



# **STANDARD BRANCH RULES**

*(As Amended: National Congress 2015;  
Joint NEC & CBC Meeting 19 September 2018)*

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## COMPULSORY STANDARD RULES

It shall be compulsory for any grouping applying for admission to **NTEU** for a Certificate of Compliance to adopt the following in the Branch rules. (Numbering within the branch rules not preceded by the character "A" refers to Sections in the **NTEU** Constitution.)

### DEFINITIONS

Any definitions contained in the **NTEU** Constitution shall be applied in respect of Branch Rules; Branch Rules may add to, but not alter, those definitions. The words "the Constitution" refer to the **NTEU** Constitution. The term "Branch Executive Committee" includes "Section Liaison Group".

**Consensus:** Agreement in the judgement or opinion reached by a group as a whole.

### ORDER OF PRECEDENCE

- A.1.1 The Branch Annual General Meeting shall be the highest decision making structure of the Branch which may only be overruled by a ballot of all the Branch members where a majority of those voting agree with the motion or resolution being voted on.
- A.1.2 The Branch Annual General Meeting may override any decisions taken by the Branch Executive Committee and may issue any procedures, policies and mandates binding the Branch Executive Committee.
- A.1.3 Control of the Branch shall be exercised through the following in this order of precedence:
  - Branch Annual General Meeting
  - Branch Executive Committee
  - Trade Union Representatives (where established).

### A.2 BRANCH FORMATION

- A.2.1 Any grouping of employees at an institution of tertiary education that falls within the scope as represented in S2.1 and as defined in the Definitions for the Constitution may form a Branch as prescribed in S12 of the Constitution and apply to **NTEU** for a Certificate of Compliance.
- A.2.2 Where there are multiple campuses of an institution the institution shall be considered to have one Branch of the **NTEU** covering all campuses. The Branch shall be centred at the campus which is also the seat of the Council of that institution.
  - A.2.2.1 A Branch Executive Committee shall first be established on this central campus.
  - A.2.2.2 The Branch Executive Committee may foster the establishment of a section of the Branch and a Section Liaison Group, and subject to A.2.3, define its size and shape, at each campus section of the institution.
- A.2.3 A Branch shall elect a Branch Executive Committee, at a Branch Annual General Meeting. A Section Liaison Group Organiser and Secretary shall be elected at each Branch Section.
- A.2.4 The Organiser and Secretary of the Section Liaison Group of each campus shall take charge of, and with the central Branch Executive Committee, coordinate recruitment, marketing, action, representation (including discipline and grievance), general strategy, information sharing, and institutional policy development between the campus sections and generally oversee the common affairs of the Branch as a whole.
- A.2.5 The Branch Executive Committee and any established Section Liaison Groups shall set the terms of reference and limitations on independence for each section of the Branch and may share out working parties and commissions on workplace issues amongst the different Branch sections.
- A.2.6 The Section Liaison Groups shall ensure that each meeting of the Union at each section, whether this is a committee, or, general, meeting of the Union, shall share the same main agenda. Items which are local to a specific campus shall be dealt with as a separate item group on each agenda. Items under Any Other Business shall be shared through the circulation of the minutes of each meeting.
- A.2.7 The Branch Executive Committee shall consolidate the decisions and minutes of each meeting of the Branch and disseminate this as a minute document for the Branch and its sections.
- A.2.8 The Branch Executive Committee and Section Liaison Group Organisers and Secretaries of each section shall meet once per month at a time and place suitable to that campus.

- A.2.9 Financial control of the Branch shall remain with the Branch Executive Committee.
- A.2.10 Members of **NTEU** shall be members of the Branch regardless of the existence of a campus Section Liaison Group and shall be represented in bargaining and consultations affecting all campuses by the originating Branch Executive Committee referred to in A.2.2.
- A.2.11 A Branch receiving a Certificate of Compliance shall within one (1) month of receipt thereof convene an Inaugural General Meeting and elect a Branch Executive Committee. A Section Liaison Group formed at a satellite campus shall fall within the bounds of the same Certificate of Compliance.
- A.2.12 The Inaugural General Meeting will elect Branch Office Bearers according to the composition described in S12.9 of the Constitution, adopt the Constitution and its associated Bye -laws and establish the month when the Branch Annual General Meeting will be held. Where there are Branch Sections on multiple campuses of an institution the sections shall hold a General Meeting in the same month, but on a date prior to, the Branch Annual General Meeting in order to gain mandates on issues arising at the Annual General Meeting.
- A.2.13 A section of the Branch shall hold a meeting seven (7) days prior to the Annual General Meeting to discuss matters presented on the AGM agenda, and the Section Liaison Group shall forward comments to the BEC or delegate up to three members to attend the AGM to represent those views.
- A.2.14 Branch Office Bearers elected under A.2.2 and A.4.4.2 shall hold office until the next Branch Annual General Meeting.
- A.2.15 The Branch shall be subject to the provisions of the Constitution and its associated Bye-laws and Compulsory Standard Rules which shall take precedence over any Branch Institutional Rules.

### **A.3 BRANCH ANNUAL GENERAL, SPECIAL GENERAL AND ORDINARY MEETINGS**

#### **GENERAL: MEETINGS AND MEETING PROCEDURES**

##### **Conduct**

- A.3.1 Meetings shall be conducted according to the **NTEU** Standing Orders for meetings of Congress, as accepted practice of conducting meetings, according to a previously disseminated agenda after items under Any Other Business have been called for and added.
- A.3.2 Subject to provisions under A.4 or A.5 below, matters placed under Any Other Business may be voted upon unless the majority of those present at the meeting object thereto.
- A.3.3 The presiding Chairperson is empowered under the Standing Orders to:
- A.3.3.1 rule on matters of procedure and order,
  - A.3.3.2 prescribe time limits for debate and speaking to motions, resolutions or proposals, and speaking in response.
- A.3.4 Provided that such ruling may be overruled, as provided for in the Standing Orders, after a duly proposed and seconded motion to that effect has been approved by a majority vote of those present.

##### **Decision Making**

- A.3.5 Subject to A.4.14 all issues shall be considered only on a duly proposed and seconded motion from the floor.

##### **Voting**

##### **Scrutineers**

- A.3.6 The Secretary shall appoint one or more of those present as scrutineers to manage the taking and counting of a vote. No scrutineer, unless specifically appointed as an independent person, shall be a scrutineer for more than one vote at any meeting.

##### **General voting rights**

- A.3.7 Members in good standing shall have the right to cast one vote each in respect of any voting taking place at any Union meeting.
- A.3.8 A written mandate to exercise a vote on behalf of any not present member is allowed provided the mandated voter is present at the time. Written mandates to vote shall be registered with the Branch Secretary at the start of the meeting. Votes on behalf of each not present member shall be cast on a separate ballot paper.
- A.3.9 Members not in good standing have no voting right.

### **Voting on Motions**

A.3.10 With the exception of the Election of Office Bearers [A.4.13 ], voting shall take place by a show of hands unless the meeting decides, at any point during its progress, it is necessary to vote by secret ballot or 20% (twenty per cent) of those present at the meeting request voting by secret ballot and to which motions show of hands or balloting will apply.

### **Voting on resolutions, proposals and petitions**

A.3.11 All resolutions, proposals and petitions shall be decided by a show of hands.

### **Secret balloting at meetings**

A.3.12 In the event voting by secret ballot is chosen, including voting for Branch Office Bearers, the following rules shall apply:

- A.3.12.1 Voting shall be on an appropriate voting form specifying: the year of the Branch Annual General Meeting; the motion number; blocks providing for a vote for, against or abstaining from the voting.
- A.3.12.2 Any vote, unless otherwise required elsewhere in the Branch Rules, or amendments to the Branch Rules, shall be carried by a majority.
- A.3.12.3 A vote shall be considered spoilt if more than one voting block has been or, appears to have been, marked.
- A.3.12.4 The meeting Chairperson shall have a deliberative and casting vote.
- A.3.12.5 All valid and spoilt voting forms, the result and polling lists of any vote shall be sealed and stored for a period of three years after termination of counting.

### **Notice of ordinary members' meeting dates and times**

A.3.13 The Branch Secretary or a nominee shall, in writing, notify each member of the date, time and place of each meeting at least ten (10) working days prior to any meeting unless otherwise provided for in these Rules.

### **Speaking Rights**

- A.3.14 In accordance with the Standing Orders and rules of conduct, the Chairperson may prescribe a time limit for the debate of any issue on the agenda.
- A.3.15 Members have the right, subject to A.3.3 , to speak in response to agenda items, motions, resolutions, proposals and petitions in accordance with the Standing Orders and rules of conduct.
- A.3.16 A member not in good standing and observing may petition, with motivations, to be accorded speaking rights, which right may be granted by consensus of a quorate meeting, subject to conditions set by the Chairperson in terms of A.3.3.2 .

## **A.4 BRANCH ANNUAL GENERAL MEETINGS**

### **Timing**

A.4.1 The Branch Annual General Meeting shall meet once per year, subject to the following conditions:

- A.4.1.1 Each Branch must hold an Annual General Meeting of the Branch membership which shall take place in the same month as the Inaugural General Meeting was held. Except that, in a year in which a National Congress is to be held the AGM shall take place at least three (3) weeks prior to the National Congress.

### **Powers and Functions**

- A.4.2 The Branch Annual General Meeting shall consider all matters submitted to it.
- A.4.3 The Branch Annual General Meeting shall have oversight over the BEC and shall have the right to amend, confirm or reverse any decision of the BEC or TURC which is, or may be, in conflict with the aims, objectives and principles of the **NTEU** Constitution.

- A.4.4 The Branch Annual General Meeting shall have, but not be limited to, the following functions and powers to:
- A.4.4.1 amend, support or reject any decision of the Branch Executive Committee;
  - A.4.4.2 elect the Branch Executive Committee as required under S7.13 to S7.25 of the Constitution according to the outline provided in S12.9 and A.4.13 and voting shall be according to S7.13 to S7.25.
  - A.4.4.3 consider motions to formulate and determine the policy of the Branch, within the bounds of the National policies, and, to decide on appropriate programmes of action;
  - A.4.4.4 consider reports from the Branch Chairperson, Branch Treasurer and Branch Secretary;
  - A.4.4.5 approve the budget, the statement of income and expenditure, the balance sheet, any other financial information or statements and the annual auditor's report;
  - A.4.4.6 appoint an honorary auditor;
  - A.4.4.7 make amendments to the Compulsory Branch Institutional Rules in accordance with;
  - A.4.4.8 sanction expenditure for projects on behalf of the Branch;
  - A.4.4.9 do whatever it deems necessary to advance the aims and objectives of the Union and the Branch;
  - A.4.4.10 consider resolutions to determine strategy and position statements;
  - A.4.4.11 consider any matter or business, written motions, proposals or resolutions proposed by members of the Branch from the floor during the conduct of a Branch Annual General Meeting;
  - A.4.4.12 consider the award of Distinguished Membership on nominated members and the submission of Honorary Life Member nominations to the National Congress.
  - A.4.4.13 consider the suspension or, recommended termination, of any member or Branch Office Bearer subject to S11 of the Constitution and A.15 for any action which is contrary to the interest of the union or its disciplinary codes and codes of conduct.

#### **Composition**

- A.4.5 The Branch Annual General Meeting shall consist of Ordinary Members of the Branch, the Branch Office Bearers and Trade Union Representatives.
- A.4.6 Members not in good standing will be non-voting observers.

#### **Chairing of Annual General Meetings**

- A.4.7 Meetings of the Branch Annual General Meeting shall normally be chaired by the Branch Chairperson.
- A.4.7.1 In the absence of the Chairperson the Chairperson, or the BEC, may delegate one of the Vice-Chairpersons to act as Chairperson.
  - A.4.7.2 If the Chairperson and the Vice-Chairpersons are unable to be present at a meeting that has been properly convened, such meeting shall elect from among the members present an ad hoc chairperson for the duration of the meeting.

#### **Quorum for Annual General Meeting**

- A.4.8 The quorum for a Branch Annual General Meeting shall be subject to the rule established under Compulsory Institutional Rule A.23.2 but a minimum of 10 percent of the total membership at the Branch, including sections of a Branch, is set.
- A.4.9 A written power to exercise a mandated vote on behalf of any not present member shall be counted into the quorum, provided the mandated voter is present at the time the vote is taken.
- A.4.10 If a quorum is not present within 15 (fifteen) minutes of the time fixed for the start of the meeting, the meeting shall be adjourned.
- A.4.10.1 Such adjourned meeting shall be reconvened at a date not less than three (3) days nor later than seven (7) days from the date of the adjourned meeting.

A.4.11 The Branch Secretary shall give notice of the new date, time and place of the meeting within two (2) days from the date on which the meeting was adjourned.

A.4.12 A meeting reconvened under A.4.10 will be quorate.

#### **Voting for Office Bearers in the Branch Annual General Meeting**

A.4.13 Voting for the election of office bearers and officials shall take place by secret ballot and the candidates shall have the right to be present when the ballots are counted.

#### **Motions, resolutions, proposals and petitions**

A.4.14 Motions, resolutions or proposals must be submitted in writing to the Branch Secretary: either, by post to reach that person at least ten (10) working days before the date of the meeting, or, during the conduct of such a meeting.

A.4.14.1 Submissions must indicate the proposer's and seconder's names in print "block" letters and signatures and the year of the Branch Annual General Meeting to which the motion or resolution is being submitted.

A.4.15 The Branch Secretary will assign the motion, resolution or proposal a unique number.

#### **Agenda for Annual General Meeting**

A.4.16 Agenda items for Branch Annual General Meetings shall be lodged in writing with the Branch Secretary at least ten (10) working days before the date fixed for the meeting.

A.4.16.1 An agenda for the Branch Annual General Meeting shall reach each member at least seven (7) working days before the date fixed for the meeting.

#### **Minuting of Annual General Meeting**

A.4.17 Minutes of the Branch Annual General Meeting shall be taken in an appropriate manner by the Branch Secretary or, Branch Administrative Office staff under the direction of the Branch Secretary.

A.4.17.1 A copy of such minutes shall be disseminated to each branch member within one (1) month of the meeting and shall be simultaneously forwarded to the National Office.

A.4.17.2 All minutes shall be retained for at least 3 (three) years.

A.4.17.3 Minutes shall be ratified at the next Branch Annual General Meeting and signed as such by the Branch Chairperson and Branch Secretary.

### **A.5 BRANCH SPECIAL GENERAL MEETINGS**

A.5.1 A Branch Special General Meeting, to address urgent issues, may be called under the following conditions:

A.5.1.1 if the Branch Office Bearers deem it necessary to hold a Branch Special General Meeting, they shall, with motivations, set a date for such a meeting, propose an agenda and present any written motions, resolutions, proposals or petitions to be presented to that Special General Meeting; or,

A.5.1.2 if half, or more, of the total Branch membership petitions the Branch Office Bearers to convene a Branch Special General Meeting, providing reasons and a draft agenda and any proposed motions, resolutions, proposals or petitions for the consideration of the membership, the Branch Office Bearers must make arrangements and convene a Branch Special General Meeting within ten (10) working days of the receipt of that petition.

A.5.2 Notice of a Branch Special General Meeting shall be transmitted to the members at least three (3) working days before the date fixed for the meeting.

A.5.3 Agenda items for a Branch Special General Meeting shall be lodged with the Branch Secretary at least two (2) days before the date fixed for the meeting.

A.5.4 A Branch Special General Meeting shall only address the items submitted according to A.4.14, during its proceedings, no other business, motions, resolutions, proposals or petitions will be discussed.

- A.5.5 The rules governing chairing, quorum, voting rights, voting procedure, and minute taking shall be the same as for a Branch Annual General Meeting except that mandated voting on behalf of not present members shall not be allowed.

#### **A.6 ORDINARY MEETINGS OF THE BRANCH**

- A.6.1 At other meetings of the Branch any matter may be dealt with if so agreed by a simple majority of members present.
- A.6.2 Ordinary meetings of the Branch will normally be chaired by the Branch Chairperson, and in the absence of that person a member of the Branch Executive Committee.

#### **A.7 BRANCH EXECUTIVE COMMITTEE [S12.9-S12.25] (BEC hereafter)**

##### **Eligibility to stand for Office**

- A.7.1 Any Branch member who is in good standing in terms of the Constitution is eligible for election to the Branch Executive Committee.
- A.7.1.1 A person removed from office under A.15 shall not be eligible for re-election for the next two Branch Annual General Meetings.
- A.7.1.2 A person removed from office under A.15 who has appealed this decision and the decision is pending shall not be eligible for nomination.
- A.7.1.3 A person who is currently the elected or appointed Full-time Shop Steward of a Branch shall not be eligible to stand for election as a Branch Office Bearer.
- A.7.1.4 A person who is currently an elected Branch Office Bearer and who has been elected or appointed as the Branch Full-time Shop Steward shall step down as an Office Bearer and the resulting vacancy be re-elected.
- A.7.1.5 Any member in good standing of the relevant Branch of the NTEU is eligible to stand for election or appointment to the office of the Branch Full-time Shop Steward, on terms and conditions as set out by the National Office Bearers, provided that:
- A.7.1.5.1 Where a Branch Annual General Meeting approves a request to the National Executive Office for the election of a Full-time Shop Steward, the Branch Executive Committee shall have presented within its Branch Financial Budget a proposed full-cost allocation for approval through the National Executive Committee, including, 7.1.5 above notwithstanding, whether the cost is a full or part cost to the Union.
- A.7.1.5.1.1 The election of a person to the post of Full-time Shop Steward shall follow the same procedures and practice for election as if the person were being elected as a Branch Office Bearer.
- A.7.1.5.2 Where a Branch Annual General Meeting approves a request to the National Executive Committee for the appointment of a Full-time Shop Steward, the Branch Executive Committee shall first gain the approval of the National Executive Committee which shall if in agreement and within the means of the organisation, set terms, conditions and financial limits as per the Union's policies and staffing conditions of service.
- A.7.1.5.2.1 If approved by the NEC a Full-time Shop Steward post shall be advertised amongst the Branch members, and failing making an appointment, to the public at large, under the guidance of the National Secretary through the General Secretary, should one have been appointed, and,
- A.7.1.5.2.2 The Branch Executive Committee shall have presented within its Branch Financial Budget a proposed full-cost allocation for approval through the National Executive Committee, including, 7.1.5 above notwithstanding, whether the cost is a full or part cost to the Union.
- A.7.1.5.3 The National Office Bearers and National Executive Committee shall not be bound by a Branch Annual General meeting decision except that the request is sustainably within the means of the Union.



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### **Term of Office**

- A.7.2 Branch Executive Committee shall hold office for two (2) consecutive years aligned with the Congress terms.
- A.7.3 A Branch Executive Committee shall take office immediately on closure of the meeting.
- A.7.4 Branch Office Bearers shall be eligible for re-election except that a person removed from office under A.15 shall not be eligible for re-election for the period of two years following

### **Powers and Functions**

- A.7.5 The Branch Executive Committee shall have the following functions to:
  - A.7.5.1 attend, and, report as required on the activities of the Branch Office Bearers to, the Branch Annual General Meeting;
  - A.7.5.2 attend to organisational tasks and functions and, ensure these are effectively and efficiently executed;
  - A.7.5.3 admit to the Branch individuals granted membership of the Union through the National Secretary of the Union;
  - A.7.5.4 enter into any lawful general or co-operative agreements in furtherance of the aims, objectives and activities of the Branch and the Union, provided these agreements are sanctioned by CoC;
  - A.7.5.5 subject to the financial policy of the Union and direction of the National Treasurer, open and operate Branch banking accounts; invest surplus Branch funds;
  - A.7.5.6 employ, define the functions of, and discharge, Branch Administrative Office Staff under the emoluments and conditions and terms of service defined by the National Executive Committee or a National Congress;
  - A.7.5.7 ensure that proper banking, sound and proper accounting and responsible investment strategies are adhered to, within any constraints defined by the National Treasurer, National Executive Committee or National Congress;
  - A.7.5.8 convene the Branch Annual General Meeting and any Branch Special General Meetings in accordance with A.4 or A.5 ; set up sub- committees and the terms of reference of such, to further the aims and interests of the membership and the Union, which may be separate working groups on issues affecting particular sectors of the membership;
  - A.7.5.9 receive inputs, recommendations and section feedback reports from the Section Organisers;
  - A.7.5.10 institute, and, where possible, defend and/or support, any legal actions, negotiations or disputes between members and employers or any other body or individual, within the means of the Branch and the Union and under the guidance of the National Executive Committee through either the National Secretary or the General Secretary (should one have been appointed);
  - A.7.5.11 appoint or nominate persons to represent the Branch and its members at negotiations, discussions, consultations or liaisons with the employer or any body constituted in law and on which it is desired the Branch shall be represented;
  - A.7.5.12 appoint or nominate persons to represent the Branch and its members at negotiations, discussions, consultations or liaisons with any legally constituted body, employer body directly related to, or, an employer body of, an institution affiliated to the Branch's institution, on any matter relating to the interests of the membership or the organisation or, employees in general of such institutions;
  - A.7.5.13 take such lawful action as in the opinion of the BEC is deemed to be in the interest of the Union and its members and is in accordance with the aims, objectives and policies of the Union and which is not inconsistent with the objectives or any matter specifically provided for in the Constitution, subject to the approval of the Annual General Meeting;
  - A.7.5.14 delegate any of its functions as it deems fit;
  - A.7.5.15 appoint a Branch Election Officer from amongst the membership who shall, where required to, organise any postal ballot according to S14 of the Constitution;

- A.7.5.16 co-opt any **NTEU** member in a non-voting advisor capacity;
- A.7.5.17 provide, where possible, legal advice and at its discretion legal assistance, in accordance with the Union's Legal Assistance Policy, to members on matters related to their employment, subject to consulting the NEC prior to committing the Union to a financial liability;
- A.7.5.18 establish sub-committees as it may deem fit and define the terms of reference and functions and duties of such sub-committee;
- A.7.5.19 regulate the form of procedure in a sub-committee;
- A.7.5.20 acquire, either by purchase, lease or other legal instrument, any movable or immovable property and also to sell or otherwise alienate or deal with any movable or immovable property belonging to the Branch, provided that no immovable property shall be acquired or alienated without the approval of the Annual General Meeting and subject to the Union's standing financial policy.

### **Powers, functions and duties of the branch office bearers and officials**

#### **A.8 Chairperson**

- A.8.1 The Chairperson shall:
  - A.8.1.1 attend all meetings of the National Congress;
  - A.8.1.2 attend all meetings of the CoC, BEC and the Branch Annual General Meeting;
    - A.8.1.2.1 have the discretion to delegate attendance at the CoC to a Vice-Chairperson or another BEC member;
  - A.8.1.3 co-sign the Branch financial reports and statements with the Branch Treasurer.
  - A.8.1.4 enforce observance of these Rules and the Union's Constitution;
  - A.8.1.5 represent the **NTEU** at Branch level and direct and motivate the aims and objectives of the Union at Branch level;
  - A.8.1.6 sign any agreements or instruments, with the Branch Secretary [A.10.1.7 ] and, any other persons as required to witness on behalf of the Branch membership, subsequent to prior ratification of the National Executive Committee;
  - A.8.1.7 sign minutes of meetings of the BEC and General Meetings;
  - A.8.1.8 exercise supervision over the work of the Branch Secretary and generally over the affairs of the branch;
  - A.8.1.9 attend the meetings of any Workplace Forum as may have been formed according to the Labour Relations Act No. 66 (1995);
  - A.8.1.10 perform such other duties pertaining to the office in terms of legislation, usage, practice and the Constitution; report as appropriate to the BEC, TURC and Branch Annual General Meeting or Branch Special General Meetings.

#### **A.9 Vice Chairpersons**

- A.9.1 The Vice Chairpersons shall assist the Chairperson in performing Branch duties and shall perform such duties as are delegated to them; and, attend the meetings of the TURC at which one of them shall preside as chairperson.
- A.9.2 In the event of the Vice-Chairperson for Academic staff affairs or the Vice-Chairperson for General staff affairs being unavailable for a period exceeding two months, the BEC shall appoint one of the elected BEC members as acting Vice-Chairperson in his/her place until such a time that the Vice-Chairperson is able to resume duties, or until the next election, as the case may be.

#### **A.10 Branch Secretary**

- A.10.1 The Branch Secretary shall:
  - A.10.1.1 in general, be responsible for:
    - A.10.1.2 the proper administration of the branch;
    - A.10.1.3 receiving requests for BEC meetings;
    - A.10.1.4 collate agendas and issue notices for BEC and branch meeting;

- A.10.1.5 coordinating and organising activities of the Branch;
- A.10.1.6 coordinating the negotiation of any agreement to which the Branch is a party; and,
- A.10.1.7 shall co-sign [A.8.1.6 ] such agreements on behalf of the Branch subsequent to prior ratification of the National Executive Committee;
- A.10.1.8 ensure that the official notifications for Branch Executive Committee meetings, Branch Annual General and Special General Meetings and, any other meetings of a Branch nature are timeously and correctly dispatched;
- A.10.1.9 attend all Branch General meetings and the BEC meetings, keep minutes and at each meeting table the minutes of the previous meeting for approval, receive the minutes of the TURC;
- A.10.1.10 under the circumstances expressed in A.17.1 , act in the absence of the Branch Chairperson until the next Branch Executive Committee meeting and a decision under A.17.1 is taken.
- A.10.1.11 table minutes or other documents and correspondence for the notice of, and discussion or ratification by, any of the meetings of the Branch or Branch Executive Committee;
- A.10.1.12 table the meeting report of TURC meetings at the BEC meetings;
- A.10.1.13 notify the BEC of matters arising from the TURC reports which appear to require input from, or action by, the BEC.
- A.10.1.14 attend meetings of the TURC in the absence of the TURC secretary;
- A.10.1.15 cause officials and members of the Branch to be trained as and when necessary;
- A.10.1.16 give direction to the Branch Administrative Office staff where a Branch Administrative Office has been established;
- A.10.1.17 deal with all incoming Branch correspondence that is directed to the Branch Secretary's office either by the correspondent or, the Branch Administrative Office, keep the original plus copies of outgoing correspondence, and at each meeting of the BEC and TURC table relevant correspondence received / despatched since the previous meeting;
- A.10.1.18 ensure that appropriate and open office practices are pursued by the Branch Administrative Office staff in the day-to-day operation of the Branch Administrative Office;
- A.10.1.19 attend to any other business as directed by the Branch Chairperson or, the Branch Executive Committee or, a Branch Annual General Meeting or, the TURC;
- A.10.1.20 perform such other duties as imposed by the Constitution, or by any law.

### **A.11 Branch Treasurer**

A.11.1 The Branch Treasurer shall:

- A.11.1.1 attend all Branch General meetings and the meetings of the TURC and the BEC;
- A.11.1.2 ensure that the requirements of the Constitution and these Branch Rules, *inter alia* S12.20 to S12.22 and S15, and any other requirement of the National Congress, National Treasurer, National auditors or Branch Executive Committee for financial control are met;
- A.11.1.3 inspect all finances of the Branch and ensure that the provisions of the Constitution with regard to finances are complied with, *inter alia* S12.20 to S12.22;
- A.11.1.4 ensure proper books of account are kept including statements of income and expenditure of all Branch structures and appropriate financial reports reflecting the true financial status of the Branch and submit these to the Branch Annual General Meeting subject to A.11.1.2 above and A.11.1.10 below;
- A.11.1.5 report income and expenditure to the monthly BEC meetings;
- A.11.1.6 report income and expenditure to the National Treasurer through the National Administrative Office, on, at least, a quarterly interval;

- A.11.1.7 cause the books of account and financial records of the Branch to be audited by the honorary auditor at least once a year;
- A.11.1.8 ensure all financial records and the books of account are submitted to the National Treasurer on a quarterly basis for consolidation and audit purposes as required;
- A.11.1.9 endorse all accounts for payment and co-sign all cheques drawn on the banking account of the branch;
- A.11.1.10 sign together with the Branch Chairperson or a nominee all financial reports statements, instruments and documents;
- A.11.1.11 perform such other duties as are imposed by the Constitution, by the BEC, TURC or branch General Meeting or by any law;
- A.11.1.12 ensure that all payments of monies due to the National body are submitted timeously to the National Treasurer as instructed from time-to-time [S15.20].

#### **A.12 Branch Legal Advisor**

- A.12.1 The Branch is advised to appoint a Branch Legal Advisor to assist with the functions of the Branch. In the event of a Branch Legal Advisor being appointed such person shall form part of the BEC.
- A.12.2 The Branch Legal Advisor must be a **NTEU** member of the Branch and shall be regarded as an official of the Union.
- A.12.3 The Branch Legal Advisor shall provide guidance to the BEC and TURC on all legal and labour matters.
- A.12.4 When necessary the Branch Legal Advisor shall brief an appointed legal representative on any issues which have been referred by the BEC.
- A.12.5 The Branch Legal Advisor will only consider issues affecting individual members of the Branch which have been referred via the Branch Secretary in terms of the Union's Legal Assistance Policies.

#### **A.13 VACANCIES ON BEC: power to co-opt**

- A.13.1 Vacancies on the BEC shall be filled as follows:
  - A.13.1.1 Subject to A.13.1.3 and A.13.1.5, the Branch Executive Committee shall be able to co-opt any member in good standing to a vacant Office Bearer portfolio howsoever that vacancy was created.
  - A.13.1.2 Vacancies resulting from termination of office under A.14 shall be filled by co-option within thirty (30) days.
  - A.13.1.3 In the event that a Branch Office Bearer has been removed from office in terms of A.15 no co-option shall be made until any appeal under A.15.4 has reached a conclusion.
  - A.13.1.4 A person co-opted onto the BEC shall hold full right and office for the unexpired part of the period of office of the Office Bearers.
  - A.13.1.5 If a vacancy occurs within forty-five (45) days of the Annual General Meeting, the election of another office bearer shall be in accordance with the provisions of S7.14 to S7.24. of the Constitution mutatis mutandis.

#### **A.14 TERMINATION OF OFFICE**

- A.14.1 A member of the BEC may voluntarily terminate membership of the BEC by:
  - A.14.1.1 giving one-month notice;
  - A.14.1.2 resignation as a member of the Union;
  - A.14.1.3 resignation from employment in the institution or the sector.

#### **A.15 REMOVAL FROM OFFICE**

- A.15.1 Any Branch Office Bearer completely failing to perform the duties ascribed to them or, who is found by the other Branch Office Bearers to be guilty of misconduct in managing the affairs of the organisation, may be suspended or removed from that office by a majority vote of the remaining Branch Office Bearers. Such person may appeal in terms of A.15.4.
  - A.15.1.1 Upon finding valid reason to suspend or terminate the tenure of a BEC member, the remaining BEC members shall:
    - A.15.1.1.1 notify that member within two (2) days;

- A. 15.1.1.2 call a Special General Meeting in order to present the case to the membership and seek ratification of their finding;
- A. 15.1.1.3 should that meeting agree with the BEC the vacancy so created shall, subject to A.13.1.3 and A.13.1.5 , be filled by co-option within thirty (30) days and that co-opted person shall hold full right and office for the unexpired part of the period of office of the Office Bearers.
- A. 15.1.1.4 should that meeting disagree with the BEC the committee member shall remain in office.
- A.15.1.2 upon being notified that the majority of the remaining BEC members have found valid reason to suspend or terminate the tenure of a BEC member, such person shall immediately stand-down from the position pending the meeting referred to in A.15.1.1.2 .
- A.15.2 A BEC member may be removed from office under one or more of the following circumstances and read in conjunction with the Constitution and any standing disciplinary code approved by the National Congress:
  - A.15.2.1 misconduct in managing the affairs of the Union, dereliction of duty;
  - A.15.2.2 expulsion from office by resolution of the Branch Annual General Meeting, or a Special General Meeting called for the purpose;
  - A.15.2.3 upon termination of union membership by suspension or by expulsion;
  - A.15.2.4 upon ceasing to be a union member in good standing;
  - A.15.2.5 upon being absent from two (2) consecutive meetings of the BEC without submitting a written apology which is acceptable to the BEC;
  - A.15.2.6 upon a Branch ballot having been called for by not less than twenty-five (25) percent of the total membership to decide the removal from office of an office bearer and a two thirds majority has voted for removal.
- A.15.3 In the event that a Branch Office Bearer has been removed from office in terms of this section no co-option shall be made, subject to A.13.1.5 , until any appeal under S11.17 to S11.24 of the Constitution has reached a conclusion.
- A.15.4 A Branch Office Bearer who has vacated office in circumstances described in A.15.2 shall have the right to appeal the decision of the Branch Special General Meeting through the National Congress Appeals Board and the provisions of A.7.1 and A.13.1.3 shall apply.
- A.15.5 Hearings related to a charge of misconduct or dereliction of duty shall be according to the rules of natural justice, and recorded on audio tape and transcribed in full under similar conditions as in S11.16 of the Constitution and stored for three years after the final resolution of the issue.
- A.15.6 Appeals shall follow the rules stated in S11.17 to S11.24 of the Constitution.

## **A.16 BRANCH EXECUTIVE COMMITTEE MEETINGS**

### **Meetings**

- A.16.1 The Branch Executive Committee shall meet every month, at such times, dates and places as the Chairperson or, any others of the committee might deem necessary and determine amongst themselves.
- A.16.2 The members of the BEC may agree to invite any union member or any person to its meetings for a specific advisory purpose and for such period and time per meeting at the discretion of the Chairperson, but such union member or other person shall act only in a speaking capacity and shall have no vote.
- A.16.3 Special meetings may be requested by any member of the BEC, in which event the meeting shall be held and notice served in terms of A.17.7 but shall be held not longer than seven (7) days after the request.

### **Chairing**

- A.16.4 Meetings of the Branch Executive Committee shall normally be chaired by the Branch Chairperson.
- A.16.5 The Chairperson shall request one of the Vice -Chairpersons to chair a meeting of the BEC in the planned or unexpected absence of the Chairperson, should neither be available the meeting will stand over until one is available.

### **A.17 Acting Chairperson, Secretary and Treasurer**

- A.17.1 In the event of the Chairperson and both Vice Chairpersons being unable, either due to extraordinary circumstances or permanently, to perform their duties, and subject to A.10.1.10 the remaining BEC members shall appoint a person from amongst themselves to act as Chairperson, who shall hold office until the Chairperson or one of the Vice Chairpersons is able to resume duties or until the next election, as the case may be.
- A.17.2 In the event of the Branch Secretary being unavailable the TURC Secretary shall be the Acting Branch Secretary. If no TURC exists one of the BEC shall act as Secretary.
- A.17.3 In the event of the Branch Treasurer being unavailable one of the authorised signatories shall be the Acting Branch Treasurer, this shall normally exclude the Branch Chairperson.

#### **Decision-making**

- A.17.4 At a meeting of the BEC decisions shall be made on the basis of consensus amongst its members.
- A.17.5 Failing consensus a decision will be made by voting and each member shall have one vote in respect of the particular decision, provided that the Chairperson shall have a casting vote in addition to an ordinary vote.

#### **Notice**

- A.17.6 The Branch Secretary shall give members written notice of a meeting of the BEC of not less than seven (7) days and such notice shall be accompanied by an agenda.
- A.17.7 Any extraordinary meeting of the Branch Executive Committee notice of at least one (1) day shall be required provided that appropriate shorter notice as the urgency of the matter might suggest may be given and in either case telephonic or electronic notice is acceptable.

#### **Minutes**

- A.17.8 Minutes of the Branch Executive Committee meeting shall be taken by or, under the direction of, the Branch Secretary, in a format determined by that person, and
- A.17.8.1 be distributed within ten (10) working days of the date of the meeting;
  - A.17.8.2 such minutes shall be considered for approval at the next meeting of the BEC;
  - A.17.8.3 be signed as ratified by the Branch Chairperson and the Branch Secretary;
- A.17.9 All minutes shall be retained for at least three (3) years.

#### **Quorum**

- A.17.10 The quorum for a meeting of the BEC shall be three (3) of the members of the BEC present at the time set for the start of the meeting and must include either the Chairperson or one of the Vice-Chairpersons.
- A.17.11 The BEC meeting shall remain quorate provided at least those present at the start of the meeting.
- A.17.12 The meeting shall adjourn if a quorum is not reached within twenty (20) minutes of the time set for starting the meeting.
- A.17.13 Such adjourned meeting shall be reconvened at a date not less than two (2) nor more than seven (7) days from the date on which the meeting was adjourned.
- A.17.13.1 The Branch Secretary shall forthwith give notice of the new date, time and place of the meeting. Telephonic or electronic notice shall be deemed to be acceptable.
- A.17.14 A meeting reconvened under A.17.12 will be quorate.

### **A.18 BRANCH FINANCIAL CONTROL, ASSETS, LIABILITIES AND OBLIGATIONS**

- A.18.1 All monies banked, equipment, property and assets vest in the National Tertiary Education Union.
- A.18.2 The Branch Treasurer shall submit to the National Treasurer a statement of income and expenditure every quarter and within three months of the Branch Annual General Meeting a final audited balance sheet for the Branch. [A.11.1.6 and A.11.1.8 ]
- A.18.3 The Branch shall submit to the National Treasurer an inventory of assets, equipment or property, whether fixed or moveable, each year by a date set by the National Treasurer.
- A.18.4 The Branch Treasurer shall, subject to the general controls and mechanisms contained in, or formulated under S15 or by the National Treasurer, be in control of the finances of the Branch.

- A.18.5 The Branch Office Bearers shall appoint at least three signatories to current and other banking accounts one of whom shall be the Branch Treasurer.
- A.18.6 The Branch Treasurer [A.11.1.9 ] and either the Branch Chairperson or another appointed signatory will normally authorise and sign all payments made from the Branch account.
- A.18.6.1 With regard to Internet payments from the Branch account, the Treasurer may with the knowledge of another signatory either, perform one or more transactions, using an assigned PIN number or, delegate another signatory to perform the transaction using an assigned PIN number. Normally, proof of payment or transaction record shall be printed and signed and dated by the person performing these transactions and filed in the Branch Administrative Office.
- A.18.6.2 In the absence of the Treasurer, another signatory shall be appointed to stand in for the Treasurer.
- A.18.7 Any financial instrument or document relating to Branch financial matters shall be co-signed by any two of these signatories which event shall be notified at the next BEC meeting.
- A.18.8 Monies received by the Branch Treasurer shall be deposited in the **NTEU** Branch account within one (1) working day of receipt thereof.
- A.18.9 Monies received by the Branch Treasurer intended for deposit in the National Account shall be deposited in the **NTEU** National account within one (1) working day of receipt thereof and separate notice of payment shall be sent to that office at the same time.

#### **A.19 TRADE UNION REPRESENTATIVES COMMITTEE (TURC)**

- A.19.1 Where the Branch membership, including those at satellite campuses, is less than 300 the Branch Executive Committee shall be considered to be trade union representatives in accordance with the definition provided in and, allocated according to Chapter III: Section 14(2) of the Labour Relations Act No. 66 (1995).
- A.19.2 Where the Branch membership, including those at satellite campuses, is more than 300 a separate committee of Trade Union Representatives will be established allocated according to Chapter III: Section 14(2) of the Labour Relations Act No. 66 (1995) except that the Branch Vice-Chairpersons and the Branch Secretary shall ex officio be members of the Trade Union Representatives Committee and these positions shall be deducted from the total calculated allocation.
- A.19.3 In the event that a Trade Union Representatives Committee is formed the Branch Executive Committee shall demarcate constituencies, subject to ratification by the Branch Annual General Meeting. The calculated number of representatives shall be allocated so that each constituency holds equal representation. In the event of an uneven number of representatives being calculated according to the Labour Relations Act No. 66 (1995) then the remaining position shall be allocated to the largest constituency.
- A.19.4 Notwithstanding the establishment of a TURC, the Branch Executive Committee and the National Executive Committee shall have the status of trade union representatives, though these shall not further be deducted from the total calculation of representatives.
- A.19.5 The Trade Union Representatives shall be nominated and elected biennially (every two (2) years) by constituency and, where more than one nomination has been made a postal ballot, according to S14 of the Constitution, will be held within that constituency as formulated and ratified by the Branch Annual General Meeting.
- A.19.6 Trade Union Representatives shall hold office for two years and elections for these positions will be held one month after the Branch Annual General meeting.

#### **Meetings of the TURC**

- A.19.7 The TURC shall meet once every two months, but the first meeting to occur within one month of the conclusion of the election of TURC members.
- A.19.8 A TURC meeting shall normally be chaired by a Branch Vice-Chairperson. If neither of the Branch Vice-Chairpersons is present, but a quorum is present, a temporary chairperson may be elected from those present.

A.19.9 TURC constituency representatives shall have at least one meeting per quarter with the members in their constituencies and the minutes of such meeting shall be forwarded to the TURC Secretary for discussion at the next TURC meeting.

#### **Quorum at TURC meetings**

A.19.10 A TURC meeting shall be quorate provided that no less than seven (7) of the members are present at the time of starting the meeting and through the duration of the meeting.

A.19.11 If a quorum is not present fifteen minutes after the starting time of the meeting, the meeting shall be adjourned.

A.19.12 An adjourned meeting shall be held not later than seven (7) days after the date on which the meeting was originally to be held and the members present at such a meeting shall form a quorum.

#### **Powers, functions and duties of the TURC**

A.19.13 The Trade Union Representatives Committee shall be an advisory body, however it may discuss any issue or topic as allowed by Chapter III:Section 14 (4) of the Labour Relations Act No. 66 (1995) and by consensus it may either, refer matters to the Branch Executive Committee with recommendations for action, or, arrive at a method, or way, of resolving any issue, conflict or dispute at the point of concern, which shall be notified to the BEC and the consequent outcomes reported to the BEC.

A.19.14 None of the powers or functions allocated to trade union representatives by the Labour Relations Act No. 66 (1995) shall be diminished by anything contained in these Branch Rules or the Constitution.

A.19.15 In addition to the duty of a representative to meet with constituency members, the BEC may determine any other functions, duties and powers of representatives as it may deem necessary for the operation of the Union at Branch level.

A.19.16 The TURC shall be entitled, in addition to A.19.13, to:

A.19.16.1 consider all matters submitted to it and take the appropriate decision or action in terms of its assistance for individual TURC members in their role as union representatives, provided this does not conflict with the direction of either the BAGM or BEC.;

A.19.16.2 consider reports submitted by representatives arising from a meeting with their constituents or on any other matter referred to them;

A.19.16.3 consider and formulate an opinion about any proposal for any expenditure from Branch funds, and make requests of the BEC;

A.19.16.4 consider the suspension or expulsion of a member from the Union, and make recommendations to the BEC;

A.19.16.5 perform any of the following additional functions:

A.19.16.6 at the request of an employee in the workplace, assist and represent, or arrange appropriate representation for, the employee in grievance and disciplinary proceedings;

A.19.16.7 monitor the employer's implementation and application of terms of conditions of employment of the constituency members;

A.19.16.8 report any alleged contravention of any law regulating terms and conditions of employment, occupational health and safety, or other general concerns to the BEC; and,

A.19.16.9 perform any other functions as the BEC may direct.

#### **TURC Secretary**

A.19.17 The TURC shall elect from amongst themselves a TURC Secretary who shall be responsible for agenda announcements, minute taking and minute reporting under the direction of the Branch Secretary.

A.19.17.1 This person shall be considered to be the Branch Assistant Secretary and will, if required, assist the Branch Secretary with any Union business and act as Branch Secretary in that person's absence.



- A.19.18 The TURC Secretary shall not be a Branch Office Bearer except in as much as that person might temporarily act in the stead of the Branch Secretary at any time.
- A.19.19 Minute taking shall be subject to the same rules and time-scales as those for Branch Executive Committee meetings.
- A.19.20 All draft minutes and proceedings of the TURC shall be forwarded to the Branch Secretary and BEC within five (5) working days of a TURC meeting.
- A.19.21 The draft minutes of a TURC meeting shall be tabled at the next meeting for approval by the TURC.

#### **Reports on a TURC meeting**

- A.19.22 The Chairperson and Secretary shall generate a report of a TURC meeting to the BEC describing, *inter alia*, topics and items raised, actions taken on behalf of members, outcomes of same and listing matters for the BEC's attention and response and / or recommendations related to items referred to it by the BEC, or any other points for the attention of the BEC.
- A.19.23 The report of a TURC meeting shall be circulated to members for endorsement within five (5) working days and, subject to majority endorsement, supplied to the Branch Secretary within seven (7) working days.

#### **Notice of a TURC meeting**

- A.19.24 TURC members shall be given notice by the TURC Secretary at least seven (7) days before the date of the meeting and such notice shall be accompanied by an agenda. The notice and agenda may be dispatched in print or by electronic means.
- A.19.25 TURC members shall submit in writing to the TURC Secretary any motions or agenda items for discussion before the notice referred to in A.19.24 is dispatched.
- A.19.26 At a meeting TURC members shall be allowed to place items under General, but a decision on such items shall be taken only with the consent of the majority of the members present.
- A.19.27 The provisions relating to vacancies, expulsion and suspension of BEC members in A.13, A.14 and A.15 shall mutatis mutandis apply to all members of the TURC.
- A.19.28 Constituency members shall be empowered to put forward specific or general complaints about constituency representatives to the Branch Secretary who shall bring this to the BEC for action.

### **A.20 BALLOTING AND POLLING OF MEMBERSHIP**

- A.20.1 In addition to matters in respect of which voting by secret ballot is compulsory in terms of the Constitution, a secret ballot shall be taken on any issue, including the recall from or reinstatement to office of an office bearer or official, if:
- A.20.1.1 the BEC so decides;
- A.20.1.2 the BEC is requested to do so by a Branch General Meeting or is requested by a petition from members representing at least twenty-five (25) per cent of the total membership of the Branch or Branch Section where this applies specifically within that Section of the Branch.
- A.20.2 If the conditions under A.20.1 are met a ballot shall be held within a minimum of three (3) days and not more than thirty (30) days from the date of such decision or request.
- A.20.2.1 The ballot may be taken either by direct ballot and voting at polling stations or a meeting called for the purpose, or, by postal ballot as prescribed in the Constitution or these Branch Rules.
- A.20.3 The BEC shall, when a ballot is conducted, give notice in writing to all members who are entitled to vote at least seven (7) days before the ballot is to be taken.
- A.20.4 The Branch Secretary shall nominate one or more of those present at a meeting to act as scrutineer and counters in the taking of a ballot, or nominate one or more ordinary members to scrutineer and count a postal ballot.
- A.20.5 No ballot shall be invalidated merely by the non-receipt of such notice by any member.
- A.20.6 Ballots shall be conducted on a date or dates and at a time and for a time period specified in the notice.

- A.20.7 Each voter shall be issued with a voting paper reflecting a sequence number, the voting date, the motion or question to be voted on, spaces for a response in favour of, rejecting, or, abstaining from the vote.
- A.20.7.1 Completed voting forms shall be folded and deposited in a sealed container provided for the purpose until the appointed date and time for closure of the voting time period
- A.20.8 Voting forms may not bear any mark or sign other than a mark indicating the voter's choice, made within an appropriate box, in favour, rejection or abstaining from the vote as made by the voter. Papers bearing any other marks shall be regarded as spoilt.
- A.20.9 Ballot boxes shall be inspected by the secretary and any nominee(s) and sealed in their presence. Voters shall have the right to inspect the ballot boxes to ensure that they are properly sealed.
- A.20.10 Voters shall also be required to sign an attendance register.
- A.20.11 As soon as possible after closure of voting the Branch Secretary shall ascertain the results of the ballot and the Chairperson shall make such results known to the voters and the relevant committees.
- A.20.12 All voting forms together with the attendance register shall be placed in a sealed container and shall be retained for 3 (three) years.
- A.20.13 The body responsible for conducting the ballot shall be bound to take action according to the decision of the majority of the members voting in any ballot, provided that such body shall not be so bound where less than 25% (twenty-five per cent) of the members who are entitled to vote, have voted.

#### **Postal ballot**

- A.20.14 Where use of a postal ballot is made the following procedures are to apply:
- A.20.14.1 Voting forms are to be numbered and stamped prior to distribution to members;
- A.20.14.2 the latest response date for return of the voting form and a return address is to be clearly indicated; voting forms received after that date or time of closure shall not be counted;
- A.20.14.3 voting forms are to be sent to all members of the Branch based on the official Membership records;
- A.20.14.4 voters must place their completed voting form into a sealed envelope; place that into another sealed envelope and print their name on the outer envelope and send this to the address provided by the Branch Secretary;
- A.20.14.5 the BEC shall accept no responsibility for voting forms which do not reach members or the Branch Secretary having been duly completed;
- A.20.14.6 all other requirements associated with secret ballots as expressed in A.20.1 to A.20.13 and the Constitution, which shall hold precedence, shall also apply to postal ballots.

#### **Electronic Ballot**

- A.20.15 Where the use of an electronic ballot system is possible the provisions of S14.1.4 and S14.7.2 where applicable shall also apply. The use of this means is also subject to the provision of the necessary security checks.

### **A.21 BRANCH DISSOLUTION**

- A.21.1 An **NTEU** Branch may only be dissolved by a quorate Branch Special General Meeting subject to agreement of at least 75 percent of all members in good standing at the Branch. All members must receive at least thirty (30) days' notice in writing of any resolution to dissolve the Branch. If the Branch is dissolved, its assets cannot become the property of any Office Bearer or staff member or ordinary member of that Branch.
- A.21.2 The dissolution process shall be conducted under the executive guidance of the National Executive Committee and the National auditors and in terms of the Labour Relations Act No. 66 (1995).

- A.21.3 The Special General Meeting dissolving the Branch shall relieve the Branch Office Bearers of their obligations and posts and elect a Dissolution Committee to assist the National Executive Committee with the dissolution process.
- A.21.3.1 The Dissolution Committee shall accede to the requirements of the auditors and make any decisions required by the NEC without referral to the outgoing membership and ensure that signing power on all banking accounts is transferred to members of the NEC or the National Administration Office.
- A.21.4 No Branch Office Bearer shall be precluded from being elected to the Dissolution Committee.
- A.21.5 The Certificate of Compliance certificate and all Membership cards shall be returned to the National Secretary for cancellation.
- A.21.6 The liquidated monetary, moveable and fixed assets of the Branch shall become the property of **NTEU** and, be transferred to the National Executive Committee on dissolution or, cancellation of the Certificate of Compliance, of the Branch.

## **A.22 AMENDMENTS TO BRANCH AND COMPULSORY BRANCH INSTITUTIONAL RULES**

- A.22.1 The Branch Rules can only be amended in one of the following ways:
- A.22.1.1 by the formulation of new rules or amendments by the National Executive Committee; and,
- A.22.1.2 presentation and motivation of such proposal to the CoC; provided that,
- A.22.1.3 the proposal shall be carried by an 80% + 1 vote at a meeting of the CoC at which all of the National Office Bearers and a representative of each Branch in good standing and eligible to attend a CoC meeting are present; where,
- A.22.1.4 voting for such proposal shall be limited to one vote per National Office Bearer present at the voting time, and one vote per Branch representative present at the voting time.
- A.22.1.5 The Compulsory Branch Institutional Rules can only be amended in one of the following ways:
- A. 22.1.5.1 by a vote at a quorate Branch Annual General Meeting or Special General Meeting, the rules of voting for which shall be the same as under S5.15;
- A. 22.1.5.2 by a postal ballot, in accordance with S14, and where 75 percent or more of the votes cast by the members in good standing and eligible to vote, vote in favour of the amendment.

## **A.23 COMPULSORY BRANCH INSTITUTIONAL RULES**

- A.23.1 It shall be compulsory for any grouping applying for admission to **NTEU** for a Certificate of Compliance to include the following in the Branch rules giving consideration under these guidelines to appropriate mechanisms for the particular needs at that intended Branch.

### **Branch Annual General Meeting Quorum**

- A.23.2 Each Branch, or Section Liaison Group, shall establish a level of quorum appropriate to the number of members in good standing as it may see fit subject to A.4.8 to A.4.10.1 above. Any other rules under A.4.8 shall remain in operation.

### **Branch Recognition Agreement**

- A.23.3 Each Branch, shall negotiate a Collective Agreement of Recognition and Organisational Right, which will govern Procedural and Substantive Matters, with the employer which recognises the **NTEU** Branch as an agent representing the members of **NTEU**.
- A.23.4 This agreement may contain sections and clauses as recommended by the National Executive Committee, governing (*inter alia*) the levels of representativeness, type of representation (agency or closed shop), the general relational mechanisms and areas of representation, the nature and conduct of relations and business, negotiation and consultation and any other aspect of the relationship between employer and employee as allowed by the Labour Relations Act No. 66 (1995) or as would extend the rights, and terms and conditions of service of the membership at that Branch or enhance the efficiency and harmony of the workplace.
- A.23.5 No Recognition Agreement shall diminish any right, organisational or otherwise accorded to members of **NTEU** by the Labour Relations Act No. 66 (1995) or any other law relating to employee and employer relations of any kind.

- A.23.6 Should a recommended Recognition Agreement be devised by the National Executive Committee or the National Congress this may form the basis of negotiations at the workplace.
- A.23.7 All Recognition Agreements and other collective agreements affecting the rights and terms and conditions of employment shall be submitted to, and be subject to, the scrutiny of the National Executive Committee.

#### **Branch Members' Disciplinary Code**

- A.23.8 Each Branch shall establish a membership disciplinary code which is appropriate to the nature of the institution and the Branch's membership, fair in its treatment of all members and consistent with the provisions for hearings and appeals contained in the Constitution and with the provisions of the Labour Relations Act No. 66 (1995). A recommended code may be devised by the NEC which may be adopted by Branches.
- A.23.8.1 provided the conditions of S11.17 to S11.24 of the Constitution are not diminished by the Compulsory Branch Institutional Rules. Such rules as devised under this section must also be consistent with the provisions of the Labour Relations Act No. 66 (1995).

#### **Branch Sectoral Disputes and Strike or Protest Actions**

- A.23.9 Each Branch shall establish rules governing the participation of members outside the primary constituency or sub-constituency in which a dispute is centred to the extent that:
- A.23.9.1 these do not prescribe that secondary action by sub-constituencies is required except if that section has also been balloted and the ballot agrees to participation being mandatory on that sub-constituency;
- A.23.9.2 if the issue is in the general interest of all the members, regardless of defined sectors and/or constituencies, at that institution and, general strike or protest action is balloted among all the members of the Branch, then it shall be mandatory upon all members to participate;
- A.23.9.3 none of the provisions for dispute resolution as laid down in the Labour Relations Act No. 66 (1995) is avoided or violated;
- A.23.9.4 provided the conditions of S11.17 to S11.24 of the Constitution are not diminished by the Compulsory Branch Institutional Rules. Such rules as devised under this section must also be consistent with the provisions of the Labour Relations Act No. 66 (1995).