

# Proposed Branch Rule Changes

## Branch Council 17 June 2017

John Quessy, Secretary  
June 2017

### Background

The rules of the IEUA are made up of two sections the Federal Rules which apply to all Branches and sets of Branch Rules for each of the five Branches. In addition, there is an Appendix A which was a generic set of Branch rules which applied to any Branch which did not have their own Rules.

The very small Branch which relied on those has now been amalgamated into another Branch and it is proposed by the Federal Executive that we look to deleting Appendix A.

A review of those generic rules reveals that the NSW/ACT Branch rules are lacking two rules:

1. The name of the Branch
2. The inconsistency Rule

Council should consider amending our Rules to rectify these omissions.

In addition, a recent amendment to the Fair Work (Registered Organisations) Act requires that the Rules of Registered Organisations must have a rule providing for **“the keeping of minute books in which are recorded proceedings and resolutions of meetings of committees of management of the organisation” (S141).**

Although we do keep and have always kept Minute Books, our Rules at present do not require this. This can be rectified by a simple addition.

### The Process

Although there is nothing controversial in any of the proposed amendments, Council should be satisfied that it understands the amendments and the reasons for them.

If satisfied and the motion below is carried by a 3/5ths majority, the Union can apply to the Fair Work Commission for approval of the amendments. The proposal and the application will be reported on our website.

### Proposed Motion

THAT

The Branch rules of the Independent Education Union of Australia NSW/ACT Branch be amended as follows:

## Rule 1

Insert the words “Name of the Branch and” before “Branch Rules” in the heading

Insert new Rule 1.1 “The Name of the Branch shall be the Independent Education Union of Australia NSW/ACT Branch”

Renumber the existing rule 1.1 as 1.2

Insert new rule 8.7 to read “The Secretary shall cause minutes of the Branch Executive and Branch Council to be recorded in minute books kept for that purpose.”

Insert new rule “20 Inconsistency” to read

“20.1 Any Rule of these Branch Rules shall be read and construed subject to the Federal Rules (other than Appendix A) and shall to the extent of any inconsistency therewith become inoperative.”

### **Proposed Wording in Full**

If adopted, the relevant rules would read (ammendments in red).

#### **1 - NAME OF THE BRANCH AND BRANCH RULES**

- 1.1 The Name of the Branch shall be the Independent Education Union of Australia NSW/ACT Branch.
- 1.2 These Rules shall be the Rules of the Independent Education Union of Australia NSW/ACT Branch and shall be referred to in these Rules as the Branch Rules.

#### **8 - DUTIES OF OFFICERS**

- 8.1 Except as provided below, the duties of the President, Deputy President, Vice President and Secretary of the Branch shall be as set out in Rule 13 of the Federal Rules for the Federal President, Federal Deputy President, Federal Vice Presidents, Federal Secretary respectively, save that their duties as set out are to be understood as referring to the affairs of the Branch.
- 8.2 The Secretary shall have power in conjunction with the President to appoint, control and dismiss any member of the clerical or administrative staff of the Branch. The Secretary shall have the power to define the duties of a member of the professional or industrial staff, in consultation with the Deputy Secretary and as appropriate, the employee concerned.

- 8.3 The duties of Financial Officers shall be to assist and advise the Executive and Secretary in the management of the financial affairs of the Branch.
- 8.4 The duties of the Deputy Secretary shall be to assist the Secretary in the performance of his or her duties and he or she shall, in the absence of the Secretary, have all the duties and powers of the Secretary.
- 8.5 The duties of the Assistant Secretaries shall be to assist the Secretary and Deputy Secretary in the performance of their duties and in the absence of both, the Assistant Secretary nominated by the Secretary shall have all the duties and powers of the Secretary.
- 8.6 The Secretary and Deputy Secretary shall be the Trustees of the Branch.
- 8.7 The Secretary shall cause minutes of the Branch Executive and Branch Council to be recorded in minute books kept for that purpose.

## **20 - INCONSISTENCY**

- 20.1 Any Rule of these Branch Rules shall be read and construed subject to the Federal Rules (other than Appendix A) and shall to the extent of any inconsistency therewith become inoperative