duties as and when required or if there is a casual vacancy in their office, the Branch Executive shall appoint an acting Returning Officer provided that no person so appointed shall be the holder of any other office or be an employee of, or a candidate for any other office in the Union or a Branch, Section or Division of the Union.
- (3) The Branch Returning Officer, and/or Assistant Branch Returning Officer under the direction of the Branch Returning Officer, shall take such actions and give such directions as are reasonably necessary in order to ensure that no irregularities occur in or in connection with an election or in order to rectify any procedural defects and no person shall refuse or fail to comply with such directions or obstruct or hinder a Branch Returning Officer or any other person in the conduct of an election or in the taking of any such action.
- (4) The decision of the Branch Returning Officer shall be final and binding regarding any matter touching the validity or normality of any nomination or vote or any matter touching or concerning such an election and the conduct hereof. The decision of the Assistant Branch Returning Officer on any such question shall be subject to review by the Branch Returning Officer whose determination shall be final and binding.
- (5) If, at any time prior to the declaration of the election an irregularity should occur in the conduct of the election, which in the opinion of the Branch Returning Officer may affect the result of such election, the Branch Returning Officer shall declare void the election or, where appropriate any step in or in connection with the election.

- (6) Where the Branch Returning Officer has made a declaration pursuant to sub-rule (5) they shall hold another election or take whatever steps are required to be taken again and then proceed with the uncompleted steps in the election.
- (7) In exercising powers pursuant to sub-rule (6) the Branch Returning Officer may, subject to the FW (RO) Act, waive the requirements of the rules to the extent necessitated by the practicalities of the situation.
- (8) Where the Branch Returning Officer has made a declaration pursuant to sub-rule (5) in respect to an election for an office the person holding that office immediately prior to that election shall remain in office until their successor is elected.

**31 - CONDUCT OF SECRET POSTAL BALLOTS**

- (1) Elections conducted by a secret postal ballot shall be conducted in accordance with this rule.
- (2) The Branch Returning Officer shall prepare a roll of voters which shall close 7 days before the day on which nominations are opened.
- (3) The Branch Returning Officer shall, on the close of nominations, check all nominations received for compliance with the requirements of the Rules, and where the Branch Returning Officer considers that any nomination is defective, they shall immediately notify the person concerned of the defect by the most expeditious means and, where it is practicable to do so, give them the opportunity of remedying the defect, allowing, if practicable, at least 7 days after notification.
- (4)
  - (a) A nominee in a ballot conducted in accordance with this Rule may withdraw their nomination at any time before the close of nominations and after nominations have closed, provided that such withdrawal is exercised within seven (7) days after the date on which nominations are advised to the Branch.
  - (b) Such withdrawal of nomination shall be by notice in writing to the Returning Officer signed by the nominee and submitted by hand, post or facsimile or any other electronic means.
- (5) The Branch Returning Officer shall, where there is no more than one valid nomination for a position, declare the nominated person elected.
- (6) The Branch Returning Officer shall, where there are more nominations than there are vacancies for a position:
  - (a) have the ballot papers prepared and delivered to them containing the names of the candidates for each position in an order chosen by lot, indicating the number to be elected to each position, the manner in which votes shall be recorded and the date and time fixed for the closing of the ballot;
  - (b) initial each ballot paper or cause each ballot paper to bear a facsimile of their initials;
  - (c) cause to be delivered to each member, who is financial as at the date of the closure of the roll of voters, a pre-paid reply envelope, a ballot paper and declaration envelope with a removable flap/label upon which the voter shall be required to sign as an eligible voter, such removable flap/label shall be detached or separated from the declaration envelope by the Branch Returning Officer and placed in separate piles so as to ensure that the ballot paper cannot be identified with the removable flap/label. Both envelopes shall be in the form prescribed by Regulation 6 of the Fair Work (Registered Organisations) Regulations 2009;
  - (d) at the request of a candidate or group of candidates, forward with each ballot paper electoral material lodged by the candidate or groups of candidates. That material must be lodged within seven days of the close of nominations, be provided in the form of an electronic file, be restricted to a maximum of 400 words per candidate and may include a passport sized photograph. The material may include an indication of preference provided that all candidates are shown in the order they appear on the ballot paper and there is a preference allocated to each candidate;
  - (d) upon receipt of an application for an absentee vote from a member who is entitled to vote at a ballot and will be absent during the conduct of the ballot, issue that member with a ballot paper provided that the application is received in the period after the nominations have closed and before the opening of the ballot; and



- (e) arrange for the use of a post office box or other receptacle into which ballot papers may be returned;
- (7) The Returning Officer shall, on the closing of the ballot and in the presence of such scrutineers as are present:
  - (a) Take steps to ensure that all of the ballot papers are deposited in the ballot box;
  - (b) Open the ballot box to produce unopened declaration envelopes;
  - (c) Determine, prima facie, the bona fides of the ballots by reference to the roll of voters and the removable flap/label;
  - (d) Open the ballot paper envelope and extract from them all ballot papers in such manner as to preserve the secrecy of the ballot;
  - (e) Place the ballot paper envelopes and ballot papers in separate bundles;
  - (f) Proceed with the counting of the votes in accordance with Rule 34 and declare the result of the ballot.
- (8) Any vote in a ballot shall be informal if:
  - (a) The ballot paper is received by the Branch Returning Officer after the notified hour on the closing date;
  - (b) The ballot paper is not contained in a declaration envelope which in turn is contained in the prescribed outer envelope;
  - (c) The removable flap/label is not signed; or
  - (d) The content of the ballot paper does not comply with the instructions printed on it.
- (9) If the Branch Returning Officer is satisfied that a ballot paper has been destroyed, lost, damaged or misused they shall supply (in the place of the damaged or misused ballot paper on receipt thereof) to the person to whom the original ballot was supplied a substitute ballot paper.

### **32 - CONDUCT OF ELECTIONS AT MEETINGS**

- (1) An election conducted by a secret ballot at a meeting shall be conducted in accordance with this rule.
- (2) The Branch Returning Officer shall, on the close of nominations, check all nominations received for compliance with the Rules. Where the Branch Returning Officer considers that any nomination is defective, they shall immediately notify the person concerned of the defect by the most expeditious means and, where it is practicable to do so, give them the opportunity of remedying the defect, allowing, if practicable, at least 7 days after the notification.
- (3)
  - (a) A nominee in a ballot conducted in accordance with this Rule may withdraw their nomination at any time before the close of nominations, and after nominations have closed, provided that such withdrawal is exercised within seven (7) days after the date on which nominations are advised to the Branch.
  - (b) Such withdrawal of nomination shall be by notice in writing to the Returning Officer signed by the nominee and submitted by hand, post or facsimile or any other electronic means.

- (4) If there is no more than one nomination for a position, the Branch Returning Officer shall declare the nominated person elected to the position.
- (5)
  - (a) at the request of a candidate or group of candidates, electoral material may be lodged by the candidate or groups of candidates. That material must be lodged within seven days of the close of nominations, be provided in the form of an electronic file, be restricted to a maximum of 400 words per candidate and may include a passport sized photograph. The material may include an indication of preference provided that all candidates are shown in the order they appear on the ballot paper and there is a preference allocated to each candidate. The candidates' statements are to be lodged by the means determined by the Returning Officer at the address notified by the Returning Officer.
  - (b) The candidates' statements will be provided to eligible voters on the day of the election prior to the conduct of the election.
- (6) If more nominations are received than there are vacancies for a position, the Branch Returning Officer shall:
  - (a) have the ballot papers prepared containing the names of the candidates for each position in an order chosen by lot indicating the number to be elected to each position and the manner in which the votes shall be recorded;
  - (b) be responsible for the safe custody of the ballot papers and ensure that voters can cast a secret vote;
  - (c) initial each ballot paper or have each ballot paper bear a facsimile of their initials;
  - (d) issue a ballot paper to each member present at the meeting entitled to receive a vote;
  - (e) on the closing of the ballot, in the presence of scrutineers, count all the votes in accordance with Rule 34 and declare the result of the ballot.
- (7)
  - (a) Where a person eligible to vote in an election to be conducted at a meeting in accordance with this Rule is unable to attend the meeting, they may appoint another person eligible to vote in the election vote in their stead.
  - (b) An appointment made in accordance with this sub-rule must be in writing and be provided to the Branch Returning Officer before the time appointed for the conduct of the ballot.
  - (c) A person appointed in accordance with this sub-rule shall exercise the vote of the person they replace as they see fit.

### **33 - SCRUTINEERS**

- (1) A candidate in any election conducted under these Rules may appoint a scrutineer to represent their interests in counting of the ballot.
- (2) A scrutineer shall be a financial member of the Union but shall not be a candidate in the same ballot nor a candidate in any ballot being currently conducted pursuant to these Rules.
- (3) It is the responsibility of the candidate appointing a scrutineer to ensure that the scrutineer's nomination form reaches the Branch Returning Officer before the commencement of the count.
- (4) A scrutineer shall be entitled to be present throughout the ballot and may query the inclusion of any vote in the count but the Branch Returning Officer shall have the final determination of any votes so queried.

- (5) A scrutineer shall not remove, mark, alter or deface any ballot paper or other document used in connection with the election and shall not interfere with or attempt to influence any member at the time such member is casting a vote.

### **34 - SYSTEM OF VOTING**

- (1) (a) In any ballot conducted pursuant to these Rules in which only one candidate is to be elected, the system of voting shall be the preferential system of voting set out in this sub-rule.
- (b) The Branch Returning Officer shall count first preference votes cast for each candidate and if any candidate has received an absolute majority of first preference votes they shall be declared elected.
- (c) (i) If no candidate has received an absolute majority of first preference votes, the candidate with the lowest number of first preference votes shall be eliminated and the second preference votes of the eliminated candidate shall be allocated to the remaining candidates in accord with the voter's preference. If, on a count of those votes, a candidate has an absolute majority of votes they shall be declared elected.
- (ii) If no candidate then has an absolute majority of votes, the process of eliminating the candidate with the lowest number of votes at that stage and allocating the next preference votes of that candidate shall be repeated until one candidate has received an absolute majority of votes; and
- (iii) The candidate who has received an absolute majority of votes shall be declared elected.
- (2) (a) In any ballot conducted pursuant to these Rules in which more than one candidate is to be elected, the system of voting shall be the exhaustive preferential system set out in this sub-rule.
- (b) A voter shall record a valid vote by marking on the ballot paper in the squares opposite the names of the candidates sequential numbers commencing with the number 1. The voter must show preferences for all candidates listed on the ballot paper in order for the vote to be deemed valid.
- (c) The Returning Officer shall reject as informal a ballot paper that:
- (i) does not **bear** the initials or other authenticating mark of the Returning Officer;
- (ii) has upon it any mark or writing by which the voter can be identified
- (iii) the marking is such that the intention of the voter is not clear
- (d) The Branch Returning Officer shall count all first preference votes cast for each candidate and if any candidate has received an absolute majority of first preference votes they shall be declared elected.
- (e) If no candidate has received an absolute majority of first preference votes, the Branch Returning Officer shall proceed to eliminate candidate(s) and distribute preference votes, as provided in sub-rule (1)(c) above, until a candidate has an absolute majority of votes and is declared elected.
- (f) To determine the next successful candidate, the Branch Returning Officer shall allocate the second preference votes of the candidate who has been elected to each of the other candidates in accord with the voter's preference including to the candidates eliminated pursuant to sub-rule (1)(c) above.

- (g) If a candidate then has an absolute majority of votes they shall be declared elected but if no candidate then has an absolute majority of votes the count shall proceed as provided in sub-rule (1)(c)(ii) above.
  - (h) Any remaining vacancies shall be filled one by one in the manner provided above and as any candidate receives an absolute majority they shall be declared elected. Provided that where the second preference votes of an elected candidate are given to another elected candidate the Branch Returning Officer shall allocate the third preference vote of the first mentioned elected candidate to other candidates in accordance with the voters' third preference. This proviso applies equally where second and succeeding preference votes are given to two or more elected candidates.
- (3) If on any count of votes pursuant to sub-rule (1) or (2) above, two or more candidates have an equal number of votes and one or more of them has to be eliminated, Branch Returning Officer shall determine by lot which candidates shall be eliminated.
  - (4) The above process is to continue until each candidate on the ballot paper is placed in order of election. The full order of the ballot outcome will be provided upon request.

### **35 - ELECTION OF PRESIDENTIAL OFFICERS**

- (1) The Presidential Officers shall be financial members of the Branch and be elected by a secret postal ballot of all financial members of the Branch.
- (2) A Presidential Officer shall take office on the first school day in the year following their election and hold office for 2 years or until their successor takes office. For the purposes of this sub-rule, the first election conducted under this rule will be conducted in the second half of 2015 and in the second half of every second year thereafter.
- (3) The Branch Returning Officer shall:
  - (a) determine a date for the opening of nominations which shall be a date not less than 7 days prior to the date upon which nominations close and at least 30 days before the date fixed for the election;
  - (b) call for nominations for Presidential Officer positions by sending a notice to each association and by publishing a notice in a publication of the Branch distributed to all Branch members specifying the date of the opening of the nominations and the date of the closing of the nominations.
- (4) Nominations for Presidential Officers shall be:
  - (a) in writing; and
  - (b) signed by at least two members of the Branch who shall at the date of nomination be financial members of the Branch and bear the written consent of the nominee;
- (5)
  - (a) This sub-rule applies where a person has nominated for more than one of the positions of Presidential Officer.
  - (b) For the purposes of this sub-rule, there shall be a hierarchy of positions as follows:
    - (i) Branch President;
    - (ii) Branch Deputy President;
    - (iii) Branch Senior Vice President.

- (c) If only one person has nominated for a position listed in paragraph (b) and that person has also nominated for another position listed in paragraph (b), the nomination for the first listed position shall stand and the other nomination(s) shall lapse.
  - (d) If two or more persons have nominated for an office listed in paragraph (b), and any of them have also nominated for any other position listed in paragraph (b), the ballot listed for the first listed position shall be counted first, and if the successful candidate has also nominated for any other position listed in paragraph (b), their name and the first preference votes gained by them shall be omitted in the counting of the ballot for the other positions and the second and subsequent preference votes of the person omitted from the ballot shall be allocated to the remaining candidates.
- (6) A member shall be qualified to vote in the election of Presidential Officers if they are shown in the records of the Branch as being financial as at the date on which the roll of voters closes.
- (7) The method of voting shall be the preferential method set out in Rule 34.
- (8) (a) Subject to paragraph (b), a casual vacancy (howsoever occurring) in a position of Presidential Officer shall be filled by a secret postal ballot by and from all the financial members of the Branch as soon as practicable following the occurrence of the vacancy.
- (b) If the unexpired term of the position in which the casual vacancy occurs does not exceed half of the term of the position, the Branch Council may appoint a financial member of the Branch to fill the position.
- (c) The person elected or appointed to fill a casual vacancy will take office from the declaration of their election or on their appointment and hold office until the expiration of the term of the person replaced or until a successor takes office.
- (d) Where an election is to be conducted to fill a casual vacancy, Branch Executive may appoint a financial member of the Branch to fill the position until the election is declared.

### 36 - ELECTION OF ASSOCIATION REPRESENTATIVES ON BRANCH COUNCIL

- (1) There shall, in 2016, and every 2 years thereafter, be elections for:
- (a) Representatives elected by and from members of associations or groups of associations;
  - (b) Alternative representatives of associations elected by and from members of associations or groups of associations; and
  - (c) Representatives elected by and from members on the ATSI Members' Roll Aboriginal Members' and Torres Strait Islander Members' Roll.
- (2) Representatives elected in accordance with this rule shall hold office for 2 years commencing at the first Branch Council meeting in the year following their election.
- (3) The Branch Returning Officer shall:
- (a) determine a date for the opening of nominations which shall be a date not less than 7 days prior to the date upon which nominations close and at least 30 days before the date fixed for the election; and
  - (b) call for nominations for the positions referred to in sub-rule (1) by sending a notice to each association and by publishing a notice in a publication of the Branch distributed to all Branch members specifying the date of the opening of the nominations and the date of the closing of the nominations.

- (c) where insufficient nominations have been received in respect to the elections being conducted, any eligible person(s) who have nominated shall be declared elected and the Returning Officer shall by notice to members recall for nominations for any remaining unfilled positions within 14 days of the declaration of the ballot. A further election shall be held for that position and as far as practicable be conducted pursuant to the Branch rules.
  
- (4) A nomination for the positions referred to in sub-rule (1) shall be in writing, be signed by at least two financial members of the relevant association, group of associations or on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll, as the case may be, and bear the written consent of the nominee who shall also be a financial member of the relevant association, group of associations or on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll, as the case may be.
  
- (5) Notwithstanding that the Branch Council has authorised the formation of a new association, the renaming of an association, the amalgamation or dissolution of associations or adjusted the boundaries of associations, no changes will be made to representation on the Branch Council until the next biennial election.
  
- (6) In the event that a member on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll is contesting a position as an association representative on Branch Council, the election for the association representative position on Branch Council shall take precedence, that is, if the nominee for the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll position is successful in the election for an association representative, their first preference votes for the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll position shall be discarded and second and subsequent preferences allocated to remaining candidates.
  
- (7)
  - (a) The Returning Officer shall, in consultation with the relevant association, group of associations or members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll determine the number of alternative association representatives to be elected by the association, group of associations or members of the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll, as the case may be.
  
  - (b) The alternative association representatives or alternative representatives of members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll will be the next person or persons elected after the association representatives or the representatives elected by and from the members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll, as the case may be, have been declared elected.
  
- (8)
  - (a) Subject to paragraph (b), a casual vacancy in a position referred to in sub-rule (1) shall be filled by a secret postal ballot of financial members of the relevant association, group of associations or members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll, as the case may be.
  
  - (b) If the unexpired term of the position does not exceed three quarters of the term, the association, or group of associations which the vacancy has occurred may, at a meeting of members, appoint a financial member from the association or group of associations to fill the casual vacancy.
  
  - (c) Where an election is required to fill a casual vacancy, the election shall be conducted in accordance with this rule subject to any modifications necessary to meet the circumstances.
  
  - (d) A person elected or appointed, to fill a casual vacancy shall take office from the declaration of their election or on their appointment and hold office until the expiration of the term of the person replaced or until a successor takes office.

- (1) There shall, for the Branch Conference to be held in 2021, and every two years thereafter, be elections for::
- (a) Conference Delegates elected by and from members of Associations.;
  - (b) Conference Delegates elected by and from members on the ~~ATSI Members' Roll~~Aboriginal Members' and Torres Strait Islander Members' Roll. .

- (2) Conference Delegates elected in accordance with this rule shall hold office for 2 years from the commencement of the first Branch Conference meeting following their election.
- (3) Notwithstanding that the Branch Council has authorised the formation of a new association, the renaming of an association, the amalgamation or dissolution of associations, or adjusted the boundaries of associations, no changes will be made to the representation on the Branch Conference until the next biennial election.
- (4) Sub-rules 36(3), 36(4) and 36(8) apply, mutatis mutandis, to elections conducted in accordance with this rule.



### 38 - ELECTION OF BRANCH EXECUTIVE

- (1) Apart from the election of the Branch Secretary and the Branch Deputy Secretaries, members of the Branch Executive shall be elected annually by and from the members of the Branch Council.
- (2) Subject to Federal Branch Rule 38(10)(b) a Branch Professional Officer, who is deemed to be on leave from the Branch Council in accordance with Rule 26(3) shall not be entitled to nominate and vote in Branch Executive elections.
- (3) Nominations for the position of Branch Executive member shall, in years following elections of representatives to the nomination to Branch Council, shall open 10 days after the election of representatives of the Branch Council have been declared and, in other years, nominations shall open at the final Branch Council meeting of each year, and close no later than a date 10 days prior to the first regular Branch Council meeting of the year.
- (4) The Branch Returning Officer shall call for nominations by sending Branch Councillors, or Branch Councillors Elect, as the case may be, a notice specifying the positions to be filled, date of the opening of nominations and the date of the closing of nominations.
- (5) A nomination for election to Branch Executive position shall be made in writing, be signed by at least 2 financial members of the Branch Council, and bear the written consent of the nominee.
- (6) The order and seniority of election for Branch Executive members shall be:
  - (a) The 4 Branch Vice Presidents;
  - (b) The 2 Branch Custodians;
  - (c) One member of the Branch Council who is a representative of members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll; and
  - (d) 8 Association Representatives on the Branch Council.
- (7) In Branch Executive elections, a Branch Councillor may nominate for more than one office provided that a candidate who has nominated for more than one office is to be excluded from any uncounted ballots following the candidate's election to an office.
  - (a) If a candidate elected in a higher ranked ballot has nominated for more than one office then their name will be omitted from the ballot paper by the Returning Officer before any voting takes place in any subsequent ballot on the day
- (8) Where in an election for the position of Vice President, the number of candidates does not exceed the number of positions, such candidates shall be declared elected, provided that a ballot shall be conducted to determine the order of seniority of the Vice Presidents.
- (9)
  - (a) Branch Secretary and Branch Deputy Secretary elections shall be conducted in the second half of each third calendar year commencing in 2015.
  - (b) The Branch Secretary and Deputy Branch Secretaries shall take office on the first school day in the year following their election and hold office for 3 years or until the successors take office.
- (10)
  - (a) Subject to this sub-rule, the provisions of this Rule relating to Branch Executive elections shall apply mutatis mutandis to elections for the Branch Secretary and the Branch Deputy Secretaries.

- (b) A Branch Professional Officer who is deemed to be on leave as a member of the Branch Council in accordance with Rule 26(3) and a person who holds office as Branch Secretary or Branch Deputy Secretary, may nominate in and vote in elections for Branch Secretary and Branch Deputy Secretary.
- (c) Nominations for the positions of Branch Secretary and Branch Deputy Secretary shall open no later than 6 weeks prior to the Branch Council meeting designated by the Branch Returning Officer for the conduct of the election and close no later than a date 10 days prior to designated meeting.
- (11) (a) Subject to paragraph (b), a casual vacancy in a position referred to in this rule shall be filled by a secret ballot by and from the members of the Branch Council which shall be conducted as soon as practicable following the occurrence of the vacancy.
- (b) Where the unexpired portion of the term of the position in which the casual vacancy occurs does not exceed one half of the term of the position, the Branch Council may appoint a financial member of the Branch to fill the position.
- (c) The person elected, or appointed, to fill a casual vacancy shall take office from the declaration of his or her election or on his or her appointment and hold office until the expiration of the term of the person replaced or until a successor takes office.
- (d) Where an election is to be conducted to fill a casual vacancy in a position of Branch Secretary or Deputy Branch Secretary, the Branch Executive may appoint a financial member of the Branch to fill the position until an election is conducted and the successful candidate is declared elected.

### **39 - ELECTION OF FEDERAL DELEGATES**

- (1) This rule is subject to rule 30 of the Federal Rules.
- (2) The Branch Returning Officer shall conduct an election of Federal Delegates to Federal Conference each two years or at such earlier time as the Federal Returning Officer shall notify them as is necessary for filling a casual or extraordinary vacancy or increased entitlement pursuant to Rule 24 of the Federal Rules.
- (3) The Branch Returning Officer shall:
  - (a) call for nominations for election of Federal Delegates at least 14 days prior to the date on which nominations close and at least 30 days before the date fixed for the election by placing a notice in a printed or electronic publication of the Branch, provided that the publication in question is circulated to all members of the Branch; and
  - (b) fix the place at which and the date and time on which nominations close and the dates between which the ballot, if any, shall be conducted.
- (4) Nominations shall be in writing and shall be signed by the person accepting the nomination and two financial members of the Branch proposing them.

#### **40 - ELECTION OF FEMALE FEDERAL DELEGATES**

- (1) This Rule shall operate for all elections for Federal Delegates to Federal Conference.
- (2) This Rule shall operate in conjunction with other Federal Branch Rules relating to the election of Federal Delegates to Federal Conference provided that where there is any inconsistency, this Rule shall prevail over any inconsistent provision in any other Rule.
- (3) In addition to any other information required to be set out in the notification of the calling of nominations for the election of Federal Delegates to Federal Conference, the notification shall include the following additional information:
  - (a) the number of Federal Delegates to be elected and the number of female delegates to be elected; and
  - (b) advice that, if the number of female candidates is less than the number of female delegates to be elected, the remaining position or positions in question will be filled by a male candidate or candidates.
- (4) In addition to any other information required to be set out on ballot papers for Federal Delegates, the ballot paper shall include the following additional information:
  - (c) the candidates full names and, in accordance with the candidate's preference, the title Mr, Mrs, Ms or Miss; and
  - (d) the number of Federal Delegates to be elected and the number of female Federal Delegates to be elected.
- (5) The Branch Returning Officer shall having determined the validity of the nominations received, determine in accordance with this Sub-Rule whether it is necessary to conduct a ballot.
- (6) The Branch Returning Officer shall conduct a ballot for all positions if the number of candidates for Federal Delegate positions exceeds the number of Federal Delegate positions to be filled.
- (7) The Branch Returning Officer shall conduct a ballot for remaining positions with the Branch Returning Officer has ascertained that the number of nominations from female candidates is less than or equal to the number of positions for female Federal Delegates and the number of male candidates is more than the number of remaining positions.
- (8) The Branch Returning Officer shall conduct a ballot -
  - (a) for all positions - where the number of candidates for Federal Delegate positions exceeds the number of Federal Delegate positions to be filled; or
  - (b) for remaining positions - where the Branch Returning Officer has ascertained that the number of nominations for female candidates is less than or equal to the number of positions for female Federal Delegates and the number of male candidates is more than the number of remaining positions.
- (9)
  - (a) This Sub-Rule applies to the counting of votes where it is necessary to conduct an election to fill Federal Delegate positions required by this Rule to be filled by female candidates.
  - (b) The Branch Returning Officer shall count the votes and allocate preferences in accordance with the procedure set out in Rule 34 and determine whether the minimum number of female Federal Delegates have been elected in accordance with this Rule.
  - (c) If the minimum number of female Delegates have been elected in accordance with this Rule, the Branch Returning Officer shall declare all the successful candidates elected.

- (d) In the event that the minimum number of female Federal Delegates have not been elected, the Branch Returning Officer shall:
  - (i) eliminate such male candidate or candidates as are necessary to allow the election of the minimum number of female delegates. The male candidate or candidates to be eliminated shall be the last candidate or candidates elected during the counting of the votes and the allocation of preferences referred to in sub-rule (9)(b); and
  - (ii) declare elected the female candidate or candidates last eliminated in counting of the votes and the allocation of preferences during the counting of the votes and the allocation of preferences referred to in sub-rule (9)(b).

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

- (1) The Branch Council shall, by a secret ballot at its first meeting following the election of Branch Council members, elect the number of Federal Executive members provided for in the Federal Rule 35.
- (2) Federal Executive Members elected in accordance with this rule shall take office on 1 March following their election and hold office for 2 years or until his or her successor takes office.
- (3) Nominations for the positions of the Branch Federal Executive members shall:
  - (a) be called by the Branch Returning Officer in a notice sent to all members of the Branch Council. The notice shall specify the date of the opening of the nominations, the closing date of the nominations which shall be a date not later than 12 noon on a day which is 10 days before the date of the Branch Council meeting at which the election will be conducted and provide that nominations should be open for at least 14 days;
  - (b) be in writing, signed by the nominee and two nominators all of whom shall be members of the Branch Council; and
  - (c) be delivered to the Branch Returning Officer prior to the time and date of the closing of nominations.
- (4) In the event of a casual vacancy arising in the position of Branch Federal Executive member, the casual vacancy shall be filled in accordance with the Federal Rules.

#### **42 - CONDUCT OF ELECTION FOR NATIONAL TAFE COUNCIL DELEGATES AND TAFE COUNCIL EXECUTIVE MEMBERS**

- (1) National TAFE Council Delegates and TAFE Council Executive Members are elected by and from members of the Branch assigned to the TAFE Division. Subject to sub-rule (3), the provisions of Branch Rule 31 shall apply mutatis mutandis to the election of National TAFE Council Delegate and TAFE Council Executive Members.
- (2) A National TAFE Council delegate and TAFE Council Executive member elected in accordance with this Rule shall take office on 1 January following their election and hold office for 2 years or until his or her successor takes office.

- (3) The election of National TAFE Council Delegates and TAFE Council Executive Members shall be conducted in the following manner:-
- (a) The elections for the National TAFE Council Delegates and TAFE Council Executive Members shall be simultaneously conducted;
  - (b) Persons eligible to nominate may nominate for both the position of National TAFE Council Delegate and TAFE Council Executive Member;
  - (c) The votes for the position of TAFE Council Executive Member shall be counted first and the successful candidate determined;
  - (d) Where a successful candidate has been determined in accordance with the previous paragraph, the successful candidate shall be eliminated from the election for the National TAFE Council Delegate position and the second and subsequent preference votes cast for the person shall be allocated as first and subsequent preference votes for the remaining candidates.
- (4) Nominations for the positions of National TAFE Council delegates and TAFE Council Executive members shall:
- (a) be called by the Branch Returning Officer, in a notice sent to all members of the Branch in the TAFE Division. The notice shall specify the date of the opening of the nominations, and the closing date of the nominations and provide nominations shall be open for at least 14 days;
  - (b) be in writing, signed by the nominee and two nominators all of whom shall be TAFE Division members of the Branch; and
  - (c) be delivered to the Branch Returning Officer prior to the time and the date of the closing of nominations. Nominations can be made by hand, post, facsimile or other electronic means.
- (5) National TAFE Council Delegates and TAFE Executive members take office on 1 January following their election and cease to hold office on 31 December in the following year provided that where there is a delay in the completion of the ballot, the outgoing Delegates shall hold office until their successors are elected and their successors shall hold office until the next normal election of National TAFE Council Delegates and TAFE Executive members.

#### **43 - ELECTION OF NATIONAL YALUKIT YULENDJ MEMBERS REPRESENTING THE GENERAL DIVISION AND TAFE DIVISION**

- (1) (a) This Rule is subject to Federal Rule 73 and 74.
- (b) A reference to “Yalukit Yulendj” is a reference to the National Aboriginal and Torres Strait Islander Education Committee.
- (2) The Branch Returning Officer will conduct an election for one National Yalukit Yulendj (General Division) member and one national Yalukit Yulendj (TAFE Division) member:
- (a) each 2 years at the same time as the scheduled election of Federal Conference delegates or, in any event, according to a time table which permits the declaration of the election on or before 30 November in the year prior to taking office; or
  - (b) at such time as shall be notified by the Federal Returning Officer to the Branch Returning Officer as is necessary for filling a casual vacancy.

- (3) The National Yalukit Yulendj (General Division) member shall be elected by and from General Division members on the ~~ATSI Members' Roll~~Aboriginal Members' and Torres Strait Islander Members' Roll.
- (4) National Yalukit Yulendj (TAFE Division) member shall be elected by and from TAFE Division members on the ~~ATSI Members' Roll~~Aboriginal Members' and Torres Strait Islander Members' Roll.
- (5) Elections conducted for the purposes of this Rule shall be conducted in accordance with the rules for conducting elections for Federal Conference Delegates provided that nominators, nominees and electors must be members on the ~~ATSI Members' Roll~~Aboriginal Members' and Torres Strait Islander Members' Roll.

**44 - ELECTION OF NATIONAL PRINCIPAL COMMITTEE (GENERAL DIVISION) MEMBER**

- (1) This Rule is subject to Federal Rule 75.
- (2) The Branch Returning Officer shall conduct an election for one National Principal Committee (General Division) member:
  - (a) each 2 years at the same time as the scheduled election of Federal Conference delegates or, in any event, according to a time table which permits the declaration of the election on or before 30 November in the year prior to taking office; or
  - (b) at such time as shall be notified by the Federal Returning Officer to the Branch Returning Officer as is necessary for filling a casual vacancy.
- (3) The National Principal Committee (General Division) member shall be elected by and from members of the Branch in the General Division. The election shall be conducted in accordance with Rules for conducting elections for Federal Conference Delegates except that the nominee and the nominators must be current principals.

## **SECTION 5 – FINANCIAL MANAGEMENT**

### **45 - BRANCH FUND**

There shall be a Branch Fund which shall consist of:-

- (a) any real or personal property of which the Branch Executive by the Rules or by any established practice not inconsistent with the Rules, has or in the absence of any limited term lease, bailment, or arrangement, would have, the right of custody, control or management;
- (b) any interest, rents, dividends or other income derived from the investment or use of the Branch Fund;
- (c) any superannuation or long service leave or other fund operated or controlled in accordance with the Rules relating to the Union for the benefit of the officers or employees of the Branch;
- (d) any sick pay fund, accident pay fund, general fund, or like fund operated in accordance with these Rules for the benefit of the members attached to the Branch;
- (e) any property acquired wholly or mainly by expenditure of monies of the Branch Fund or derived from the assets of the Branch Fund; or
- (f) the proceeds of any disposal of parts of the Branch Fund.

### **46 - APPLICATION OF FUNDS**

- (1) Subject to sub-rule 2, the funds of the Branch may be applied and used for, or in connection with, any lawful object or purpose authorised by these rules.
- (2) Without limiting the generality of sub-rule 1, the funds of the Branch may be used to promote public education through political campaigns to provided that no donations or other payments shall be made in support of particular candidates or political parties in elections to parliament.
- (3) The funds of the Branch may be obtained from contributions, levies and fines determined in accordance with these Rules together with borrowings, profits from investments and any other lawful activity authorised by these Rules.

### **47 - MANAGEMENT OF BRANCH FUNDS**

The Branch Executive shall manage the funds of the Branch and shall approve the application thereof.

### **48 - EXECUTION OF DOCUMENTS AND BRANCH SEAL**

- (1) All documents required to be executed on behalf of the Branch shall be executed by the Branch Secretary.
- (2) There shall be a seal of the Branch which will bear the words: “Seal of the Australian Education Union New South Wales Teachers Federation (NSWTF) Branch”.
- (3) The seal of the Branch shall be affixed to a document only in the presence of the Branch Secretary and at least two members of the Branch Executive who by their signatures, attest to the act of the affixing of the seal.
- (4) The affixing the common seal of the Branch maybe authorised by the Branch Executive and the affixing of the common seal to a document in accordance with this Rule shall, for the purposes of

any transaction referred to in the document involving property which forms part of the Branch fund, be sufficient to give effect to the transaction on behalf of the Union.

- (5) Where the Branch Council or Branch Executive authorises the affixing of the common seal the Minutes shall record that the affixing of the common seal was authorised.

#### **49 - EXPENDITURE OF FUNDS**

- (1) All expenditure made by or on behalf of the Branch shall be authorised in accordance with these rules.
- (2) An expenditure of funds may be made by cheque or by a bank facility for transferring funds electronically.
- (3) (a) Where the payment is made by cheque, the cheque shall be signed by any two of the following persons: the Branch Secretary, a Branch Deputy Secretary, a Custodian or another member of the Branch Executive authorised to do so.
- (b) Where the Branch has a facility with a bank for making payments by electronic means, the Branch Executive may authorise the use of that facility provided that any payment is first authorised by any two of the following persons – Branch Secretary, a Branch Deputy Secretary, a Custodian or another member of the Branch Executive authorised to do so and the payment is separately activated by two persons holding the positions referred to in this sub-rule.

#### **50 - LOANS, GRANTS AND DONATIONS**

No loan, grant or donation for an amount exceeding \$1,000.00 shall be paid unless the Branch Executive has:

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

#### **51 - BRANCH AUDITOR**

- (1) The Branch Council shall, at the commencement of each financial year, appoint an auditor who is competent to be an auditor in accordance with the requirements of the FW (RO) Act.
- (2) Unless determined otherwise, the financial year for the Branch shall commence on 1 January in each year and end on 31 December in that year.
- (3) The auditor shall perform all the duties required to be performed by an auditor pursuant to the provisions of the FW (RO) Act.
- (4) The Auditor shall:
- (a) audit the records of the Branch at least annually; and
- (b) immediately report to the Branch Executive any irregularities that may come under their notice.



- (5) The Branch Executive may request the auditor to inspect and audit the financial and accounting records of the Branch, or a sub-branch, or an association and make a report of that inspection and audit to the Branch Executive, as the case may be.
- (6) The auditor, in undertaking their duties under this Rule, shall have access to all books, papers, deeds, documents and financial and accounting records and be entitled to address questions to any officer or employee of the Branch, or Association and obtain from any bank or other financial institution at which the funds of the Branch, or an Association are deposited or invested and such other information as may be required.
- (7) In addition to the powers set out in the previous sub-rules, the auditor may place before the Branch Executive any suggestion the auditor may wish to make concerning the financial affairs of the Branch
- (8) The financial records of the Branch shall be closed for the purpose of the annual audit on 31 December each year. The balance sheet and statement of income and expenditure for the previous year shall be presented to the Branch Council at its March meeting in each year.

## **52 - BRANCH POLICIES AND PROCEDURES**

The Branch Executive shall develop and implement policies and procedures relating to the expenditure of the Branch.

**53 - DELETED**

**54 - DELETED**

**55 - DELETED**

**56 – DELETED**

## **SECTION 6 – ASSOCIATIONS**

### **57 - FORMATION AND DISSOLUTION OF ASSOCIATIONS**

- (1) The Branch Council may authorise the formation of new regional associations, the dissolution of regional associations, the amalgamation of a regional association or adjustments to the boundaries of regional associations.
- (2) A decision of the Branch Council in accordance with this rule shall operate from 1 January in the following year unless the Branch Council, by a vote of not less than 3/5ths of the members present determines otherwise.
- (3) The Branch Council shall not establish a new association unless it is satisfied that the association will have at least 15 financial members.
- (4) If the membership of an association falls below 15 financial members, the Branch Council may dissolve the association, or amalgamate it with another association or adjust the boundaries of another association to include the members of the association which has been dissolved.
- (5) Where the Branch Council has made a decision to dissolve an association:
  - (a) The Branch Secretary shall, as soon as possible, reallocate the members to an appropriate association; and
  - (b) The Branch Executive shall distribute the assets of the dissolved association to appropriate associations having regard to reallocation of members.

### **58 - GOVERNMENT OF ASSOCIATIONS**

- (a) Associations shall adopt, and operate in accordance with, a set of rules.
- (b) For the purposes of this rule, the Branch Council shall adopt a model set of association rules.
- (c) An association, in adopting a set of rules, or in altering its rules, shall have regard to the model association rules adopted by the Branch Council, and any directions given by the Branch Council and the content of these Rules.
- (d) An association shall, in addition to operating in accordance with its rules, abide by decisions and policies for the Branch Conference, Branch Council and Branch Executive.

### **59 - HONORARY LIFE MEMBERS OF ASSOCIATIONS**

- (1) Associations may admit to Honorary Life Membership of the association persons who have rendered valuable service to the association. Admission to Honorary Life Membership of an association shall in the case of a Regional association be by resolution of a General Meeting of the association or in the case of a State-wide association by resolution on notice at its State Council meeting.
- (2) Where a person is admitted to Honorary Life Membership of an association, the Branch Secretary shall be informed within 28 days.
- (3) A person admitted to Honorary Life Membership of an association is not exempted from the payment of any fees, levies or fines set in accordance with these rules.

**60 - POWERS OF ASSOCIATIONS**

Associations may co-operate with other organisations in the holding of public meetings or conferences. Delegates and representatives to, or at, any such meetings or conferences shall act in conformity with Branch policy as determined by these rules and the decisions of Branch Conference, Branch Council and Branch Executive and shall oppose resolutions which conflict with such policy.

**61 - CORRESPONDENCE BETWEEN ASSOCIATIONS**

Should any association propose to send material dealing with matters of Branch policy to any other association, it shall forward a copy of all material to be circulated to the Branch Secretary. Upon receiving the material the Branch Secretary shall acknowledge the receipt thereof within seven days. The association secretary shall not without the prior approval of the Branch Secretary post the material to other associations until seven days after the date on the Branch Secretary's acknowledgment.

**62 - PAYMENTS TO ASSOCIATIONS**

- (1) The Branch Executive provide for the payment of funds to associations on an annual basis. The payment to associations in any year shall consist of:
  - (a) a fixed amount for each association being not less than \$100 together with,
  - (b) amounts calculated by multiplying such amounts as Branch Executive may consider appropriate for each Association by the number of financial members of the association at 31 December in the previous year. The Branch Executive may fix different per capita amounts for regional and state-wide associations, but all regional associations shall receive the same per capita amount.
- (2)
  - (a) Associations shall, within three months of the end of each calendar year, provide the Branch Secretary with a financial statement providing details of the income, expenses, assets and liabilities of the association as at 31 December.
  - (b) The Branch Secretary shall ensure that no allocation of funds is made to an association unless and until the financial statements for the previous calendar year have been provided and the Branch Secretary is reasonably satisfied that the financial statements reflect the true financial position of the association.
  - (c) In the event that financial statements, required to be provided by an association under this sub-rule, have not been provided by 31 December in the following year, that association shall forfeit its rights to receive any monies in accordance with this rule for the calendar year following the year in respect of which financial statements have not been provided.

**63 - EXPENDITURE OF ASSOCIATION FUNDS**

- (1) The funds of an association may only be applied to further the objects of the Union and the expenses of its operation and management.
- (2) The Branch Executive shall from time to time adopt guidelines for the expenditure of association funds. Associations may expend funds only in accordance with such guidelines.
- (3) Associations shall not make any loan, grant or donation from their funds without having first obtained the approval of the Branch Executive.
- (4) Associations shall not make any donation or other payment from their funds for political objects.

## **SECTION 7 – MISCELLANEOUS**

### **64 - ALTERATION OF BRANCH RULES**

- (1) Federal Branch rules may be added to, amended, rescinded or new rules made in accordance with this rule.
- (2) In the event that the Branch Conference exercises its powers in accordance with this rule, the proposed rule change must be submitted as an agenda item 28 days before the Annual Branch Conference or Special Branch Conference and be forwarded with the Agenda paper for the meeting to each Conference member 14 days before the Branch Conference meeting.
- (3) In the event that the Branch Council exercises its powers in accordance with this rule:
  - (a) the Branch Secretary shall give notice of the proposed amendment to each association and all members of the Branch Council not less than 14 days prior to the meeting at which the proposal is to be considered; and
  - (b) the proposal must be adopted by a vote of not less than 3/5ths of the Branch Council Members present.

### **65 - RESIGNATION AND REMOVAL FROM OFFICE**

- (1) A person may resign from any office within the Branch by giving notice in writing to the Branch Secretary.
- (2) No person shall be eligible to hold or continue to hold any office within the Branch if such person ceases to be a financial member of the Union.
- (3) The Branch Council may, by resolution of a majority of two thirds of the votes able to be cast by those present at a meeting:
  - (a) suspend or remove any person from any office within the Branch who has ceased, according to the Rules, to be eligible to hold or continue to hold their office;
  - (b) reprimand, impose a fine not exceeding \$100.00, suspend from office for a period not exceeding 6 months, or remove any person elected to any office within the Branch if that person has been found guilty of:
    - (i) misappropriation of the funds of the Union;
    - (ii) a substantial breach of the Union's rules;
    - (iii) gross misbehaviour in relation to their office; or
    - (iv) gross neglect of duty.
- (4) The Branch Council shall hear and determine matters arising under this rule as soon as practicable after an allegation is received by the Branch President or the Branch Secretary provided that the person against whom the allegations have been made is given notice in accordance with sub-rule (5) 14 days prior to the meeting of Branch Council.

- (5) (a) A person shall not be dealt with under this rule unless that person has been given notice of:
- (i) the allegations made against them;
  - (ii) particulars of the evidence on which the allegations are based; and
  - (iii) the time, date and place at which the Branch Council will consider the allegations.
- (c) A notice in accordance with this sub-rule shall be signed by the Branch President or the Branch Secretary, have attached to it a copy of this rule and shall be delivered personally to the person concerned or posted by Registered Post to their last known address.
- (6) At the meeting of the Branch Council, referred to in the previous sub-rule, the person concerned shall be given the opportunity to be heard by the meeting of the Branch Council personally, through another member or in writing.
- (7) In the event that a complaint has been made against a Presidential Officer or the Branch Secretary or a Deputy Branch Secretary, the Branch Executive may suspend the holder of that office pending a meeting of the Branch Council to deal with the complaint and make any necessary appointment(s) to fill the position during the period of the suspension.
- (8) In the event that a person, who is charged in accordance with this rule, fails to appear at the hearing and fails to provide a satisfactory explanation for their non attendance, the Branch Council may proceed with the hearing of the charge in their absence provided that it is first satisfied that the person has received notice in accordance with sub rule (5).
- (9) Notwithstanding the preceding sub-rules, the Branch Executive may, by a resolution of a majority of two-thirds of the votes able to be cast by those present at a meeting, suspend or remove any person from any office within the Branch who has ceased, according to the rules, to be eligible to hold or continue to hold their office. Sub-rules (4), (5) and (6) and (7) shall apply mutatis mutandis to any action taken under this sub-rule.

## **66 - OFFENCES BY BRANCH MEMBERS**

- (1) Subject to Federal Rule 13, the Branch Executive may, or shall at the request of the Branch Secretary where the Branch Secretary has submitted to the Branch Executive a prima facie case against a member, by summons, in writing call upon any member the Branch Executive or the Branch Secretary alleges is committing or has within the preceding 12 months committed, an offence against these Rules to show cause why they should not be reprimanded, fined or expelled from the Union.
- (2) The summons shall:-
- (a) state the allegation together with the particulars thereof;
  - (b) disclose the evidence on which the allegation is based;
  - (c) be signed by the Branch President or Branch Secretary;
  - (d) state the time, date and place at which the member is to show cause;
  - (e) be delivered personally to the member concerned or posted by registered or certified mail to their last known address at least 21 days before the meeting at which the matter is to be determined; and
  - (f) have attached to it a copy of this rule.

- (3) If a member against whom an allegation is made fails to appear at the hearing and fails to provide a satisfactory explanation for their non-attendance, the Branch Executive may proceed with the hearing of the allegation in their absence provided it is first satisfied that notice of the hearing in accordance with this rule has been served on him or her.
- (4) The evidence relating to the alleged offence shall be heard by the Branch Executive or by a committee of members thereof appointed for that purpose and consisting of not less than 3 of its members and the member concerned shall be heard in their defence either personally or in writing.
- (5) If the evidence relating to the offence is heard by a committee, that committee shall report its finding to the Branch Executive together with a recommendation as to penalty if any.
- (6) If, in the opinion of the Branch Executive, the member is guilty of the offence as alleged, the Branch Executive may reprimand them, fine them a sum not exceeding \$100.00 for any one offence or suspend them for a period not exceeding 12 months or expel them from the Union.
- (7) The Branch Secretary shall promptly inform the member by registered letter of the decision of the Branch Executive. In the event of expulsion, the expulsion shall become effective 14 days after the date of posting such letter and in the event of a fine being imposed, the fine, subject to sub-rule (8) hereof, shall become payable immediately.
- (8) A member who is found guilty of an offence by the Branch Executive shall have a right of appeal to the next Branch Council meeting against such finding and/or any penalty imposed by the Branch Executive provided that they submit such appeal to the Branch Secretary in writing not more than 14 days after the date of posting the letter informing them of the decision of the Branch Executive and, pending the determination of any such appeal, the finding and/or penalty shall not become effective. The Branch Council's determination of the appeal shall be final.
- (9) Any member expelled pursuant to this rule shall not be readmitted to membership except by vote of the Branch Council.

#### **67 - GENERAL MEETING OF BRANCH MEMBERS**

- (1) General meetings of Branch members may be convened to consider:
  - (a) Decisions of the Branch Conference, Branch Council or Branch Executive; or
  - (b) The Auditor's Report, the General Purpose Financial Report and the Operating Report.
- (2) A General meeting of Branch members shall be convened by the Branch Secretary:
  - (a) If they are directed to do so by the Branch Executive; or
  - (b) On receipt of a petition of not less than 5% of the members of the Branch calling for a General meeting to consider a decision of the Branch Conference, Branch Council or Branch Executive, or to consider the Auditor's Report, the General Purpose Financial Report and the Operating Report.
- (3) The Branch Secretary shall, if directed to by the Branch Executive or on receipt of a petition, call a General meeting, or a series of General meetings within 30 days of receiving the direction from the Branch Executive or the petition, as the case may be.
- (4) The Branch Secretary shall determine the most effective way to conduct a General meeting having regard to the need to ensure that members of the Branch are able to participate in the General meeting and receive reports from Senior Officers of the Branch. To this end, the General meeting may consist of a series of General meetings conducted at different locations at different times to allow for the participation of Senior Officers in the General meetings.

- (5) Where the General meeting consists of a series of meetings the General Meeting will be taken to have occurred at the time of the last of the meetings in the series. A General Meeting may be conducted in person, by telephone or videoconference, or by a combination of these forms of meeting or communication, provided where the meeting is conducted other than by way of all of the participants being present in person such meeting is convened and conducted in accordance with the requirements of the Federal Branch Rules and each of the members participating in the meeting must be able to hear each of the other members present at the meeting.
- (6) The Branch Secretary shall call a General meeting or General meetings by placing a notice in a publication of the Branch distributed to all members 14 days prior to the General meeting or General meetings.
- (7) The Notice of a General meeting shall set out the business to be conducted and the times, dates and places where the General meeting or General meetings will be conducted.

#### **68 - PLEBISCITE**

- (1) Where the Branch Council determines that any matter should be submitted for determination by a plebiscite of all the financial members attached to the Branch, the Branch Returning Officer shall submit the matter to a postal vote of all members whose names appear on the Branch membership register as at the date of the Branch Council's decision.
- (2) That plebiscite shall be conducted so far as practicable in accord with the provisions of Federal rule 29(4)(a), (b), (c), (d), 29(5), 29(6), and 29(7)(a) and (b).
- (3) The motion shall be carried and have the effect of a decision of the Branch Council provided that a majority of members vote in favour of the motion and that majority consists of not less than 25 percent of persons entitled to vote.

#### **69 - WORKPLACE REPRESENTATIONS, WOMEN'S CONTACTS AND COMMITTEES**

- (1) Members employed in a school, department, sector or location may conduct meetings from time to time to deal with workplace matters.
- (2) The first workplace meeting in each school year shall elect:
  - (a) an AEU Representative;
  - (b) a Women's Contact who shall be a woman; and
  - (c) Workplace Committee members.
- (3) The Workplace Committee, which shall be comprised of the persons referred to in the previous sub-rule, shall deal with workplace matters on behalf of the AEU members.
- (4) The Women's Contact will keep members in the workplace informed of AEU policies affecting women.
- (5) The Branch Executive may suspend or remove the AEU Representative, the Women's Contact or a member of the Workplace Committee on the grounds that they have not complied with the rules or policies of the AEU.

**SECTION 8 – TRANSITIONAL PROVISIONS****70 - TRANSITIONAL RULE**

- (1) The purpose of this rule is to facilitate the reconstitution of the Australian Education Union New South Wales (NSW Branch) under new rules which replicate the rules of the New South Wales Teachers Federation and enable the deregistration of the Federation and the registration under the IR Act of the AEU as a federal organisation of employees.
- (2) In this rule:
- (i) A reference to the “old rules” shall mean the Federal Branch rules for the New South Wales Branch as at 26 March 2014;
  - (ii) A reference to the “new rules”, is a reference to the rules adopted by the Branch Council on 10 December 2014 to replace the old rules, and any amendment to those rules; and
  - (iii) A reference to the date of registration means the date of registration under the IR Act of the AEU as a Federal organisation of employees and the date of the de-registration of the Federation.
- (3) The new rules will come into operation on 1 January 2015, or the date of certification of the new rules by the Fair Work Commission whichever is later.
- (4) (a) On and from the date when the new rules come into operation there shall be:
- (i) An Interim Branch Council should be comprised of members of the Branch Council holding office under the old rules on the day preceding the date on which the new rules came into operation, and members of the Council of the NSWTF; and
  - (ii) An Interim Branch Executive which shall be comprised of the members of the Branch Executive holding office under the old rules on the day preceding the date on which the new rules came into operation.
- (b) The Interim Branch Council shall operate until the completion of the first election for the Branch Council in accordance with sub-rule (6).
- (c) The Interim Branch Executive shall operate until the completion of first elections for members of the Branch Executive in accordance with sub-rule (7)
- (5) On and from the later of 1 January 2015 and the date of certification of the new rules by the Fair Work Commission, the persons holding the office in column 1 of Table A shall be deemed to hold the office referred to in column 2 until the date set out in column 3.

**Table A**

Column 1	Column 2	Column 3
Branch President, AEU	Branch President	First school day in 2016 following elections conducted in accordance with rule 35.
Branch Deputy President, AEU	Branch Deputy President	First school day in 2016 following elections conducted in accordance with rule 35.
Branch Senior Vice President, AEU	Branch Senior Vice President	First school day in 2016 following elections conducted in accordance with rule 35.
Branch Secretary, AEU	Branch Secretary	The first school day in 2016 following elections conducted in accordance with rule 38.



Column 1	Column 2	Column 3
Branch Deputy Secretaries, AEU	Branch Deputy Secretaries	The first school day in 2016 following elections conducted in accordance with rule 38.
Branch Executive members	Branch Executive members	The day of the declaration of the elections for Branch Executive members conducted at a Branch council meeting in March 2015.
Branch Councillor, AEU	Association representatives on the Branch Council	The day on which association representatives to the Branch Council take office in 2017.
Representatives of associations or groups of associations on Council, NSWTF	Representatives of associations or groups of associations on Branch Council	The day of the declaration of first elections for representatives of associations or groups of associations on Branch Council
Representatives from the <del>ATSI Members' Roll</del> <u>Aboriginal Members' and Torres Strait Islander Members' Roll</u> on Council, NSWTF	Representatives from the <del>ATSI Members' Roll</del> <u>Aboriginal Members' and Torres Strait Islander Members' Roll</u> on Branch Council	The day of the declaration of first elections for representatives from the <del>ATSI Members' Roll</del> <u>Aboriginal Members' and Torres Strait Islander Members' Roll</u> on Branch Council.
Additional representatives of associations on Conference, NSWTF	Additional Representatives of associations on Branch Conference	The day of the declaration of first elections for additional representatives of associations on Branch Conference.

- (6) (a) The first election for:
- (i) Association representatives on Branch Council;
  - (ii) Alternative association representatives on Branch Council;
  - (iii) Representatives elected to Branch Council by and from members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll; and
  - (iv) additional association representatives and representatives elected by and from members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll on Branch Conference shall be conducted in accordance with rule 36 and 37, as the case may be, provided that the Returning Officer shall vary the dates for taking steps in the election to enable the election to be completed by 30 April 2015.
- (a) Representatives elected in accordance with this sub rule shall:
- (i) in the case of representatives on Branch Council, take up office at the first Branch Council meeting following their election and hold office until the first Branch Council meeting in 2017; and
  - (ii) in the case of additional representatives, take up office at the first Branch Conference meeting following their election.
- (c) For the purposes of first elections for representatives to the Branch Council, a Branch Councillor, elected under the old rules in Branch Council elections in 2014 shall continue to hold the office which they were elected to and, shall be deemed to be a member of the Branch Council representing the association or group of associations to which they have been allocated or members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll and shall hold that position until the first Branch Council meeting in 2017.

- (d) Where a person is deemed to be a representative on the Branch Council in accordance with this sub-rule, the entitlement of their association or group of associations or the entitlement of members on the ~~ATSI Members' Roll~~ Aboriginal Members' and Torres Strait Islander Members' Roll, as the case may be, to representatives on Branch Council shall be reduced by one.

- (7) (a) The first elections for:
- (i) Branch Vice Presidents;
  - (ii) Branch Custodians;
  - (iii) Branch Executive members; and
  - ~~(iv)~~ The Branch Executive member representing members on the Aboriginal Members' and Torres Strait Islander Members' Roll ~~ATSI~~ ~~Members' Roll~~ shall be conducted in accordance with rule 38 provided that the Returning Officer shall vary the dates for taking steps in the election so as to permit the election to be conducted at a Branch Council meeting in March 2015.
- (b) The first elections in accordance with this rule shall be conducted by and from members of the Interim Branch Council.
- (c) Persons elected in first elections under this sub rule shall hold office until elections are conducted for these positions in accordance with the timetable set out in rule 38.
- (8) On the date of registration, the Professional Officers of the Federation shall become Branch Professional Officers and continue to be employed for the balance of the terms of those positions on, subject to these Rules, the same remuneration and conditions of employment as they were employed under by the Federation.
- (9) (a) On the date of registration:
- (i) All associations formed under the rules of the Federation, and in existence on 31 December 2014, will cease to exist under the rules of the Federation and become Associations for the purposes of the new rules.
  - (ii) All members of the Branch will be allocated to the Association which is the counterpart of the association which previously operated under the rules of the Federation.
  - (iii) All associate members of the Federation shall be deemed to be associate members of the Union.
- (b) If the date of registration occurs before the elections are conducted in accordance with this sub-rule, members will be allocated to associations in accordance with this rule for the purposes of conducting the elections.

### **New South Wales Registration**

- (1) The purpose of this rule is to facilitate the registration of the AEU under Chapter 5 of the IR Act.
- (2) Following the certification of the new rules by the Fair Work Commission, the Branch Council may direct that an application be made for registration under Chapter 5 of the IR Act and authorise the Branch officers to take all necessary steps to make the application and achieve registration.
- (3) On the date of registration, the assets of the Federation shall become the assets of the AEU and form part of the Branch fund of the New South Wales Teachers Federation (NSWTF) Branch.
- (4) Prior to the date of registration, the New South Wales Teachers Federation (NSWTF) Branch will enter into an amalgamation agreement with the Federation which will address the following issues:
- (a) The transfer of employees from the Federation to the New South Wales Teachers

Federation (NSWTF) Branch;

- (b) The transfer of assets and liabilities from the Federation to the New South Wales Teachers Federation (NSWTF) Branch;
  - (c) Guarantee that members of the Federation will continue to be financial members of the New South Wales Teachers Federation (NSWTF) Branch provided that they continue to pay fees, subscriptions or levies formerly payable to the Federation to the New South Wales Teachers Federation (NSWTF) Branch;
  - (d) On a date following the de-registration of the Federation and the transfer of all assets and liabilities to the New South Wales Teachers Federation (NSWTF) Branch, the Council will, by resolution, determine that the Federation is dissolved.
- (5) On and from the date of registration, the AEU Branch Executive will be responsible for the giving effect to the terms of the amalgamation agreement provided that the Branch Council may, where it is lawful to do so, vary the agreement, where it is in the interests of the Branch to do so.



## ANNUAL CONFERENCE NEWS

ANNUAL CONFERENCE DELEGATES

Dear Abir

This notice is to provide you with information regarding Annual Conference 2025.

**This year's Annual Conference will be held at Sydney International Convention Centre, 14 Darling Dr, Sydney NSW 2000, from 1.30pm Sunday 6 July to 4.30pm Tuesday 8 July.**

The Annual Conference delegation consists of all elected Councillors, Alternative Councillors, Annual Conference Delegates elected to represent Associations or their proxies.

Delegates are urged to bring their own device to access all conference papers, reports and recommendations, which will be available through the [Annual Conference Portal](#). To access hyperlinks in this notice, you will need to be logged in to Federation's member portal.

**Sydney is hosting a major event the weekend of Conference. Therefore, Conference is starting later than usual (Sunday afternoon), and Federation has limited access to available hotel rooms in the city.** Some people who require accommodation may find that they will be booked into hotels they may not have stayed at before. As reported to May Council last year, this is something beyond Federation's control, and your understanding is appreciated.

Yours sincerely

***Maxine Sharkey***

**General Secretary**

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### **Planning for Annual Conference**

This year's Annual Conference will be held at Sydney International Convention Centre, 14 Darling Drive, Sydney NSW 2000) from 1.30pm Sunday 6 July to 4.30pm Tuesday 8 July. Life Members' lunch

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### **Life Members' lunch**

The Life Members' lunch will be held at Sydney International Convention Centre (ICC), Sunday 6 July 2025. Details have been forwarded to Federation Life Members.

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## Agenda

Annual Conference will discuss significant matters relating funding, rebuilding TAFE and the work of teachers, among other matters. The Annual Conference [agenda](#) is now available via the [Member Portal](#).

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## Rules and procedures

[Click here](#) to access the arrangements for Annual Conference 2025.

[Click here](#) to access the Standing Orders for Annual Conference 2025.

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## Motions from Associations

Associations have the ability to list motions for debate. On the first morning of Annual Conference, Delegates shall vote to determine the order of consideration of Association motions.

You can find a copy of the submitted motions [here](#), on the Annual Conference portal.

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## Rule amendments

In accordance with Rule 64 — Alteration of Branch Rules (2), notice of proposed rule changes to Branch Rules is hereby given. You can view a copy of the proposed rule changes via the links below.

There are a number of proposed rule changes:

- [Change to references of “ATSI roll”](#) – to be “Aboriginal Members and Torres Strait Islander Member roll” throughout the entire Rules, as well as a change in the definition section.
- [Change to Rule 6 Branch Life and Honorary Members](#) to re-order current paragraphs for clarity between life member and honorary member, and add additional words for general clarity.



- [Change to Rule 32 Conduct of elections at meetings](#) to assist with providing candidate statements to the electorate earlier than the day of the meeting / election.
- [Change to Rule 59 Honorary Life Members of Associations](#) to provide greater clarity around association life membership, and to apply consistent application of the term life members, throughout the Rules.

The process to alter Branch Rules is outlined in Rule 64(2) and is:

*In the event that the Branch Conference exercises its powers in accordance with this rule, the proposed rule change must be submitted as an agenda item 28 days before the Annual Branch Conference or Special Branch Conference and be forwarded with the Agenda paper for the meeting to each Conference member 14 days before the Branch Conference meeting.*

If/when Conference votes to change the Rules, the decision of Annual Conference is communicated to the Fair Work Commission, which will assess and certify it. Changes to the Rules do not take effect until the Fair Work Commission certifies them.

If you have any questions regarding the proposed changes to the Rules please contact [council@nswtf.org.au](mailto:council@nswtf.org.au) with your query.

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### **Travel and accommodation**

Annual Conference travel and accommodation bookings are closed and arrangements will now only be able to be made where it is possible to do so.

E-tickets and hotel booking details will be emailed directly to Delegates. Please check your spam or junk folders. Please contact Federation's Travel Coordinator immediately if you believe there are any errors or if the information is not in accordance with your booking form.

Please direct all travel enquiries to Federation's Travel Coordinator at [travel@nswtf.org.au](mailto:travel@nswtf.org.au).

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## **Proxy representatives**

Annual Conference Delegates unable to attend Annual Conference may appoint a Proxy.

To register Proxies, Annual Conference Delegates should complete the [Annual Conference Proxy form](#) and send to [council@nswtf.org.au](mailto:council@nswtf.org.au).

If you have any questions regarding Proxy representatives, please contact [council@nswtf.org.au](mailto:council@nswtf.org.au).

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## **Annual Conference dinner**

Please join us for the 2025 NSW Teachers Federation Annual Conference dinner.

**Where:** ICC Convention Centre — Parkside Ballroom

**When:** Monday 7 July 2025 from 6.30pm

Included in the evening's festivities are:

- a delicious two course meal and canapes. Pre-dinner drinks and canapes start at 6.30 pm for 30 minutes
- a comedian to tickle your funny bone
- our famous barrel draw — Will you be a winner this year?
- Planet Groove playing their greatest hits and a dance floor plenty of laughs with your fellow comrades and colleagues.

Tickets are \$165 for members and are available via [StickyTickets](#).

**Ticket sales close next Wednesday, 25th June 2025.**

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## **Childcare**

Federation offers a childcare program on the days of Annual Conference for children up to the age of 14, operating from the childcare centre on level 2 of Teachers Federation House.

Childcare will be available from noon to 6pm on Sunday 6 July and 8am to 6pm on Monday 7 July and Tuesday 8 July. The hours have been arranged to give parents/carers enough time to drop off and collect children and make their way to and from the ICC. Information about childcare can be found via the [Annual Conference portal](#).

**A completed enrolment form for each child is to be submitted to [childcare@nswtf.org.au](mailto:childcare@nswtf.org.au) no later than today, Friday 20 June.**

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### **Women's Caucus**

All women Delegates, Councillors and Alternates are invited to attend Women's Caucus on Sunday 6 July, to be held in the Heritage Room (ground floor) at Teachers Federation House, 23-33 Mary Street, Surry Hills.

A free bus service to Caucus will depart from the ICC at the close of conference on Sunday 6 July. Refreshments will be provided and Delegates with children are welcome to bring them to the Caucus.

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### **Aboriginal Members Caucus**

Aboriginal Delegates, Councillors and Alternates interested in attending Annual Conference Aboriginal Members Caucus are encouraged to attend lunch on Sunday 6 July at Market City, Haymarket.

Please arrive at the Market City entrance on the corner of Hay and Thomas Streets at 11.30am for lunch at noon in the food and wine section on the ground floor.

Please email [aboriginaleducation@nswtf.org.au](mailto:aboriginaleducation@nswtf.org.au) with any enquiries.

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### **New Activists' lunch**

The New Activists' lunch provides an opportunity for new Delegates to Annual Conference to meet and network with new and experienced Delegates.

The lunch will be held from noon on Sunday 6 July at the [Pymont Bridge Hotel](#), 9 Union Street, Pymont. All Delegates are welcome to attend.

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### **LGBTIQA+ SIG lunch**

The LGBTIQA+ Special Interest Group (SIG) is organising a lunch for Monday 7 July. It will be held at Harajuku Gyoza Beer Stadium, Darling Harbour (1/14 Darling Drive, Sydney).

This lunch is an opportunity for LGBTIQA+ delegates and their allies to meet and catch up with other LGBTIQA+ SIG members. This is a social event at the participant's expense, and an excellent opportunity to meet teachers with a common interest.

Please RSVP via [lgbtiq@nswtf.org.au](mailto:lgbtiq@nswtf.org.au)

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[Unsubscribe here.](#)

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Our postal address is:

[NSW Teachers Federation](#)

Locked Bag 3010 Darlinghurst NSW 1300

Australia

Authorised by Maxine Sharkey, General Secretary.



Mr Rajendra thanked Ms Kastner and the Future Teachers Committee for their work.

MOVED Katinka Kastner (Officer), SECONDED Henry Rajendra (Delegate) and CARRIED

## **AMBER FLOHM TOOK THE CHAIR**

### **12. RULE CHANGES**

General Secretary, Maxine Sharkey, spoke to the rule changes report, as tabled and also on the extranet. Ms Sharkey also used a PowerPoint presentation to explain the difference between the existing rules and the proposed changes to the rules. Ms Sharkey explained that the proposed rule changes need to be covered by fifty percent of the vote, plus one vote to be carried.

Maxine Sharkey (Officer) moved RECEPTION of the report, SECONDED by Rob Samuels (Delegate) and CARRIED

A period of five-minutes question time was MOVED by Robert Bartulovich (Delegate), SECONDED by Julie Ross (Delegate) and CARRIED

### **RECOMMENDATION**

#### **Proposed change to references of "ATSI roll"**

Federation is proposing changes to the Rules to be more culturally appropriate when referring to Aboriginal Members and Torres Strait Islander Members. These proposed rules changes have resulted based on consultation with the union's Aboriginal Members Committee. Changes are proposed to all references of "ATSI roll" – to be "Aboriginal Members and Torres Strait Islander Member Roll" – throughout the Rules. There are approximately 46 changes throughout, as well as a change in the definition section.

Rule change CARRIED by majority vote

#### **Proposed Rule Change to Rule 6 - BRANCH LIFE AND HONORARY MEMBERS**

to re-order current paragraphs for clarity between life member and honorary member and add additional words for general clarity.

Rule change CARRIED by majority vote

#### **Change to Rule 32 CONDUCT OF ELECTIONS AT MEETINGS**

to assist with providing candidate statements to the electorate earlier than the day of the meeting / election.

Rule change CARRIED by majority vote

#### **Change to Rule 59 HONORARY LIFE MEMBERS OF ASSOCIATIONS**

to provide greater clarity around association life membership, and to apply consist application of the term life members, throughout the Rules.

Rule change CARRIED by majority vote

Moved Maxine Sharkey (Officer) seconded by Rob Samuels (Delegate) and CARRIED by majority vote

## **NATASHA WATT TOOK THE CHAIR**

### **13. REPORTS**

#### **LGBTIQA+ Report**

Deputy Secretary – Operations, Mel Smith, reported that there has been some changes where were implemented by the New South Wales Government since last Annual Conference. She advised that in October last year, the Equality Bill was passed which updated a range of different sections of legislation that were outdated and did not treat LGBTIQA+ people the same as non-LGBTIQA+ people. She noted that the section that referred to inter-sex and non-binary people, who are currently not protected under New South Wales legislation, has been deferred and was sent to the Law Committee for review.