

CONSTITUTION AND RULES

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CONSTITUTION AND RULES

1. THE UNION

1.1 Name:

The Union shall be called the Queensland Teachers Union of Employees.

1.2 Objects:

- (a) To deal with all matter appertaining to the advancement of education.
- (b) To act as an intermediary between the members of the Union and their employers.
- (c) To secure adequate salaries and conditions for members of the Union.
- (d) To protect and advance the interests of members.
- (e) To protect the legal rights of members of the Union.
- (f) To extend Relief by way of grants or loans to sick or distressed members of the Union, or to the dependants of deceased members.
- (g) To maintain a Union Journal and other official publications.
- (h) To acquire land and other property for the use and benefit of the Union and to sell, exchange or dispose of any such land and property.
- (i) To borrow or raise money in such manner as may be determined from time to time by the Council, and in particular by the issue of debentures or debenture stock perpetual or otherwise charged upon all or any part of the property of the Union, both present and future, or without any such charge and upon such terms and conditions as may be determined by the Council, and generally, to borrow money in any manner and on any conditions.
- (j) To provide necessary financial assistance to all financial members in matters of appeals resulting from the actions of the employer.
- (k) To assist other Unions in Australia when occasion arises.
- (l) To assist our country, financially and otherwise, in times of danger.
- (m) To maintain a Professional Library.
- (n) To promote the Australian Education Union as the main body representing the industrial and educational interests of Union members at the national and international level.

1.3 Constitution:

The Union shall consist of an unlimited number of persons who are:-

- (a) Teachers of at least two years' trained status appointed pursuant to "The Education Act of 1964" and/or "The Public Service Act of 1922" or pursuant to any other Act in substitution or amendment thereof to any State School or other State Educational Institution other than a State College of Technical and Further Education except as provided for in the Rules.
- (b) Teachers of at least 2-year-trained status appointed pursuant to the Education Act of 1989 and/or the Public Service Management and Employment Act of 1990 or pursuant to any Act in substitution or amendment thereof to any School Support Centre.

QUEENSLAND TEACHERS' UNION OF EMPLOYEES

- (c) Teachers of at least two years' trained status appointed pursuant to "The Education Act of 1964" and/or "The Public Service Act of 1922" or pursuant to any other Act in substitution or amendment thereof to the teaching staff of colleges and other institutions for the education of teachers continued or established pursuant to "The Education Act of 1964" or any other Act in substitution or amendment thereof;
- (d) Teachers employed in the teaching and/or training of handicapped children in schools or in any other establishment for the teaching and/or training of handicapped children;
- (e) Teachers who are financial members of the Union as at 31 December, 1970;
- (f) Teachers of the kind specified in paragraphs (a), (b) or (c) hereof appointed, seconded or transferred for special duties within the Education Department to another Department of the State Government, a Crown instrumentality or corporation, a Minister of the Crown, or to any Board or Council constituted pursuant to "The Education Act of 1964" or any other Act in substitution or amendment thereof;
- (g) Teachers of at least two years' trained status appointed as teachers of commercial subjects pursuant to "The Education Act of 1964" and/or "The Public Service Act of 1922" or pursuant to any other Act in substitution or amendment thereof to a State Technical College continued or established pursuant to "The Education Act of 1964" or any other Act in substitution or amendment thereof;
- (h) Teachers engaged in specific purpose education programs whose funds are administered by the Queensland Government. This clause does not apply to teachers employed within the Technical and Further Education (T.A.F.E.) Division except as provided elsewhere in these Rules.
- (i) Lecturers who are teachers of at least two year trained status appointed to the teaching staff of a College of Advanced Education constituted pursuant to "The Education Act of 1964" or any other Act in substitution or amendment thereof or to the teaching staff of any other institution in substitution therefore;
- (j) Persons employed as Assistant Teachers or Community Teachers who have obtained appropriate qualifications from a College of Technical and Further Education or a Tertiary Institution.
- (k) Persons employed as Assistant Teachers in Aboriginal and/or Islander communities;
- (l) Persons elected to the Presidency or Vice-Presidency of the Union;
- (m) Persons appointed as Administrative Officers of the Union or as a Federal Officer or Federal Professional Officer of the Australian Education Union or as a Federal Officer or Federal Professional Officer of the Australian Education Union.
- (n) Teachers on exchange or interchange from Interstate or Overseas who continue to receive a salary from their own employing authority, and who produce evidence of their continuing financial membership of the appropriate Registered Industrial Union and who would be eligible for membership under Clauses 1.3(a) to 1.3(l) shall be, without payment of dues, honorary members with all membership rights and entitlements.
- (o) Teachers-in-training at colleges and other institutions for the education of teachers and Colleges of Advanced Education continued, established or constituted pursuant to 'The Education Act of 1964' or any other Act in substitution or amendment thereof or at any other institution in substitution thereof, or at Departments of Education at Universities or University Colleges in the State of Queensland:

Provided that such teachers-in-training shall be eligible for Associate Membership only, shall be entitled to attend Union Branch Meetings, but may not vote, and shall be eligible to receive copies of the Queensland Teachers' Journal.
- (p) Teachers who are retired or resign from the service and who, at the date of their retirement were financial members of the Union:

Provided that such retired or resigned teachers shall be eligible for Associate Membership only, on the payment of the prescribed fee, shall be entitled to attend Union Branch meetings, but may not vote, and shall be eligible to receive copies of the "Queensland Teachers' Journal".
- (q) Persons elected to full-time office in Local Government, State or Federal Parliament who at the time of their election are financial members of the Queensland Teachers' Union.

1.4 Membership:

The General Secretary shall:

- (a) Admit to membership persons eligible under the provisions of Rule 1.3 who have paid the prescribed dues or signed the proper authority for payment of the prescribed dues.
- (b) Issue a ticket of membership to all new members.
- (c) Allot new members to Branches according to their place of employment provided that, on written application to the General Secretary, a member may be allotted to another Branch chosen by the member provided that no such allotment shall occur between the calling of nominations and the date of election should a Branch ballot, conducted in accordance with the Rules, be pending.
- (d) Advise new members in writing of their financial obligations regarding membership and how and when they may resign from the Union.
- (e) Maintain a register of members organised according to Branches.

1.5 Resignation of Members:

- (a) A member may resign his or her membership of the Union by giving the General Secretary a notice in writing stating that the member resigns from the Union. Such notice shall be left at the Union's Registered Office or sent to the Union.

Provided that such member shall pay all dues and monies outstanding at the time of resignation.

- (b) Subject to the relevant legislation, such resignation shall not prevent any former member being sued for any monies outstanding at the time of resignation.

1.6 Dual Membership with the Australian Education Union

- (a) On and from a date advised by the Federal Secretary of the Australian Education Union, the Union may make application for membership of the Australian Education Union in accordance with this Rule on behalf of any financial member of the Union who is eligible for membership of the Australian Education Union.
- (b) An application by the Union under this Rule may be made by the General Secretary or a person authorised by the General Secretary in writing.
- (c) A single application pursuant to this Rule may be made in respect of one or more members of the Union and shall in respect of each member include the address, occupation, employer and place of employment of each member.
- (d) At least thirty (30) days before making an application pursuant to this Rule, the General Secretary or a person authorised by the General Secretary shall notify members of the Union on whose behalf it is proposed to make an application of the intention to make the application.
- (e) A notification for the purposes of the previous Sub-Rule shall be either contained in a publication distributed to all members of the Union or in writing addressed to each member of the Union concerned.
- (f) The notification shall set out the date on which the application is to be made and advise the members concerned that they may decline to become members of the Australian Education Union by notifying the General Secretary of the Union that they do not wish to become members of the Australian Education Union before the date on which the application is made.
- (g) Any member who notifies the General Secretary that he/she does not wish to become a member of the Australian Education Union shall be thereafter exempt from the operation of this Rule unless he/she expressly countermands his/her notification in writing to the General Secretary.

2. FINANCE

2.1 Dues:

- (a) The dues for membership in respect of each year commencing on the 1st day of January and ending on the 31st day of December shall be due and payable at the office of the Union in Brisbane on the 31st day of March in each year, or the member shall enter into an agreement in accordance with these Rules.

- (b) Permanent Teacher Members

The dues for membership for permanently employed teachers shall be calculated as follows:

Seven hundred and twenty thousandths (0.72) of one (1) percentum of the annual salary of each member. The amount shall be rounded to the nearest dollar, and shall be grossed up in the Annual Renewal Notice to include any Goods and Services Tax that may be imposed as provided for in Rule 2.1 (o).

Provided that the salary of a member for the purpose of determining the amount of dues to be paid for membership of the Union for any one year shall be the salary payable to him/her as at 31 October of the year preceding that for which dues are to be paid or, if he/she is not in the service on the said 31 October, the salary payable to him/her at date of admission or re-admission to the service.

Provided that when a member is employed on a permanent part time basis the dues payable shall be the dues payable for that member's classification multiplied by the employment fraction.

Provided that if a member changes their employment fraction, dues shall be calculated on a quarterly basis in arrears according to the employment fraction worked.

Provided that when a member is on less than a full salary arising out of paid leave on half pay options, deferred salary schemes, disability pension or other such similar circumstances the dues payable shall be the dues payable for that member's classification waived proportionately to the reduction in income calculated on a monthly basis.

Provided that if more than one quarter of the calendar year has passed the dues for persons admitted or re-admitted to membership shall be calculated to the current quarter.

Discount for Prompt Payment

Provided that when a member's dues are received in the Union Office on or before 31 March of the year in which they are due and payable, a discount of ten (10) percent of the amount determined in accordance with these Rules as being the Dues, shall be allowed for prompt payment. The discounted amount shall be rounded to the nearest dollar plus GST as imposed by Rule 2.1 (o).

- (c) Casual and Temporary Teacher Members

The dues for membership for temporary teachers and casually employed teachers shall be as follows:

Three tenths (0.3) of one (1) percentum of the annual salary payable to a classroom teacher on the highest classification, and shall be grossed up in the Annual Renewal Notice to include any Goods and Services Tax that may be imposed as provided for in Rule 2.1 (o).

Provided that the annual salary payable to a classroom teacher on the highest classification shall be the salary payable as at 31 October of the year preceding that for which dues are payable.

Provided that for Community and Assistant Teachers the annual salary payable to a Community or Assistant Teacher respectively on the highest classification shall be the salary payable as at 31 October of the year preceding that for which dues are payable.

Provided that a casual or temporary teacher who has taught for fewer than 100 days in the previous calendar year shall pay two hundred and twenty five thousandths (0.225) of one (1) percentum of the annual salary payable to a classroom teacher on the highest classification.

Provided that a casual or temporary teacher who has taught for fewer than 50 days in the previous calendar year shall pay fifteen hundredths (0.15) of one (1) percentum of the annual salary payable to a classroom teacher on the highest classification.

Provided that such person is admitted or re-admitted to membership who has been employed on a temporary basis for more than 50 or 100 days shall pay the dues applicable as above.

Provided that if more than one half of the calendar year has passed the dues for such persons admitted or re-admitted to membership shall be one half of the annual amount.

Provided that all dues shall be rounded to the nearest dollar, and shall be grossed up in the Annual Renewal Notice to include any Goods and Services Tax that may be imposed as provided for in Rule 2.1 (o).

(d) Associate Members

The dues for membership for associate members shall be one hundred and twenty-five thousandths (0.125) of one (1) percentum of the annual salary payable to a classroom teacher on the highest classification. The amount shall be rounded to the nearest dollar, and shall be grossed up in the Annual Renewal Notice to include any Goods and Services Tax that may be imposed as provided for in Rule 2.1 (o).

Provided that the salary payable to a classroom teacher on the highest classification shall be the salary payable as at 31 October in the year preceding that for which the dues are to be paid.

(e) Members Elected to Full Time Office in Local Government, State or Federal Parliament

The dues for membership of members elected to full time office in Local Government, State or Federal Parliament shall be seven hundred and twenty thousandths (0.72) of one (1) percentum of the salary payable to a classroom teacher on the highest classification. The amount shall be rounded to the nearest dollar, and shall be grossed up in the Annual Renewal Notice to include any Goods and Services Tax that may be imposed as provided for in Rule 2.1 (o).

Provided that the salary payable to a classroom teacher on the highest classification shall be the salary payable as at 31 October in the year preceding that for which the dues are payable.

Provided that when a member's dues are received in the Union Office on or before 31 March of the year in which they are due and payable, a discount of ten (10) percent of the amount determined in accordance with these rules as being the Dues, shall be allowed for prompt payment. The discounted amount shall be rounded to the nearest dollar, and shall be grossed up to include any Goods and Services Tax that may be imposed as provided for in Rule 2.1 (o).

Provided that the grant of a discount attributable to membership dues paid in respect of the year in which the effective date of the imposition of the GST occurs shall further be subject to apportionment as referred to in Rule 2.1 (p).

Provided that if more than one quarter of the calendar year has passed the dues for such persons admitted or readmitted to membership shall be calculated to the current quarter.

- (f) (i) Where a member takes unpaid leave for a continuous period of at least 3 months and up to 12 months, the General Secretary may waive all or part of that member's dues. Such calculation shall be made on a quarterly basis. Such members shall be considered continuously financial.

Should the General Secretary waive part or all of a member's dues on this authority, such member, if financial at the time of the leave, shall be considered financial for the period of the unpaid leave and for a period of twenty-eight (28) days following the resumption of duty. Such member, if financial at the time of the leave, resuming duty at the beginning of the school year shall remain financial until 31 March.

- (ii) Where a member takes unpaid leave for a continuous period in excess of 12 months, that member may for the period of leave in excess of 12 months

retain full membership rights by the payment of one half of the least amount of annual dues payable by a casual or temporary teacher.

or

defer their membership for the period of leave in excess of 12 months with no dues payable for that period of leave.

Provided that a member who takes leave for a continuous period in excess of 12 months and who was financial at the time of such leave shall be considered financial for a period of twenty-eight (28) days following resumption of duty or until 31 March if resuming duty at the beginning of a school year.

- (iii) Where a member takes unpaid leave for a continuous period of at least 3 months and who registers for Supply or Casual employment, that member shall only be considered financial if dues are paid in accordance with the Rule for Casual and Temporary Teachers.
- (g) The General Secretary may waive or refund a portion of the dues paid by any member who ceases to be eligible for membership under these Rules. Any such waiving or refund generated shall be calculated on a quarterly basis and take into account the GST imposed under Rule 2.1 (o) upon the amount due. Such amounts as may be waived by the General Secretary will be evidenced by an adjustment note, in compliance with the definition of an "adjustment note" as provide in the GST Law then applicable, which will identify the amount waived plus the GST thereon.
- (h) The General Secretary may waive, refund, credit or re-assess the dues paid or payable by a member whose employment status changes during any one calendar year. Any such re-assessment shall be on a quarterly basis. Any member whose dues are re-assessed shall remain financial for twenty-eight (28) days following advice of their revised dues.
- (i) The General Secretary may, where a member satisfies the General Secretary that he/she is in financial difficulties, make arrangements for the periodic or delayed payment of that member's dues or may waive all or part of a member's dues on such terms as the General Secretary sees fit. Such members shall be entitled to all the rights and benefits of membership provided the terms set by the General Secretary are honoured. Such waiver will be evidenced by a notification to the member of the amount, if any, that is required to be paid by the member, and the date upon which such payment is due and payable.
- (j) The General Secretary may, where a member satisfies the General Secretary that there have been exceptional circumstances, beyond his/her control, restore the member's financial status without loss of entitlement to any rights and benefits of membership.
- (k) The General Secretary on behalf of the Union may enter into an agreement with a member of the Union to pay the full amount of his/her annual membership dues by periodical transmission to the Union through his/her employer, or through a financial institution nominated by him/her. In such event, the membership dues payable in accordance with this Rule, shall be deemed to be due and payable in accordance with, and to the extent of, the schedule of payments agreed between the member and the Union.

Provided that the Union has entered into an agreement with such employer or financial institution for the transmission of members' dues upon terms and conditions acceptable to the Union.

Provided that any member who breaches the terms of the agreement entered into between the member and the Union and the employer or financial institution shall be given twenty-one (21) days' notice to make good or otherwise resolve the breach in the agreement prior to being declared unfinancial.

- (l) The General Secretary shall declare a member unfinancial if no payment towards the annual dues has been received by 31 March in the year in which they are due. Where such member is declared to be unfinancial, that member will be deemed to have renewed their membership upon payment of unpaid dues, or upon entering into an arrangement for payment of such dues as provided for below.

Provided that where a member has entered into an agreement to pay dues, he/she shall remain financial, subject to these Rules.

Provided that where the Union has received an attempt at payment, the General Secretary shall write to that member and allow twenty-one (21) days for any response before declaring that member unfinancial.

- (m) The General Secretary shall, where a member's payment is received after 31 March and where:-
 - (i) The member's payment is sent by mail and the payment is postmarked on or before 31 March, deem payment as received on or by 31 March.

Provided that where 31 March falls on a Saturday, Sunday or public holiday, payments postmarked on the first working day following 31 March shall be deemed to have been posted on or before 31 March.

Provided that where payment was postmarked after 31 March and the circumstances of that postmark are such that a reasonable person would consider the payment to have been posted on or before 31

March, such payments shall be deemed to have been posted on or before 31 March. Executive or a duly convened Executive Sub-committee shall have the authority to decide that the payment is deemed to have been posted on or before 31 March under this Sub-rule.

- (ii) The member's payment is sent via a financial institution or bill paying service and is received by that financial institution or bill paying service on or before 31 March, the payment shall be deemed to have been received by the Union on or before 31 March.
- (n) The General Secretary shall, where a member's payment is received after 31 March and the provisions of Rule 2.1(k) above do not apply and where payment is not received in full, write to that member and allow twenty-one (21) days for any response before declaring that member unfinancial.

Provided that where a member is able to produce satisfactory documentary evidence that payment was made on or before 31 March, subject to these Rules, prompt payment discount shall be allowed.

Provided that where a member makes payment within the twenty-one (21) days allowed of any outstanding dues or enters into an agreement for the payment of any outstanding dues that member shall be continuously financial.

- (o) Notwithstanding any other Rule in this Constitution, if a goods and services tax or any similar tax ('GST') is imposed by Federal Parliament Statutes (the GST Law), and by operation of the GST any supply made under or in connection with these Rules to a member is regarded as a taxable supply, then the following shall apply with effect from 1 January 2000:-

- (i) The Union must determine, and the member must pay to the Union, the amount of GST to be accounted for to the Union for the relevant supply, at the rate designated in the GST Law. Such GST will be payable in addition to any amount or consideration expressed as payable elsewhere in these Rules, but will be included in the amount reflected in the applicable annual renewal notice;
- (ii) any amount of GST determined and recoverable under this Rule is due and payable by the member at the time such Dues become due and payable;
- (iii) if the Union or the member is satisfied on reasonable grounds that the amount of GST paid or payable by the Union to the Commissioner of Taxation on any supply made under this Rule differs from the amount of GST paid by the member by reason of the Commissioner lawfully adjusting the value of the taxable supply for the purpose of calculating GST, then the amount of GST paid by such member shall be adjusted accordingly, by a further payment by the member to the Union or by the Union to the member, as the case requires;
- (iv) the member is, by virtue of this Rule, taken at the time of payment for each taxable supply made under these Rules to have requested the Union to provide a tax invoice (as defined in the GST Law) to the member in respect of that supply, and the Union must provide a tax invoice upon payment of the consideration payable in respect of that supply under this Rule 2.1, or at the time any adjustment under paragraph (iii) occurs, as applicable;

Provided that the tax invoice provided by the Union under paragraph (iv) must show at least the amount of the Dues (as then applicable under this Rule) and the amount of GST or adjustment for GST paid by the member in respect of the relevant invoice.

- (p) During the financial year commencing 1 January 2000, the calculation of the membership dues, as determined in accordance with the Constitution, shall be adjusted to the extent that GST shall be calculated only on that proportion of the membership dues payable attributable to the period after the effective date of the commencement of the GST.

Provided that any adjustment to the amount of the membership dues payable, as a reflection of the payment of such dues prior to 31 March 2000 shall be apportioned throughout the financial year for purposes of attributing the amount of GST included in the dues and discount granted.

2.2 Union Funds:

- (a) There shall be the following Funds, namely -
 - (i) The General Fund;

- (ii) The G.A. Daughtrey Memorial Fund;
 - (iii) Such other Fund or Funds as shall be established from time to time by resolution of the Council/Conference provided however that the Council/Conference shall have the power to terminate any such fund.
- (b) The General Fund shall be used for the following purposes:-
- (i) Operating expenses of the Union;
 - (ii) Expenses relating to 'The Teachers' Building';
 - (iii) Expenses relating to the 'Queensland Teachers' Journal' and other official publications;
 - (iv) To protect the legal rights of members in accordance with Rule 9.5;
 - (v) To extend Relief to sick or distressed members in accordance with Rule 9.6;
 - (vi) To carry out the objects of the Union.
- (c)
- (i) That the amounts set aside from each member's annual membership fee or contribution as a subscription to the 'Queensland Teachers' Journal' or other Union Publications be such amounts as decided from time to time by Executive, acting upon the recommendation of the Finance Committee.
 - (ii) That these amounts be separately accounted for in the annual balance sheet and be fully audited.
 - (iii) That, where distribution is made by post, all such copies shall be posted regularly to members or contributors.
- (d) A loan, grant or donation totalling more than \$1000 to the same person may not be made unless Executive:
- (i) Has approved it;
 - (ii) Is satisfied that it can be given under the other rules of the Union; and
 - (iii) Is satisfied, in the case of a loan, that the loan is made on satisfactory terms.

2.3 Financial Year:

The financial year shall end on the 31st December in each year.

2.4 Trustees, Funds and Properties:

- (a) All real property, and so much of the funds of the Union as Council may from time to time declare to be not required for immediate use or to meet the usual accruing liabilities, shall be vested in the Trustees.
- (b) Whenever a vacancy shall occur in the Office of Trustee by death, removal, resignation or any cause whatsoever, the continuing Trustee or Trustees shall have power to act as Trustee or Trustees.
- (c) The Trustees for the time being shall hold all the property vested in them upon trust for the Union and upon further trust to invest, manage, hold, sell, convey, transfer, mortgage, surrender, lease, and deal with the same and any income, revenues and moneys arising therefrom in such manner in every respect as the Council shall by resolution or resolutions from time to time limit or appoint. The Trustees shall in all matters relating to the trust property act in accordance with the written directions of the Council from time to time.
- (d) The Trust Funds of the Union shall be vested in any of the following forms of investment (but in no other) and may be varied or transposed from time to time, that is to say:
 - (i) Any of the investments for the time being allowed by the laws of the Commonwealth or of the State of Queensland for the investment of Trust Funds.
 - (ii) On deposit with the Queensland Teachers' Credit Union Limited.
 - (iii) At fixed deposit in any bank.

- (iv) In the purchase of other acquisition and the improvement of real estate.
- (v) In the purchase of bank guaranteed bills.

No purchaser paying money to the Union or to Trustees on a sale and no mortgagee or person advancing money to the Union or to the Trustees on a mortgage or debenture or debenture stock purporting to be made under any power contained in these Rules or without any such mortgage debenture or security shall be concerned to see that such money is wanted or that no more than is wanted is raised or otherwise as to the application thereof.

- (e) The Trustees and each of their estates shall be indemnified out of the property of the Union from all loss, damages and expenses not occasioned by their or his/her own wilful default.
- (f) The production of a certificate under the hands of the General Secretary and the President for the time being of the Union shall be conclusive evidence as to who are the Trustees for the time being and of the correctness of copies of any resolution passed by the Council pursuant to the powers given by the Rules of the Union.
- (g) No Trustee shall be eligible to hold office as President, Vice-President, General Secretary, Administrative Officer, or Auditor of the Union, and no person holding such office shall be eligible to be nominated to act as Trustee.
- (h) No Trustee shall borrow from the moneys held in trust for the Union nor advance such moneys on any mortgage or security over land of which the Trustee or his/her spouse have been owner or mortgagee within a period of two (2) years prior to the time of such advance.
- (i) The Trustees shall appoint one of their number to be Chairperson and in the event of his/her absence from any meeting may appoint another of their number to act in his/her place. The General Secretary shall act as Secretary to the Trustees. The Trustees shall cause minutes to be duly entered in books provided for the purpose:
 - (i) Of all appointments made by them;
 - (ii) Of the names of the Trustees present at each meeting;
 - (iii) Of all resolutions and proceedings of meetings of the Trustees.

Any such minutes of any such meeting if purporting to be signed by the Chairperson of such meeting, or by the Chairperson of the next succeeding meeting, shall be receivable as prima facie evidence of the matters stated in such minutes. These minutes shall be available for inspection by any member of the Union at the office of the Union during office hours.

- (j) The General Secretary shall, when required, furnish to Council a written report as to the state of each fund administered by the Trustees.
- (k) The Trustees shall meet either in person or electronically for the dispatch of business, adjourn and otherwise regulate their meetings and proceedings as they think fit. Two Trustees shall form a quorum. In the case of an equality of votes, the Chairperson shall not have a casting vote. A Trustee may, at any time, and their Secretary, upon the request of any Trustee, shall convene a meeting of Trustees of which not less than one day's previous notice in writing shall be given to each Trustee.
- (l) The Trustees shall cause to be kept a Register of Investments in such form and detail as to show the value of investments made on behalf of each Fund.
- (m) The Trustees shall allow the President of the Union or such person as he/she may authorise to inspect at any time during ordinary office hours any of their records required by these Rules.
- (n) A notice may be served upon any member of the Trustees, either personally or by sending it through the post in a prepaid letter addressed to such member at his/her usual or last known place of address, and such notice if sent by post shall be deemed to have been received by such member at the time when in the ordinary course of post, such member would have received the same.

2.5 Misappropriation:

The Council may authorise any person to institute legal proceedings on behalf of the Union against any person misapplying, withholding or receiving by imposition any part of the Union funds; and to act for the Union in all legal proceedings. The signature of the President shall be sufficient proof of such authority.

2.6 Audit and Auditors:

- (a) An Auditor who shall be a competent person within the meaning of the relevant legislation, shall be appointed by Conference. The Auditor shall at all times have access to the Union's Books of Account, vouchers, documents and relevant matters, and shall have the right to obtain explanations relative to the finances of the Union and its accounts from the President, General Secretary, or other officer or employee of the Union.

The Auditor shall conduct an annual audit or special duties and investigations when required by the Union. The Auditor shall certify to the Annual Income and Expenditure Accounts and Balance Sheet and submit a report to each biennial Conference or to the June or July Council held in those years where no Conference occurs.

- (b) The Report shall state whether, in the auditor's opinion:
- (i) the organisation kept satisfactory accounting records for the financial year, including records of -
 - 1 the sources and nature of the organisation's income, including membership subscriptions and other income from members; and
 - 2 the nature of and reasons for the organisation's expenditure; and
 - (ii) the accounts for the year were properly drawn to give a true and fair view of the organisation's
 - 1 financial affairs at the end of the year; and
 - 2 income and expenditure and surplus or deficit for the year; and
 - (iii) the accounts for the year were prepared under the Industrial Relations Act 1999; and
 - (iv) there was a deficiency, failure or shortcoming (an "**accounting deficiency**") for a matter mentioned in paragraphs (i) to (iii); and
 - (v) information and explanations required from the organisation's officers or employees were given.
- (c) The Report of the Auditor shall be attached to the Accounts and Statements to be submitted to Conference/Council as appropriate.

2.7 Expenses of Members

From Union funds there shall be refunded or, on special circumstances, advanced to:

- (a) Executive and TAFE Executive Members;
- (b) Council and TAFE Council Representatives;
- (c) Conference Delegates;
- (d) Branch and TAFE Branch Officers;
- (e) Standing Committee Members;
- (f) Area Council Delegates;
- (g) Any Union Member approved by Executive;

such amount as determined from time to time by the Council, upon the recommendation of the Finance Committee.

2.8 Unfinancial Membership and Dues Arrears

- (a) (i) A member whose dues are not paid in accordance with Rule 2.1 in each year shall be deemed unfinancial and shall forfeit all rights of membership.

- (ii) Members shall not be eligible for any form of assistance either for legal defence or relief for any action or any set of circumstances occurring or becoming evident during a period when the member was unfinancial. Non-members shall not be eligible for such assistance for any action or set of circumstances occurring or becoming evident prior to their paying the prescribed dues.
- (iii) An unfinancial member shall not be eligible to hold office as or act as proxy for a Senior Officer of the Union, a Member of Executive, a Council Representative, a Conference Delegate, an Officer of a Branch, a Branch Delegate to Area Council, a Member of a Union Committee, a Union Representative in a workplace, a Union Representative on an Outside Body.

Provided that the General Secretary shall suspend any member who holds office in the Union from that office if he/she becomes unfinancial pending a determination of his/her financial status.

Provided that the General Secretary shall ask any unfinancial member so suspended from an office in the Union to show cause under the provisions of Rule 2.1 within fourteen (14) days of despatch of such show cause letter why any such office held should not be declared vacant.

If any such member's financial status is restored under the provisions of Rule 2.1 without penalty, then the General Secretary may reinstate the member to all offices held.

If any such member's financial status is not restored under the provisions of Rule 2.1, then the General Secretary shall declare any such positions held vacant.

- (b) (i) Dues not paid in accordance with this Rule and levies not paid in accordance with Rule 8.3 and fines imposed under Rule 3.3 or any other moneys due to the Union may be recovered as prescribed by Law or by these Rules, but fourteen (14) days' notice of the intention to sue shall be given to the members concerned.
- (ii) Any member whose dues are in arrears for more than one year may be summoned to show cause why his/her name should not be removed from the Register of Members

3. GOVERNMENT

3.1 Government:

- (a) The supreme control of the Union shall be vested in the Conference and Council.
- (b) Every Branch and the Committee of Management thereof shall be subject to the control of Council acting in accordance with these rules. The management of the Union shall be in the hands of Council and the Conference, which shall have jurisdiction over all Branches and the members thereof subject to the power granted to the Branch by these rules.
- (c) Upon matters concerning the policy of the Union, as adopted by Conference or Council, no Branch or section of Union members shall have the power to approach members of the Legislature, the Department of Education or any public bodies without the consent of Council except as provided for in these rules.

3.2 Alteration of Rules:

- (a) Rules may be added to, rescinded, or amended by Conference or by Council. Any such alteration to the rules only takes effect in accordance with the relevant provisions of industrial relations legislation applying at the time.
- (b) Proposed additions, rescissions or alterations submitted by Branches must be in the hands of the General Secretary not later than nine (9) weeks prior to the first day of Conference or day of Council.
- (c) Council may submit to Conference proposed additions, rescissions or alterations at any of its meetings.
- (d) No addition to or alteration of the Rules shall be made unless 28 days' notice of the proposal has been given to the Branches.
- (e) No alteration, amendment of, or addition to these Rules shall be effective unless approval by a two-thirds majority of Conference or Council voting thereon.

3.3 Offences by Members:

- (a) Any member who -
- (i) Fails to abide by the Rules of the Union;
 - (ii) Behaves in a disorderly or offensive manner at any meeting held under the Rules of the Union or in any office of the Union;
 - (iii) Commits any fraudulent or improper act in relation to the funds or property of the Union or in relation to any election held by the Union;
 - (iv) Enters into any agreement or attempts to enter into any agreement with any person contrary to the provisions of any award or agreement secured by the Union;
 - (v) Obstructs or unreasonably fails to assist any Officer in the course of his/her duties or unreasonably refuses to give information relating to Union business to any Officer of the Union;
 - (vi) Makes false, frivolous or malicious accusations against any member of the Union;
 - (vii) Represents himself/herself without authority as holding any office or position in the Union or a Section thereof or as being entitled to represent the Union or a Section thereof;
 - (viii) Without reasonable excuse fails to attend a meeting of the Executive when summoned to do so;
 - (ix) Aids or encourages any member in any offence under the rules;
- commits an offence against these rules.
- (b) It shall be the duty of the Executive to appoint a person or persons to investigate in whatever manner that person or those persons deem appropriate, any allegation or complaints that a member has committed an offence against the Rules. The member shall be furnished with a copy of the allegation or complaint that is made against him or her.
- (c) Where the person or persons appointed by the Executive to investigate the matter are of the opinion that the member concerned has a case to answer, they may charge the member with an offence or offences.
- (d) Upon a charge being made against any member Executive shall advise the member concerned of the time, date and place at which the charge shall be heard by Executive and shall furnish the member with a copy of the charge by registered letter at the member's last known address provided that not less than fourteen (14) days' notice of the hearing shall be given to the member concerned.
- (e) The member concerned shall have the right to reply to the charge in person and to present relevant evidence or, where reasonable excuse exists, to reply to the charge in writing not later than the time and date and at the place notified to him or her.
- (f) If after hearing a charge or charges against any member the Executive finds that member guilty of an offence or offences against the Rules, it may take any one or more of the following steps in respect of each such offence:-
- (i) Impose no penalty;
 - (ii) Reprimand the member;
 - (iii) Fine the member not exceeding one hundred dollars (\$100);
 - (iv) Suspend him/her from membership for a period not exceeding six (6) months;
 - (v) Deprive the member of any of the rights or benefits of membership for such period not exceeding twelve (12) months and on such reasonable conditions as the Executive shall see fit;
 - (vi) Expel the member from the Union.

- (g) Any member so disciplined by Executive shall have a right of appeal to Council against the findings of and/or the disciplinary action imposed by the Executive. Notice of such appeal shall be in writing, shall state the grounds upon which the appeal is made, and shall be given to the General Secretary of the Union within one (1) calendar month of service of notice upon a member of the decision against which the appeal is made. In the event of an appeal being validly lodged, no disciplinary action imposed by the Executive shall be put into operation until the Council has dealt with the appeal.

3.4 Interpretation of Terms:

In these Rules, unless the context otherwise indicates, the following terms have the meaning set against them, respectively:-

The Union - The Queensland Teachers' Union.

Member - Member of the Queensland Teachers' Union.

Financial Member - A member of the Queensland Teachers' Union who has paid all moneys due and payable under the Rules of the Queensland Teachers' Union.

The Rules - The Constitution and Rules of the Queensland Teachers' Union of Employees.

President - The President of the Queensland Teachers' Union.

The term "State Council" has been used for Queensland Teachers' Union Council where confusion with the term "Area Council" must be avoided.

4. OFFICERS

4.1 Senior Officers

- (a) The Senior Officers of the Union shall be:
- (i) President;
 - (ii) Vice President (Full-time);
 - (iii) Vice President (Honorary);
 - (iv) General Secretary;
 - (v) Two (2) Deputy General Secretaries.
- (b) A Senior Officer shall not be eligible to be a representative or delegate of a Branch, Area Council or TAFE Division at the Conference or Council.
- (c) No member shall simultaneously hold more than one (1) Senior Officer position or the positions of a Senior Officer and Administrative Officer.
- (d) At least one of the Deputy General Secretaries shall be female, if a nomination from a female is received.
- (e) Between meetings of the Executive, the management of the Union shall be vested in the Senior Officers whose decisions shall be reported to Executive for ratification.
- (f) The processes for calling and conducting meetings of Senior Officers shall be as determined by Senior Officers from time to time.

4.2 Duties of President

The President shall:

- (i) be a full-time paid Officer of the Union. The President's salary shall be fixed by Council;

- (ii) preside at all meetings of Executive, Council and Conference held during the term of office;
- (iii) see that the Rules of the Union are adhered to;
- (iv) address and open Conference;
- (v) at all meetings when presiding, have a casting vote only other than for an election;
- (vi) adhere to and be responsible for the execution of Conference, Council and Executive decisions;
- (vii) be the chief media spokesperson for the Union.

4.3 Duties of Vice-President (Full-time) and Vice-President (Honorary)

- (a) The Vice-President (Full-time) shall be a full-time paid Officer of the Union. The salary of the Vice-President (Full-time) shall be fixed by Council.
- (b) The Vice-President (Full-time) and the Vice-President (Honorary) shall assist the President with his/her duties.
- (c) The Vice-President (Full-time) shall, in the absence of the President, carry out the duties of the President in any matters which require attention during such absence and shall report to the President on the latter's return on any action he/she has taken under his/her authority.
- (d) The Vice-President (Honorary) shall, in the absence of the Vice-President (Full-time) carry out the duties of the Vice-President (Full-time) in any matters which require attention during such absence and shall report to the Vice-President (Full-time) on his/her return or the President on any action he/she has taken under his/her authority.

4.4 Duties of General Secretary:

- (a) The General Secretary shall:
 - (i) be a full-time paid Officer of the Union. The General Secretary's salary shall be fixed by Executive;
 - (ii) attend all meetings of Conference, of the Council and of the Executive;
 - (iii) be responsible for the keeping of minutes of the proceedings of such meetings;
 - (iv) attend to all correspondence and carry out the instructions of the President in regard to same;
 - (v) issue notices of all meetings convened by proper authority;
 - (vi) be the Editor of the Queensland Teachers' Journal and other official publications and shall be responsible to the Council for the management and control of such official publications;
 - (vii) keep an official copy of the Rules of the Union, correctly amended and shall supply each Branch Secretary and Council Representative with a copy of these Rules before 30th June each year;
 - (viii) keep a file of the Queensland Teachers' Journal and other official publications and have same bound annually at the expense of the Union;
 - (ix) on being requested by the President, produce all books and documents of the Union for inspection;
 - (x) pay all accounts by cheque, electronic means or credit card;
 - (xi) act as Secretary to the Trustees;
 - (xii) receive applications and dues from persons applying for admission to the Union, and scrutinise their qualifications. If they are qualified in accordance with Rule 1.3, he/she shall register them as members;
 - (xiii) act as manager of the Queensland Teachers' Building and other Union property;
 - (xiv) be the principal interviewing Officer of the Union;

- (xv) perform any other Union work as directed by the President.
 - (xvi) ensure that provisions of any award or agreement affecting members of the Union are being observed;
 - (xvii) sign documents on behalf of the Union;
 - (xviii) advise the Industrial Relations Commission of the likelihood or existence of an industrial dispute, subject to the requirements of the relevant Act.
- (b) Cheques shall be signed by any one of the President, the Vice-President, the General Secretary, or a Deputy General Secretary of the Union and countersigned by an Administrative Officer other than the General Secretary and Deputy General Secretary, provided that in the case of a General Office Travelling Account, the General Secretary may nominate one or more Administrative Officers each of whom shall be authorised to be a signatory of that particular account.
 - (c) The General Secretary may at his/her discretion delegate or assign his/her powers and duties to a nominated person or persons.
 - (d) The General Secretary shall have voting rights at meetings of the Branch of which he/she is a member.
 - (e) The General Secretary shall have voting rights on Union Committees on which he/she is a member and at meetings of Senior Officers. The General Secretary shall not be entitled to exercise a vote at any other meetings of the Union.
 - (f) The General Secretary shall take any proceedings, action or steps necessary for the enforcement or defence of the rights or privileges of the Union or the members thereof; all such proceedings, action or steps shall be taken as prescribed by law or by these Rules and, where necessary, any process or document required to be signed in connection with such by the Union so to do and the General Secretary is by this sub-rule, hereby duly authorised. Provided that any proceedings, action or steps taken shall be reported to the Council.

4.5 Duties of the Deputy General Secretaries

- (a) The Deputy General Secretaries shall be full-time paid Officers of the Union.

The Deputy General Secretaries' salary shall be fixed by Executive.
- (b) In the absence of the General Secretary, one of the Deputy General Secretaries shall carry out the duties of the General Secretary in any matters which require attention during such absence and shall report to the General Secretary on the latter's return on any action he/she has taken under this authority.
- (c) The Deputy General Secretaries shall assist the General Secretary with his/her work.
- (d) The Deputy General Secretaries shall each have voting rights at the meetings of the Branch of which he/she is a member.
- (e) The Deputy General Secretaries shall each have voting rights on Union Committees of which he/she is a member. The Deputy General Secretaries shall not be entitled to exercise a vote at other meetings of the Union.

4.6 Administrative Officers

- (a) Administrative Officers shall be paid employees of the Union.
- (b) Administrative Officers shall be appointed by the Council according to terms and conditions contained in Letters of Appointment.
- (c) Their salaries shall be fixed by Executive.
- (d) An Administrative Officer who is a member of the Union shall have voting rights at meetings of the Branch of which he/she is a member.

- (e) An Administrative Officer who is a member of the Union shall have voting rights on Union Committees of which he/she is a member as determined by Council or Conference. An Administrative Officer shall not be entitled to exercise a vote at other meetings of the Union.
- (f) For misconduct or neglect of duty, the General Secretary or in his/her absence, the President, may suspend an Administrative Officer on full pay pending the decision of a Special Meeting of Council which must be convened by the President within fourteen (14) days of such suspension.

A full statement of the grounds of such suspension shall be laid before this Special Meeting of Council. The Administrative Officer concerned shall be restored to office unless this Special Council declares by resolution that he/she ought to be removed from office.

- (g) Administrative Officers shall perform such duties as are allotted to them by the General Secretary in his/her capacity as Staff Manager.

5. ADMINISTRATION

5.1 Administration:

- (a) For administrative purposes the Union shall be divided into Branches.
- (b) The Chief Administrative Officer of the Union shall be the General Secretary. Other Administrative Officers may be appointed by Council from time to time on the recommendation of the General Secretary.

5.2 Registered Office:

The Registered Office of the Union shall be at ;The Teachers Building, 21 Graham Street. Milton, Brisbane, or at such other place as the Council may decide.

5.3 Office Hours:

From Monday to Friday, except on statutory holidays, the office hours shall be -

8.30 a.m. to 5 p.m.

5.4 Registered Officer:

The General Secretary of the Union shall be the Officer to sue and be sued on behalf of the Union. He may, in writing, delegate this power to an Assistant Secretary or to a Branch Secretary.

5.5 Seal:

There shall be a Seal of the Union. The General Secretary of the Union shall be the custodian of the Seal.

5.6 Inspection of Union Books:

Any member of the Union may, at the office of the Union, during office hours, peruse the books of the Union.

6. ELECTIONS

6.1 The Returning Officer

- (a) The Queensland Electoral Commission or some other person appointed by Council shall conduct elections for positions of office within the Union. Whoever is conducting an election for a position of office in the Union shall be referred to as the Returning Officer.
- (b) The Council may only appoint as Returning Officer for such elections a person who is not an employee, member or officer of the Union.

- (c) Where the Returning Officer is other than the Queensland Electoral Commission the Returning Officer may, subject to the approval of the General Secretary, engage persons, not being an employee, member or officer of the Union, to act as Assistant Returning Officer or persons not being members of the Union to assist him/her in the checking and counting the votes as he/she or they deem necessary.

6.2 Electorates

- (a) The election of the President and the Vice-Presidents if more than one nomination respectively be received, shall be made by secret postal ballot of financial members of the Union.
- (b) The election of the General Secretary and Deputy General Secretaries, if more than one nomination respectively be received, shall be made by secret ballot of Council.
- (c) (i) The election of the Council Representative for each Branch if more than one nomination respectively be received, shall be made by secret postal ballot of financial members of the Union in the respective Branch.
- (ii) The election of Council Representatives from the TAFE Division if more than the required number of nominations be received, shall be made by a secret postal ballot of financial members of the TAFE Division.
- (iii) The election of Council Representatives from Area Councils, if more than the required number of nominations be received, shall be made by a secret ballot of Branch delegates to the relevant Area Council.
- (d) (i) The election of Conference Delegate for each Branch if more than one nomination respectively be received, shall be made by secret postal ballot of financial members of the Union in the respective Branch.
- (ii) The election of Conference Delegates from the TAFE Division if more than the required number of nominations be received, shall be made by a secret postal ballot of financial members of the TAFE Division.
- (iii) The election of Conference Delegates from Area Councils, if more than the required number of nominations be received, shall be made by a secret ballot of delegates to the relevant Area Council.
- (iv) The election of additional Conference Delegates of Aboriginal and/or Torres Strait Islander descent, if more than the required number of nominations, shall be made by secret postal ballot of financial members who have identified themselves as being of Aboriginal and/or Torres Strait Islander descent in accordance with procedures adopted by the Union from time to time.
- (e) (i) The election of Branch and TAFE Branch President, Branch Vice-President and Branch Secretary if more than one nomination respectively be received, shall be made by secret postal ballot of the financial members of the Union in the respective Branch or TAFE Branch.
- (ii) The election of Area Council President, Vice-President and Secretary if more than one nomination respectively be received, shall be made by a secret ballot of the Branch delegates to the relevant Area Council.
- (f) The election of Trustee if more than the required number of nominations be received, shall be made by secret ballot of Council.
- (g) (i) The election of the members of the Executive if more than the required number of nominations be received, shall be made by secret ballot of the Council.
- (ii) The election of members of Executive from the TAFE Division if more than the required number of nominations be received, shall be made by secret ballot of the TAFE Council.
- (h) The election of TAFE Council Representatives for each TAFE Branch or group of TAFE Branches, as the case may be, if more than one nomination respectively be received, shall be by secret postal ballot of financial members of the Union in the respective TAFE Branch or group of TAFE Branches.
- (i) The election of the TAFE Executive Committee if more than the required number of nominations be received, shall be made by a secret ballot of the TAFE Council.

- (j) The election of the two (2) Branch delegates to an Area Council, if more than the required number of nominations be received, shall be made by secret postal ballot of financial members of the Union in the relevant Branch.

6.3 Terms of Office

- (a) The Term of Office of the President and Vice-Presidents shall be from the first day of school in the year 1997 and be for three (3) years and every three (3) years thereafter.

Provided that:

- (i) Any one President or any one Vice-President (full time) of the Union shall be limited to a maximum of three (3) consecutive terms in that Office.
- (ii) No person shall hold the Offices of President and Vice-President (full time) consecutively for more than four (4) terms.
- (iii) Nominations for the position of President and Vice-Presidents shall be received by the Returning Officer no later than noon on the last business day of August 1996 and every three (3) years thereafter.
- (b) (i) From 2013, the Term of Office of the General Secretary and Deputy General Secretaries shall be from the first day of the school year 2013 and be for three (3) years and every three (3) years thereafter.

Provided that:

Nominations for the positions of General Secretary and Deputy General Secretary shall be received by the Returning Officer no later than noon on the last business day in September 2012 and every three (3) years thereafter.

- (ii) The General Secretary and Deputy General Secretary elected for the term commencing in 2010, and the second Deputy General Secretary, upon election, shall retain office to the commencement of the Term of Office commencing in 2013.
- (c) (i) The Term of Office for Branch Council Representatives shall be from the first day of May in the year 1996 and be for three (3) years and every three (3) years thereafter.
- (ii) The Term of Office for Council Representatives from the TAFE Division shall be from the first day of May in the year 1996 and shall be for three (3) years and every three (3) years thereafter.
- (iii) The Term of Office for the positions of Council Representatives from an Area Council shall be from the first day in June in 2001 and be for three (3) years thereafter.
- (iv) Nominations for the position of Branch Council Representative and Council Representative from the TAFE Division shall be received by the Returning Officer no later than noon on the first Friday in February in the relevant years.
- (v) Nominations for the position of Council Representative from an Area Council shall be received by the Returning Officer no later than noon on the first day of April in the relevant year.
- (d) (i) The Term of Office for Branch and Area Council Conference Delegates shall be from the first day of May 1997 and be for two (2) years and every two (2) years thereafter.
- (ii) The Term of Office for Conference Delegates from the TAFE Division shall be from the first day of May 1997 and be for two (2) years and every two (2) years thereafter.
- (iii) The Term of Office of additional Conference Delegates of Aboriginal and/or Torres Strait Islander descent shall be from the first day of May 2005 and be for two (2) years and every two (2) years thereafter.
- (iv) Nominations for the position of Branch Conference Delegate, Conference Delegate from the TAFE Division and additional Conference Delegates of Aboriginal and/or Torres Strait Islander descent shall be received by the Returning Officer no later than noon on the first Friday in February in the relevant year.

- (v) Nominations for the position of Area Council Conference delegate shall be received by the Returning Officer no later than noon on the first day of April in the relevant year
- (e)
 - (i) The Term of Office for Branch and TAFE Branch President, Vice-President and Secretary shall be from the first day of January and be for one (1) year and every year thereafter.
 - (ii) Nominations for the positions of Branch and TAFE Branch President, Vice-President and Secretary shall be received by the Returning Officer no later than noon on the last Friday in November in the preceding year.
 - (iii) The Terms of Office for Area Council President, Vice-President and Secretary shall be from the second meeting of the Area Council in 2001 or from the completion of ballots to be completed after the election of Branch Delegates to Area Councils (whichever is the later) and every three years thereafter.
 - (iv) Nominations for the position of Area Council President, Vice-President and Secretary shall be received by the Returning Officer no later than noon on the first day of April in the relevant year
- (f)
 - (i) The Terms of Office for Trustees shall be from the first day of July following their election at the May meeting of Council and be for four (4) years and every four (4) years thereafter.
 - (ii) Two (2) Trustees shall be elected in May 1999 and subsequently every four (4) years.

Two (2) Trustees shall be elected in May 2001 and subsequently every four (4) years.

Provided that, each such election, where at least one female nominates, at least one of the Trustees elected shall be female.
 - (iii) The current Trustees whose Terms of Office are scheduled to conclude in 1999 and 2002 shall conclude in 1999 when two (2) Trustees shall be elected.

The current Trustee whose Term of Office is scheduled to conclude in 2005 shall conclude in 2001 when two (2) Trustees shall be elected.
 - (iv) Nominations for the position of Trustee shall be received by the Returning Officer no later than noon on the last Friday in March of the relevant year.
- (g)
 - (i) The Term of Office for members of Executive (other than the Senior Officers) shall be for three years from the declaration of the ballot at May Council 1999 and every three (3) years thereafter. The term of office shall conclude at midnight on the day preceding the May Council at which the election of members of Executive is to occur.
 - (ii) Nominations for the position of member of Executive shall be received by the Returning Officer no later than noon on the last Friday in March in the relevant year.
- (h)
 - (i) The Term of Office for TAFE Council Representatives shall be from the first day of May in the year 1996 and be for three (3) years and every three (3) years thereafter.
 - (ii) Nominations for the position of member of TAFE Council shall be received by the Returning Officer no later than noon on the first Friday in February in the relevant year.
- (i)
 - (i) The Term of Office for member of the TAFE Executive Committee shall be from the declaration of any ballot held at the first meeting of the TAFE Council after 1 May in the year 1996 and be for three (3) years and every three (3) years thereafter.
 - (ii) Nominations for the position of TAFE Executive Committee member shall be received by the Returning Officer no later than noon on the last Friday in March in the relevant year.
- (j)
 - (i) The Term of Office for Branch delegates to the respective Area Council shall be from the first day of April 2001 and be for three (3) years and every three (3) years thereafter.
 - (ii) Nominations for the position of Branch delegate to Area Council shall be received by the Returning Officer no later than noon on the first day of March in the relevant year

- (k) The time lines for the closing of nominations specified above for various positions may be varied by the Returning Officer, after consultation with the General Secretary, in so far as is necessary to co-ordinate the calling of nominations with publication of the "Queensland Teachers Journal" or to ensure the orderly advertisement and filling of vacant positions.

6.4 Eligibility for Nomination

- (a) General Eligibility
- (i) Nominees for all positions of office shall be a financial member of the Union at the close of nominations.
 - (ii) No full-time officer, full-time administrative officer or full-time employee of the Union may be elected to an office below other than an office stated to be a full-time elected position.
- (b) No person shall be entitled to nominate simultaneously for more than one of the positions of President, Vice-President (Full-time) or Vice-President (Honorary) of the Union at any election.
- (c) No person shall be entitled to nominate simultaneously for the positions of General Secretary and Deputy General Secretary of the Union at any election.
- (d)
- (i) A nominee for the position of Council Representative of a Branch must be a member of the respective Branch.
 - (ii) A nominee for the position of Council Representative from the TAFE Division must be a member of the TAFE Division.
 - (iii) A nominee for the position of Council Representative from an Area Council must be a Branch Delegate to the relevant Area Council or be a duly nominated candidate for election as a Branch Delegate to the relevant Area Council.
- (e)
- (i) A nominee for the position of Conference Delegate of a Branch must be a member of the respective Branch.
 - (ii) A nominee for the position of Conference Delegate from the TAFE Division must be a member of the TAFE Division.
 - (iii) A nominee for the position of Conference Delegate from an Area Council must be a Branch Delegate to the relevant Area Council or be a duly nominated candidate for election as a Branch Delegate to the relevant Area Council.
 - (iv) A nominee for the position of additional Conference Delegate of Aboriginal and/or Torres Strait Islander descent must have identified themselves as being of Aboriginal and/or Torres Strait Islander descent in accordance with procedures adopted by the Union from time to time.
 - (v) Provided that if at the date of the ballot the person is declared elected to the position of Council Representative of a Branch, Area Council or the TAFE Division the person shall not be eligible for election to the position of Conference Delegate of a Branch, Area Council or the TAFE Division.
- (f)
- (i) A nominee for the position of Branch and TAFE Branch President, Vice-President or Branch Secretary must be a member of the respective Branch or TAFE Branch.
 - (ii) A nominee for the positions of Area Council President, Vice-President or Secretary must be a Branch delegate to the relevant Area Council or be a duly nominated candidate for election as a Branch Delegate to the relevant Area Council.
- (g)
- (i) A nominee for the position of Trustee must be a Branch or Area Council Council Representative at the time of nomination and/or be a person elected to take office as a Branch or Area Council Council Representative on the date on which the ballot is scheduled to be conducted.
 - (ii) The President, Vice-President (Full-time), Vice-President (Honorary), General Secretary, Deputy General Secretary or Administrative Officer may not nominate for the Office of Trustee.

- (h) (i) A nominee for the position of member of Executive elected by and from Council must be a Branch or Area Council Council Representative or be a duly nominated candidate for election as a Branch or Area Council Council Representative.
- Provided that if at the date of the ballot the person nominated is not a Branch or Area Council Council Representative the person shall not be eligible for election.
- (ii) A nominee for the position of TAFE Division member of Executive must be a member of the TAFE Division at the time of nomination.
- (iii) A nominee for the position of TAFE Division member of Executive must be a TAFE Branch Representative to the TAFE Council at the time of nomination and/or be a person elected to take office as a TAFE Branch Council Representative on the date on which the ballot is scheduled to be conducted.
- (i) A nominee for the position of TAFE Council Representative must be a member of the respective TAFE Division Branch.
- (j) (i) A nominee for the position of member of the TAFE Executive Committee must be a member of the TAFE Division.
- (ii) A nominee for the position of member of the TAFE Executive must be a TAFE Branch member of the TAFE Council and/or be a person elected to take office as a TAFE Council Representative on the date on which the ballot is scheduled to be conducted.
- (k) A nominee for the position of Branch Delegate to an Area Council must be a member of the relevant Branch.

6.5 Nominations

- (a) The Returning Officer shall call for nominations for all positions of office to be elected subject to these rules by advertisement in an insert in the "Queensland Teachers Journal". The Returning Officer shall determine the time for nominations to open which shall coincide with a date of publication of the "Queensland Teachers Journal". Such notice shall be dated and it shall state the date on or before which nominations are to be lodged with the Returning Officer. The closing date of nomination shall not be earlier than twenty-one (21) days after the date upon which such notice shall first appear in the "Queensland Teachers Journal". The opening time for nominations shall be at noon on the opening day.
- (b) Nominations of candidates for all positions elected subject to these rules shall be in writing on the following form and shall be signed by the candidate and at least two (2) financial members of the Union.

Provided that:

- (i) Nominations for the positions of Branch Council Representative, Branch Conference Delegate, Branch Officer or Branch Delegate to an Area Council shall be signed by at least two (2) financial members of the relevant Branch.
- (ii) Nominations for the positions of TAFE Division Council Representative, TAFE Division Conference Delegate or TAFE Branch Officer shall be signed by at least two (2) financial members of the relevant TAFE Branch.
- (iii) Nominations for the position of TAFE Division Member of Executive shall be signed by at least two (2) financial members of the TAFE Division.
- (iv) Nominations for the positions of Area Council President, Vice-President and Secretary shall be signed by at least two (2) Branch delegates to the relevant Area Council.

(c) Form of Nomination

"We, the undersigned financial members of the Queensland Teachers Union, do hereby nominate for the position of (here insert the name of the position)

(Here follow the names of nominators)

and I,, a financial member of the Queensland Teachers Union, do hereby agree to be nominated and to act if elected.

.....(Signature)"

(d) The Returning Officer may, in the printing of nomination forms, vary the Form of Nomination so as to include the conditions set out in Clause (b) above.

(e) The Returning Officer shall consider all nominations as received and if, in his/her opinion, any nomination is defective, he/she shall immediately notify the person concerned of the defect by the most expeditious means and where it is practicable to do so, give him/her the opportunity of remedying the defect within seven (7) days after notification.

(f) Nominations may be received by the Returning Officer by means of hand delivery, post, facsimile or any other electronic means which can include the signatures of the nominees and nominators.

(g) Any person who has been duly nominated and who desires to retire from his/her candidature may, not more than five (5) clear days after the closing date for nominations, sign and deliver to the Returning Officer a notification to that effect and thereupon the Returning Officer shall omit the name of such person from the ballot papers to be used at the election.

(h) If the number of candidates nominated for any election of such office or position is not more than the number to be elected, the Returning Officer shall declare the candidate or candidates so nominated to be duly elected effective from the first day of the new term of office.

(i) If between the closing date for nominations and the date of election any person who has been duly nominated dies, the Returning Officer shall discontinue the election and re-open nominations.

(j) If between the closing date for nominations and the date of election any person who has been duly nominated ceases to be eligible to be elected, the Returning Officer shall, if the ballot papers to be used at the election have not been prepared, omit the name of such person from the ballot papers; if the ballot papers to be used at the election have been prepared but not issued he/she shall delete where practical the name of such person from the ballot papers and if the ballot papers to be used at the election have been prepared and issued, he/she shall disallow and disregard any votes cast for such person in the election and count only other first and contingent preference votes for the remaining candidates.

(k) If in consequence of the retirement or disqualification of any person who has been duly nominated the number of persons duly nominated for any such office or position is thereby reduced to the number to be elected, the Returning Officer shall declare such person or persons to be duly elected.

6.6 Ballots

(a) Ballots shall be conducted in accordance with the Industrial Relations Act 1999 and Regulations or any Act in substitution or amendment thereof either by:

(i) A secret postal ballot of members eligible to vote, or

(ii) A secret ballot of members eligible to vote and present at the relevant meeting of Council, Area Council or TAFE Council.

(b) Postal Ballots

(i) Each member of the Union in the relevant electorate may only vote if the member is financial on the thirtieth day prior to the opening of nominations.

(ii) Following the close of nominations and if a ballot is required, the Returning Officer shall prepare a roll of members eligible to vote in the ballot.

- (iii) The Returning Officer shall, at least twenty-one (21) days before the closing day of the poll, forward by post to each such relevant financial member at his/her registered address, a "business reply envelope" addressed as follows:

The Returning Officer
Queensland Teachers Union

with a postal box number (as allotted by the Postmaster) at a Post Office (as determined by the Returning Officer).

Such envelope shall contain a machine printed ballot paper and a further envelope or envelopes so that a voter can record their name in block letters, their address and signature separable from the envelope containing any ballot paper.

If before posting such envelopes and ballot paper to any member, the Returning Officer shall receive from such member a request in writing signed by the member to do so, the Returning Officer shall post the envelopes and ballot papers to the member at an address other than his/her address.

- (iv) Each ballot paper shall bear the words "Queensland Teachers Union" and the Seal of the Union and the initials of the Returning Officer or any Assistant Returning Officer and the names of the duly nominated candidates in order selected by lot; if the election is held in respect of more than one of the abovementioned offices or positions, the candidates for each such office or position (as the case may be) shall be grouped together under a heading indicating the office or position for which they are candidates; where similarity in the names of two or more candidates is likely to cause confusion, the names of such candidates may be printed with such description or addition as will distinguish them from one another and a square shall be printed opposite the name of each candidate on the ballot paper.

Within office hours, as soon as conveniently practicable after 2 o'clock on the afternoon of the day following the date for the close of nominations, the Returning Officer or any Assistant Returning Officer shall proceed to select by lot the order of the candidates on the ballot paper.

Each candidate for election may by a notice in writing addressed to the Returning Officer, appoint one scrutineer to represent him/her during the selection process. Such notice shall be signed by the candidate and bear the name, address and signature of the scrutineer.

- (v) The Returning Officer on being satisfied on the personal application of any member that such member has not used the original ballot paper sent to him/her may issue another ballot paper by post to such member who may exercise his/her vote on the ballot paper so issued. Such ballot paper shall, if required by the member, be accompanied by the appropriate envelope or envelopes for the return of the vote.
- (vi) The Returning Officer shall provide a locked ballot box or locked ballot boxes with a cleft or opening therein capable of receiving and containing the addressed envelopes and contents as above indicated, and shall place such box or boxes duly locked at the designated Post Office, first making all necessary arrangements for it or them to be used for containing the abovementioned addressed envelopes received there by post by the hour of 12 noon on the closing date of the Poll. He/she shall retain in his/her possession the key of such boxes until the counting of votes has been completed.
- (vii) At 12 noon on the day fixed for the closing of the poll or as soon thereafter as conveniently may be, the Returning Officer accompanied by any Assistant Returning Officer shall collect such locked ballot box or ballot boxes from the designated Post Office and accompanied by any Assistant Returning Officer, promptly convey the same unopened to the office at which the ballot is to be counted, and as soon as conveniently practicable after two o'clock of the afternoon of the same day in the presence of any Assistant Returning Officer and such authorised scrutineers as shall then be present proceed with the scrutiny and counting of the votes polled.
- (viii) The Returning Officer shall first open such locked ballot box or locked ballot boxes and empty the contents thereof onto a table or suitable receptacle in the presence of any Assistant Returning Officer and the authorised scrutineers then present, remove from the addressed reply envelope the envelope therein and by examination of each of the larger envelopes and reference to the signature thereon satisfy himself/herself as far as practicable that the member concerned is qualified to vote. If so satisfied he/she shall open the envelope and extract therefrom the smaller envelope marked "Ballot Paper" and place it unopened in a separate ballot box otherwise he/she shall reject the envelope and contents and keep the same unopened in another box.

- (ix) When all the larger envelopes containing the ballot papers have been so dealt with by the Returning Officer, he/she shall open the ballot box containing such unrejected envelopes, open the same, remove therefrom the ballot papers and proceed to examine them and count the number of votes recorded.

(c) Attendance Ballots

- (i) Each member of the Union in the relevant electorate who is present at the meeting at which a ballot is to be conducted shall be entitled to vote at such election. Any member who is unable to be present at a meeting at which a ballot is to be conducted may either:

- 1 Before the day scheduled for the meeting advise the Returning Officer of the absence and request a postal or absentee ballot. If such postal or absentee ballot is practicable, the Returning Officer shall arrange for a ballot paper to be issued. It shall be the responsibility of the member to return the ballot paper to the Returning Officer so that it is received by the Returning Officer before the close of the ballot at the meeting on the day scheduled; or
- 2 Appoint a proxy under these rules who shall be entitled to cast a vote in their stead.

Provided that where a member is unable to appoint a proxy or a casual vacancy in the position exists, the relevant Branch or TAFE Branch may at an ordinary meeting appoint a proxy who shall be entitled to vote in the election.

- (ii) A member may only vote in the ballot if the member is a financial member on the thirtieth day prior to the opening of nominations.
- (iii) Following the close of nominations and if a ballot is required, the Returning Officer shall prepare a roll of members eligible to vote in the ballot.
- (iv) The Returning Officer shall distribute to each eligible member a machine printed ballot paper.
- (v) Each ballot paper shall bear the words "Queensland Teachers Union" and the Seal of the Union and the initials of the Returning Officer or the Assistant Returning Officer and the names of the duly nominated candidates in order selected by lot; if the election is held in respect of more than one of the above mentioned offices or positions, the candidates for each such office or position (as the case may be) shall be grouped together under a heading indicating the office or position for which they are candidates; where similarity in the names of two or more candidates is likely to cause confusion, the names of such candidates may be printed with such description or addition as will distinguish them from one another and a square shall be printed opposite the name of each candidate on the ballot paper.

Within office hours, as soon as conveniently practicable after 2 o'clock on the afternoon of the day following the date for the close of nominations the Returning Officer or the Assistant Returning Officer shall proceed to select by lot the order of the candidates on the ballot paper.

Each candidate for election may by a notice in writing addressed to the Returning Officer, appoint one scrutineer to represent him/her during the selection process. Such notice shall be signed by the candidate and bear the name, address and signature of the scrutineer.

- (vi) The Returning Officer on being satisfied on the personal application of any member that such member has spoiled their ballot paper, may retrieve and destroy such spoiled ballot paper and issue a replacement.
- (vii) The Returning Officer shall collect completed ballot papers and, on being satisfied that all voters have returned their ballot papers, declare the ballot closed.

(d) Voting Instructions

- (i) In ballots where one (1) candidate is to be elected, the following instructions shall be printed on each ballot paper.

"How to Vote:

Mark your vote by placing the number "1" in the square opposite the name of the candidate for whom you vote as your first preference. You may give your contingent votes for any or all of the remaining candidates by placing the number "2", "3", "4" etc (and so on as the case requires) opposite their names so as to indicate the order of your preference for them. To cast a valid vote you must at least place the number "1" opposite the name of a candidate for whom you wish to vote."

In the case of postal ballots, instructions should follow regarding the sealing of such ballot papers in the envelope or envelopes provided and forwarding to the Returning Officer including the time and date before which the ballot should be received.

- (ii) In ballots where more than one (1) candidate is to be elected, the following instructions shall be printed on each ballot paper

"How to Vote:

Mark your vote by placing the numbers "1", "2", "3" etc (up to the number of candidates to be elected) in the squares opposite the names of the candidates for whom you vote. You may give your contingent vote for any or all of the remaining candidates by placing the subsequent numbers opposite the names so as to indicate your order of preference for them. To cast a valid vote you must at least place the numbers "1", "2", "3", etc., (up to the number of candidates to be elected) opposite the names of candidates for whom you wish to vote."

In the case of postal ballots, instructions should follow regarding the sealing of such ballot papers in the envelope or envelopes provided and forwarding to the Returning Officer including the time and date before which the ballot should be received.

6.7 Counting of Votes

- (a) Ballots shall be counted by the Returning Officer in accordance with these rules either manually or by entering the ballot votes into an appropriate computer program and using that program to count the votes.
- (b) A ballot paper shall be rejected:
- (i) If it is not authenticated by the Seal of the Union and the initials of the Returning Officer or the initials of Assistant Returning Officer; or
- (ii) If, in the case of a postal ballot, the address of the voter and his/her signature have not been inserted on the returning envelope or envelopes; or
- (c) A ballot paper shall be informal:
- (i) If it has no vote indicated thereon;
- (ii) If it has upon it any mark or writing by which in the opinion of the Returning Officer the voter can be identified;
- (iii) If it does not record the voter's first preference for one candidate where one person is to be elected; or
- (iv) If it does not record primary votes equal to the required number of candidates where more than one person is to be elected.
- (d) A ballot paper shall not be informal for any reason other than the reasons above specified and effect shall be given to it according to the member's intention so far as his/her intention is clear.

A 'tick' or a 'cross' shall be considered to indicate a first preference vote in elections where there is a single vacancy to be filled. 'Ticks' or 'crosses' shall be considered to indicate primary votes provided their number corresponds with the number of vacancies to be filled where more than one person is to be elected.

- (e) The Returning Officer shall not place upon any ballot paper any mark or writing which would enable any person to identify the voter by whom it was used.
- (f) The Returning Officer, in the presence of any Assistant Returning Officer and of such authorised scrutineers as may attend, shall:

- (i) Set aside rejected and informal ballot papers and place them in a separate parcel or parcels;
 - (ii) Count the first preference votes for each candidate on all formal ballot papers.
- (g) If a scrutineer objects to a ballot paper as being informal, the Returning Officer shall mark the ballot paper "Admitted" or "Rejected" according to his/her decision to admit or reject the ballot paper.
- (h) The Returning Officer may reject any ballot paper as being informal although it is not objected to by a scrutineer.
- (i) In ballots where one candidate is to be elected:
- (i) The candidate who has received the largest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.
 - (ii) If no candidate has received an absolute majority of votes, the Returning Officer shall make a fresh scrutiny of formal ballot papers and proceed with the counting of the vote as follows:
 - 1 The candidate who has the fewest number of first preference votes shall be excluded and each vote counted to him/her shall be counted to the next candidate in order of the voter's preference, if such contingent preference has been allocated.
 - 2 If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting such of his/her ballot papers to the unexcluded candidate next in the order of the voters contingent preference shall be repeated until one candidate has an absolute majority of votes or one candidate remains unexcluded.
 - 3 If on any count, two or more candidates have an equal number of votes and one of them has to be excluded, the Returning Officer shall cast lots to decide which will be excluded.
 - 4 If on the final count, two candidates have an equal number of votes, the Returning Officer shall cast lots to decide which candidate shall be elected.
 - 5 An absolute majority of votes means a greater number than one-half of the whole number of formal ballot papers.
- (j) Where two or more candidates are to be elected, the Returning Officer shall observe the following procedure to determine the successful candidate:
- (i) The votes shall be classified into two categories as follows:
 - 1. The preference votes to the number of vacancies to be filled shall be termed "primary" votes, and shall have equal value in the first count and be credited to the candidate for whom they are cast, whether marked 1, 2, 3 etc. according to the number.
 - 2. The preference votes beyond those referred to in (1) shall be termed "Secondary" votes and shall have rank according to their numerical number and shall be allocated in rank order unless the ranking secondary vote has been previously allocated.
 - (ii) A vote shall be informal if the ballot paper does not record primary votes equal in number to the number of vacancies to be filled. A vote shall not be informal due to the omission or the voter's intention with respect to secondary votes.
 - (iii) The "primary" votes shall first be counted and a list shall be prepared of the candidates in order according to the primary votes cast for them. The candidate who is lowest on the list thus compiled shall be excluded from the count.
 - (iv) Each ballot paper on which such excluded candidate received a "primary" vote shall then be examined to determine its "secondary" vote and the preference so found shall be allotted to the appropriate unexcluded candidate on the first count.
 - (v) On the conclusion of the second count, the above procedure of exclusion of candidates from the count and the distribution of their secondary votes shall continue until the required number of successful candidates has been determined.

- (vi) If, in any count, the next available preference vote of an excluded candidate is cast in favour of an excluded candidate, such preference vote shall be disregarded and the next available preference vote cast in favour of a remaining candidate shall be added to the votes credited to the candidate.
- (vii) If, in any count, two or more candidates each receive the same number of votes and one of them has to be excluded, the Returning Officer shall decide by his/her casting vote the candidate which shall remain in the count.
- (k) Notwithstanding the provisions of Rule 6.7 above, in any case in ballots where more than one candidate is to be elected and where sufficient female candidates nominate for election as a member of Executive (other than a Senior Officer of the Union), Branch delegate to an Area Council or as a Trustee, or as Council Representative or Conference delegate representing the TAFE Division or as an additional Conference Delegate of Aboriginal and/or Torres Strait Islander descent, the Returning Officer shall determine which candidates are to be declared elected so as to be in accordance with Rule 7.1, Rule 8.1, Rule 9.1, 11.1 and Rule 6.3(f) as follows:
 - (i) This sub-rule applies to the counting of votes where it is necessary to conduct a ballot.
 - (ii) The Returning Officer shall count the votes and allocate preferences in accordance with the procedures for such elections and determine whether the minimum number of female candidates have been elected.
 - (iii) If the minimum number of female candidates have been elected in accordance with these rules, the Returning Officer shall declare all successful candidates elected.
 - (iv) If the minimum number of female candidates have not been elected, the Returning Officer shall eliminate the male candidate or candidates with the least number of votes and replace him/them with the excluded female candidate or candidates with the highest number of votes as are necessary to allow the election of the minimum number of female candidates.
- (l) The Returning Officer shall not vote at any election.
- (m) Scrutineers authorised as aforesaid may be present during the scrutiny and proceedings at the scrutiny shall be open to the inspection of the scrutineers.

A scrutineer may not interfere in the conduct of the ballot or the scrutiny of votes except to register an objection with the Returning Officer or advise the Returning Officer of an error. If a scrutineer interferes in the conduct of a ballot or refuses to comply with the reasonable directions of the Returning Officer, the scrutineer may, at the discretion of the Returning Officer, forfeit his/her rights as a scrutineer.
- (n) A scrutiny may be adjourned from time to time as the Returning Officer may reasonably deem necessary until the counting of the votes is complete and he/she shall take all action necessary for the safe keeping of all envelopes, ballot papers and other documents and to ensure the accuracy of the ballot.
- (o) The Returning Officer and any Assistant Returning Officer shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with or relevant to an election for an office or position as aforesaid are preserved and kept for a period of one (1) year after the completion of the election at the Office of the Union.

6.8 Casual Vacancies

- (a) (i) In the event of a casual vacancy in the position of President, the Vice-President (Full-time) shall assume the duties of the President, until such time as the new President shall be elected.

Provided that:

Where the unexpired portion of the term of office is less than eighteen (18) months from the date of the vacancy arising, the Vice-President (Full-time) shall upon the vacancy arising and by operation of these Rules become the President for the remainder of the term.
- (ii) In the event of a casual vacancy in the position of Vice-President (Full-time), the Vice-President (Honorary) shall assume the duties of the Vice-President (Full-time) until such time as the new Vice-President (Full-time) shall be elected.

Provided that:

Where the unexpired portion of the term of office is less than eighteen (18) months from the date of the vacancy arising, the Vice-President (Honorary) shall upon the vacancy arising and by operation of these Rules become the Vice-President (Full-time).

- (iii) In the event of a casual vacancy in the position of Vice-President (Honorary), an election shall be held for the position if the unexpired portion of the term of office is more than eighteen (18) months. Where the unexpired portion of the office is less than eighteen (18) months from the date of the vacancy arising, the Council shall appoint a member of the Union as Vice-President (Honorary) for the remainder of the term of office.
- (iv) Should it be necessary to elect a President, Vice-President (Full-time) or Vice-President (Honorary) under Clauses (i), (ii) or (iii) respectively of this rule, nominations shall be called within one (1) month of the vacancy having occurred and the President, Vice-President (full time) or Vice-President (Honorary) as the case may be so elected, shall serve for the remainder of the current term of office.
- (b) (i) In the event of a casual vacancy in the position of General Secretary, the Deputy General Secretary with the longest service in that position shall assume the duties of the General Secretary until such time as a new General Secretary shall be elected.
- (ii) In the event of a casual vacancy in the position of Deputy General Secretary, there shall be an election to fill the vacancy in accordance with these rules.
- (iii) Should it be necessary to elect a General Secretary or Deputy General Secretary under Clauses (i) or (ii) immediately above, nominations shall be called within one (1) month of the vacancy having occurred and the General Secretary or Deputy General Secretary as the case may be, so elected shall serve for the remainder of the current term of office.
- (c) (i) In the event of a casual vacancy in the position of Council Representative of a Branch, an ordinary election shall be conducted to elect a new representative.
- (ii) In the event of a casual vacancy in the position of Council Representative from the TAFE Division, the members of the TAFE Division shall, by way of an ordinary election, elect a new representative to fill the vacancy.
- (iii) In the event of a casual vacancy in the position of Council Representative from an Area Council, the Area Council shall, by way of an ordinary election, elect a new representative to fill the vacancy.
- (d) (i) In the event of a casual vacancy in the position of Conference Delegate from a Branch, an ordinary election shall be conducted to elect a new representative.
- (ii) In the event of a casual vacancy arising in the position of Conference Delegate from the TAFE Division, an ordinary election shall be conducted to elect a new representative.
- (iii) In the event of a casual vacancy in the position of Conference Delegate from an Area Council the Area Council shall, by way of an ordinary election, elect a new delegate to fill the vacancy.
- (iv) In the event of a casual vacancy in the position of additional Conference Delegate of Aboriginal and/or Torres Strait Islander descent, an ordinary election shall be conducted to elect a new delegate.
- (e) (i) In the event of a casual vacancy in the positions of Branch or TAFE Branch President, Vice-President or Secretary, the Branch or TAFE Branch shall, at its next ordinary meeting, appoint from the persons present a member to replace the officer whose position has become vacant, to hold office for the remainder of the term for which that officer was elected, other provisions of these rules notwithstanding.
- (ii) In the event of a casual vacancy in the positions of Area Council President, Vice-President or Secretary, an ordinary election shall be conducted to elect a new representative to fill the vacancy for the remainder of the term of office.

Provided that

Where the unexpired portion of the term of office is less than eighteen (18) months from the date of the vacancy arising, the Area Council, at its next ordinary meeting, may appoint a member to fill the vacancy for the balance of the term of office.

- (f) In the event of a casual vacancy in the position of Trustee, the Council shall, by way of an ordinary election or postal ballot, elect a new Trustee to fill the vacancy for the remainder of the term of office of the vacating Trustee.
- (g) In the event of a casual vacancy or vacancies in the position of member of Executive, the Council or TAFE Council shall, by way of an ordinary election or postal ballot, elect a new member or members of Executive to fill the vacancy or vacancies for the remainder of the term of office.
- (h) In the event of a casual vacancy in the position of TAFE Branch Delegate to the TAFE Council, the respective TAFE Branch or group of branches shall, by way of an ordinary election, elect a new Delegate for the remainder of the term of office.
- (i) In the event of a casual vacancy or vacancies in the position of member of the TAFE Executive Committee, the TAFE Council shall, by way of an ordinary election or postal ballot, elect a new member or members of the TAFE Executive Committee to fill the vacancy or vacancies for the remainder of the term of office.
- (j) In the event of a casual vacancy in the position of Branch Delegate to an Area Council, an ordinary election shall be conducted to elect a new representative to fill the vacancy for the remainder of the term of office.

Provided that

Where the unexpired portion of the term of offices is less than eighteen (18) months from the date of the vacancy arising, the Branch, at its next ordinary meeting, may appoint a member to fill the vacancy for the balance of the term of office.

6.9 Declaration of Election

- (a) At the conclusion of each election, the Returning Officer shall produce a written signed declaration of the result of the ballot in accordance with the provisions of the Industrial Relations Act 1999 and Regulations or any Act in substitution or amendment thereof.
- (b) The Returning Officer shall deliver a copy of such declaration to:
 - (i) The General Secretary;
 - (ii) All candidates in the relevant ballot;
 - (iii) The relevant Branch or TAFE Branch.
- (c) The Returning Officer's declaration shall be posted on the notice board in the Union's Office within 24 hours after the completion of each election and shall remain so posted for at least one (1) month.
- (d) A candidate in an election or a member of the Union may for up to thirty (30) days following the declaration of an election and without charge:
 - (i) inspect the roll of persons eligible to vote in the election at the Union's registered office during office hours; and
 - (ii) be given a copy of the whole or a stated part of the roll provided that the candidate or member gives a signed written undertaking not to use the information for commercial purposes or for purposes inconsistent with the objects of the Union and not to provide the information directly or indirectly to another person who might use the information for such purposes.

6.10 Removal from Office

- (a) If a member who holds a position of office under these Rules ceases to be eligible to continue to hold that office under the provisions of Rule 2 that person shall be immediately removed from office by operation of this Rule.

- (b) (i) The President, Vice-President (Full-time), General Secretary or either of the Deputy General Secretaries may be suspended on full pay by a decision of a special meeting of Council for misappropriation of Union or Branch funds, substantial contravention of the rules, gross misbehaviour or gross neglect of duty in the office. Notice of such special meeting must be served upon members of Council at least twenty-eight (28) days before the meeting. The suspension shall continue pending the decision of a referendum of the members.

The question shall be:

“Are you in favour of the President's (or Vice-President's (Full-time) or General Secretary's or Deputy General Secretary's) removal from office?”

In accordance with these Rules, the President (or Vice-President or General Secretary or Deputy General Secretary) shall be bound by the decision of the members of the Union and shall cease to hold office from the declaration of the referendum if it is in favour of the question.

- (ii) The Vice-President (Honorary) may be suspended from office by a decision of a special meeting of Council for misappropriation of Union or Branch funds, substantial contravention of the rules, gross misbehaviour or gross neglect of duty in the office. Notice of such special meeting must be served upon members of Council at least twenty-eight (28) days before the meeting. The suspension shall continue pending a decision of a referendum of the members.

The question shall be:

“Are you in favour of the Vice-President's (Honorary) removal from office?”

In accordance with these Rules, the Vice-President (Honorary) shall be bound by the decision of the members of the Union and shall cease to hold office from the declaration of the referendum if it is in favour of the question.

- (c) Council Representative of a Branch, Area Council or TAFE Branch shall cease to hold office and the position shall become vacant if:

- (i) he/she resigns or retires from the teaching service or by any other cause whatsoever by which he/she becomes ineligible to retain membership of the Union;
- (ii) he/she is transferred to another place of work in a Branch, Area Council or TAFE Branch other than that in which he/she was serving at the time of his/her nomination for the position of Council Representative or, in the case of a Council Representative of an Area Council, ceases to be a Branch Delegate to the Area Council.

Provided that:

In this circumstance, a Council Representative's position shall only become vacant upon the expiration of a period of five (5) clear days from:

- (i) the date specified for commencement of duty in that new Branch district to which the Council Representative is transferred, or
- (ii) where the Council Representative establishes to the satisfaction of the General Secretary that on the date so specified, he/she was unaware of the transfer;

either the date of actual commencement of duty in that Branch district or the date of receipt of formal advice of such transfer, whichever first occurs.

Provided that:

In this circumstance, a Council Representative who is transferred to a place of work in another Branch district from which he/she can conveniently attend meetings of the Branch or TAFE Branch for which he/she is a Council Representative, he/she may make a written application signed in his/her hand to the General Secretary for special allotment to remain in that Branch as provided in Rule 1.4. Such application must be in the hands of the General Secretary within the said five (5) day period.

The General Secretary shall, within a reasonable time, determine whether to allot the Council Representative to the Branch so requested. The Council Representative's position shall not become vacant unless the request for such special allotment shall be disallowed.

- (iii) A Council Representative of a Branch, Area Council or TAFE Branch may for misappropriation of Union funds, substantial contravention of the rules, gross misbehaviour or gross neglect of duty in the office be removed from the office of Council Representative by resolution duly passed at a special meeting of the Branch, Area Council or TAFE Branch called for the purpose. Notice of such special meeting must be forwarded to all workplaces in the Branch, Area Council or TAFE Branch at least twenty-eight (28) days before the meeting.
- (d) A Conference Delegate of a Branch, Area Council or TAFE Branch shall cease to hold office and the position shall become vacant under the same provisions as apply to Branch or TAFE Branch Council Representatives.

An additional Conference Delegate of Aboriginal and/or Torres Strait Islander descent shall cease to hold office and the position shall become vacant if he/she becomes ineligible to retain membership of the Union or by resolution of Council for misappropriation of Union funds, substantial contravention of the rules, gross misbehaviour or gross neglect of duty in the office.

- (e) A Branch or TAFE Branch or Area Council Officer shall cease to hold office and the position shall become vacant under the same provisions as apply to Branch or TAFE Branch Council Representatives.
- (f)
 - (i) A Trustee shall cease to hold office and the position shall become vacant if he/she resigns or retires from the teaching service or any other cause whatsoever by which he/she becomes ineligible to retain membership of the Union.
 - (ii) A Trustee or Trustees may for misappropriation of the Union's funds, substantial contravention of the rules, gross misbehaviour or gross neglect of duty in the office be removed from the Office of Trustee by resolution duly passed at a special meeting of Council called for the purpose. Notice of such special meeting must be served upon members of the Council at least twenty-eight (28) days before the meeting.
- (g)
 - (i) A member or members of Executive cease to hold office and the position shall become vacant if he/she resigns or retires from the teaching service or for any other cause whatsoever by which he/she becomes ineligible to retain membership of the Union.
 - (ii) The position of TAFE Division member of Executive shall become vacant if he or she ceases to be eligible for membership of the TAFE Division.
 - (iii) A member or members of Executive may, for misappropriation of the Union's funds, substantial contravention of the Rules, gross misbehaviour or gross neglect of duty in the office, be removed from the office of member of Executive by resolution duly passed at a special meeting of Council called for the purpose. Notice of such special meeting must be served upon members of Council at least twenty-eight (28) days before the meeting.
- (h) A TAFE Branch Delegate to the TAFE Council shall cease to hold office and the position shall become vacant under the same provisions as apply to Branch or TAFE Branch Council Representatives.
- (i) A member or members of the TAFE Executive shall cease to hold office and the position shall become vacant under the same provisions as apply to members of the Executive except that the TAFE Council shall apply.
- (j) A Branch Delegate to an Area Council shall cease to hold office and the position shall become vacant under the same provisions as apply to Council Representative of a Branch, Area Council or TAFE Branch.

6.11 Appointment of Proxies

- (a) A Council Representative of a Branch, Area Council or the TAFE Division may themselves appoint a proxy to act in their stead with full authority at any meeting of Council if he/she is unable to attend all or part of that meeting of Council.
- (b) A Conference Delegate for a Branch, Area Council or the TAFE Division may themselves appoint a proxy to act in their stead with full authority to act at any meeting of Conference if he/she is unable to attend all or part of that meeting of Conference.

- (c) A Conference Delegate of Aboriginal and/or Torres Strait Islander descent may appoint a proxy to act in their stead with full authority to act at any meeting of Conference if he/she is unable to attend all or part of that meeting of Conference. Where the delegate is unable to appoint a proxy or the position is vacant, the Union committee with particular focus on issues relating to members of Aboriginal and/or Torres Strait Islander descent may appoint a proxy with full authority to act at the meeting of Conference.
- (d) A TAFE Branch Representative to TAFE Council may themselves appoint a proxy to act in their stead with full authority to act at any meeting of the TAFE Council if he/she is unable to attend all or part of that meeting.
- (e) A Branch Delegate to an Area Council may themselves appoint a proxy to act in their stead with full authority at any meeting of the respective Area Council if he/she is unable to attend all or part of that meeting of the respective Area Council.
- (f) Where a representative or delegate is unable to appoint a proxy or the position is vacant, a Branch, Area Council or TAFE Branch at an ordinary meeting or in emergent circumstances, office holders of the represented body, may appoint a proxy with full authority to act at the meeting of Council, Conference, Area Council or TAFE Council.

7. CONFERENCE

7.1 Composition of Conference:

The Conference shall consist of:

- (a) The Senior Officers of the Union;
- (b) One Council Representative from each Branch and Area Council;
- (c) Members of Executive who are not Council Representatives;
- (d) One Delegate from each Branch and Area Council;
- (e) Council Representatives from the TAFE Division;
- (f) One delegate from the TAFE Division for each 300 members or part thereof in the TAFE Division.

Provided that no fewer than half of the Conference delegates from the TAFE Division shall be female if sufficient female candidates nominate for the positions.

- (g) Two additional delegates of Aboriginal and/or Torres Strait Islander descent.

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7.2 Meetings of Conference:

- (a) Unless otherwise determined by Conference, or by the Council, the QTU Conference shall meet for three days in Brisbane, on dates to be fixed by the preceding Conference. The QTU Conference shall meet in 1987 and thereafter, at intervals of two years.
- (b) Any member of the Union is entitled to be present at Conference.
- (c) The agenda for Conference shall be prepared by Council following recommendations from the Agenda Committee and members of Conference shall be notified in writing of the dates of Conference and the agenda.
- (d) Unless otherwise determined by Conference or Council, the business of Conference shall include:-
 - (i) Presidential Address;
 - (ii) Guest Speaker;
 - (iii) Branch Motions;

- (iv) Policy Review and Adoption;
 - (v) Auditors Report, Balance Sheet and Budget;
 - (vi) Committee Reports;
 - (vii) Working Party Sessions and Reports;
 - (viii) Union Rules;
 - (ix) Conferring of Life Membership;
 - (x) G A Daughtrey Art Bequest Presentation.
- (e) The Agenda shall be submitted to the Branches and Area Councils.
- (f) The Press shall be admitted unless otherwise decided by Conference.
- (g) Conference of the Union may appoint a member to be a Life Member of the Queensland Teachers Union subsequent to his/her resignation or retirement for long and outstanding service to the Union.

A Life Member shall be entitled to attend Branch, Council or Conference meetings and speak to a motion but not to vote.

A Life Member may be nominated by a Branch or from the floor of Council prior to the Council meeting which immediately precedes Conference. The selection of Life Members will be made at the Council meeting immediately preceding Conference.

Life Membership shall be conferred at Conference, or where the recipient cannot attend Conference for reasons of distance or ill health, it shall be conferred by the President at a mutually agreed on time and place.

Honorary Life Membership of the Union shall be free membership from the date of resignation or retirement.

7.3 Quorum:

At any sittings of Conference a simple majority of the duly qualified members shall form a quorum.

7.4 Powers of Conference:

Conference shall have the authority to exercise all of the powers and functions given to Council by these rules. Conference shall determine the policy of the Union.

7.5 Decisions of Conference:

Each and every resolution, decision or determination of Conference shall be deemed to be in full force and effect, unless and until set aside or varied by a subsequent meeting of Conference or Council in accordance with the rules. Except that Union Policy adopted by Conference shall only be varied by a subsequent Conference or a subsequent Council where at that Council policy is varied by a 2/3 majority of Councillors present and voting thereon.

7.6 Agenda Committee:

The Council Agenda Committee shall be the Agenda Committee for Conference.

7.7 Scrutineers:

At its first sitting, Conference shall appoint two (2) Scrutineers to assist the President to count votes.

7.8 Motions for Conference:

Each Branch may submit motions for inclusion in the agenda. They shall be in the hands of the General Secretary not later than nine (9) weeks prior to the first day of Conference.

7.9 Mode of Voting:

- (a) All motions shall be decided by a majority vote, except in special cases provided for in these Rules or in Standing Orders. Voting shall be by show of hands unless a division be called for by three or more members of Council or Conference. When a division is taken the names of those who vote respectively for and against the motion shall be recorded in the Minutes.
- (b) Any member of Conference or Council may move that a Referendum, on any subject, of all the members of the Union shall be taken. The decision to hold a Referendum shall require the approval of a two-thirds majority of the members of Conference or Council voting thereon. Conference and Council shall be bound by the decision of the members of the Union on any matter submitted to them by Referendum.

Provided that a majority of returned votes on any question shall be considered to be the decision of the members of the Union.

7.10 Standing Orders:

At the opening of Conference, the Standing Orders prepared by the Council shall be read, and, if approved, adopted.

7.11 Minutes:

A resume of the proceedings of Conference including the Auditors Report and Balance Sheet shall be published in the 'Queensland Teachers' Journal'.

8. COUNCIL

8.1 Composition of Council:

The Council shall consist of:

- (a) The Senior Officers of the Union;
- (b) One Representative from each Branch and Area Council;
- (c) Any of the fourteen other members of the Union elected to Executive who is not a Branch or Area Council Council Representative;
- (d) One representative of the TAFE Division for each 300 members or part thereof in the TAFE Division.

Provided that no fewer than half of the Council representatives from the TAFE Division shall be female if sufficient female candidates nominate for the positions.

8.2 Powers:

- (a) The Council shall have the following powers, namely:-
 - (i) To grant Charters for the formation of Branches and to recommend to Conference the cancellation or suspension of such Charter or Charters heretofore granted.
 - (ii) To hear appeals or references from and redress grievances between Branches.
 - (iii) To exercise original jurisdiction and to decide without undue delay all questions and disputes between Branches.
 - (iv) To affiliate or form any like relationship with any kindred or other Union, Branch, or Body, provided such action has had the approval of Conference by its latest expression of opinion thereon.
 - (v) Should the proposed affiliation be with any party political organisation or institution no action will be taken until such question has been submitted to and carried by referendum of all members of the Union.

- (vi) To give all necessary notices and direction in case of the suspension, expulsion, dissolution, amalgamation or cessation of a Branch, and to enable the Council or the Trustees of the Union to get the control thereof.
 - (vii) From time to time to appoint Committees from members of the Union (including its own members) to deal with matters requiring to be dealt with in the interval between meetings of the Council.
 - (viii) To determine the policy of the Union where no policy exists.
 - (ix) To review, rescind, amend or affirm any decision made by the TAFE Council which in the opinion of Council affects members outside the TAFE Division.
 - (x) Without limiting the generality of the previous powers to exercise all such powers as are specifically given by these rules.
- (b) Each and every resolution, decision or determination of Council shall be deemed to be in full force and effect unless and until set aside or varied in accordance with these rules by a subsequent meeting of Council or Conference.
- (c) In all cases where by these rules jurisdiction is conferred on the Council to investigate, inquire into, or hear and determine any matter (whether on appeal or otherwise) it may adopt such procedure as it may see fit.

8.3 Levies:

- (a) The Council shall have the power to raise any additional funds deemed necessary for the carrying out of the objects of the Union by striking a levy, provided that the resolution to strike such levy shall be carried at a Meeting of the Council held in accordance with Rule 8.4, and that all Branches shall have been given at least twenty-one (21) clear days' notice of the proposed resolution.
- (b) If the notice to strike a levy is carried the General Secretary of the Union shall notify the members of the Union and request payment of the levy.
- (c) If a member fails to pay the levy within the time frame prescribed by the Council decision (which shall be no less than two months after the decision), he/she shall be deemed unfinancial and shall not be entitled to the benefits of the Union until such levy is paid.

8.4 Meetings:

- (a) (i) Unless otherwise determined by Council, or in an emergency by Executive, in those years when a Conference is held in either June or July, meetings of Council shall be held in March, May, August and October or November.
- (ii) Unless otherwise determined by Council, or in an emergency by Executive, in those years when no Conference occurs, meetings of Council shall be held in the months of March, May, July or August and October or November.
- (b) Special meetings of the Council may be called by the President on his/her own initiative or at the written request of 25% of the members of the Council.
- (c) At Special Meetings no business other than that for which the meeting is called, and which must be stated in the notice of meeting shall be dealt with.
- (d) Notice of meetings shall, unless otherwise provided for, be issued at least three (3) clear days before the meeting.

8.5 Quorum:

A simple majority of those qualified to attend Council shall form a quorum.

8.6 Business:

The business of the meeting shall be conducted in accordance with Standing Orders adopted by the Council at its first meeting after Conference.

8.7 Voting:

Votes shall be taken in the manner decided by the Council.

8.8 Emergency Business:

If time will not permit of a meeting of the Council being held, the Executive of the Union shall hold a meeting to consider any urgent matter, and it may take such action in the name of the Union as it shall consider advisable and for such action it shall be responsible to the Council.

9. EXECUTIVE

9.1 Composition

- (a) Executive shall consist of:
- (i) The Senior Officers of the Union;
 - (ii) Twelve other members of the Union elected by and from the Council;
 - (iii) One other member of the TAFE Division of the Union elected by and from the TAFE Council.
 - (iv) One other member of the Union who identifies as Aboriginal and/or Torres Strait Islander elected by and from the Council.
- (b) Provided that:
- (i) Whenever possible, no fewer than half of the twelve (12) other members elected by Council (i.e. those members other than Senior Officers of the Union, the other member who identifies as Aboriginal and/or Torres Strait Islander and the other member from the TAFE Division) shall be female.
 - (ii) In order to achieve, whenever possible, such female membership, the minimum number of female candidates to be declared elected, provided there are sufficient nominations, shall be:
 - 1 In the case of the triennial election of Executive, no fewer than six (6) of the twelve (12) other members elected by Council; and
 - 2 In the case of any election to fill one or more casual vacancies in the twelve (12) other members elected by Council, that number of female candidates which, together with the number of females who are other members elected by Council at the close of nominations for that election, is no fewer than six (6).

9.2 Powers:

- (a) Between meetings of the Council the management of the Union shall be vested in the Executive, whose decisions shall be reported to Council for ratification.
- (b) The Executive shall have the power to determine the eligibility of a member for legal assistance, provided that all decisions of Executive relating to legal assistance shall be ratified by Council. The Executive may, by resolution, delegate its power under this rule to the General Secretary where in the opinion of the Executive such delegation of power is necessary for the effective provision of legal assistance to members,
- Provided that where such delegation occurs the Executive shall remain responsible to Council for all decisions made under such delegated power.
- (c) The Executive shall have the power to determine the eligibility of a member for Relief, provided that all decisions of Executive relating to Relief shall be ratified by Council.

- (d) Decision of the Executive relating to Relief shall become general rulings once they have been ratified by the Council.
- (e) With the approval of Council financial assistance from the general fund shall be in the form of loans or grants. When the advance is in the form of a loan, the Executive shall recommend to Council whether such loan shall be secured or unsecured and the conditions of repayment.
- (f) The Executive may withdraw, modify or in any other way determine any Relief granted as aforesaid when, in its opinion, the circumstances or conduct of the recipient shall justify it in so doing.

9.3 Meetings:

- (a) Executive shall determine a schedule of meetings each year which may be varied by resolution of Executive.
- (b) Special meetings of Executive may be called by resolution of Executive or by Senior Officers at their own instigation or at the request of a majority of Executive. Members of Executive shall be notified of special meetings either in writing or electronically.
- (c) The agenda of Executive meetings shall be as determined by Executive.

9.4 Quorum:

At any meeting of Executive, sixty per cent of the duly qualified members shall form a quorum. In the event of resignations or retirements from Executive a quorum shall be taken to be sixty per cent of the available duly qualified members until new members are elected.

9.5 Legal Assistance:

- (a) The General Fund may be used for the payment of Legal Costs incurred -
 - (i) in protecting the legal rights of members in accordance with Rule 1.2(e);
 - (ii) in carrying out the objects of the Union.
- (b) A member of the Union requiring legal assistance on account of a particular occurrence or incident shall have been a financial member of the Union at the date on which the particular occurrence or incident occurred.
- (c) A financial member requiring legal assistance shall make application for such assistance to the General Secretary and shall present a full written statement of his/her case forthwith.
- (d) Notwithstanding sub-clause (b) hereof, Executive may grant legal assistance to:
 - (i) A person who was not a financial member of the Union at the date of the incident, for such incident which occurred within sixty (60) days of the date on which the person became eligible for membership of the Union; and
 - Who is a financial member of the Union at the time of making the application; and
 - Who joined the Union within sixty (60) days of the day on which the person became eligible for membership; or
 - (ii) A person to whom the Union has previously granted legal assistance who has ceased to be eligible for membership of the Union, but only in relation to the matter for which assistance was granted originally; or
 - (iii) A person who has ceased to be eligible for membership of the Union, who requests legal assistance for an incident or occurrence which occurred during the person's membership of the Union.

9.6 Relief:

- (a) The General Fund may be used to extend Relief to sick or distressed members in accordance with Rule 1.2(f);
Provided that:-

- (i) The member seeking financial assistance shall have been a financial member of the Union for at least two (2) years prior to the date of the member's application for Relief.
 - (ii) The member seeking financial assistance, who has been eligible for membership for less than two (2) years, shall have joined the Union within sixty (60) days of becoming eligible for membership.
 - (iii) It shall be competent for the Union to extend Relief to the spouse, children or dependents of any person who was a financial member of the Union at the time of the member's decease.
- (b) All applications for Relief shall be made in writing to the General Secretary, and applicants shall be required to give a full statement of their financial position.

10. BRANCHES

10.1 Constitution:

- (a) Branches in the Brisbane Metropolitan area and in other major cities shall consist of not fewer than 200 members, nor more than 750 members.
- (b) Branches in all other locations shall consist of not fewer than 60 members, nor more than 600 members.
- (c) All Branches shall be based on geographical boundaries and shall include all schools and other places of employment within those boundaries.
- (d) No member shall be registered in more than one Branch. Subject to the provisions of Rule 1.4, a member transferred shall automatically become a member of the Branch formed in the district to which the transfer has been made.
- (e) Any financial member of the Union may be permitted to attend meetings of any Branch and be permitted to speak at the discretion of the Chairman, but he (or she) shall be allowed to vote only in the Branch of which he (or she) is a member.

10.2 Formation:

- (a) When the formation of a new Branch is desired an application signed by not fewer than fifty (50) intending members, in the special case of Thursday Island, thirty (30) intending members, shall be made to Council. If the application is approved a Charter will be granted for the formation of the new Branch.
- (b) When the membership of a Branch exceeds the maximum number allowable, such branch shall be divided. Such division shall be made by Council as it sees fit, provided that any such Branch may, if it so desires, suggest to Council a method of subdivision to meet the circumstances prevailing at the time. Following such subdivision, a Charter shall be granted to the new Branch or Branches as the case may be.

10.3 Dissolution:

- (a) Should the membership of a Branch on 31st December for two successive years fall below forty (40) members the Branch may be dissolved and the members thereof shall join another Branch.
- (b) All property of such Branch shall be handed over to the Council.
- (c) Where a Branch has been unable to obtain a President, a Vice-President, and a Secretary during a continuous period of one year, such branch may be dissolved and the members thereof shall join another Branch.
- (d) All property of such Branch shall be handed over to the Council.

10.4 Officers:

- (a) The Officers of a Branch shall be:-
 - (i) The Branch President;
 - (ii) Branch Vice-President;
 - (iii) Branch Secretary.

10.5 Duties of Officers

(a) Branch President:

The Branch President shall:

- (i) preside at all meetings of the Branch;
- (ii) see that the Rules of the Union and the Branch by-laws are complied with;
- (iii) see that all expenditure is authorised by the Branch;
- (iv) have a casting vote only;
- (v) summon special meetings of the Branch in accordance with these Rules.

(b) Branch Vice-President:

The Branch Vice-President shall assist the Branch President and during his/her absence preside at meetings, and he/she shall then have for the time being all the powers and privileges of the Branch President.

(c) Branch Secretary:

The Branch Secretary shall:

- (i) carry out his/her duties under instructions from the Branch President;
- (ii) attend all meetings and keep correct minutes of same;
- (iii) attend to all correspondence in accordance with the instructions of the Branch President;
- (iv) certify as correct accounts to be passed for payment;
- (v) prepare and forward such returns as may be prescribed by the Council;
- (vi) keep a register of the names and addresses of the members of his/her Branch;
- (vii) issue notices of all meetings;
- (viii) compile a report of each meeting of his/her Branch and forward same to the General Secretary;
- (ix) carry out such other duties as directed by the Branch President.

10.6 Meetings

- (a) Regular meetings of the Branch shall be held at such times and places as may be decided at the Annual General Meeting.
- (b) Special meetings of the Branch shall be called by the Branch President on his/her own initiative or on requisition signed by six financial members of the Branch.
- (c) At Special meetings only such business as is stated in the notice convening the meeting shall be dealt with.
- (d) The Annual General Meeting shall be held on or before the Saturday immediately prior to the March meeting of Council.
- (e) Notice of regular meetings shall be by advertisement in the 'Queensland Teachers' Journal'. Meetings shall be conducted in accordance with Standing Orders for the conduct of meetings of the Council.
- (f) The quorum for a Branch meeting shall be seven (7) members.

10.7 Voting

- (a) All motions shall be decided by a majority of votes except in special cases provided for in these Rules.
- (b) Voting shall be by show of hands unless a division be called for.
- (c) When a division is taken the names of those who vote respectively for or against the motion shall be recorded in the minutes.

10.8 Honorary Members

- (a) Honorary Membership may be conferred on ex-members and others whom Council or Conference may think fit. Nominations for such membership may be made by a Branch, Area Council, or Executive. Honorary membership may be withdrawn by a decision of Council or Conference following recommendation from Executive.
- (b) Honorary Members shall not be eligible to hold any office within the Union.
- (c) An Honorary Member may speak but shall not have the right of voting.

10.9 Inspection of Branch Books

Executive may authorise the General Secretary or his/her nominee to inspect the books of a Branch or to require them to be forwarded to the office of the Queensland Teachers Union, Brisbane.

10.10 Permanent Office

A permanent office shall be made available without charge on the Union premises to any metropolitan Branch on request.

11. AREA COUNCILS

11.1 Constitution

- (a) Council may authorise from time to time the creation of Area Councils which it believes will be capable of successfully operating under these Rules and shall determine which branches shall be represented at each Area Council.
- (b) Council may authorise from time to time the dissolution or reconfiguration of Area Councils where such Area Councils are no longer capable of operating or changes in boundaries become necessary.
- (c) There shall be two (2) representatives per Branch each with voting power.

Provided that

Whenever possible at least one of the delegates from each Branch shall be female if sufficient nominations from females are received.

- (d) A maximum of two (2) observers may attend and speak when recognised but not vote.

11.2 Officers

The Officers of the Area Council shall be:

- (a) Area Council President
- (b) Area Council Vice-President
- (c) Area Council Secretary.

11.3 Duties of Officers

The duties of Area Council Officers are as for Branch Officers (in Rule 10.5 above).

11.4 Meetings

- (a) Area Councils shall meet on not less than three (3) nor more than five (5) occasions per annum.
- (b) Meeting dates times and places shall be determined at the first meeting of the Area Council each year.
- (c) The Triennial General Meeting of the Area Council shall be the first meeting of the three year term of Area Council delegates.

11.5 Standing Orders

Standing Order shall be as adopted by the Queensland Teachers Union Council.

11.6 Voting

- (a) All motions shall be decided by a majority of votes except in special cases provided for in these rules.
- (b) Voting shall be by show of hands unless a division is called for.
- (c) Where a division is taken, the names of those who vote respectively for or against the motion shall be recorded in the Minutes.

11.7 Inspection of Area Council Books

Executive may authorise the General Secretary or his/her nominee to inspect the books of an Area Council or require them to be forwarded to the Office of the Queensland Teachers Union Brisbane.

11.8 Quorum

A simple majority of those qualified to attend Area Council shall form a quorum.

11.9 Role:

The role of Area Councils shall be as follows:

- (a) In accordance with these Rules, to elect its Officers, Council Representative and Delegate to Conference;
- (b) Compile own Agenda;
- (c) Choose own meeting dates and venues;
- (d) Spend on Union activities funds granted to them;
- (e) Submit urgent business direct to the Executive;
- (f) Investigate and report on conditions in the area;
- (g) Communicate with all branches of the Queensland Teachers Union represented on that Area Council;
- (h) Communicate with all levels of the Union when appropriate;
- (i) Initiate topics for Council or Conference discussion;
- (j) Request visits from Queensland Teachers Union Officers or other appropriate guests;
- (k) Within Union Policy, make representation to relevant people or bodies on matters pertaining to the region.
- (l) Make representations to Council on Union organisation within its area;
- (m) Provide a forum for branches;

- (n) Act as a sub-committee of Union committees;
- (o) Act as a Union committee on specific topics;
- (p) Provide information to members.

12. TAFE DIVISION

12.1 Constitution

The TAFE Division shall be made up of all members of the Union employed in TAFE and Senior Colleges established or maintained by the Department of Employment, Training and Industrial Relations.

12.2 TAFE Workplace Representation

(a) Election

Members at each TAFE Branch shall elect up to five Union Representatives.

During the month of July of the year one thousand nine hundred and ninety seven and thereafter in February at intervals of three years, the members of each TAFE Branch shall elect their Union Representative(s) in the manner specified under Union policy..

Vacant positions may be advertised and Union Representatives elected to such positions at any time during the term of office.

(b) Duties Union Reps

- (i) He/she shall act as the representative of the Union in the workplace.
- (ii) He/she shall seek to maintain complete financial membership of the Union in the workplace.
- (iii) He/she shall collect and distribute Union and TAFE Branch correspondence and communications.
- (iv) He/she shall keep an up-to-date copy of the Union Representative's handbook.
- (v) He/she where appropriate shall chair meetings of staff to discuss Union matters and record resolutions.
- (vi) When chairing such meetings, he/she shall have a casting vote only.
- (vii) He/she shall call meetings of members on the staff when he/she considers it necessary or when requisitioned by notice in writing to do so by at least ten (10) per cent of the members in the workplace.
- (viii) He/she shall attempt to resolve disputes which occur within the college and it shall be the responsibility of the Union Representative to notify the General Secretary when a dispute exists that cannot be resolved within the college.

(c) Meetings

- (i) The agenda for a TAFE workplace meeting shall include:-
 - 1 business initiated by the members;
 - 2 business referred to the workplace by Conference, Council, Executive, TAFE Council, the TAFE Branch, the Union President or General Secretary.
- (ii) On business initiated within the members, the Union Representative may report to the TAFE Branch or directly to the President, General Secretary or Executive. In the event of direct communication with the President, General Secretary or Executive, the Union Representative shall provide the TAFE Branch with a copy of relevant correspondence.

- (iii) On business referred to the workplace by Conference, Council, Executive, TAFE Council, the TAFE Branch, Union President or General Secretary, the Union Representative shall report in accordance with the directions provided by the initiating authority.
- (iv) Meetings shall be conducted in accordance with Standing Orders for the conduct of meetings of the TAFE Council.
- (v) The quorum shall be determined at the first meeting of members in the workplace each year.

12.3 TAFE Branches

(a) Constitution

- (i) TAFE Branches shall consist of not more than 300 members.
- (ii) TAFE Campuses, as determined by Council from time to time upon the recommendation of TAFE Council, shall be TAFE Branches which shall include all other places of TAFE employment administered by that campus.
- (iii) No TAFE Division member shall be registered in more than one Branch. Subject to the provisions of Rule 1.4, a TAFE Division member transferred shall automatically become a member of the TAFE Branch formed in the district to which the transfer has been made.
- (iv) Any financial member of the Union may be permitted to attend meetings of any TAFE Branch or workplace, and be permitted to speak at the discretion of the Chairperson, but he/she shall be allowed to vote only in the TAFE Branch or workplace of which he/she is a member.

(b) Formation

- (i) When the formation of a new TAFE Branch is desired an application signed by not fewer than fifty (50) intending members shall be made to the TAFE Council. If the application is supported by the TAFE Council, it will be referred to the Council. If the application is approved by the Council, a Charter will be granted for the formation of a new TAFE Branch.
- (ii) When the membership of a TAFE Branch is three hundred (300) or more members, the TAFE Branch shall be divided. Such division shall be made by the Council as it sees fit, following recommendation from the TAFE Council, provided that any such TAFE Branch may if it so desires, suggest to the TAFE Council and Council a method of subdivision to meet the circumstances prevailing at the time. Following such subdivision, a Charter shall be granted to the new TAFE Branch or TAFE Branches as the case may be.

(c) Dissolution

- (i) Where a TAFE Branch has been unable to obtain a President, a Vice-President, and a Secretary during a continuous period of one year, such TAFE Branch may be dissolved and the members thereof shall join another TAFE Branch.
- (ii) All property of such TAFE Branch shall be handed over to the Council.

(d) Officers

- (i) The Officers of a TAFE Branch shall be:-
 - The Branch President;
 - Branch Vice-President;
 - Branch Secretary.

(e) Duties of Officers

The duties of TAFE Branch Officers shall be as prescribed in Rule 10.5.

(f) Meetings

Meetings of TAFE Branches shall be held in accordance with Rule 10.6.

(g) Voting

Voting at TAFE Branch meetings shall be in accordance with Rule 10.7.

(h) Inspection of TAFE Branch Books

Executive may authorize the General Secretary or his/her nominee to inspect the books of a TAFE Branch or to require them to be forwarded to the office of the Queensland Teachers Union, Brisbane.

12.4 TAFE Council

(a) Composition of TAFE Council

(i) The Senior Officers of the Union

(ii) One Representative from each TAFE Branch or group of TAFE Branches as determined from time to time by Council upon the recommendation of TAFE Council.

(b) Powers of TAFE Council

(i) The TAFE Council shall have the following powers, namely -

- 1 To recommend to Council the granting of Charters for the formation of TAFE Branches and to recommend to Council or Conference the cancellation or suspension of such Charter or Charters herebefore granted.
- 2 To hear appeals or references from and redress grievances between TAFE Branches.
- 3 To exercise jurisdiction in the first instance and to decide without undue delay all questions and disputes between TAFE Branches.
- 4 To recommend to Council or Conference the affiliation or formation of any like relationship with any kindred or other Union, Branch or body.
- 5 To recommend to Council/Conference from time to time the appointment of Committees from members of the Union (including its own members) to deal with matters requiring to be dealt with in the intervals between meetings of the TAFE Council.
- 6 To make decisions on any matter which in opinion of the TAFE Council pertains exclusively to TAFE Division members only subject to Rule 8.2 and to report all such decisions to Council or Conference.
- 7 To make recommendations to Council or Conference on other matters.
- 8 To recommend to Council amendments to Union Rules.
- 9 To elect a chairperson of the TAFE Division Council.
- 10 Without limiting the generality of the previous powers to exercise all such powers as are specifically given by these rules.

(ii) Each and every resolution, decision or determination of TAFE Council shall be deemed to be in full force and effect unless and until set aside or varied in accordance with these rules by a subsequent meeting of TAFE Council or by Council or Conference.

(iii) In all cases where by these rules jurisdiction is conferred on the TAFE Council to investigate, inquire into, or hear and determine any matters (whether an appeal or otherwise), it may adopt such procedure as it may see fit.

(c) Meetings of TAFE Council

- (i) TAFE Council shall meet at least twice in each year at times recommended by TAFE Council and approved by Council.
- (ii) Special meetings of the TAFE Council may be called by the President on his/her own initiative or at the written request of 25% of the members of the TAFE Council.
- (iii) At Special meetings of the TAFE Council no business other than that for which the meeting is called and which must be stated in the notice of meeting shall be dealt with.
- (iv) Notice of meeting shall, unless otherwise provided for, be issued at least three (3) clear days before the meeting.

(d) Quorum

A simple majority of those qualified to attend TAFE Council shall form a quorum.

(e) Business

The business of the meeting shall be conducted in accordance with Standing Orders adopted by Council at its first meeting after Conference.

(f) Voting

Votes shall be taken in the manner decided by Council.

12.5 TAFE Executive Committee

(a) Composition of TAFE Executive Committee

The TAFE Executive Committee shall consist of -

- (i) The President and General Secretary or their nominees
- (ii) six members of the TAFE Council, elected by the TAFE Council

(b) Powers of TAFE Executive Committee

- (i) Between meetings of the TAFE Council, the TAFE Executive Committee shall exercise the powers of TAFE Council.
- (ii) Decisions of the TAFE Executive Committee shall be reported to TAFE Council for ratification.

(c) Meetings of TAFE Executive Committee

- (i) TAFE Executive Committee shall meet at times determined by the TAFE Council and ratified by Council.
- (ii) TAFE Executive Committee may meet at other times by its own decision or by decision of the President in order to complete necessary business. Decisions to conduct such meetings shall be reported to TAFE Council for ratification.
- (iii) Special Meetings of the TAFE Executive Committee may be called by the President on his/her own initiative or at the written request of 50% of the members of the TAFE Executive Committee.
- (iv) At Special Meetings of the TAFE Executive Committee no business other than that for which the meeting is called which must be stated in the notice of meeting, shall be dealt with.
- (v) Notice of meeting shall, unless otherwise provided for, be issued at least three (3) clear days before the meeting.

(d) Quorum

A simple majority of those qualified to attend TAFE Executive Committee shall form a quorum.

(e) Business

The business of the meeting shall be conducted in accordance with Standing Orders adopted by Council at its first meeting after Conference.

(f) Voting

Votes shall be taken in the manner decided by Council.

13. TRANSITIONAL ARRANGEMENTS

13.1 Transitional Arrangements

Notwithstanding other provisions in these Rules, any member holding a position of office in the Union as at 1 January 2000 shall only continue to hold office under the Constitution and Rules as at 1 January 2000 until the commencement of any new term of office as detailed in these Rules.

Provided that, should any such position of office fall vacant prior to the commencement of any new term of office as detailed in these Rules, the procedures for the filling of such vacancy shall be in accordance with this Constitution and Rules.

Where a vacancy exists for a Branch or Area Council Treasurer following Wednesday 28 June 2017 these cease to be advertised accordingly. Should the position of Branch Treasurer or Area Council Treasurer become vacant following this time these vacancies will not be filled and the position will cease to exist.

Should a member hold the position of Branch Treasurer or Area Council Treasurer as of Wednesday 28 June 2017 they do so until such time as the new term of Branch Officers (1 January 2018) or Area Council Officers commence (1 April 2019) or until they resign from this position.

STANDING ORDERS

Adopted by June Conference 2017

MOTIONS

Motion Moved and Seconded

1. Any motion standing on the business paper shall, before being discussed, be moved and seconded.

Any member may move motion

2. Any member of Conference present shall be entitled to move or second any motion standing on the business paper.

SPEAKERS

Speakers For and Against

3. Not more than two speakers in succession shall speak either for or against any question, and, if at the conclusion of the second speaker's remarks, and upon a call from the Chairperson, no other speaker rises to oppose the motion or amendment, the question shall be put to the vote.

Right of Reply

4. The mover of a motion shall be entitled to a Right of Reply. At the conclusion of the reply, the debate shall be deemed to have closed and the Chairperson shall forthwith put the question to the vote.

Time for Speakers

5. The mover of a motion shall be allowed five minutes to present his/her motion, the seconder and subsequent speakers shall be entitled to three minutes, and the mover shall be given three minutes for his/her Right of Reply. An extension of time (limit - one minute at discretion of the Chair) may be granted by Conference without debate.

When a Member may Speak

6. No member of Conference, other than the mover of a motion when exercising a Right of Reply, may speak more than once to each motion, amendment, or substantive motion unless with the permission of Conference and/or the Chairperson. A member may be invited to speak or may seek to speak, to explain a matter of a personal nature, or to explain him/herself in regard to some material part of his/her speech which has been misquoted or misunderstood, but shall not introduce any new matter or interrupt any delegate in possession of the floor.

When a Seconder may Speak

7. A member who has seconded a motion or amendment without speaking to it may speak at a later stage of the debate thereon.

AMENDMENTS

Moving an Amendment

8. After a motion has been moved and seconded, any member of Conference may move an amendment, such amendment to be handed to the Chairperson in writing. If such amendment be seconded, it shall become the subject of discussion.

Amendment must be relevant

9. An amendment must be relevant to the question, and so framed that it forms a sensible and consistent proposal. It must not be a direct negation of the original motion.

Further Amendments

10. No further amendment shall be moved until the amendment before Conference is disposed of.

No Right of Reply to Amendment

11. The mover of an amendment shall not have the Right of Reply to the debate on such amendment.

Substantive Motion

12. Should the amendment be carried, it then becomes a substantive motion upon which further amendments may be moved, always providing that there shall not be, at one time, more than one amendment before the Conference.

Foreshadowed Amendment

13. Any member during his/her speech on an amendment shall have the right to foreshadow a further amendment but such foreshadowed amendment shall not formally come before the meeting until the motion or amendment before the Chair has been disposed of. The Chairperson may request the substance of the foreshadowed amendment.

PROCEDURAL QUESTIONS

Thirty minute limit

14. Should any question have occupied the attention of the meeting for thirty minutes, the discussion on such question shall be deemed to have closed, and the Chairperson shall forthwith call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question for a further specified period.

Superseding a motion

15. A debate may be superseded by the carrying of a motion that the question be deferred or referred or, by a motion agreed to, that Conference proceed to the next business, provided that such motion shall not be heard until a speaker to the motion has spoken in the debate.

Point of Order

16. On a member rising during discussion to a Point of Order, the speaker shall sit down, and the member so rising shall state the Point of Order and the Chairperson shall rule thereon.

Disagreement with the Chairperson

17. When a motion to disagree with the ruling of the Chairperson has been duly proposed and seconded, the Chairperson shall be allowed three minutes to speak in explanation of his/her ruling. The mover of the motion shall then be allowed three minutes to speak in support of this motion. The question shall then be put to the vote. The Chairperson will then abide by the decision of the meeting.

Chairperson vacates the Chair

18. When a motion of dissent from the Chairperson's ruling is duly moved and seconded, the Chairperson shall vacate the Chair and the Vice-President or his/her Deputy will take the Chair before such motion is discussed or voted upon.

"Gag" motion

19. Any member of Conference who has not already spoken on the motion or amendment under discussion may formally propose: 'That the question be now put'. If formally seconded, the proposal shall be put without further discussion and, if carried by two-thirds of the members of Conference present and voting, the mover of the question shall have the Right of Reply, after which the motion must be put to the vote.

Limit on "Gag" motion

20. The Chairperson shall not accept the motion 'That the question be now put' until at least one (1) member has spoken for and one (1) member has spoken against the question.

Referral to Agenda Committee

21. The Chairperson of Conference shall have the power to refer any section of the Agenda Paper, or any part thereof, to the Agenda Committee. The Committee shall bring up their report and recommendations at the following session of Conference, or at such later sittings as may be agreed to by Conference. Such report shall be dealt with when the section referred to is under consideration.

Matter of Urgency

22. A motion may be moved seeking the permission of the meeting to discuss a matter of urgency. If the motion is carried the decision shall become effective immediately, if practicable, or as soon as possible thereafter if it is not practicable. Council or Conference is not to accept urgency motions which bind our members to industrial action or place them in a position where they can be dismissed by their employer.

Machinery Motion

23. The meeting may agree on the voices, to a motion being declared a machinery motion upon which no discussion may take place. Should any voice be raised in dissent, the motion shall not be declared a machinery motion.

Recommittal

24. Any motion once dealt with at any meeting of Council or Conference shall be recommitted at the meeting if a resolution for its recommittal be carried by a two-thirds majority of the members present and voting.

In Committee

25. A motion that the meeting resolve itself into committee shall be put without discussion. There shall be no restriction on the number of times a member may speak to the question whilst in committee.

Division

26. In a division names of delegates voting for and against shall be printed in the Journal in the Conference Report and no delegate present may abstain from voting in a division.

ORDER DURING DEBATE

Call to Order

27. The Chairperson shall call to order any speaker who departs from the question, or who violates the courtesies or rules of debate.

Chairperson rises

28. When the Chairperson rises during a debate, any member then speaking or offering to speak shall be seated, so that the Chairperson may be heard without interruption.

ELECTIONS

Where there are more than two candidates

29. Elections conducted by Council or Conference, where there are more than two candidates, shall be by the optional preferential method of voting as contained in the Rules and QTU policy.

CODE OF ETHICS

A. Preamble

Teachers have an important responsibility in guiding their students' educational and social development.

Therefore, teachers should possess the following attributes:-

- * social and emotional maturity
- * integrity
- * breadth and depth of learning
- * an understanding of human experience

The Queensland Teachers Union trusts that all members in the exercise of their professional duties will exemplify this Code of Ethics.

The following are essential elements of a Code of Ethics for teachers.

B. The Code

1. The primary professional responsibility of teachers is the welfare of all students within their care.
2. Teachers shall endeavour to promote such relationships between school and home as will contribute to the welfare and comprehensive development of each student.
3. Teachers shall strive to achieve standards of professional conduct and to display attitudes towards their colleagues which will create mutual respect.
4. Teachers shall assert their professional, industrial and civil rights and support their colleagues in the defence of these rights.
5. Teachers shall strive to fulfil their responsibilities in a manner which will enhance the prestige of their profession.

QUEENSLAND TEACHERS' UNION OF EMPLOYEES

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