



federal *a.*

1. of a system of government in which several States form a unity but remain independent in internal affairs; concerning this whole not the separate parts.

2. Relating or favouring central government, as distinct from government by separate provinces etc.;

federal district, territory, etc. region used as seat of *federal* government

rule (rool) *n. & v.*

- 1.*n.* Principle to which action or procedure conforms or is bound or intended to conform, dominant custom, canon, test, standard, normal state of things, (deduce *rules* of action, the *rules* of decorum, etc.)
2. Government, dominion
3. Code of discipline

Australian Nursing Federation *federal rules*

Australian Nursing Federation
federal rules

Chapter 1 - THE ORGANISATION

1 Name

- 1.1 The name of the Federation shall be 'Australian Nursing Federation' (hereinafter referred to as 'the Federation').

2 Office

- 2.1 The Registered Office shall be situated in Canberra, Australian Capital Territory or at such place or places as may be determined from time to time by the Federal Council.

3 Objects

- 3.1 To promote and protect the interest of members and in particular to provide professional and industrial leadership for the nursing industry and the health sector.
- 3.2 To improve the industrial and statutory rights and benefits of members.
- 3.3 To represent members in industrial disputes and in relation to industrial matters.
- 3.4 To improve the conditions of employment of members.
- 3.5 To obtain and secure for members preference in employment.
- 3.6 To foster high standards of nursing practice.
- 3.7 To promote the educational industrial and professional advancement of nurses.
- 3.8 To assist the formation, establishment and maintenance of Branches, Sub-Branches, Sections and/or units of the Federation.
- 3.9 To establish and maintain publications, journals and other literature.
- 3.10 To affiliate amalgamate, enter into any agreement with or otherwise co-operate with or assist any other Organisation, Association, Institution or Group in pursuit of these objects.
- 3.11 To act as agent for and on behalf of members and non members in a manner consistent with these objects and the rules and in the interests of members and to do all things necessary and incidental thereto.
- 3.12 To grant or make contributions for the purpose of financing superannuation benefits, pensions, retiring allowances, endowment, long service leave and general benefits to employees, members or officers (past and present) of the Federation by grants of moneys, insurance or other aid to them or their dependents and connections and establishing and subsidising funds and trusts and medical, educational, housing, recreational and other amenities.
- 3.13 To act as agent for and on behalf of members and non members when requested in relation to the negotiation of their terms and conditions of employment.
- 3.14 To do any things incidental to or conducive to the carrying out of any of the objects as are necessary, expedient, desirable or advisable.
- 3.15 None of these objects is to be read in such a way as to limit any other of these objects.

4 Federation Structure

- 4.1 The Federation shall consist of members in Branches formed in accordance with these Rules.
- 4.2 Each Branch Council may constitute, dissolve or reform sub-branches, sections, committees or groups (howsoever named) and determine or vary the offices, powers and duties of such bodies.
- 4.3 A Branch shall have autonomy in matters affecting members of the Branch only and matters concerning the participation of the Branch in any State Industrial Conciliation and Arbitration system.
- 4.4 The provisions of Rule 4 shall not be repealed or shall not be amended or in any way altered without the consent of all ANF Branch Councils.

Chapter 2 - MEMBERSHIP

5 Eligibility for membership

- 5.1 Membership shall be open to the following classes of employees engaged in the nursing industry or midwifery industry:
- 5.1.1 Who hold a certificate of three years training as a nurse in a recognised general hospital or an under graduate or post graduate diploma or degree as a nurse or midwife from a higher education institution
- 5.1.2 who can produce evidence of training to the satisfaction of the Council
- 5.1.3 or who are registered in Australia by the Commonwealth or any State or Territory
- 5.1.4 Together with such other persons, whether employees in the industry or not as have been appointed officers of the Federation and admitted as members thereof.
- 5.2 Notwithstanding anything contained in the foregoing provisions of this rule and without limiting the generality thereof the following classes of employees shall also be eligible for membership:
- 5.2.1 In the State of Queensland, men and women, who are registered with the Queensland Nursing Council or who produce evidence of other registration as registered nurses, or in the case of those not registered in Queensland, who can produce evidence of training to the satisfaction of the Branch Council; student nurses; associate members; passive members; life members and honorary members. For the purposes of interpreting this clause associate members shall be assistants-in-nursing and other nurses whom the Branch Council sees fit to accept as associate members; passive members shall be registered nurses or enrolled nursing aides who are retired and/or are not actively engaged in nursing practice in Queensland; life members, those registered nurses who have been elected to life membership; and honorary members, those persons who have identified themselves with the cause of nursing and whom the Branch Council has elected to membership.
- 5.2.2 In the State of Western Australia, persons employed in the profession or industry of nursing and being registered or entitled to be registered with the Nurses' Board of Western Australia; student nurses training in schools for nurses registered with the Nurses' Board of Western Australia, or persons who have left their training schools after having completed the prescribed period of examinations arranged by the Nurses' Board until such persons are entitled to be registered as nurses; nursing cadets performing elementary nursing duties in approved hospitals for training and who will commence training as student nurses upon attaining the requisite age; together with such other persons who being registered or entitled to be registered with the Nurses' Board of Western Australia or having rendered distinguished service to the nursing profession have been admitted as distinguished honorary members.
- 5.2.3 In the State of South Australia membership shall be open to the following classes of employees engaged in the Nursing Industry:
- 5.2.3 (a)(i) who are registered or entitled to be registered as nurses or as mental deficiency nurses or psychiatric nurses or as midwives under provision of the Nurses' Registration Act
- 5.2.3 (a)(ii) who are enrolled or entitled to be enrolled as enrolled nurses or mothercraft nurses under the provisions of the Nurses' Registration Act
- 5.2.3 (a)(iii) who are pursuing a course of study and practice from time to time prescribed or approved by the Nurses' Board of South Australia in accordance with the provisions of the Nurses' Registration Act to become registered as nurses
- 5.2.3 (a)(iv) who are pursuing a course of study and practice from time to time prescribed or approved by the Nurses' Board of South Australia in accordance with the provisions of the Nurses' Registration Act to become registered as enrolled nurses or mothercraft nurses.
- 5.2.3 (b) Membership shall be open to persons who are entitled to be members but who are not practising or who because of their long membership or services to the Federation or to the nursing profession may be admitted as non-practising members or honorary members or may have their membership changed from member to non-practising member or honorary member by the decision of Council. These members shall be entitled to all the privileges of membership except that they shall not be entitled to vote or to nominate or to take part in the election of officers or members of the Council.

- 5.2.4 In the State of Victoria employees, however described or titled, primarily employed to provide or assist in the provision of nursing care or nursing services, or both, to persons in private and/or not for profit residential aged care facilities other than any facility to which the Government of Victoria provides funds on a recurrent basis for the carrying out of the business of that facility.
- Provided that:
- 5.2.4(a) persons primarily employed as cooks, cleaners, kitchen assistants, kitchen attendants, laundry assistants, laundry attendants, gardeners or maintenance employees and
- 5.2.4(b) persons who are eligible for membership of the Australian Municipal, Administrative, Clerical and Services Union pursuant to its rules as at 5th July, 1999 shall not be eligible for membership of the Federation under this sub-rule.
- 5.2.5 In the State of NSW:
- 5.2.5(a) persons who are employed or who are usually employed in or in connection with the profession of nursing or midwifery as registered nurses, registered midwives, nurse educators, student nurses, enrolled nurses, trainee enrolled nurses, assistants in nursing or assistants in midwifery;
- 5.2.5(b) persons being qualified as or eligible to be registered as nurses or midwives, trainee enrolled nurses or enrolled nurses who are seeking to be employed in or in connection with the profession of nursing or midwifery.
- 5.2.6 In the State of South Australia employees, however described or titled, employed to provide or assist in the provision of nursing care or nursing services, or both, to persons in, or receiving from, private and/or not for profit residential aged care facilities other than those operated by services incorporated under the South Australian Health Commission Act, 1976, provided that persons engaged primarily as cooks, cleaners, kitchen assistants, kitchen attendants, laundry assistants, laundry attendants, gardeners or maintenance employees shall not be eligible for membership of the federation under this sub-rule.
- 5.3 Membership shall also be open to independent contractors who, if they were employees performing the work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Federation.

6 Application for membership

- 6.1.1 An applicant for admission to membership of the Federation shall apply to the Branch Secretary of the Branch in the State or Territory in which he or she is employed for admission to membership by making application for membership in a format determined by that Branch's Council pursuant to paragraph 6.1.2 of this sub-rule.
- 6.1.2 A Branch Council may determine the format and content of an application for membership of the Federation provided that such process makes provision for an applicant to supply information specifying their full name, address, occupation, employer and place of employment. They are required to sign or appropriately authorise the application form and specify the date on which the application was made.
- 6.1.3 An applicant for membership shall be informed in writing, at the time of the making of the application in (ii) hereof, of:
- 6.1.3(a) the financial obligations arising from membership; and
- 6.1.3(b) the circumstances, and the manner in which a member may resign from the organisation.
- 6.1.4 Pending the implementation of any decision of a Branch Council determining the format of an application for membership any application made on a form approved by Federal Council before the Industrial Registrar certifies this Rule or made on a form approved by Federal Executive after this Rule is so certified shall be a valid application under these Rules.
- 6.2 Any application for membership shall be submitted to the next meeting of Branch Council after its receipt.
- 6.3 If the Branch Council approve the application the applicant shall be and be deemed to be a member of the Federation as from the date on which the application was received by an organiser or other authorised officer, or was received in the office of the Branch, whichever is earlier. In the event of the application being rejected by the Branch Council any monies received from the applicant on account of subscription shall be refunded.

- 6.4 Where an application for membership has not been accepted within three months from the date on which it was made or where an application is rejected by the Branch Council the applicant may appeal to the Federal Executive at its next meeting and the decision of Federal Executive shall be final and shall affirm or substitute for the decision of the Branch Council against which the appeal is made.
- 6.5 Each member shall be issued with a membership card which must be shown on demand to any person duly authorised by the Federal Council or Federal Executive or Branch Council of that member's Branch.

7 Register of members

- 7.1 The Branch Secretary shall keep at the Branch office an up to date Branch Register showing the full names of all members of the Federation in the Branch with their postal addresses and date of admission to the Federation and subscriptions, levies and fines in arrears.
- 7.2 The Branch Register shall be available for inspection by the Federal or Branch Returning Officers and Auditors and any member authorised from time to time by the Branch Council or the Federal Council or Federal Executive.

8 Subscriptions

- 8.1 Each member shall pay an annual subscription to the Branch to which he or she is attached, or to its authorised collector.
- 8.2 The amount of the annual subscription or part thereof shall be determined from time to time by the Branch Council but shall be not more than 2% of a full time member's gross salary earned in the industry of nursing. Periodic increases to such subscriptions shall not exceed 10% of the previous subscription payable.
- 8.3 In determining the amount of the annual subscription payable by each member under sub-rule 8.2 of this Rule the Branch Council shall have regard to the variation in income between the different categories of employment in which members are engaged and may determine different rates of subscription for each category of membership.
- 8.4 Notwithstanding anything contained in these Rules the Branch Council because of a member's special circumstances may remit such member's subscription in whole or in part, for such time as it decides.
- 8.5 Subscriptions shall be payable in advance and paid annually or by installments in respect of such lesser periods as the Branch Council determines. A member paying his or her subscription annually shall be unfinancial if the subscription has not been paid within three calendar months of the due date and a member paying his or her subscription by installments in respect of some lesser period than the full year shall be deemed unfinancial if an installment is not paid within one month of the due date for its payment as determined by the Branch Council.
- 8.6 A member who is unfinancial pursuant to this Rule or any other Rule shall not be entitled to any benefit of the Federation or any right including the right to vote except at the direction of the Branch Council and if unfinancial for more than six months shall cease to be a member and have his or her name removed from the Register of members.
- 8.7 Notwithstanding anything hereinbefore contained, a Branch Council may permit a member to arrange for the payment of that member's subscriptions through any other organisation or kindred body approved by the Branch Council.
- 8.8 Notwithstanding anything contained in these rules a member may authorise his or her employer in writing to deduct his or her subscription from his or her salary and pay such subscription to the Branch Council, and such member shall be financial so long as such authority remains in force.

9 Transfer of membership

- 9.1 Where a member changes his or her place of employment (or where unemployed his or her place of residence) from one State or Territory to another State or Territory that member's membership in the Federation shall be transferred from the Branch in the former State or Territory to the Branch in the latter State or Territory provided that the Federal Secretary and Assistant Federal Secretary may retain membership to the Branch to which they belonged at the time of their election.
- 9.2 The Branch from which the member is so transferred shall effect the transfer by fixing the date of the transfer as near as practicable to the date on which the member ceased employment in or moved from that Branch's State or Territory and shall notify the Branch to which the member is transferred. The member shall be liable to pay to the Branch to which he or she transfers any subscriptions, levies or fines which are unpaid at the date of transfer.

10 Termination of membership

- 10.1 A member shall cease to be a member when:
- 10.1.1 he or she is expelled for a breach of these Rules; or
- 10.1.2 the period of notice of intention to resign (unless previously withdrawn) has expired; or
- 10.1.3 he or she is unfinancial for a period of more than six months; or
- 10.1.4 being eligible for membership solely because he or she was appointed as an officer of the Federation is no longer so eligible; or
- 10.1.5 he or she dies.
- 10.2.1 A member may resign from membership by written notice addressed and delivered to the Branch Secretary in which he or she is a member.
- 10.2.2 The notice of resignation shall take effect:
- 10.2.2(a) where the member ceases to be eligible to become a member of the organisation;
- 10.2.2(a) (i) on the day on which the notice is received by the Branch Secretary, or
- 10.2.2(a)(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member, whichever is later, or
- 10.2.2(b) in any other case:
- 10.2.2(b)(i) at the end of two weeks (or such shorter period as may be determined by the Branch Council of any particular branch and provided for in the Standard Branch Rules of these rules in respect of any particular branch) after the notice is received by the Branch Secretary; or
- 10.2.2(b)(ii) on the day specified in the notice, whichever is later.
- 10.2.3 Any subscriptions, levies, fines and dues payable by a former member of the Federation at the date on which the resignation takes effect, may be sued for and recovered in the name of the Federation, in a Court of competent jurisdiction, as a debt due to the Federation.
- 10.2.4 A notice delivered to the Branch Secretary shall be taken to have been received by the Branch when it was delivered.
- 10.2.5 A notice of resignation that has been received by the Branch is not invalid because it was not addressed and delivered in accordance with sub-rule 10.2.1.
- 10.2.6 A resignation from membership of the Federation is valid even if it is not effected in accordance with this rule, if the member is informed in writing by or on behalf of the Federation that the resignation has been effected.

11 Expulsion, suspension and discipline

- 11.1 At a meeting of Federal Council to which the holder of any office in the Federation has been summoned in writing by direction of Federal Council to show cause why he or she should not be dealt with in accordance with this Rule the Federal Council may:
- 11.1.1 remove that officer from any office if he or she has ceased according to the Rules to be eligible to hold such office; or
- 11.1.2 deal with that officer in accordance with sub-rule 11.5 of this Rule if he or she has been found guilty by Federal Council of:
- 11.1.2 (a) misappropriation of the funds of the Federation;
- 11.1.2 (b) a substantial breach of the Rules of the Federation;
- 11.1.2 (c) gross misbehaviour in relation to his or her office; or
- 11.1.2 (d) gross neglect of duty in the conduct of his or her office.
- 11.2 The Summons to show cause shall:
- 11.2.1 state the allegation together with particulars thereof;
- 11.2.2 disclose the evidence on which the allegation is based;
- 11.2.3 be signed by the Federal President or Federal Secretary;
- 11.2.4 state the time, date and place at which the officer is to show cause;
- 11.2.5 be delivered personally to the officer concerned (or posted by registered mail to his or her last known address) at least twenty-one days before the meeting at which the matter is to be determined;
- 11.2.6 have attached to it a copy of this Rule.
- 11.3 Should any officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for his or her non-attendance, the Federal Council may proceed with the hearing of the allegation in his or her absence provided it is first satisfied that notice of the hearing in accordance with this Rule has been served on him or her.
- 11.4 The evidence relating to the alleged offence should be heard by the Federal Council and the officer concerned shall be heard in his or her defence personally and/or in writing.
- 11.5 If in the opinion of the Federal Council the officer is guilty of the alleged offence it may:
- 11.5.1 reprimand the officer;
- 11.5.2 suspend the officer for a period not exceeding three (3) months;
- 11.5.3 dismiss the officer from office; or
- 11.5.4 expel the officer from the Federation.
- 11.6 The Federal Secretary shall promptly inform the officer by registered letter of the decision of the Federal Council. The decision of Federal Council shall become effective immediately after it is made.
- 11.7 If the Federal Council suspends any officer from office pursuant to this Rule it shall forthwith appoint a financial member of the Federation to hold that office for the duration of the suspension provided that where the person suspended held office because he or she was an officer in a Branch, the relevant Branch Council may at any time appoint another financial member in the Branch to hold that office for the period of the suspension.

- 11.8 Any officer expelled by Federal Council pursuant to this Rule shall not be readmitted to membership except by vote of Federal Council.
- 11.9 No officer suspended under this Rule shall attend any meeting of the Federation unless requested to do so by the relevant meeting.

Chapter 3 - GOVERNMENT

12 Federal Council

- 12.1 The affairs of the Federation shall be managed by a Federal Council which shall be the highest policy and decision making body of the Federation.
- 12.2 The Federal Council shall consist of the Branch President and Branch Secretary of each Branch (hereinafter also called "Branch Federal Councillors") and the Federal President, Federal Vice President, Federal Secretary and Assistant Federal Secretary.

13 Voting at Federal Council

- 13.1 At any meeting of and in any vote of Federal Council voting entitlements shall be distributed as follows:
- 13.1.1 Each Branch shall be entitled to two votes and in accordance with the following table additional votes calculated by reference to that Branch's financial membership as at 31 December preceding the meeting or vote of Federal Council.

	Branch financial membership at 31 December	Number of additional votes
13.1.1(a)	Up to 1000 members	1
13.1.1(b)	for each 2000 members or part thereof between 1001 and 30000	1
13.1.1(c)	for each 5000 or part thereof above 30000	1

- 13.1.2 The Federal President and Federal Vice President and Federal Secretary and Assistant Federal Secretary shall as such have one vote.
- 13.2 A Branch Council may direct the Branch President and Branch Secretary (or their proxies) to vote or how to vote on any matter in any meeting or vote of Federal Council other than a matter arising under Rule 11. That direction may be specific or general. The Branch President and Branch Secretary shall vote in accordance with any direction of Branch Council.
- 13.3 Subject to Rule 43 a resolution or motion before Federal Council shall be carried if:
- 13.3.1 a simple majority of votes, and
- 13.3.2 a majority of the votes allotted to each of three Branches is cast in its favour.
- 13.4 Each Branch Secretary shall cause to be delivered to the Federal Secretary prior to the 7th January in each year a Declaration in which that Branch Secretary declares as to:
- 13.4.1 the number of financial members in that Branch as at the preceding 31 December; and
- 13.4.2 the number of votes calculated in accordance with the table in sub-rule 13.1 of this Rule which the Branch Council has determined shall be exercised by each of the Branch President and Branch Secretary or their respective proxies in any meeting or vote of Federal Council at which they are not subject to direction by the Branch Council.
- 13.5 In the event that a Branch Secretary fails to declare a Branch Council's decision as provided in sub-rule 13.4.2 of this Rule the votes to which that Branch is entitled in any vote of Federal Council shall be distributed equally between the Branch President and the Branch Secretary of that Branch and any remainder vote shall be exercised by the Branch President.

- 13.6 Notwithstanding the provisions of sub-rules 13.2, 13.4 and 13.5 of this Rule pending any Federal Councillor ceasing to hold such office after the certification of this Rule by the Industrial Registrar the expression "Branch Secretary" when used in relation to the distribution of a Branch's votes in this Rule shall in relation to that Branch be deemed to mean the Federal Councillor from that Branch (other than the Branch President) who was elected pursuant to the provisions of these Rules prior to the certification of this Rule.

14 Powers of Federal Council

- 14.1 The Federal Council shall be the Committee of Management of the Federation for the purposes of the Workplace Relations Act and in addition to any powers conferred elsewhere by these rules shall have power:-
- 14.1.1 to collect and expend Federal funds in accordance with these rules;
 - 14.1.2 to institute legal proceedings on behalf of the Federation;
 - 14.1.3 to instruct the Federal Secretary to place on deposit or to invest any Federal moneys which he or she considers an excess of the funds needed for ordinary purposes, with power to vary such investments and to withdraw any moneys so deposited;
 - 14.1.4 to appoint from its Councillors any sub-committee;
 - 14.1.5 to determine anything wherein the rules are silent;
 - 14.1.6 to levy members where it is deemed necessary to achieve a particular object provided that any such levy will only be payable by State and Territory Branches where the State and Territory Branch Council agrees. Unless the Branch Council agrees, Federal Council levies upon members of that Branch should not exceed twelve dollars and fifty cents (\$12.50) per member in any financial year. The provisions of sub-clause 14.1.6 shall not be repealed or shall not be amended or in any way altered without the consent of all ANF Branch Councils;
 - 14.1.7 to make grants to other organisations or associations or bodies for the purpose of achieving any objects of the Federation;
 - 14.1.8 to purchase, lease, hold, sell, mortgage, exchange and otherwise deal with real and personal property;
 - 14.1.9 to borrow or raise and secure the payment of money for such purposes and in such manner as the Federal Council shall determine;
 - 14.1.10 to appoint such persons or organisations deemed necessary to act in an advisory capacity;
 - 14.1.11 to authorise the Federal Executive to employ any person;
 - 14.1.12 to make grants to Branches where special circumstances exist;
 - 14.1.13 to appoint a Returning Officer;
 - 14.1.14 to do all things necessary to carry out the objects of the Federation, consistent with these Rules.

15 Special Interest Groups

- 15.1 Without limiting the generality of Rule 14, the Federal Council may endorse the establishment of one or more groups of members of the Federation having an identifiable interest in a particular aspect of the profession or practice of nursing (hereinafter called a 'Special Interest Group') in accordance with the terms of the constitution or by-laws approved and amended from time to time by the Federal Council.
- 15.2 Upon the endorsement of such a Special Interest Group in accordance with sub-rule 15.1 of this Rule, the Federal Council may authorise a representative or representatives of such a Special Interest Group to attend in a consultative capacity (without the right to vote) at any meeting of the Federal Council or any other of the organs of government of the Federation as the Federal Council may think appropriate to enable the views of members of the Special Interest Group to be taken into account in the formulation of policy by the Federation or in the administration of its affairs.

- 15.3 Without limiting the generality of the powers conferred by paragraphs 14.1.5, 14.1.6 and 14.1.7 of Rule 14 the Federal Council may from time to time make such grants to a Special Interest Group as it considers appropriate to further the activities and objects of the Special Interest Group in accordance with its constitution or by-laws as approved pursuant to sub-rule 15.1 of this Rule.
- 15.4 Without limiting the generality of the powers conferred on the Branch Council by Standard Branch Rule 9, Branch Council may endorse the establishment of one or more groups of members of the Branch having an identifiable interest in particular aspects of the profession or practice of nursing (hereinafter called a 'Branch Special Interest Group') provided that such endorsement is not inconsistent with the endorsement of any Special Interest Group by the Federal Council pursuant to sub-rule 15.1 of this Rule and shall be in accordance with the terms of such model constitution or by-laws applicable to Branch Special Interest Groups as are approved and amended from time to time by the Federal Council.
- 15.5 Upon the endorsement of a Branch Special Interest Group in accordance with sub-rule 15.4 of this Rule, a Branch Council may authorise a representative or representatives of such a Branch Special Interest Group to attend in a consultative capacity (without the right to vote) at any meeting of the Branch Council or any other of the organs of government of the Branch as the Branch Council may think appropriate to enable the views of members of the Branch Special Interest Group to be taken into account in the formulation of policy by the Federation or in the administration of its affairs.
- 15.6 Without limiting the generality of the powers conferred on the Branch Council by Standard Branch Rule 9, the Branch Council may from time to time make such grants to a Branch Special Interest Group as it considers appropriate to further the activities and objects of the Branch Special Interest Group in accordance with its constitution or by-laws as approved pursuant to sub-rule 15.4 of this Rule.

16 Duties of the Federal Council

- 16.1 In addition to the duties conferred elsewhere by these rules the Federal Council shall:
- 16.1.1 give due consideration to all matters referred to it by Branches of the Federation;
- 16.1.2 determine the time and place of meetings;
- 16.1.3 between meetings vote on matters submitted to it by the Federal President in accordance with these Rules;
- 16.1.4 appoint auditors to audit the books of the Federation;
- 16.1.5 report regularly to the Branches on the business of the Federation.

17 Duties of Federal Councillors

- 17.1 It shall be the duty of each member of Federal Council to attend all meetings of the Federal Council.
- 17.2 It shall be the duty of each Branch Federal Councillor to report to Branch Council meetings on the activities of Federal Council.

18 Meetings of the Federal Council

- 18.1 The annual meeting of Federal Council shall be conducted once each calendar year at a time and place determined by a previous meeting of Federal Council or in the absence of such determination by the Federal Executive.
- 18.2 Other meetings of the Federal Council shall be held when decided by Federal Executive or otherwise in accordance with this Rule.
- 18.3 Federal Council may adjourn any meeting of Federal Council to another time and/or place or may direct that a meeting of Federal Council be held.

- 18.4 A Branch Council or the Federal Executive may give motions in writing with reasons to the Federal Secretary for submission to the Federal Council and such motions with reasons shall be submitted to the Federal Council at a meeting summoned by the Federal President or if the Federal President determines it is appropriate in all the circumstances such a motion with reason shall be submitted by him or her to the Federal Council for voting in accordance with sub-rule 18.7 of this Rule.
- 18.5 When so determined by the Federal President a meeting of the Federal Council may be conducted by telephone, radio or by any other similar means by which members of the Federal Council are able to communicate verbally with each other without being physically present.
- 18.6 The Federal Secretary shall give to each member of the Federal Council by post, lettergram, telegram, facsimile, overnight bag or computer link printout or similar method of communication seven days notice or such shorter notice as is practicable in the circumstances of the time and date and agenda of the meeting and of the place of the meeting or of the manner of conducting the meeting pursuant to sub-rule 18.5 hereof.
- 18.7 Where the Federal President determines in accordance with sub-rule 18.4 hereof that a vote of Federal Council shall be conducted other than in meeting the Federal Secretary shall submit the motion with reasons to the members of Federal Council by any of the means of communication set out in sub-rule 18.6 hereof. Members of the Federal Council shall within 28 days of the forwarding of the motion or any shorter period of time determined to be practicable by the Federal President record their vote by forwarding it to the Federal Secretary by any of the methods of communication referred to in sub-rule 18.6 hereof.
- 18.8 Minutes of any meeting conducted pursuant to sub-rule 18.5 hereof or minutes of any decision taken by the Federal Council pursuant to sub-rule 18.7 hereof shall be taken and a copy shall forthwith be forwarded by the Federal Secretary to each member of the Federal Council by any of the methods of communication referred to in sub-rule 18.6 hereof.

19 Special meetings of Federal Council

- 19.1 Upon a request in writing made to the Federal Secretary by each of four Branches pursuant to a resolution of the Branch Council of each of those Branches requesting that a special Federal Council meeting be summoned to transact the business set out in that resolution the Federal President shall summon the members of Federal Council to be held on a date not later than 35 days after the receipt of the last of the four requests.

20 Quorum

- 20.1 The quorum for a meeting or vote of the Federal Council shall be five Branch Federal Councillors from five Branches or their proxies and the Federal President and Federal Secretary or their proxies.

21 Control of Federal Council decisions

- 21.1 Decision of the Federal Council shall be final and binding on all members unless subsequently amended or rescinded by the Federal Council except that a majority of the financial members of the Federation, voting by plebiscite shall have power to:
- 21.1.1 direct the Federal Council on matters of policy and administration;
- 21.1.2 veto any acts or decisions of the Federal Council.

- 21.2 Where the Federal Secretary receives a motion of direction or veto either from at least one half of the Branches acting through the Branch Council or a special meeting of the Branch or signed by not less than 5% of the financial members of the Federation, then within a period of 28 days of such motion having been received she shall cause a plebiscite to be held on such motion.
- 21.3 Where any motion of:
- 21.3.1 veto; or
- 21.3.2 direction to the Federal Council;
- is made the subject of a plebiscite, a majority of the financial members of the Federation must vote in favour of such Motion. The majority decision shall be given immediate effect.
- 21.4 In addition to the requirements of sub-rule 21.3 of this Rule:
- 21.4.1 Where a motion refers to the alteration amendment or deletion of sub-clauses 43.2.1 or 43.2.2 of Rule 43 or this sub-clause of this sub-rule it shall not be passed in relation to a particular Branch unless a majority of the financial members of that Branch vote in favour of the motion.
- 21.4.2 Where a motion refers to a matter in which Branches are given autonomy under Rule 4, Rule 39 and Rule 40 it shall not be passed in relation to a particular Branch unless a majority of the financial members of that Branch vote in favour of the motion.
- 21.5 Prior to the plebiscite being taken, the Federal Secretary shall prepare and forward to all members an adequate and impartial statement concerning the matter at issue so that voters may be properly informed.
- 21.6 The Federal Secretary shall within seven days notify all Branches of the result of the plebiscite.

22 Executive Committee

- 22.1 There shall be a Federal Executive comprising:
- 22.1.1 the Federal President, the Federal Vice-President, the Federal Secretary and the Assistant Federal Secretary and the Branch Secretary of each Branch of the Federation.

23 Voting at Federal Executive

- 23.1 At any meeting of and in any vote of Federal Executive voting entitlements shall be distributed as follows:
- 23.1.1 Each Branch shall be entitled to the number of votes to which it is then entitled under Rule 13 'Voting at Federal Council'.
- 23.1.2 The Federal President and Federal Vice President and Federal Secretary and Assistant Federal Secretary shall as such have one vote.
- 23.2 A resolution or motion before Federal Executive shall be carried if:
- 23.2.1 a simple majority of votes; and
- 23.2.2 a majority of votes allotted to each of three Branches is cast in its favour.
- 23.3 A Branch Council may direct the Branch Secretary or his/her proxy to vote and how to vote in any meeting or vote of Federal Executive and the provisions of Rule 13.2 shall apply in relation to any such direction.

24 Powers and duties of Federal Executive

- 24.1 The Federal Executive shall subject to these Rules act in accordance with any direction of Federal Council.
- 24.2 Subject to any decision or direction of Federal Council the Federal Executive shall have all the powers of Federal Council between Council meetings except the power referred to in Rule 11 and Rule 34 and Rule 43 or any power expressly reserved to itself by Federal Council or the power to rescind or amend any decision of Federal Council.
- 24.3 The Federal Executive shall, at a meeting held within three (3) months of the Biennial Conference, give due consideration to all recommendations referred to it on matters of policy by the Biennial National Conference but shall not be bound by any of its resolutions.
- 24.4 The Federal Executive shall determine the time and place of each Biennial National Conference, subject to these Rules.

25 Duties of Federal Executive members

- 25.1 It shall be the duty of each member of Federal Executive to attend all meetings of Federal Executive and the Biennial National Conference.
- 25.2 It shall be the duty of each Branch Secretary as a member of Federal Executive to report to Branch Council and Branch Meetings on the activities of Federal Executive.

26 Meetings of Federal Executive

- 26.1 The Federal Executive shall meet at least once a year and other meetings shall be held when decided by Federal Council, Federal Executive or the Federal President or when requested by four Branch Councils.
- 26.2 The Federal Executive may adjourn any meeting of the Federal Executive to another time and/or place or may direct that a meeting of Federal Executive be held.
- 26.3 When so determined by the Federal President a meeting of the Federal Executive:
- 26.3.1 may be conducted by telephone, radio or by any other similar means by which members of the Federal Executive are able to communicate verbally with each other without being physically present; or
- 26.3.2 may be conducted in writing.
- 26.4 The Federal Secretary shall give to each member of the Federal Executive by post, lettergram, telegram facsimile, overnight bag or computer link printout or similar method of communication seven days notice or such shorter notice as is practicable in the circumstances of the time and date and agenda of the meeting and of the place of the meeting or of the manner of conducting the meeting pursuant to sub-rule 26.3 hereof.
- 26.5 In any meeting of the Federal Executive that is conducted in writing members of the Federal Executive may record their vote by forwarding it to the Federal Secretary by any of the methods of communication referred to in sub-rule 26.4.
- 26.6 The minutes of any meeting conducted pursuant to sub-rule 26.3 hereof shall be taken and a copy shall forthwith be forwarded to each member of the Federal Executive by any of the methods of communication referred to in sub-rule 26.4 hereof.
- 26.7 A quorum of the Federal Executive shall be five members from five Branches or their proxies and the Federal President and Federal Secretary or their proxies.

27 Proxy voting on Federal Council and Federal Executive

- 27.1 When:
- 27.1.1 in the case of the Federal Council the Branch President or Branch Secretary of any Branch; and
- 27.1.2 in the case of the Federal Executive a Branch Secretary of any Branch .is unable to attend the whole or part of any meeting or participate in any vote of Federal Council or Federal Executive as the case may be, the Branch Council of the relevant Branch shall appoint another member of the Branch Council as the Branch President's or Branch Secretary's proxy to Federal Council or Federal Executive. Such a proxy may be appointed for a specified meeting or vote of Federal Council or Federal Executive or may be appointed to assume the position of proxy in the event that the Branch President or Branch Secretary might need to have a proxy appointed. Any appointment of proxy may be terminated by the Branch Council at any time. If in urgent circumstances the Branch Council is unable to meet to appoint a proxy each of the Branch President and Branch Secretary may appoint a proxy for his or herself and in the event that either is not able to do so the other may appoint a proxy for the one that is so unable.
- 27.2 If able to do so the Branch Secretary or otherwise the Branch President or any person authorised to do so by the Branch Council shall prior to the meeting or part of the meeting or vote of Federal Council or Federal Executive notify the Federal Secretary of the name of any proxy appointed and how that proxy came to be appointed. That notification shall be in writing transmitted by post, telegraph, telex, lettergram, facsimile, overnight bag, courier, computer link print out or other method of communication that has the like effect to such method of communication.
- 27.3 If the Federal President, the Federal Vice President, the Federal Secretary or Assistant Federal Secretary is unable to attend the whole or any part of any meeting or to participate in any vote of Federal Council or Federal Executive he or she shall appoint one other of those officers as his or her proxy. That appointment may be made for a period of time and may be contingent on the unavailability of the Officer concerned and may be terminated at any time. The Officer so appointing a proxy shall prior to the meeting or part of the meeting or vote of Federal Council or Federal Executive notify the Federal Secretary or their proxy of the name and office of the Officer appointed as his or her proxy. That notification shall be made in the manner permitted by sub-rule 27.2 of this Rule.
- 27.4 A person appointed as a proxy to any meeting of Federal Council or Federal Executive shall have all the powers and duties of the office to which the proxy relates.
- 27.5 Pending the Branch Secretary of any Branch assuming office on the Federal Council and Federal Executive the expression 'Branch Secretary' in the sub-rules 27.1 and 27.3 of this Rule shall be deemed to mean the Federal Councillor (other than the Branch President) of that Branch who was elected pursuant to the provisions of these Rules prior to the Industrial Registrar certifying their alteration and in relation to the Federal Executive shall be deemed to mean Branch President.

28 Biennial National Conference

- 28.1 The Biennial National Conference shall be held every two years at a time and place to be determined by Federal Executive.
- 28.2 The Biennial National Conference shall be composed of:
- 28.2.1 all members of the Federal Council;
- 28.2.2 any other full time elected officer in a Branch of the Federation;
- 28.2.3 delegates from each Branch of the Federation elected by and from the Job Representative delegates and members of the Branch Council at the Branch Annual Conference, or in the Northern Territory and Australian Capital Territory , last preceding the Biennial National Conference. Each Branch shall be entitled to such number of delegates as determined by the Federal Executive from time to time.

- 28.2.4 Where a member of the Federal Council holds the position of Federal President or Federal Vice-President, their Branch may elect an additional delegate to the Biennial National Conference.
- 28.2.5 Each Branch Secretary shall notify the Federal Secretary in writing at least 14 working days prior to the Biennial National Conference of the names of each of the Delegates from the Branch elected in accordance with this Rule. In the event that a Delegate elected in accordance with this Rule notifies the Branch Secretary that he/she is unable to attend the Biennial National Conference the Branch Council of the Branch concerned may appoint a substitute Delegate.
- 28.2.6 In the event that the Branch Annual Conference in any year is not held prior to the Biennial National Conference or within sufficient time for the Delegates to the Biennial National Conference to be elected in accordance with this Rule the Delegates shall be appointed by the Branch Council concerned.
- 28.2.7 Such number of other persons eligible pursuant to subclause 28.2.1, 28.2.2, 28.2.3, 28.2.4 and 28.2.5 as determined by the Federal Executive from time to time.
- 28.3 The Biennial National Conference shall be a forum for consideration and debate on matters of national policy.
- 28.4 The Federal Secretary will submit any recommendations of the Biennial National Conference on matters of policy to a meeting of the Federal Executive to be held within three (3) months of the Biennial National Conference. The Federal Executive will receive and consider any such resolutions of the Biennial National Conference but such resolutions will have the status of recommendations only and will not be binding on the Federal Executive, Federal Council or members of the Federation.
- 28.5 Notices of motion with any accompanying background material, which are to be dealt with as agenda items by any Biennial National Conference shall be given to the Federal Secretary by a Branch Conference, the Federal Executive or Federal Council at least ten weeks prior to the day on which the Biennial Conference commences. Such notices of motion shall be circulated to each delegate at least six weeks prior to the day on which the Biennial National Conference commences.
- 28.6 Items of general business may be submitted by delegates to the Biennial National Conference to the Federal Secretary in writing at the Conference and such items may be considered by the Conference provided that notwithstanding the provisions of sub-rule 28.4 hereof subsequent meetings of the Federal Council/Federal Executive may decide at their discretion whether or not to consider such resolution.
- 28.7 The order of business at the National Biennial Delegates Conference shall be as follows:
- 28.7.1 formal opening;
- 28.7.2 fixing the hours of conference;
- 28.7.3 minutes and correspondence;
- 28.7.4 presentation and consideration of the Federal President's report;
- 28.7.5 presentation and consideration of the Federal Secretary's report;
- 28.7.6 notices of motion pursuant to sub-rule 28.5 hereof;
- 28.7.7 items of general business submitted pursuant to sub-rule 28.6 hereof.
- 28.8 Notwithstanding anything elsewhere contained in this Rule, the Delegates to the Biennial National Conference from the New South Wales and Queensland Branches shall be elected from and by the Branch Council.

Chapter 4 - OFFICERS OF THE FEDERATION

29 Officers of the Federation

- 29.1 The Federal Officers of the Federation shall be the Federal President, Federal Vice President, Federal Secretary and Assistant Federal Secretary.

30 Duties of the Federal President

- 30.1 The Federal President shall, in addition to other duties of the office defined elsewhere in the Rules:
- 30.1.1 preside at all meetings of the Biennial National Conference, Federal Council and Federal Executive and preserve order;
- 30.1.2 upon confirmation of the minutes, sign the minute book in the presence of the meeting; and
- 30.1.3 represent the Federation as and when required to do so by the Federal Council or Federal Executive.

31 Duties of the Federal Vice President

- 31.1 The duties of the Federal Vice President shall be to carry out the function of the Federal President in his or her absence.

32 Duties of the Federal Secretary

- 32.1 The Federal Secretary shall be the principal officer of the Federation and shall be subject to the control of the Federal Council.
- 32.2 The Federal Secretary shall:
- 32.2.1 attend each meeting of the Federal Council and Federal Executive and Biennial National Conference unless granted leave of absence;
- 32.2.2 sign or countersign as the case may be all instruments to which his or her signature is required;
- 32.2.3 produce for audit at least once a year, and at such additional times as the Federal Council may direct, all books and documents of the Federation in his or her custody;
- 32.2.4 arrange meetings of the Federal Council and Federal Executive and Biennial National Conference in accordance with these Rules;
- 32.2.5 prepare and forward to the proper authorities all returns required by law;
- 32.2.6 when vacating his or her office, deliver to his or her successor in the presence of a member of the Federal Council all books, documents and other property of the Federation in his or her possession;
- 32.2.7 furnish the Branch Secretary of each Branch with the names and addresses of any Officer immediately following on the election of such persons;
- 32.2.8 ensure that all books and financial statements show a true and correct record of financial transactions of the Federation or Branch of the Federation as the case may be;
- 32.2.9 prepare and present a Treasurer's report;
- 32.2.10 make all financial documents available to the auditors when required;
- 32.2.11 sign any instruments or documents when requested to do so by the Federal Council or Federal Executive;
- 32.2.12 invest funds as directed by the Federal Council;
- 32.2.13 lodge for safe keeping all securities and other legal documents of the Federation with the Bankers of the Federation;

- 32.2.14 perform such other duties appertaining to his or her office as the Federal council or Federal Executive shall direct from time to time.
- 32.3 The Federal Secretary shall be responsible for:
 - 32.3.1 the making and keeping of a correct record of proceedings of the Federal Council and the Federal Executive and Biennial National Conference;
 - 32.3.2 the conduct of the Federal Council's and Federal Executive's correspondence;
 - 32.2.3 collecting and receiving all moneys payable to the Federal Council pursuant to these Rules and issuing receipts and banking that money in the bank account of the Federation determined from time to time by Federal Council;
 - 32.2.4 the preparation of all cheques, money orders or the like drawn on the Federal Council's funds;
 - 32.2.5 the maintenance of a true account of all moneys he or she receives on behalf of the Federation and all moneys disbursed from funds;
 - 32.2.6 keeping all records of members required by legislation.
- 32.4 Persons employed or engaged by Federal Council or Federal Executive shall be subject to the control of and be responsible to the Federal Secretary.
- 32.5 The Federal Secretary shall be the Registered Officer of the Federation authorised to sue and be sued on behalf of the Federation and to affix the Seal of the Federation to any document required to be sealed.
- 32.6 The Federal Secretary shall be paid such salary and or allowances and allowed such leave of absence as the Federal Council may determine.

33 Duties of the Assistant Federal Secretary

- 33.1 The Assistant Federal Secretary shall be subject to the control of Federal Council and/or Federal Executive and shall be responsible to the Federal Secretary.
- 33.2 The Assistant Federal Secretary shall assist the Federal Secretary as and when required or requested by the Federal Secretary and in the absence of the Federal Secretary or when the Federal Secretary is unable to perform his or her duties or whenever the Federal Secretary requests him or her to do so shall perform the duties and exercise the powers of the Federal Secretary or such thereof as may be specified in the Federal Secretary's request.
- 33.3 The Assistant Federal Secretary shall attend the meetings of the Federal Council and Federal Executive unless granted leave of absence.

Chapter 5 - FINANCE

34 Capitation fees

- 34.1 Each Branch shall pay the Federal Council a capitation fee in respect of its financial members an amount determined by Federal Council from time to time. The capitation fee in respect of financial members of a Branch shall not exceed 6.5% of the Branch membership fee applicable to a full time registered nurse without the consent of the relevant Branch Council.
- 34.1.1 Sub-rule 34.1 shall not be repealed or shall not be amended or in any way altered without the consent of all the ANF Branch Councils.
- 34.2 Each Branch shall furnish a return specifying the number of financial members in the Branch as at 31st December each year.
- 34.3 The capitation fee payable by each Branch in respect of each of its members shall not be altered without the consent of the Federal Council.
- 34.4 Notwithstanding any other provision in the Rules payment of capitation fees to the Federal Council shall be a first charge on all Branch funds other than those specially raised for specific purposes.
- 34.5 Each Branch Secretary shall furnish to the Federal Secretary the return of members referred to in sub-rule 34.2 not later than 7 January in each year.
- 34.6 The Federal Secretary shall notify each Branch Secretary not later than 15 May in each year the total amount of the annual capitation fees payable by the Branch to Federal Council for the period beginning on 1 July of that year.
- 34.7.1 That said annual capitation fees shall be paid at intervals of no less than three months by each Branch to the Federal Council in four (4) equal installments. Such payments to be made no later than dates to be determined by Federal Council from time to time.
- 34.7.2 Notwithstanding anything contained in sub-rule 34.7.1 Branches wishing to do so may pay in monthly installments if so desired providing that full quarterly payments are made by the dates contained in paragraph 34.7.1 of this sub-rule.
- 34.8 Each Branch Secretary shall forward to the Federal Secretary the amount of the said installments by the dates determined by Federal Council pursuant to sub-rule 34.7.1.
- 34.9 Notwithstanding any other provision of the Rules:
- 34.9.1 No Branch Council or other body within a Branch and no Branch Officer has the power to direct a Branch Secretary not to make the payment of capitation fees due to the Federal Council nor to direct the Branch Secretary, Treasurer or second Trustee not to sign the cheque therefore.
- 34.9.2 Where a Branch Secretary fails to make any of the payments to the Federal Council substantially in the manner set out in this Rule the Branch concerned shall forfeit the right to representation on the Federal Council unless Federal Council determines otherwise whilst assembled in meeting.

35 Funds

- 35.1 The funds of the Federation shall be divided into classes:
- 35.1.1 the funds which are allocated to and belong to the Federal Council;
- 35.1.2 the funds which are allocated to and belong to the Branches.
- 35.2 There shall be allocated to and belong to the Federal Council:
- 35.2.1 monies received from each Branch as capitation fees;

- 35.2.2 levies raised pursuant to Rule 14;
- 35.2.3 interests on investments made by the Federal Council;
- 35.2.4 monies raised for the purpose of publishing or by publishing the Federation's publications;
- 35.2.5 monies received by the Federal Council from any other sources.
- 35.3 There shall be allocated to and belong to the Branches:
 - 35.3.1 subscriptions received by the Branches after deducting therefrom the capitation fee referred to in sub-rule 35.2 of this Rule;
 - 35.3.2 levies imposed by Branches;
 - 35.3.3 interests on investments made by Branches;
 - 35.3.4 monies received by the Branches from any other source;
 - 35.3.5 money raised for the purpose of publishing or by publishing a Branch's publications;
 - 35.3.6 all property and funds held by the Branches at the date of the incorporation of this rule;
 - 35.3.7 all property and funds received by a Branch from an association or state registered union with which it is or has been associated.
- 35.4 The Federal Council and each Branch Council shall nominate the bank through which its financial matters are contracted.
- 35.5 Federal Council cheques shall be signed by two of six persons nominated by the Federal Council.

36 Loans, grants or donations

- 36.1 A loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Federation, or by any Branch of the Federation, as the case may be, unless the Federal Council, or the Branch Council as the case may be:
 - 36.1.1 has satisfied itself:
 - 36.1.1(a) that the making of the loan, grant or donation would be in accordance with the other Rules of the Federation or of the Branch as the case may be; and
 - 36.1.1(b) in relation to a loan that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
 - 36.1.2 has approved the making of the loan, grant or donation.

37 Audit

- 37.1 All books and accounts of the Federation shall be balanced at least once in each calendar year and the following documents prepared:
 - 37.1.1 Statement of Receipts and Expenditure;
 - 37.1.2 Balance Sheet.
- 37.2 All such books, accounts and documents shall be duly presented for audit to the Federation auditor who shall be a qualified practising accountant.
- 37.3 Copies of an audited balance sheet and statements of receipts and expenditure of the Federation shall be presented to the Federal Council.

38 General meeting - financial reports

- 38.1 The Federal Secretary shall summon a meeting of the members of the Federation upon receipt of a written request signed by no less than 5% of the membership of the Federation calling for a general meeting for the purpose of considering the auditors report, the general financial report and the operating report.
- 38.2 A general meeting of the members of the Federation called pursuant to this Rule may be conducted as a series of meetings held at different locations.
- 38.3 The Federal Secretary shall give 28 days notice to the members of the Federation of any general meeting called pursuant to this Rule.
- 38.4 The Federal Secretary shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to or posted on a conspicuous place at each members place of employment or by email communication to each member or by notice published on the Federation website to all members who have immediate access to that website, or by publication sent to each member at their home address or by notice to each member.
- 38.4.1 A meeting conducted pursuant to this Rule is taken to have been completed at the time of the last of the meetings in any series of meetings.
- 38.4.2 All decisions at a meeting held in accordance with this Rule shall be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.
- 38.4.3 Attendance at meetings conducted under this Rule shall be recorded and such attendance records shall be used to ensure that each member records only one vote.

Chapter 6 - INDUSTRIAL AND LEGAL MATTERS

39 Industrial matters

- 39.1 The Federal Council shall have power:
- 39.1.1 to serve and file any log of claims, demand, notification, application or other initiating process; and
- 39.1.2 to conclude any agreement or consent to any award or order which may be necessary or desirable under the Workplace Relations Act 1996 or any other federal legislation and to arrange as appropriate for the representation and participation of the Federation or any of its members in any proceedings under the said Act or any other federal legislation;
- 39.2 provided however that the Federal Council or Federal Executive shall authorise the Branch Council of the relevant Branch to:
- 39.2.1 serve and file any notification, application or any other initiating process and to execute any agreement or consent to any order or award necessary or desirable under the said Act or any other federal legislation; and
- 39.2.2 arrange as appropriate for the representation and participation of the Federation or any of its members before any court, commission, board of reference or other tribunal;
- 39.2.3 in respect of any proposed variation, or setting aside or any alleged breach of any award or order or other instrument made under the said Act or any other federal legislation where such proposed variation or setting aside or alleged breach affects or concerns one or more of the members of that Branch only.

40 Industrial agreements

- 40.1 Without limiting the generality of Rule 39:
- 40.1.1 any industrial agreements affecting the members of more than one Branch of the Federation shall be signed by the Federal President and Federal Secretary of the Federation or by three members of the Federal Council;
- 40.1.2 any industrial agreement affecting the members of any one Branch only which is not inconsistent with any agreement, order or award concluded or consented to by or on behalf of the Federal Council pursuant to Rule 39 or sub-rule 40.1.1 shall be signed by the Branch President and Branch Secretary or by three members of the Branch Council.

41 Industrial activities

- 41.1 In addition to any powers conferred by other rules of the Federation the Federal Council and the Federal Executive shall have power:
- 41.1.1 to notify any employer that the Federation wants to negotiate an agreement about terms and conditions of employment of members or persons eligible to be members of the Federation; and
- 41.1.2 to authorise, for the purpose of any Federal legislation, the taking of any industrial action; and
- 41.1.3 to delegate from time to time (and to revoke any such delegation) to one or more Branch Councils and/or Branch Executives the power conferred in sub-rules 41.1.1 and/or 41.1.2 above in respect to any terms and conditions of employment and/or industrial action affecting or concerning one or more members of the Branch to which the delegation is made. The powers conferred by such delegation shall be powers in addition to and not in derogation of any of the powers conferred or required to be conferred on Branches by the Rules of the Federation.
- 41.1.4 to conduct national campaigns in support of the Federation's objectives provided that participation in any such national campaign by State and Territory Branches is subject to agreement by the State and Territory Branch Council. The provisions of sub-clause 41.1.4 shall not be repealed or shall not be amended or in any way altered without the consent of all ANF Branch Councils.

42 Seal

- 42.1 The Federal Council shall provide for the Federation a Seal and such Seal shall be kept at the Registered Office of the Federation and shall be affixed to any document required to be sealed by the Federal Secretary or in his or her absence by the Assistant Federal Secretary or a person appointed by Federal Council.

43 Amendments to Rules

- 43.1 Subject to sub-rule 43.2 of this Rule the Rules of the Federation shall be added to amended or repealed by resolution of the Federal Council convened and meeting in person or voting pursuant to Rules 18 or 19 provided that the motion constituting the proposed addition, amendment or repeal shall be given to each member of Federal Council in writing at least 28 days before the meeting is held or the vote taken.
- 43.2.1 No Branch of the Federation shall be abolished nor shall its geographic area or the application of the Federation's eligibility Rule in relation to it be diminished or restricted in any way without the consent of the Branch Council of that Branch.
- 43.2.2 The provisions of sub-rule 4, Rule 21.4, Rule 39 and Rule 40 in relation to any Branch shall not be repealed and shall not be amended or in any way altered without the consent of the Branch Council of that Branch.
- 43.2.3 The provisions of Rule 54 shall not be repealed or in any way altered without the consent of the New South Wales Branch of the Federation.
- 43.2.4 The provisions of Rule 55 shall not be repealed or in any way altered without the consent of the Queensland Branch of the Federation.

44 Amalgamation

- 44.1 The Federation may amalgamate with other organisations or associations in accordance with the provisions of the Workplace Relations Act 1996 as amended from time to time.

Chapter 7 - ELECTIONS OF FEDERAL OFFICERS

45 Officers to be Elected

- 45.1 The Federal President, Federal Vice President, Federal Secretary and Assistant Federal Secretary shall be elected by secret postal ballot of the members of Federation in accordance with these Rules.
- 45.2 The Federal Secretary shall in the time provided in the Workplace Relations Act 1996 and the Regulations made under that Act and in compliance with these Rules request the Industrial Registrar makes the necessary arrangements to conduct an election in the Federation for the Federal Offices of Federal President, Federal Vice President, Federal Secretary and Assistant Federal Secretary with a view to ensuring that no irregularity occurs in or in connection with the election.

46 Qualifications for office and nomination

- 46.1 A candidate for the position of Federal President, Federal Vice President, Federal Secretary or Assistant Federal Secretary shall have been a financial member of the Federation for a period of two years immediately preceding the date of nomination for office. Such nomination shall be in writing and signed by the nominee and three other financial members of the Federation.
- 46.2 No person who holds office or any paid position in any other Association, Organisation or Union with industrial objects other than in the following:
Queensland Nurses' Union of Employees;
The Australian Nursing Federation Industrial Union of Workers, Perth;
The Australian Nursing Federation (SA Branch);
The New South Wales Nurses Association;
shall be eligible to nominate for or hold office in the Federation.
- 46.3 A person elected as Federal Secretary or Assistant Federal Secretary shall not:
- 46.3.1 be eligible for or hold or continue to hold, any other elected office in the Federation; or
- 46.3.2 be employed or continue to be employed by the Federation, or by any of the Branches of the Federation, other than as Federal Secretary or Assistant Federal Secretary as the case may be.

47 Elections

- 47.1 Elections for the position of Federal President and Federal Vice President shall be conducted between 1st day of February and the 15th day of March in each alternate year, provided that the Returning Officer may call for nominations prior to the 1st of February and shall where practicable conduct the ballot so that it is completed by the 1st of March in the year of the election.
- 47.2 The election for the position of Federal Secretary shall be conducted between 1st day of February and the 15th day of March every fourth year, provided that the Returning Officer may call for nominations prior to the 1st of February and shall where practicable conduct the ballot so that it is completed by the 1st March in the year of the election.
- 47.3 The election for the position of Assistant Federal Secretary shall be conducted between the 1st February and the 15th March every fourth year unless Federal Council shall decide prior to any such election that the position shall not be filled.

47.4 In elections to fill offices in accordance with these Rules, each candidate shall be entitled to, within five working days of the time fixed in accordance with these Rules for the close of nominations, submit to the Returning Officer a statement (together with a photograph of the candidate if desired) in support of the candidature. Such statement shall not exceed two hundred words. The Returning Officer shall reject any statement or photograph which does not comply with this Rule and may reject any statement or photograph the publication of which may be defamatory or in breach of the law. A candidate whose statement or photograph is rejected shall be given not more than ten days from the close of nominations to supply a replacement statement or photograph that complies with this Rule and remedies the defect. The Returning Officer shall arrange the printing of the statement and photograph in support of each candidate. The Returning Officer shall include with the ballot paper delivered to each voter a copy of the statement and photograph printed in relation to each candidate. Where no statement or photograph has been submitted to the Returning Officer by a candidate the Returning Officer shall indicate this on a separate sheet which shall be delivered with each ballot paper.

47.5 The roll of voters for any election to be conducted pursuant to this Rule is to be closed seven (7) days before the day on which nominations are opened.

48 Term of office

48.1 The Federal President and Vice President shall hold office for a term of two years, and shall be eligible for re-election.

48.2 The Federal Secretary and Assistant Federal Secretary shall hold office for a term of four (4) years and shall be eligible for re-election.

48.3 The Federal President, Federal Vice President and Federal Secretary and Assistant Federal Secretary shall assume office on the 1st April, in the year of their election. Where the result of the election for any or all of the said offices has not been declared before the 1st April the successful candidate or candidates when the result is declared shall assume office forthwith.

49 Returning officer and ballots

49.1 A Returning Officer shall be appointed by the Federal Council for any election or plebiscite which may be held from time to time in accordance with these Rules. Such Returning Officer shall not be a candidate for any election or the subject of any plebiscite conducted by him or her, nor shall he or she be the holder of any office in or an employee of the Federation, or any of its Branches.

49.2 The Returning Officer shall conduct the elections by acting in accordance with the following provisions of this Rule:

49.2.1 Within a period of twenty-one days before the date of commencement of the period for lodging nominations of candidates for an election for an office, cause to be published in a newspaper or newspapers a notice setting out:

49.2.1(a) the name of the Federation;

49.2.1(b) the title of the office;

49.2.1(c) the form in which nominations are to be made;

49.2.1(d) the place for lodging nominations;

49.2.1(e) the times and dates of the commencement of the period for lodging nominations;

and inviting nominations of persons, eligible for election for the office under the Rules of the Federation, to stand as candidates for elections to that office.

- 49.2.2 Check all nominations received to see that they comply with the requirements of the rules and reject any that do not so comply. Before rejecting a nomination the Returning Officer shall notify the person concerned of the defect, and where it is practicable to do so, give such person the opportunity of remedying the defect within seven days of being so notified.
- 49.2.3 If there be no more nominations than there are vacancies for the position, declare the nominated person or persons elected to the position.
- 49.2.4 Where more nominations are received than there are vacancies to be filled:
- 49.2.4(a) by ballot decide the order in which the candidates' names shall appear on the ballot paper;
- 49.2.4(b) where appropriate have ballot papers printed;
- 49.2.4(c) obtain from the printer a certificate of the number of ballot papers printed;
- 49.2.4(d) ensure that such ballot papers indicate:
- 49.2.4(d)(i) the number to be elected;
- 49.2.4(d)(ii) the manner in which votes shall be recorded including a statement to the effect that the voter may not vote for more candidates than there are vacancies and specifying the number of vacancies for the office in question;
- 49.2.4(d)(iii) the date and time for closing of the ballot;
- 49.2.4(d)(iv) a Statement in writing directing the voter to both print and sign his or her name on the reverse side of the envelope provided for the return of the ballot paper.
- 49.2.5 Be responsible for the safe custody of the ballot papers;
- 49.2.6 Either initial every ballot paper or cause each ballot paper to be marked with a facsimile of his/her initials prior to its distribution.
- 49.2.7 With all convenient speed but not later than fourteen (14) days before the ballot is to be held, send to each member the following papers by prepaid post in a sealed envelope:
- 49.2.7(a) a notice setting out the reasons for taking the ballot and the date and place and hour appointed for the closing of the ballot;
- 49.2.7(b) a ballot paper;
- 49.2.7(c) a prepaid stamped addressed envelope together with a declaration envelope both in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003;
- 49.2.7(d) material pursuant to sub-rule 47.4.
- 49.2.8 Control a ballot box provided for the reception of the ballot papers and in the presence of the scrutineers, if they desire to be present, ensure that the box is empty immediately prior to the distribution of the ballot papers and thereupon seal such box and ensure that it remains sealed until the time fixed for the closing of the ballot.
- 49.2.9 Hold the ballot box containing unopened envelopes received by him or her up to the hour appointed for the closing of the ballot.
- 49.2.10 Immediately after the closing date and hour for receipt of the return ballot papers, in the presence of such scrutineers as are present take steps to ensure no further ballot papers are deposited in the ballot box. Thereupon, or in sufficient time to determine the result of the ballot he or she shall:
- 49.2.10(a) open the ballot box and produce unopened all ballot paper envelopes;
- 49.2.10(b) open the ballot paper envelopes and extract from them all the ballot papers in such manner as to preserve the secrecy of the ballot;
- 49.2.10(c) place the ballot paper envelopes and ballot papers in separate bundles;
- 49.2.10(d) secure the ballot paper envelopes in a safe place;
- 49.2.10(e) proceed with the counting of the votes.

- 49.2.11 Any vote in respect of an election shall be informal if:
- 49.2.11(a) the ballot paper is received by the Returning Officer after the notified hour on the closing date;
- 49.2.11(b) the contents of the ballot paper as marked by the voter do not comply with the instructions printed on it;
- 49.2.11(c) the returning officer is unable to determine the bona fides of the ballot pursuant to sub-rule 49.2.10(b) of this Rule.
- 49.2.12 Declare the result of the election and submit a full report of the ballot indicating the number of ballot papers printed, the number distributed and the number on hand and any other relevant matters.
- 49.3.1 The Returning Officer shall ensure that each ballot paper has on it a statement advising the voter that he or she may not vote for more candidates than there are vacancies in any office and specifying the number of candidates for which the voter may vote in the election in question.
- 49.3.2 In an election for one vacancy only in an office the candidate with the largest number of votes shall be declared elected.
- 49.3.3 In an election for more than one vacancy in any office the votes cast for each candidate shall be counted and:
- 49.3.3(a) the candidate receiving the highest number of votes shall be declared elected; and then
- 49.3.3(b) the candidate receiving the next highest number of votes shall be declared elected; and then
- 49.3.3(c) the same process as in (b) above shall be repeated until all vacancies are filled.
- 49.3.4 If on any count of votes pursuant to sub-rule 49.3.3(b) or 49.3.3(c) above, two or more candidates have an equal number of votes and one or more of them has to be eliminated the Returning Officer shall determine by lot which candidate or candidates shall be eliminated, otherwise each candidate shall be declared elected.
- 49.4 In the case of plebiscites, the Returning Officer shall:
- 49.4.1 check the motion which is to be placed before the Federation members and have ballot papers printed and delivered to each financial member setting out the motion, the manner in which votes shall be recorded and the date and time of closing of the ballot;
- 49.4.2 satisfy himself or herself as to the impartiality of the statement prepared by the Federal Secretary concerning the matter at issue, arrange for the statement to be printed and ensure that one copy accompanies each ballot paper;
- 49.4.3 conduct the plebiscite as far as practicable in accordance with this Rule.
- 49.5 Where a person has nominated for more than one office on the Branch Council, the provisions of Standard Branch sub-rules 7.4 and 7.5 shall apply, notwithstanding anything elsewhere contained in these rules.

50 Scrutineers

- 50.1 Any candidate in any election or, in any plebiscite any member of Federal Council or a Branch Council, may appoint a scrutineer who is a financial member of the Federation to represent him or her in the counting of the ballot.
- 50.1.1 A scrutineer shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count but the Returning Officer shall have final determination of any votes so queried.
- 50.1.2 A scrutineer shall not be entitled to remove, mark alter or deface any ballot paper or other document used in connection with the election.

50.1.3 A scrutineer shall not interfere with or attempt to influence any member at the time such member is casting his or her vote.

50.1.4 Ballot papers shall not be opened except in the presence of the scrutineers unless they or he or she shall fail to attend after proper notice in writing has been given by the Returning Officer of the time and date of the closing of the ballot.

51 Casual vacancies

51.1 Where any casual vacancy occurs in any elected office of the Federation or a Branch and the expired part of the term of the office exceeds:

51.1.1 25% of the term of the office;

51.1.2 the Federal Council or the relevant Branch Council, as the case may be, may fill that casual vacancy by appointing thereto a person who is eligible to nominate for and hold the office in question.

51.2 The Federal Council or the Branch Council as the case may be may determine that the vacancy referred to in sub-rule 51.1 of this Rule shall be filled by an election which election shall be conducted as far as practicable according to the provisions of these Rules applying to election for the office in question.

51.3 Where the expired part of the term of the office in which the casual vacancy has arisen is less than that specified in sub-rule 51.1 of this Rule, that is less than 25% of the term of the office, that vacancy shall be filled by an election conducted as soon as possible and as far as practicable in accordance with the provisions of these Rules relating to election for the office in question.

51.4 Where a casual vacancy is to be filled by an election in accordance with this Rule, pending the successful candidate's assumption of office, the Federal Council or Branch Council as the case may be may appoint a person temporarily to that office provided that person would be eligible to nominate for and hold that office pursuant to these Rules.

51.5 Where a casual vacancy is filled by an election pursuant to this Rule the person so elected shall assume office upon the declaration of the result of the election.

51.6 Where an election has been called or held pursuant to the Rules, including this Rule, for any office in the Federation or a Branch and no person has been duly elected a further election shall be conducted as though a casual vacancy existed and so far as is practicable the provisions of this Rule shall apply.

51.7 In this Rule the expression 'term', in relation to an office, means the total period for which the last person elected to the office by an election (other than an election to fill a casual vacancy in the office) was entitled by virtue of that election to hold the office without being re-elected.

Chapter 8 - BRANCHES OF THE FEDERATION

52 Branches

- 52.1 The membership of the Federation shall be formed into Branches in each State or Territory, and subject to these rules and the control and direction of the Federal Council a Branch shall be responsible for its own Government.
- 52.2 Subject to this Rule each Branch shall be governed by the Standard Branch Rules of these Rules. Each Branch Council shall subject to the Workplace Relations Act 1996 and the Rules of the Federation have power to modify the Standard Branch Rules in relation to that Branch. Any such modification shall not be inconsistent with any of the Rules of the Federation and shall be part of those Rules and shall form part of the Standard Branch Rules of these Rules.
- 52.3 The Branch Secretary of any Branch which modifies the application of the Standard Branch Rules in relation to that Branch shall within seven days of the passing of the motion so modifying the Standard Branch Rules file with the Industrial Registrar of the Industrial Relations Commission full particulars of the alteration in such form and manner that the Registrar is able to form an opinion whether or not the modification complies with and is not contrary to the provisions of the Act, of the regulations made under the Act or an award made pursuant to the Act and is not otherwise contrary to law and has been made in accordance with the relevant procedures laid down by the Rules of the Federation.
- 52.4 The Branch Secretary of any Branch who files particulars with the Registrar pursuant to this sub-rule shall on the day he or she so files forward to the Federal Secretary a true copy of the said particulars and shall thereafter forward to the Federal Secretary a copy of all correspondence and documents and transcript with respect to the Industrial Registrar's or the Industrial Relations Commission dealing with the alteration.

53 Branch management responsibility

- 53.1 It shall be the responsibility of each Branch to adopt and maintain an accounting system which complies with the applicable accounting standards and which enables it to identify at any time the financial position of the Branch and its capacity to meet its financial obligations as and when they may arise.
- 53.2 Each Branch Secretary shall forward to the Federal Secretary copies of such returns as the Branch is required to file with the Australian Industrial Registrar pursuant to the Workplace Relations Act 1996 or any amending legislation at the times and in the form required by that Act.
- 53.3 In the event that the monthly operating accounts in relation to any branch show an operating loss for three successive quarters or otherwise show an operating loss of such significance in any one or more quarters as to cause the Federal Secretary to form the opinion that there is a substantial risk that one of the circumstances as set out in sub-rule 53.5 below may occur, the Federal Secretary shall report such matters to the Federal Executive as soon as is reasonably practicable.
- 53.4 It shall be the responsibility of each Branch Council to provide a written explanation for any failure to pay its capitation to the Federation and the amount resolved by the Federation to be payable in relation to the Australian Nursing Journal within fourteen (14) days of the same occurring and to provide to the Federal Council such further explanation as may be required by the Federal Council.
- 53.5 Where in the opinion of Federal Council any one of the following circumstances has arisen in relation to a Branch:
- 53.5.1 the Branch has failed to discharge its obligation to pay capitation or any other monies due and payable to the Federation without adequate explanation or agreed arrangement for discharge of such obligation;

- 53.5.2 the Branch has incurred a liability which it is unable to discharge;
- 53.5.3 the Branch has engaged in conduct which is likely to expose the Federation to the risk of deregistration;
- 53.5.4 the Federal Council shall immediately request a full written explanation from the Branch Secretary on behalf of the Branch Council. Such explanation shall be provided by the Branch Secretary within 14 days.
- 53.6 Where a Branch Council by its Branch Secretary fails to provide a full written explanation of the kind referred to in sub-rules 53.4 or 53.5 above within 14 days, or provides a written explanation which in the opinion of Federal Council is not satisfactory, the Federal Council shall have power to direct the Branch Council in any one or more of the following terms:
- 53.6.1 direct the Branch Council to provide a comprehensive statement of its accounts current to the date of the request;
- 53.6.2 direct the Branch Council to cease incurring a debt or liability or to take such steps as may be necessary to reduce or avoid the debt or liability;
- 53.6.3 direct the Branch Council to cease engaging in the conduct which is likely to expose the Federation to the risk of deregistration;
- 53.6.4 direct the Branch Council to cease engaging in conduct likely to cause the debt or liability;
- 53.6.5 direct the Branch Council to take such steps as to rectify the situation the subject of concern and to provide a report of progress within a specified period of time.
- 53.7 Where the Federal Council has made directions pursuant to sub-rule 53.6, it may direct and authorise the Federal Secretary, the Assistant Federal Secretary, the Federal President and/or such other person or persons as the Federal Council sees fit to work in the Branch to manage or monitor compliance with the Federal Council directions.
- 53.8 Where Federal Council is of the opinion that a Branch Council whether by itself or by the Branch Secretary has without reasonable cause failed to comply with a direction issued pursuant to sub-rule 53.6 of this Rule, and that this has the potential to result in serious adverse consequences for the organisation, the Federal Council shall have power to take any of the steps set out in sub-rules 53.8.1, 53.8.2 and 53.8.3 of this sub-rule after giving the Branch Council and/or Branch Secretary an adequate opportunity to explain its conduct:
- 53.8.1 suspend the powers of the Branch Council and/or Branch Secretary for a specified period upon such terms as Federal Council may determine;
- 53.8.2 appoint a manager to manage and conduct the affairs of the Branch for a specified period;
- 53.8.3 assume control of the affairs of the Branch including the employment of Branch staff and officers, the maintenance of Branch records and the conduct of Branch business.
- 53.9 the powers referred to in sub-rule 53.8 of this rule may be exercised only for the purposes of enabling the Federal Council to take the steps necessary to discharge the liability or resolve the matter which gave rise to the issuing of the direction given under sub-rule 53.6 of this Rule. The period specified for the purposes of the exercise of powers pursuant to sub-rule 53.8 of this Rule shall not exceed three months. Federal Council may extend the specified period for one further period of three months by a further express decision of Federal Council following a further opportunity being accorded to the Branch Council and/or Branch Secretary to be heard on the matter. During the specified period Federal Council shall ensure that provision is made for adequate representation of the interests of the members of the Branch. During the specified period the members of the Branch shall be entitled to petition the Federal Council in writing signed by not less than 5% of the financial membership of the Branch in relation to any matter affecting the Branch. The Federal Council shall ensure that prior to the commencement of a period during which it proposes to exercise the powers provided for in sub-rules 53.7 and 53.8, members of the Branch are informed by appropriate means of the nature of their representation and of their capacity to petition the Federal Council during that period.

54 NSWNA Dual Membership and Financial Provisions

- 54.1 The following provisions apply in respect of the New South Wales Branch of the Federation (in this Rule called the 'NSW Branch'). Nothing contained in this Rule shall affect the application of any other Rule to the NSW Branch and to the holders of office within it and to members of the NSW Branch, except insofar as this Rule may be inconsistent with any other Rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.
- 54.1.1(a) Every applicant for membership of the Federation who is eligible for membership pursuant to Rule 5 and is also already a member of the New South Wales Nurses Association, an industrial union of employees registered under the Industrial Arbitration Act 1940 (hereinafter called the 'State Trade Union') shall fill in and sign an application for membership pursuant to Rule 6.1 which application shall be forwarded to the Branch Secretary of the NSW Branch. Each such applicant shall on receipt of the said application by the Branch Secretary be and be deemed to be a member of the Federation and financial to the extent that the applicant is financial in the State Trade Union immediately upon signing the completed application form.
- 54.1.1(b) For the purpose of this Rule every applicant for membership of the Federation who makes application at or about the same time for membership of the State Trade Union and who becomes a member of the State Trade Union pursuant to its rules shall, on the NSW Branch Secretary's receipt of the application for membership of the Federation, become or be deemed to become a member of the Federation at the time of becoming a member of the State Trade Union.
- 54.1.2 Membership of the State Trade Union immediately prior to membership of the Federation in accordance with the preceding provisions of this Rule shall be deemed to be financial membership of the Federation for all purposes of the Federation's Rules including eligibility for election to any office in the Federation or any Branch.
- 54.1.3(a) For each member of the Federation who is also a member of the State Trade Union, the capitation fee due to be paid by the NSW Branch shall be in accordance with Rule 34.
- 54.1.3(b) The subscription to be paid to the NSW Branch by each member of the Federation who is also a member of the State Trade Union shall be in accordance with Rule 8.1.
- 54.1.4 Any member of the Federation in the NSW Branch who becomes a member pursuant to the preceding provisions of this Rule or after 1 July 1988 is or becomes a member of the State Trade Union and who pays subscriptions to the State Trade Union in an amount equivalent to or greater than the amount payable by that member as subscriptions to the NSW Branch of the Federation under these Rules shall subject to these Rules during the currency of any agreement between the Federation and State Trade Union providing for the payment of that member's subscription by the State Trade Union to the NSW Branch of the Federation be for all purposes of these Rules a financial member of the Federation.
- 54.1.5 The preceding provisions of this Rule shall not be altered or rescinded without the consent of the NSW Branch Council.
- 54.1.6 Notwithstanding the preceding provisions of this Rule if a member who becomes a member of the Federation or is financial pursuant to those provisions transfers from the NSW Branch to any other Branch pursuant to Rule 9 of these Rules he or she shall, when it next falls due and thereafter, be liable to pay to the Branch to which he or she transfers the annual subscriptions set by that Branch pursuant to Rule 8 of these Rules and his or her financial status shall thereafter be determined in accordance with that Rule.
- 54.1.7 The Secretary of the NSW Branch is empowered to make application for membership of the New South Wales Nurses Association on behalf of all financial members of the Branch, provided however that each member of the Branch on whose behalf an application is made shall by notice of a publication that is distributed amongst such persons be notified that he or she may decline to so become a member of the New South Wales Nurses Association by so notifying the General Secretary of the New South Wales Nurses Association within one month of distribution of that publication.

55 Queensland Dual Membership and Financial Provisions

- 55.1 The following provisions apply in respect of the Queensland Branch of the Federation (in this Rule called the 'QLD Branch'). Nothing contained in this Rule shall affect the application of any other Rule to the QLD Branch and to the holders of office within it and to members of the QLD Branch, except insofar as this Rule may be inconsistent with any other Rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.
- 55.1.1(a) Every applicant for membership of the Federation who is eligible for membership pursuant to Rule 5 and is also already a member of the Queensland Nurses' Union of Employees, an industrial union of employees registered under the Industrial Conciliation and Arbitration Act, Queensland (hereinafter called the 'Queensland State Trade Union') shall fill in and sign an application for membership pursuant to Rule 6.1 which application shall be forwarded to the Branch Secretary of the QLD Branch. Each such applicant shall on receipt of the said application by the Branch Secretary be and be deemed to be a member of the Federation and financial to the extent that the applicant is financial in the Queensland State Trade Union immediately upon signing the completed application form.
- 55.1.1(b) For the purpose of this Rule every applicant for membership of the Federation who makes application at or about the same time for membership of the Queensland State Trade Union and who becomes a member of the Queensland State Trade Union pursuant to its rules shall, on the QLD Branch Secretary's receipt of the application for membership of the Federation, become or be deemed to become a member of the Federation at the time of becoming a member of the Queensland State Trade Union.
- 55.1.2 Membership of the Queensland State Trade Union immediately prior to membership of the Federation in accordance with the preceding provisions of this Rule shall be deemed to be financial membership of the Federation for all purposes of the Federation's Rule including eligibility for election to any office in the Federation or any Branch.
- 55.1.3(a) For each member of the Federation who is also a member of the Queensland State Trade Union, the capitation fee due to be paid by the QLD Branch shall be in accordance with Rule 34.
- 55.1.3(b) The subscription to be paid to the QLD Branch by each member of the Federation who is also member of the Queensland State Trade Union shall be in accordance with Rule 8.1.
- 55.1.4 Any member of the Federation in the QLD Branch who becomes a member pursuant to the preceding provisions of this Rule or after 1 July 1989 is or becomes a member of the Queensland State Trade Union and who pays subscriptions to the Queensland State Trade Union in an amount equivalent to or greater than the amount payable by that member as subscriptions to the QLD Branch of the Federation under these Rules shall subject to these Rules during the currency of any agreement between the Federation and the Queensland State Trade Union providing for the payment of that member's subscription by the Queensland State Trade Union to the QLD Branch of the Federation be for all purposes of these Rules a financial member of the Federation.
- 55.1.5 The preceding provisions of this Rule shall not be altered or rescinded without the consent of the QLD Branch Council.
- 55.1.6 Notwithstanding the preceding provisions of this Rule if a member who becomes a member of the Federation or is financial pursuant to those provisions transfers from the QLD Branch to any other Branch pursuant to Rule 9 of these Rules he or she shall, when it next falls due and thereafter, be liable to pay to the Branch to which he or she transfers the annual subscription set by that Branch pursuant to Rule 8 of these Rules and his or her financial status shall thereafter be determined in accordance with that Rule.

56 Agreements with State Registered Unions

- 56.1 The Federal Council may, subject to the Workplace Relations Act 1996, enter into agreements with state registered unions to the effect that members of the state registered unions concerned who are ineligible state members are eligible to become members of the Federation under the agreement.

Chapter 9 - MEETING PROCEDURES

57 Agenda for Federal Council

- 57.1 Unless otherwise agreed by the Federal Council assembled in meeting the accepted order of business for the Annual Federal Council meeting shall be:
 - 57.1.1 Welcome by the Federation President;
 - 57.1.2 Notice of meeting;
 - 57.1.3 Apologies and proxies;
 - 57.1.4 Declaration of membership and associated voting entitlements;
 - 57.1.5 Consideration of:
 - 57.1.5(a) Time of business;
 - 57.1.5(b) Order of agenda;
 - 57.1.5(c) Attendance book;
 - 57.1.6 Confirmation of minutes of Federal Council;
 - 57.1.7 Matters arising from minutes;
 - 57.1.8 Ratification of decisions of the Federal Executive Committee;
 - 57.1.9 Annual Report and matters arising;
 - 57.1.10 Workshops on predetermined topics;
 - 57.1.11 Reports;
 - 57.1.12 Remits from Branches;
 - 57.1.13 Setting of objectives and priorities;
 - 57.1.14 Finance;
 - 57.1.15 Rules;
 - 57.1.16 Elections;
 - 57.1.17 Other business;
 - 57.1.18 Date of next meeting.

58 Standing Orders for Federal Council and Federal Executive Meetings

58.1 Conduct of Federal Council and Federal Executive Meetings

- 58.1.1 Federal Council and Executive meetings shall, subject to the presence of a quorum, commence at the time and dates decided by Federal Council and Executive at the previous Federal Council and Executive meeting or by the Federal President pursuant to these Rules.
- 58.1.2 In the absence of the Federal President and Federal Vice President the meeting shall elect a chairperson (from voting members) for the duration of their absence.
- 58.1.3 Any member wishing to speak shall by show of hands seek to be recognised by the chairperson. If two (2) or more members wish to speak the chairperson will decide who has precedence.
- 58.1.4 At all meetings voting shall be by a show of hands unless otherwise determined.
- 58.1.5 Should the chairperson desire to take part in a debate, that person shall vacate the chair for the time being and another chairperson shall be appointed by the chairperson for the duration of the debate.
- 58.1.6 No discussion shall be allowed except on a motion or amendment which has been moved and seconded.
- 58.1.7 Every motion or amendment to a motion shall be presented in writing by the mover and seconder at the time it is moved and shall immediately be handed to the minute secretary.
- 58.1.8 When any voting member is speaking no one shall interrupt except to raise a point of order.

58.2 Power of the chairperson

- 58.2.1 The chairperson shall call attention to the time of all speakers one (1) minute before such time expires. Motions for extension may be made when the chairperson so calls but not later.
- 58.2.2 The mover of the motion shall have two (2) minutes to present argument in support of the motion and two (2) minutes to reply. The reply must not introduce new material. Extensions of two minutes may be granted by a vote of those present at the meeting
- 58.2.3 The seconder of such a motion and all amendments to the motion shall be limited to two (2) minutes. Extensions of two minutes may be granted by a vote of those present at the meeting.
- 58.2.4 No voting member shall speak more than once upon the same motion except the mover who shall be entitled to reply only after discussion on the motion ceases and before the motion is put. All speakers shall be limited to two (2) minutes. Extensions of two (2) minutes may be granted by a vote of those present at the meeting.
- 58.2.5 Subject to the discretion of the chair, voting members may address questions relating to the subject under discussion to the mover of the motion through the chair during the course of debate. Such a question, provided it is genuine, rather than a speech in disguise, does not prejudice the questioner's right to speak to the motion.

58.3 Amendments

- 58.3.1 At any time during debate on any motion it shall be competent for any voting member who has not already spoken to move an amendment. All amendments must be seconded. Motions may be amended by adding or deleting words and/or inserting others in their place, provided that the effect of any proposed amendment is not to establish a direct negative to the subject contained in the motion.
- 58.3.2 Any number of amendments to a motion may be moved but only one amendment shall be received at a time, and such amendment must be disposed of before any further amendment is moved. However, at any stage a voting member can foreshadow an amendment.
- 58.3.3 Each amendment shall constitute a separate motion.
- 58.3.5 No member shall propose more than one amendment upon a motion.

- 58.3.6 Voting members can speak only once to each amendment to a motion.
- 58.3.7 Should the amendment be carried it becomes the substantive motion and if no further amendment be proposed the substantive motion should immediately be put after the mover has exercised the right of reply.
- 58.3.8 If the amendment is lost and no further amendment be proposed the original motion should be put without further discussion except for right of reply by the original mover.
- 58.4 Closure of debate**
- 58.4.1 At any time during debate on any motion, it shall be competent for the chairperson to accept a motion 'That the motion be now put' or 'That the motion be adjourned' or 'That the matter be referred to a committee' or 'That the meeting proceed to the next business' or 'That the motion lie on the table', provided at least two (2) speakers have spoken for and two (2) against. A voting member having spoken to the motion shall not be competent to so move. Such motions shall be put immediately without debate provided that in the event the motion 'That the motion be now put' is passed the mover of the original motion shall have the right of reply.
- 58.4.2 Upon any of these procedural motions being lost the debate shall continue as if such a motion had not been moved.
- 58.4.3 The motion 'That the motion be put' may be moved any number of times during debate but only by voting members who have not previously spoken, and must follow debate both for and against the motion. The chair has the right to reject the motion 'That the motion be put'.
- 58.5 Point of order**
- 58.5.1 The voting member raising a point of order shall state the point of order clearly and distinctly. If a voting member is speaking the person will cease to speak until the point of order is decided. The chairperson shall decide the point raised and not allow a discussion. The chairperson's ruling will be final unless challenged by a formal motion disagreeing with the chair's ruling.
- 58.6 Disagreement with Chairperson's ruling**
- 58.6.1 The chairperson shall vacate the chair for the duration of this debate. Rulings given by the chairperson on any question may be subject to a motion calling upon the meeting to disagree with any ruling. In the event of such a motion, the mover shall be permitted not more than five (5) minutes to support the motion and the chairperson shall be permitted not more than five (5) minutes to defend such ruling. There shall be no other speakers. The motion is to be then put.
- 58.7 Withdrawal of a motion**
- 58.7.1 A motion or amendment before the chair shall not be withdrawn except by its mover and seconder and by leave of the meeting. No motion shall be withdrawn while any amendment is under discussion or after any amendment has been adopted.
- 58.8 Suspension of standing orders**
- 58.8.1 Standing orders or any one standing order may be suspended by a vote of the meeting.

Chapter 10 - STANDARD BRANCH RULES

59 Name

59.1 The name of the Branch shall be the Australian Nursing Federation (here set out name of State or Territory in which the Branch is located) Branch.

60 Constitution

60.1 The Branch shall consist of all members of the Federation within the of the State or Territory of (herein set out the name of State or Territory).

61 Objects

61.1 The objects of the Branch shall be the objects of the Federation as set out in Rule 3 of the Rules of the Federation.

62 Head Office

62.1 The Head Office of the Branch shall be at such place as the Branch Council may from time to time decide.

63 Subscriptions

63.1 Subscriptions shall be paid in accordance with the provisions of Rule 8 of the Federation's Rules.

64 Unfinancial members

64.1 Any member who is unfinancial in accordance with Rule 8 of the Federation's Rules may be fined by resolution of the Branch Council. The Council may instruct the Branch Secretary to sue for recovery of arrears of subscriptions fines and levies.

65 Branch Council

65.1 The affairs of the Branch shall be managed by a Branch Council which, subject to these Rules, shall be the highest policy and decision making body of the Branch.

65.2 The Branch Council shall consist of:

65.2.1 the Branch President, the Branch Vice President, the Branch Secretary and the Branch Assistant Secretary (if any) (hereinafter referred to as the Branch Officers); and

65.2.2 four Executive members (hereinafter referred to as the Branch Executive members); together with,

65.2.3 such number of other members (hereinafter referred to as Branch Councillors) no fewer than five or more than twenty as determined by each Branch Council;

all of whom shall be elected in accordance with these Rules.

65.3 No person shall hold more than one office on the Branch Council.

65.4 Where a member has nominated for more than one office on the Branch Council and has been elected to a higher ranked office, the Branch Returning Officer shall disregard the votes for such candidate in a lower ranked office and shall declare elected the candidate with the next largest number of votes.

65.5 The order of positions for the purposes of sub-rule 65.4 shall be as follows:

Branch President
 Branch Vice President (if any)
 Branch Secretary
 Branch Assistant Secretary (if any)
 Other Branch Executive members
 Branch Councillors

65.6 The quorum for a meeting of the Branch Council shall be a simple majority of the members of the Council eligible to attend thereat.

66 Ceasing to be eligible to hold office

66.1 A person holding any of the offices referred to in 65.2 of these Rules shall cease to be eligible to hold such office if he or she is absent from three (3) consecutive meetings of Branch Council without having tendered an apology accepted by Branch Council.

66.2 Sub-rule 66.1 of this Rule shall apply only to persons elected after the date of certification of this rule.

67 Powers of Branch Council

67.1 The Branch Council shall be the committee of management of the Branch for the purposes of the Workplace Relations Act 1996 and in addition to any powers conferred elsewhere by the Federation's Rules shall have the power to do all things necessary to carry out the objects of the organisation and the Branch consistently with these rules and shall:

67.1.1 carry on the financial administration of the Branch;

67.1.2 acquire or take on lease or otherwise obtain for use any office, or building for the purposes of the Federation;

67.1.3 purchase, hire or otherwise acquire any property necessary for the purposes of the Federation;

67.1.4 employ any person and at any time suspend or dismiss any such person;

67.1.5 Investigate complaints and grievances of members and/or Sub-Branches and investigate and settle disputes within a Branch;

67.1.6 make, vary or repeal any by-laws for the regulation of the affairs of the Branch;

67.1.7 transact any business of the Branch that may require immediate attention and report same to the next Branch General Meeting or to Branch Members by other means;

67.1.8 transact or report on any business referred to it by any Branch General Meeting and submit to such Meeting any recommendations consistent with the objects of the Federation;

67.1.9 appoint a Branch Returning Officer;

67.1.10 make available to Branch Auditors all information and books necessary for the execution of their duties;

67.1.11 prepare and submit reports and membership returns as required by the Federal Council or Federal Executive;

67.1.12 submit annually for the approval of Branch Council or a General Meeting of Branch members the annual auditors' report, balance sheet and financial statement. The Branch Council may also submit such other report of the affairs and activities of the branch as it may determine;

67.1.13 organise the conduct of Branch elections and plebiscites;

67.1.14 represent the Federation in the conciliation, arbitration and settlement of industrial disputes within the Branch's jurisdiction;

- 67.1.15 direct and control Job Representatives subject to these Rules;
- 67.1.16 subject to Federal sub-rule 14.1.6, have power to levy members of the Branch when it is deemed necessary by the Branch Council to achieve a particular object;
- 67.1.17 have power to conduct lotteries;
- 67.1.18 subject to these Rules, have power to determine the time and place of meetings.

68 General meetings of the Branch

- 68.1 A General Meeting of the Branch may be called by the Branch Council for any purpose it determines.
- 68.2 A General Meeting of the Branch shall be called by the Branch Secretary on receipt of a written request of at least five per cent (5%) of the members in a Branch, specifying the purpose for which the meeting is to be called. The General Meeting shall be held within twenty-eight (28) days of the receipt of such written request provided always that 75 per cent (75%) of those members calling the meeting shall attend, otherwise the meeting shall be null and void.
- 68.3 The Branch Secretary shall notify all members either in writing or by publication of the date, time and place of a General Meeting of the Branch and such notification shall specify the purpose or purposes for which such meeting has been called pursuant to sub-rule 68.1 or 68.2 of this Rule.
- 68.4 A duly constituted General Meeting of members of the Branch shall have power to direct the Branch Council on matters of policy and administration.

69 General meeting - financial reports

- 69.1 The Branch Secretary shall summon a meeting of the members of the Branch upon receipt of a written request signed by no less than 5% of the membership of the Branch calling for a general meeting for the purpose of considering the auditors report, the general financial report and the operating report.
- 69.2 A general meeting of the members of the Branch called pursuant to this Rule may be conducted as a series of meetings held at different locations.
- 69.3 The Branch Secretary shall give twenty-eight (28) days notice to the members of the Branch of any general meeting called pursuant to this Rule.
- 69.4 The Branch Secretary shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to or posted on a conspicuous place at each members place of employment or by email communication to each member or by notice published on the Branch website to all members who have immediate access to that website, or by publication sent to each member at their home address or by notice to each member.
 - 69.4.1 A meeting conducted pursuant to this Rule is taken to have been completed at the time of the last of the meetings in any series of meetings.
 - 69.4.2 All decisions at a meeting held in accordance with this Rule shall be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.
 - 69.4.3 Attendance at meetings conducted under this Rule shall be recorded and such attendance records shall be used to ensure that each member records only one vote.

70 Control of Branch Council decisions

- 70.1 Decisions of the Branch Council shall be final and binding on all members unless subsequently amended or rescinded by the Branch Council except that a majority of the financial members of the Branch, voting by plebiscite shall have power to veto any acts or decisions of the Branch Council.
- 70.2 Where the Branch Secretary receives a motion or direction of veto signed by at least ten percent (10%) of the financial members of the Branch, then within a period of twenty-eight days of such motion having been received, he or she shall cause a plebiscite to be held on such motion.
- 70.3 Where any motion of veto is made the subject of a plebiscite a majority of the financial members of the Branch must vote in favour of such a motion. The majority decision shall be given immediate effect.
- 70.4 Prior to the plebiscite being taken, the Branch Secretary shall prepare and forward to all members an adequate and impartial statement concerning the matter at issue so that voters may be properly informed.
- 70.5 The Branch Secretary shall within seven days notify all Branch Councillors of the result of the plebiscite.

71 Suspension, removal from office and expulsion of Branch Officers

- 71.1 Each Branch Council shall have in relation to the holder of any office in the Branch the same powers as are conferred on the Federal Council in Rule 11 of the Federation's Rules in relation to officers of the Federation. For the purposes of this Rule references to Federal Council, Federal President and Federal Secretary in that Rule shall be read as references to Branch Council, Branch President and Branch Secretary respectively and the provisions of that Rule subject to the remainder of this Rule shall apply mutatis mutandis to the operation of this Rule.
- 71.2 An officer suspended or removed from office or expelled from the Federation pursuant to this Branch Rule shall have a right of appeal to a General Meeting of the Branch called and held in accordance with Rule 68 of these Branch Rules provided that the decision of the Branch Council or the written request of the requisite number of members to call such a meeting is made or received within twenty-eight days of the decision against which the appeal is made.
- 71.3 Any person expelled from membership of the Federation pursuant to this Rule shall not be readmitted to membership in the Branch from which he or she was expelled without leave of the Branch Council of that Branch.

72 Discipline of members

- 72.1 A Branch Council may by summons in writing call upon any member in the Branch against whom it is alleged that he or she has:
- 72.1.1 tampered with, falsified or otherwise wilfully misused membership cards, or any books or documents of the Federation;
- 72.1.2 contrary to the Federation's Rules obtained or kept the possession of any books, papers or other documents or property belonging to the Federation;
- 72.1.3 refused to obey the Rules of the Federation;
- 72.1.4 grossly misbehaved; or
- 72.1.5 refused to comply with the directions of the Branch Council to show cause to a meeting of Branch Council why he or she should not be suspended from membership or expelled from the Federation.

- 72.2 The Summons to show cause shall:
- 72.2.1 state the allegation together with particulars thereof;
 - 72.2.2 disclose the evidence on which the allegation is based;
 - 72.2.3 be signed by the Branch President or Branch Secretary;
 - 72.2.4 state the time, date and place at which the member is to show cause;
 - 72.2.5 be delivered personally to the member concerned (or posted by registered mail to his or her last known address) at least twenty-one (21) days before the meeting at which the matter is to be determined;
 - 72.2.6 have attached to it a copy of this Rule.
- 72.3 Should any member against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation of his or her non attendance the Branch Council may proceed with the hearing of the allegation in his or her absence provided it is first satisfied that notice of the hearing in accordance with this Rule has been served on him or her.
- 72.4 The evidence relating to the alleged offence shall be heard by the Branch Council and the member concerned shall be heard in his or her defence personally and/or in writing.
- 72.5 If in the opinion of the Branch Council the member is guilty of the alleged offence it may:
- 72.5.1 suspend the member for a period not exceeding three months; or
 - 72.5.2 expel the member from the Federation.
- 72.6 The Branch Secretary shall promptly inform the member by registered letter of the decision of Branch Council.
- 72.7 A member suspended or expelled from membership of the Federation pursuant to this Branch Rule shall have a right of appeal to a general meeting of the Branch called and held in accordance with Rule 68 of these Branch Rules, provided that the decision of the Branch Council or the written request of the requisite number of members to call such a meeting is made or received within twenty-eight (28) days of the decision against which the appeal is made.
- 72.8 No member suspended from membership of the Federation shall attend any meeting of the Federation unless at the request of that meeting and shall not during the period of suspension exercise any right of membership.
- 72.9 Any person expelled from membership of the Federation pursuant to this Rule shall not be readmitted to membership in the Branch from which he or she was expelled without leave of the Branch Council of that Branch.

73 Branch funds

- 73.1 Branch funds shall be the funds allocated and belonging to the Branch as described in Rule 35.
- 73.2 All books and accounts and other financial documents shall be duly presented for audit to the Branch Auditor who shall be a qualified practising accountant.
- 73.3 Copies of an audited balance sheet and statements of receipts and expenditure of the Branch shall be presented to the Branch Council at least once per year.
- 73.4 The Branch Council shall control and administer the funds of the Branch and cheques drawn on the Branch account shall be signed by any two of the Branch President, Branch Secretary, and two Executive Members of Branch Council designated by Branch Council.

74 Loans, grants and donations

- 74.1 A loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Branch unless the Branch Council:
 - 74.1.1 has satisfied itself:
 - 74.1.1(a) that the making of the loan, grant or donation would be in accordance with the other Rules of the Branch; and
 - 74.1.1(b) in relation to the loan that, in the circumstances, the security proposed is adequate and the proposed arrangements satisfactory; and
 - 74.1.2 has approved the making of the loan, grant or donation.

75 Grouping of members

- 75.1 Branch Council may authorise groupings of ten or more members to be formed either:
 - 75.1.1 at a hospital or similar institution where there are ten (10) or more members employed; or
 - 75.1.2 within any workplace or convenient geographical location where Branch Council considers it convenient or appropriate.
- 75.2 Each group of members formed in accordance with this rule shall be represented at Annual Conference by the following number of Job Representatives one of whom may be elected as the Senior Job Representative, based on the number of financial members in the group as at 1 July immediately preceding as follows:

Number of Members	Number of Job Representatives
50 financial members or less	1 Job Representative
51 - 130 financial members	2 Job Representatives
131 - 300 financial members	3 Job Representatives
301 - 750 financial members	4 Job Representatives
more than 750 financial members	5 Job Representatives

- 75.3 Job Representatives shall be elected by and from each group of members, by elections conducted under the direction of the Branch Secretary in accordance with procedures to be determined by the Branch Council from time to time.
- 75.4 It shall be the duty of Job Representatives to encourage and assist all eligible persons to apply to become members of the Federation, to attend the Branch Annual Conference and to carry out all the duties they may be assigned by the Branch Council or the Branch Secretary from time to time.
- 75.5 All Job Representatives shall be and shall remain at all times subject to the control and direction of the Branch Council and the Branch Secretary. Branch Council may make, vary and repeal by-laws for the regulation of Job Representatives and groups of members.

76 Annual Conference

- 76.1 An Annual Conference shall be convened each year.
- 76.2 The Annual Conference shall be composed of:
- 76.2.1 all members of the Branch Council;
- 76.2.2 all members of the Committees of Branch Council;
- 76.2.3 Job Representatives elected by groupings of members in accordance with Rule 75 of the Standard Branch Rules.
- 76.3 Branch Council shall determine the time and place of the Annual Conference.
- 76.4 Annual Conference shall be the forum for consultation between the Branch Council, Branch Council Committees and Job Representatives on matters of concern to the Branch.
- 76.5 Annual Conference may make recommendations to the Branch Council, but its resolutions shall not be binding on Branch Council, Branch Executive or members of the Branch.
- 76.6 Notice of the Annual Conference together with a copy of the agenda shall be sent to each member of Branch Council, all members of Committees of Branch Council and to each Job Representative at least thirty (30) days prior to the commencement of the Annual Conference, by the Branch Secretary.
- 76.7 A quorum to the Annual Conference shall be a majority of job representatives elected in accordance with 76.2.3 hereof, and a majority of the members of the Branch Council, provided that if no quorum be present at the Annual Conference within one hour of the time appointed for the commencement of the Annual Conference it shall stand adjourned for a period of one month.
- 76.8 Job Representative delegates to the Biennial National Conference shall be elected by and from the Job Representatives at the Annual Conference last preceding the Biennial National Conference in accordance with Federal Rule 28. The Elections for delegates to the Biennial National Conference shall be conducted under the direction of the Branch Secretary in accordance with procedures determined by the Annual Conference.
- 76.9 Annual Conference shall determine its own procedures.
- 76.10 Branch Executive, Branch Council and Job Representatives may submit matters to the Branch Secretary to be placed on the agenda for Annual Conference but such matters must be received in writing by the Branch Secretary no later than twenty-one (21) days prior to the commencement of the conference.
- 76.11 Notwithstanding anything else contained in this Rule, in the Northern Territory and Australian Capital Territory Branches there shall be a biennial conference and any reference to the Annual Conference elsewhere in this Rule shall be a reference to a biennial conference with respect to those Branches.
- 76.12 Notwithstanding anything elsewhere contained in this Rule, there will be no Annual Conference in the New South Wales and Queensland Branches.

77 Branch Executive

- 77.1 There shall be a Branch Executive comprising the Branch President, Branch Vice President, Branch Secretary and Branch Assistant Secretary (if any) and four Branch Executive members.

78 Duties and powers of Branch Executive

- 78.1 Subject to any decision or direction of Branch Council the Branch Executive shall have all the powers of Branch Council except the powers referred to in Rule 8 and Rule 52 of the Federation's Rules and Rule 63 and sub-rule 67.1.6, Rule 71 and Rule 74 of these Standard Branch Rules or any power expressly reserved to itself by Branch Council or the power to rescind or amend any decision of Branch Council.
- 78.2 The Branch Executive shall subject to these Rules carry out the duties delegated or imposed on it by Branch Council.
- 78.3 The quorum for a meeting of the Branch Executive shall be a simple majority of the members of the Branch Executive eligible to attend.

79 Duties of Branch President

The Branch President shall, in addition to any other duties of the office defined elsewhere in these Rules:

- 79.1 Preside at all meetings of Annual Conference, Branch Council, Branch Executive and at Branch General Meetings and preserve order.
- 79.2 Upon the confirmation of the Minutes, sign the Minute Book in the presence of the meeting.
- 79.3 Represent the Branch as and when required to do so by the Branch Council or Branch Executive.

80 Duties of Branch Vice-President

- 80.1 The duties of the Branch Vice President shall be to carry out the functions of the Branch President in his or her absence.

81 Duties of Branch Secretary

- 81.1 The Branch Secretary shall:
- 81.1.1 have the power to:
- 81.1.1(a) summon meetings of Branch Council or Branch Executive on her/his own initiative;
- 81.1.1(b) direct, control and supervise the officers and employees of the Branch;
- 81.1.1(c) authorise expenditure of the Branch funds up to the sum of \$3,000.00 without first obtaining the authority of Branch Council or Branch Executive provided that she/he shall report such expenditure to the next meeting of Branch Council;
- 81.1.1(d) delegate any of her/his powers or duties to the Assistant Branch Secretary or other employee of the Branch subject to first obtaining the approval of the Branch Executive.
- 81.1.2 be directly and personally responsible for:
- 81.1.2(a) keeping of proper books of account and other financial records;
- 81.1.2(b) issuing of receipts and the prompt banking of monies received on behalf of the Branch;
- 81.1.2(c) preparation and certification of progress reports and financial statements;
- 81.1.2(d) countersigning of cheques;
- 81.1.2(e) having the books in readiness and making all arrangements necessary for audits as directed by Branch Council;

- 81.1.2(f) whenever practicable attending all meetings of Conference, Branch Council and Branch Executive and such other meetings as directed and keeping of correct minutes of the proceedings of such meetings;
- 81.1.2(g) sending all correspondence on behalf of the Branch and keeping a copy thereof;
- 81.1.2(h) issuing notices to members;
- 81.1.2(i) keeping all documents, vouchers and papers belonging to the Branch;
- 81.1.2(j) carrying out the instructions of Branch Council and Branch Executive and exercising a general control over the affairs of the Branch and reporting her/his official acts to the Branch Council or Branch Executive at each meeting;
- 81.1.2(k) summoning within a reasonable time the first meeting of any committee appointed by Conference, Branch Council or Branch Executive;
- 81.1.2(l) paying without delay all monies received by her/him on behalf of the Branch into a bank or other financial institution approved by Branch Council;
- 81.1.2(m) delivering up all books, documents vouchers and papers of the Branch when called upon to do so by Branch Council;
- 81.1.2(n) executing all documents on behalf of the Branch;
- 81.1.2(o) preparing all returns required by the Workplace Relations Act 1996, and furnishing a copy to the Registrar at the time appointed by the said Act for such returns to be made;
- 81.1.2(p) keeping a register of the members of the Branch setting out the date of entry to membership and, if excluded from membership, the date and cause of such exclusion and preparing a summary of such register for presentation at a Branch Council meeting when required to do so;
- 81.1.2(q) subject to the direction of Branch Council, making arrangements for all Conferences of the Branch and keeping a record of business transacted at such Conferences;
- 81.1.2(r) performing such other duties as Branch Council may determine from time to time.

82 Duties of Branch Assistant Secretary (if any)

- 82.1 The Branch Assistant Secretary shall:
- 82.1.1 assist the Branch Secretary at all times in the performance of her/his duties; and
- 82.1.2 in the absence of the Branch Secretary, act in her/his stead and exercise all the functions and powers of the Branch Secretary.
- 82.2 Notwithstanding anything else contained in these Rules the Branch Council of the Victoria Branch may resolve that there shall be up to two offices of Branch Assistant Secretary in the Victorian Branch in which case one of whom, as determined by the Branch Secretary from time to time, shall perform the functions of Branch Assistant Secretary under Rule 82.1.2 and otherwise each reference in these Rules to the office shall apply to both offices.

83 Term of office

- 83.1 The Branch President and Branch Vice President and four Branch Executive members and the Branch Councillors shall hold office for a term of two years and shall be eligible for re-election.
- 83.2 The Branch Secretary and the Branch Assistant Secretary (if any) shall hold office for a term of four years and shall be eligible for re-election.
- 83.3 The Branch President, Branch Vice President, Branch Secretary and Branch Assistant Secretary (if any) and each of the four Branch Executive members and Branch Councillors shall assume office on the 30th November in the year of their election provided that where the result of the election for any or all of the said offices has not been declared before 30th November the successful candidate or candidates shall when the result is declared assume office forthwith. A candidate elected to any of the aforesaid offices shall hold it in accordance with the Rules until the successor duly assumes the office pursuant to the Rules.

84 Qualification for office and nomination

- 84.1 A candidate for election to the office of Branch President, Branch Vice President, Branch Executive member or Branch Councillor shall have been a financial member of the Federation for a period of one year immediately preceding the date of nomination for office and shall be a member of the branch in which they are nominating for office at the date of nomination for office.
- 84.2 A candidate for election to the office of Branch Secretary and Branch Assistant Secretary (if any) shall have been a financial member of the Federation for a period of two years immediately preceding the date of nomination for office and shall be a member of the branch in which they are nominating for office at the date of nomination for office.
- 84.3 A person elected to the office of Branch Secretary and Branch Assistant Secretary (if any) shall not be employed by or remain in the employment of the Federal Council of the Federation in any capacity.
- 84.4 Nomination for election to any of the above offices shall be in writing and signed by three other financial members of the Branch.
- 84.5 Branch Councillors other than full time Branch Officers shall not be employed or contracted to provide services to the Branch other than in the following circumstances:
- 84.5.1 on specific projects, on defined terms for limited periods of time as approved by a resolution by Branch Council;
- 84.5.2 subject to the control of the Branch Secretary at all times;
- 84.5.3 where the formal arrangements and contracts involved are minuted;

- 84.5.4 only so employed or contracted in exceptional circumstances where the Branch Councillor concerned has particular expertise or experience which would be of valuable assistance to the Branch and where there is no reasonable alternative as the work or service involved are required as a matter of urgency; and
- 84.5.5 provided that Branch Councillors so employed must take leave of absence from Council for the duration of the period of their employment.
- 84.6 No person who holds office or any paid position in any other Association, Organisation or Union with industrial objects other than in the following:
Queensland Nurses' Union of Employees,
The Australian Nursing Federation Industrial Union of Workers, Perth,
The Australian Nursing Federation (SA Branch), or
The New South Wales Nurses Association.
- Shall be eligible to nominate for or hold office as Branch President, Branch Vice President, Branch Secretary, Branch Assistant Secretary, Branch Executive Member or Branch Councillor.
- Provided that this sub-rule shall not apply to any person holding an office at the time of certification of this Rule until the expiration of that term of office.

85 Elections

- 85.1 Elections for the office of Branch President, Branch Vice President, Branch Executive member and Branch Councillor shall be conducted between the first day of September and the 30th day of October in each alternate year, provided that the Returning Officer may call for nominations prior to the first of September in the year of elections.
- 85.2 The election for the position of Branch Secretary and Assistant Branch Secretary (if any) shall be conducted between the first day of September and the 30th day of October every fourth year, provided that the Returning Officer may call for nominations prior to the first of September in the year of such election.
- That, notwithstanding Standard Branch Rule 83.2 with respect to the NSW Branch, in the year 2006 an election be held for Branch Assistant Secretary and that the person elected to that office hold office for a period of two years, and that thereafter the election for Branch Assistant Secretary be held every four years together with the elections for the Branch Secretary.
- That notwithstanding Standard Branch Rule 83.2, with respect to the NSW Branch and the Queensland Branch, an election be held for Branch Assistant Secretary with the person elected to that office holding office for a period of two years, and that thereafter the election for Branch Assistant Secretary be held every four years together with the elections for the Branch Secretary, provided that where the result of the election has not been declared prior to 30 November 2006, the term of office of the person elected in that position shall expire at the election to be conducted in the year 2008 in accordance with sub-rule 83.3.
- 85.3 Elections in a Branch shall be conducted by the Returning Officer appointed by the Branch Council or the Branch Council may request the Industrial Registrar make the necessary arrangements to conduct such elections in accordance with the provisions of the Industrial Relations Act.
- 85.4 Elections shall be by secret postal ballot of financial members and the roll of voters for any election to be conducted pursuant to this Rule is to be closed 7 days before the day on which nominations are opened.
- 85.5 In elections to fill offices in accordance with these Rules, each candidate may, not later than five working days later than the time fixed in accordance with these Rules for the close of nominations, submit to the Returning Officer a statement (together with a photograph of the candidate if desired) in support of the candidature. Such statement shall not exceed two hundred words. The Returning Officer shall reject any statement or photograph which does not comply with this Rule and may reject

any statement or photograph the publication of which may be defamatory or in breach of the law. A candidate whose statement or photograph is rejected shall be given not more than ten days from the close of nominations to supply a replacement statement or photograph that complies with this Rule and remedies the defect. The Returning Officer shall arrange the printing of the statement and photograph in support of each candidate.

The Returning Officer shall include with the ballot paper delivered to each voter a copy of the statement and photograph printed in relation to each candidate. Where no statement or photograph has been submitted to the Returning Officer by a candidate the Returning Officer shall indicate this on a separate sheet which shall be delivered with each ballot paper.

- 85.6 Notwithstanding anything elsewhere contained in these rules, where a person has nominated for more than one office on the Branch Council, the provisions of Standard Branch Rule 65.4 and 65.5 shall apply.

86 Returning Officer

- 86.1 The Branch Returning Officer shall conduct any election for any office in the Branch or any ballot for a plebiscite in accordance with the provisions of Rule 49 of the Federal Rules. The Branch Returning Officer shall not be a candidate for any election or the subject of any plebiscite conducted by him or her, nor shall he or she be the holder of any office in, or an employee of, the Federation, or of a Branch, Section or Division of the Federation.

87 Scrutineers

- 87.1 A candidate in any Branch election or in any Branch plebiscite or any member of the Branch Council may, if he or she so desires, appoint a scrutineer who is a financial member of the Federation to represent him or her at the ballot. The person appointing a scrutineer shall before the commencement of the ballot, notify the Returning officer in writing of the name of such scrutineer. The provisions of sub-rules 50.1.1, 50.1.2, 50.1.3 and 50.1.4 of the Federal Rules shall apply in relation to the operation of this Rule.

88 Register of members

- 88.1 A register of the names and addresses of the Officers and members of the Branch shall be kept by the Branch Secretary in the office of the Branch. A member shall notify the Branch Secretary in writing within 14 days of any change of that member's address. Any notice which is required to be given to a member under these Rules shall be forwarded to the address of that member last appearing on that register of members.

89 Dissolution of Branch

- 89.1 The Branch shall not be dissolved unless the financial membership of the Branch falls below 20. If at any time the Branch should dissolve, the books, papers, documents and vouchers of the Branch shall immediately be handed over to the Federal Secretary and the funds of the Branch, if any, shall be invested in the bank or other financial institution and be held in trust by the Federal Council for the benefit of any future Branch of the Federation which may be formed in the centre in which the Branch dissolved.

90 Distinguished Honorary Members

- 90.1 The Branch Council may admit persons as Distinguished Honorary Members. Such person if so admitted shall have all the rights and entitlements of Distinguished Honorary Members, and shall not be entitled to take any part in any elections or to vote on any matter. Distinguished Honorary Members shall be exempt from payment of any membership fees or subscriptions whatsoever.

End of Rules

History of amendments to Rules since 26 August 2003

Date Certified	Rule
26 August 2003	Rule 15 - Special Interest Groups New sub-rules (d), (e) and (f) inserted
27 April 2004	Rule 46 - Returning Officer and Ballots New sub-rule (e) inserted Standard Branch Rule 7 - Branch Council New sub-rules (d) and (e) inserted Previous sub-rule (d) renamed sub-rule (f) Standard Branch Rule 23 - Elections New sub-rule 23 (f) inserted
3 June 2004	Rule 27A - Biennial National Conference Amendments to sub-rule 27A(b)(iii)
21 July 2004	Standard Branch Rule 22 - Qualification for Office and Nomination Amendments to sub-rule 22(b)
1 October 2004	Rule 9A - General Branch Meeting - Financial Reports New rule 9A inserted Rule 36A - General Meeting - Financial Reports New rule 36A inserted Rule 44 - Elections New sub-rule 44(e) inserted Rule 46 - Returning Officer and Ballots Amendments to sub-rule 46(b)(vii)(d) Rule 23 - Voting at Federal Executive Amendments to sub-rule 23(d)
1 December 2004	Renumbering of the Rules
20 January 2005	Renumbering of the Rule 5 Sub-rule 5.2.3(b) amended (see decision PR973393)
16 May 2005	Rule 2 - Constitution Association replaced with Federation Rule 3 - Objects Incorrect reference amended Association replaced with Federation

History of amendments to Rules since 26 August 2003

Date Certified	Rule
30 November 2005	<p>Rule 15 - Special Interest Groups New sub-rules (d), (e) and (f) inserted</p> <p>Rule 28 - Biennial National Conference Amendments to sub-rule 28.2.1</p> <p>Rule 41 - Industrial Activities Insert new title</p> <p>Rule 47 Amendments to sub-rule 47.4</p> <p>Rule 48 Amendments to sub-rule 48.1</p> <p>Rule 49 Sub-rules 49.2.7(c) and 49.2.10(b) deleted</p> <p>Rule 51 New Rule 51 inserted</p> <p>Rule 53 Sub-rule 53.2 deleted and paragraphs renumbered</p> <p>Rule 58 Amendments to sub-rules 58.2.2. and 58.2.3</p> <p>Standard Branch Rule 14 New sub-rule 14.1.4 inserted</p> <p>Standard Branch Rules Placed into Chapter 10 of the Federal Rules</p>
28 August 2006	Standard Branch Rules 25 and 27 amended Re: New South Wales Assistant Branch Secretary
4 October 2006	Standard Branch Rules 25, 26 and 27 amended Re: Queensland Assistant Branch Secretary
27 November 2006	Rule 21 amended to remove ambiguity Standard Branch Rule 12 amended to remove ambiguity Standard Branch sub-rule 11.4.2 amended
8 May 2007	Amendments to Rule 5 - Eligibility for Membership (See Decision PR976825)

History of amendments to Rules since 26 August 2003

Date Certified	Rule
9 May 2007	Standard Branch Rules renumbered in sequence with Federal Rules
6 June 2007	Amendment to Clause 58.2.4 of Federal Rule 58
18 April 2008	Insert new sub-rule 4.4 Amendment to sub-rule 34.1 Insert new sub-clause 34.1.1 Amendment to sub-clause 14.1.6 Insert new sub-clause 41.1.4 (See Decision PR981609)
18 May 2008	Insert new sub-rule 28.2.4 and renumber remaining subclauses
20 May 2008	Amendments to Federal Rule 5 - Eligibility for Membership (See Decision PR981781)
19 December 2008	Amendment to Federal Rule 65.5
30 April 2009	Amendment to Federal Rule 85.4
26 May 2009	Insert new Standard Branch Rule 82.2
15 December 2009	Amendment to sub-rule 47.4