



Australian Nursing and  
Midwifery Federation  
(SA Branch)

# ANMF (SA BRANCH) STATE RULES

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## AUSTRALIAN NURSING & MIDWIFERY FEDERATION (SA BRANCH)

### RULES

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 Amended 19 January 2012.  
 Amended 26 August 2015.

Eligibility rule change

#### CHAPTER 1 THE ASSOCIATION

##### 1. NAME

The name of the Association shall be - "Australian Nursing & Midwifery Federation (SA Branch)" - hereinafter called "The Association."

##### 2. OFFICE

The registered office shall be situated at 191 Torrens Road, Ridleyton, or at such place or places as may be determined from time to time by the Council. The office shall be open for such periods as may be determined by the Council from time to time.

##### 3. NATURE OF ASSOCIATION

The Association shall be non-sectarian and shall not be affiliated with any political party.

##### 4. OBJECTS

- (1) To promote and protect the interest of members and in particular to provide professional and industrial leadership for the nursing / midwifery industry and the health sector.

- (2) To improve the industrial and statutory rights and benefits of members.
- (3) To represent members in industrial disputes and in relation to industrial matters.
- (4) To improve the conditions of employment of members.
- (5) To obtain and secure for members preference in employment.
- (6) To foster high standards of nursing / midwifery practice.
- (7) To promote the educational industrial and professional advancement of nurses.
- (8) To assist the formation, establishment and maintenance of groupings of members of the Union however styled.
- (9) To establish and maintain publications, journals and other literature.
- (10) To affiliate, amalgamate, enter into any agreement with or otherwise co-operate with or assist any non political or non sectarian Organisation, Association, Institution or Group in pursuit of these objects.
- (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.
- (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 Association by grants of moneys, insurance or other aid to them or their dependants and connections and establishing and subsidising funds and trusts and medical educational, housing, recreational and other amenities.
- (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.
- (14) To acquire, purchase, lease, rent, hire, hold, sell, lease, mortgage, lend, dispose of, exchange and otherwise own, possess and deal with any real or personal property for the purpose of the Association's objects or any of them.
- (15) To borrow, raise or secure the payment of money and to secure the same or the repayment or performance of any debt or liability or contract incurred in relation thereto for the purposes of the Association's object or any of them."
- (16) To do any things incidental to or conducive to the carrying out of any of the objects as are necessary, expedient, desirable or advisable.
- (17) None of these objects is to be read in such a way as to limit any other of these objects.

- 4(a) A primary object of the Association will be to provide accredited vocational education and training relevant to the nursing / midwifery industry through registration as a training organisation.

## 5. ASSOCIATION STRUCTURE

The Association is an autonomous body which is affiliated to the Federal Organisation and is thereby related to the Federal Organisation to the extent contemplated by these Rules for so long as the Associations deems it appropriate for such affiliation to continue.

Upon the authority of the Council Electorates, Sections and/or Units may be formed within the Association.

## 6. INTERPRETATION

- (a) In the interpretation of these rules words importing the singular shall also include the plural unless otherwise stated and vice versa. The feminine shall include the masculine unless otherwise stated and vice versa.
- (b) In all cases arising as to the interpretation of these rules and upon any matter relating to the Association on which the rules are silent, the decision of the Council after having obtained legal advice shall be final and binding.
- (c) These rules are drawn on the assumption of the Association continuing to affiliate with the Federal Organisation. If the Association resolves to disaffiliate with the Federal Organisation references to the Federal Organisation or the Federal Branch or to the rules or property thereof shall have no effect.

## CHAPTER 2. MEMBERSHIP

### 7. ELIGIBILITY FOR MEMBERSHIP

- (1) Membership shall be open to the following classes of employees engaged in the Nursing Industry:
- (a) who are registered or entitled to be registered as nurses or as mental deficiency nurses or psychiatric nurses or as midwives under provisions of the Nurses Registration Act;
- (b) who are enrolled or entitled to be enrolled as enrolled nurses or mothercraft nurses under the provisions of the Nurses Registration Act;
- (c) 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;

- (d) 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 or enrolled nurses or mothercraft nurses.
- (2) Membership shall be open to persons, however described or titled, employed by a corporation to which paragraph 51(xx) of the Commonwealth of Australia Constitution Act applies 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, attendants, laundry assistants, laundry attendants, gardeners or maintenance employees shall not be eligible for membership of the Association under this Rule 7(2).
  - (3) Membership shall be open to persons employed in a public hospital operating under the Health Care Act 2008 (or any successor thereto) as an assistant in nursing or midwifery (AIN/M) who is under the supervision or oversight of a registered nurse or midwife or enrolled nurse and who is primarily engaged in the delivery of nursing care or services or both, provided that:
    - (a) persons employed as direct care workers in aged care services regulated by the Aged Care Act 1997 (or any successor thereto) shall not be eligible for membership under this rule 7(3); and
    - (b) persons engaged primarily as (1) theatre orderlies; (2) CSSD attendances; (3) patients support assistants or patient support workers; (4) diversional therapists; (5) activity co-ordinators; or (6) home care workers, shall not be eligible for membership under this rule 7(3).
  - (4) 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 Association 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 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.

## 8. APPLICATION FOR MEMBERSHIP

- (a) Each application for membership shall be made in an approved form and shall be signed or authorised by the applicant and delivered to the Secretary or other authorised officer of the Association.

- (b) Council may determine the format and content of an application for membership of the Association provided that such process makes provision for and applicants are required to supply information specifying their full name, address, occupation, employer and place of employment and are required to sign or authorise the application form and specify the date on which the application was made.
- (c) An application for membership shall be submitted to the next meeting of the Council, after its receipt.
- (d) If the Council approves the application the applicant shall be deemed to be a member of the Association as from the date of the making of the application provided that the application duly signed or authorised shall be received at the Registered Office within one calendar month from the date appearing on it. In the event of the application being rejected by the Council any moneys received from the applicant on account of subscription shall be refunded forthwith.
- (e) Each member shall be issued with a membership card which must be shown on demand to any officer of the Association or other person duly authorised by the Council.

#### 8A MEMBERSHIP APPLICATIONS TO AND FROM FEDERAL ORGANISATION

- (a) The Secretary or other authorised officer of the Association shall upon receipt of an application for membership ascertain if the applicant has also made application for membership of the Federal Organisation.
- (b) In the event the applicant has also made application for membership of the Federal Organisation the Secretary or other authorised officer shall take such steps, if any, as are appropriate to ensure that such application is duly considered by the Federal Organisation.
- (c) In the event that the applicant has not also made application for membership of the Federal Organisation then subject to and in accordance with this Rule the Association by the Secretary or other authorised officer shall make application on the member's behalf for membership of the Federal Organisation in accordance with the Rules of the Federal Organisation and such application shall for all purposes be deemed to be by the applicant.
- (d) The Secretary or other authorised officer of the Association shall not make an application for membership of the Federal Organisation in accordance with this Rule unless the applicant has been admitted to membership of the Association and been notified in writing:
  - (i) that on the date specified being not less than 28 days after the date of the notification an application in accordance with this Rule will be made on his/her behalf to the Federal Organisation;



- (ii) of the financial obligations arising from membership of the Federal Organisation and the circumstances and the manner in which a member may resign from that membership; and
  - (iii) that if a written objection to the Secretary of the Association is received within 21 days of the date of the notification then no application on his/her behalf will be made for membership of the Federal Organisation.
- (e) In the event that the Association receives a written objection within 21 days of the notification to the making of an application for membership to the Federal Organisation on behalf of a member in accordance with this Rule then no such application shall be made on that member's behalf.
- (f) Notwithstanding Rule 7(3) relating to the applications for membership of the Federal Organisation, persons may be admitted to membership of the Association and thereby enable an application, subject to sub-rule(e), to be made for membership of the Federal Organisation under this Rule.
- (g) Notwithstanding any other provision of these rules members of the Federal Organisation who after 1 October 2007 become eligible for membership of the Association by reason of an alteration to Rule 7 – Eligibility for Membership may become members of the Association in accordance with the following provisions of this rule.
- (h) An application for membership of the Association in respect of a member or members of the Federal Organisation may be made on behalf of such person or persons by the Federal Organisation.
- (i) A person shall be taken to have become a member under this Rule on the date when the application made on behalf of the person by the Federal Organisation is received by the Association, provided that no person shall become a member of the Association pursuant to this rule unless he/she has been notified in writing:
- (i) that on a date specified being not less than 28 days after the date of the notification an application in accordance with this rule will be made on his/her behalf of the Association;
  - (ii) of the financial obligations arising from membership and the circumstances and the manner in which a member may resign from membership; and
  - (iii) that if a written objection to the Secretary of the SA Branch of the Federal Organisation is received within 21 days of the notification then no application on his/her behalf will be made;

and no such objection is received within that time.

- (j) No error, omission, or want of form in connection with any such person's application for or admission to membership shall invalidate membership under this rule.
- (k) The Federal Organisation shall be taken to be the agent of its members for all purposes under this rule and reference to the Federal Organisation in this rule (unless the context requires otherwise) includes reference to any officer of that body.
- (l) Membership and financial membership of the Federal Organisation immediately prior to admission to membership of the Association in accordance with this Rule shall be deemed to be membership and financial membership of the Association for all purposes of these rules including eligibility for election to any office in the Association.
- (m) This Rule 8A shall operate for so long as the Association continues to affiliate to the Federal Organisation.

## 9. REGISTER OF MEMBERS AND REGISTER OF OFFICERS

- (a) The Association shall maintain a register of current members.
- (b) The Association shall maintain a register of officers.
- (c) A member, councillor, executive member or officer shall notify the Secretary within fourteen (14) days of any change in his or her name and/or address. Any notice which is required to be given to a member, councillor, executive member or officer under these Rules shall, unless otherwise provided, be forwarded to his or her address last appearing on the register of members.

## 9A. PURGING THE REGISTER

- (a) The Executive Committee may direct the removal from the Register of the name of any member who:
  - i) is unfinancial for more than six months;
  - ii) appears to be no longer eligible for membership;
  - iii) is expelled by Council pursuant to Rule 12.
- (b) Any person whose name has been so removed from the Register shall thereupon cease to be a member or to have any rights or privileges of membership.
- (c) Before removing the name of any member from the Register in accordance with sub-rule (a)(ii) hereof the member shall be notified of the Executive Committee's intention to remove his or her name. Such notification shall state the ground upon which action is to be taken and shall be sent by post to the member at the address shown on the Register.

- (d) If such member fails within 14 days to show cause why his or her name should not be removed from the Register the Executive Committee may direct that his name be removed without further enquiry.
- (e) Any member whose name has been removed from the Register in accordance with sub-rule (a) (ii) hereof may appeal to the Council.

## 10. SUBSCRIPTIONS

- (a) Each member shall pay to the Association an annual subscription in advance or by instalments through a system approved by the Council.
- (b) The amount of the annual subscription or subscription for part thereof will be determined from time to time by the Council.
- (c) In determining the amount of the annual subscription payable by each member the Council shall have regard to the categories of membership and may assess the subscription for each class of membership accordingly.
- (d) Notwithstanding anything contained in these Rules the Council may on the application of a member and, because of the member's special financial circumstances or illness, waive the payment of such member's subscription in whole or in part for such period as the Council specifies and such member shall be deemed not to lose their status as a financial member for the purposes of these Rules for the specified period of the waiver by reason only of their non-payment of the subscription waived.
- (e) The Council may on the application of a member and upon being satisfied that appropriate circumstances exist suspend the member's obligation to pay subscriptions for a specified period not exceeding 24 months, in which case the member shall be unfinancial for the period of the suspension provided that notwithstanding sub-rule 8.8 if the period of suspension exceeds 6 months the member's membership shall continue and his or her name shall not be removed from the Register of members.
- (f) Subscriptions may be paid by yearly payments or by any such payment system or period as may be prescribed by the Council. A member shall be unfinancial if his or her subscription is not paid within 1 month of becoming due either as a whole year subscription or payment under another system approved by the Council.
- (g) A member who is unfinancial shall not be entitled to any benefit of the Association except at the direction of Council.
- (h) Notwithstanding anything hereinbefore contained, the Association may arrange for the collection of subscriptions on behalf of or through any other organisation or kindred body.

- (i) Notwithstanding anything contained in these rules, the payment of subscriptions by pay-roll deduction may be made where a member has authorised an employer approved by the Secretary to deduct the subscription from the member's salary, and the employer has agreed to make such deduction, and regularly submit the subscription to the Association.

A member who elects to pay pay-roll deductions subscriptions shall be deemed to be unfinancial, should the member's authority to deduct such subscriptions from salary be withdrawn, from one month after such withdrawal of authority.

- (j) Where a member elects to pay subscriptions by transfer from a financial institution and such payments are not made, the Secretary shall forthwith render to the member an account for the amount due and unpaid. The date of the account shall be the date upon which the subscriptions are payable.
- (k) Any member who is unfinancial in accordance with this Rule may be fined by resolution of the Council. It shall be lawful at any meeting of the Council to instruct the Secretary, by resolution carried by a majority of the Council present, to sue for recovery of arrears of subscriptions, fines and levies.
- (l) No unfinancial member shall be entitled to attend any meeting of the Association, nor shall any unfinancial member be eligible to vote in any ballot conducted by the Association. Unfinancial members shall also be ineligible to receive any of the benefits or services of the Association, unless the Council otherwise directs.
- (m) The amount of the annual subscription shall for so long as the Association continues to affiliate with the Federal Organisation, include:
- i) a sum the equivalent of the capitation fee owed per member to the Council of the Federal Organisation by the Federal Branch;
  - ii) the current subscription to the Australian Nurses Journal.
- Such sum shall from time to time be remitted by the Secretary to the Federal Branch and to the Australian Nurses Journal respectively.
- (n) An applicant for membership shall not be admitted to membership pursuant to Rule 8 until she or he has paid the applicable subscription in advance, arranged for payment under Sub Rule (f) or (h) or authorised a deduction under Sub Rule (i).

## 11. RESIGNATION

- (a) A member may resign, if he or she wishes to resign, by notice in writing, if:-
- i) the member ceases to be employed in, or in connection with, the industry of nursing / midwifery; or
  - ii) the notice is given not less than fourteen days before the resignation is to take effect and is subject to the payment of fees as previously specified;

- iii) such notice is delivered to and/or received by the Secretary; and
  - iv) provided that notwithstanding the provision of sub-clause ii) a notice of resignation in writing shall be deemed to be valid if the member is informed in writing by or on behalf of the organisation that the resignation has been accepted.
- (b) For so long as the Association continues to affiliate with the Federal Organisation no notice of resignation shall be accepted unless accompanied by resignation also from the Federal Branch.
- (c) where a member resigns in accordance with this Rule, or is expelled in accordance with Rules 12 or 12A:
- (i) the member shall not be entitled to any refund of the payment of that part of an annual subscription which relates to the balance of the membership year after the date upon which the resignation took effect or the member ceased to be a member.
  - (ii) Sub-Rule ( c )(i) is subject to the power of the Branch Secretary, at his or her discretion, to allow the member a refund of the annual subscription for part or all o f the period after the date the member ceased to be a member or upon which the resignation took effect.

## 12. DISCIPLINE OF OFFICERS AND COUNCILLORS

- (a) At a meeting of Council to which the holder of any office in the Association has been summoned in writing by direction of Council to show cause why he or she should not be dealt with in accordance with this Rule the Council may:
- (i) Remove that officer from any office if he or she has ceased according to the Rules to be eligible to hold such office, or;
  - (ii) Deal with that officer in accordance with Sub-Rule (e) of this Rule if he or she has been found guilty by Council of:
    - (a) Misappropriation of the funds of the Association;
    - (b) A substantial breach of the Rules of the Association;
    - (c) Gross misbehaviour in relation to his or her office; or
    - (d) Gross neglect of duty in the conduct of his or her office.

The Summons to show cause shall:

- (i) state the allegation together with particulars thereof;
- (ii) disclose the evidence on which the allegation is based;

- (iii) be signed by the President or Secretary;
  - (iv) state the time, date and place at which the officer is to show cause;
  - (v) 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;
  - (vi) have attached to it a copy of this Rule.
- (c) 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 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.
- (d) The evidence relating to the alleged offence should be heard by the Council and the officer concerned shall be heard in his or her defence personally and/or in writing.
- (e) If in the opinion of the Council the officer is guilty of the alleged offence it may:
- (i) reprimand the officer;
  - (ii) suspend the officer for a period not exceeding 3 months;
  - (iii) dismiss the officer from office; or
  - (iv) expel the officer from the Association.
- (f) The Secretary shall promptly inform the officer by registered letter of the decision of the Council. The decision of Council shall become effective immediately after it is made.
- (g) If the Council suspends any officer from office pursuant to this Rule it shall forthwith appoint a financial member of the Association 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 Council may at any time appoint another financial member in the Branch to hold that office for the period of the suspension.
- (h) Any officer expelled by Council pursuant to this Rule shall not be readmitted to membership except by vote of Council.
- (i) No officer suspended under this Rule shall attend any meeting of the association unless requested to do so by Council.
- (j) For the purposes of this rule, an officer shall include a person holding the office of Councillor.

## 12A. DISCIPLINE OF MEMBERS

- (a) Council may by summons in writing call upon any member in the Association against whom it is alleged that he or she has:
- (i) tampered with, falsified or otherwise wilfully misused membership cards, or any books or documents of the Association;
  - (ii) contrary to the Association's Rules obtained or kept the possession of any books, papers or other documents or property belonging to the Association;
  - (iii) refused to obey the Rules of the Association; or
  - (iv) refused to comply with the directions of the Council
- to show cause to a meeting of Council why he or she should not be suspended from membership or expelled from the Association.
- (b) The Summons to show cause shall:
- (i) state the allegation together with particulars thereof;
  - (ii) disclose the evidence on which the allegation is based;
  - (iii) be signed by the President or Secretary;
  - (iv) state the time, date and place at which the member is to show cause;
  - (v) 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;
  - (vi) have attached to it a copy of this Rule.
- (c) 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 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.
- (d) The evidence relating to the alleged offence shall be heard by the Council and the member concerned shall be heard in his or her defence personally and/or in writing.
- (e) If in the opinion of the Council the member is guilty of the alleged offence it may:

- (i) suspend the member for a period not exceeding three months; or
  - (ii) expel the member from the Association.
- (f) The Secretary shall promptly inform the member by registered letter of the decision of Council.
- (g) No member suspended from membership of the Association shall attend any meeting of the Association unless at the request of the Council and shall not during the period of suspension exercise any right of membership.
- (h) Any person expelled from membership of the Association pursuant to this Rule shall not be readmitted to membership in the Association without leave of the Council.

### CHAPTER 3. GOVERNMENT

#### 13. COUNCIL

- (a) The affairs of the Association shall be managed by the Council subject to the controls provided for in rules 18 and 19 of these rules and to the powers of the Annual Conference concerning policy matters.
- (b) The Council shall consist of:
- (i) the President, the Vice President and Secretary (hereafter referred to as the Officers), and;
  - (ii) four Executive members (hereinafter referred to as the Executive members), together with;
  - (iii) such number of other members (hereinafter referred to as Councillors) no fewer than five or more than twenty as determined by each Council;
- all of whom shall be elected in accordance with these Rules.
- (c) No person shall hold more than one office on the Council.

#### 14. MEETINGS OF COUNCIL

- (a) Council shall meet at least 6 times per year on a bi-monthly basis or as otherwise scheduled by the Council.
- (b) The quorum for a meeting of the Council shall be a simple majority of the members of the Council eligible to attend thereat.
- (c) A resolution of Council shall be carried if the simple majority of the votes cast are in favour of the resolution.



- (d) Each member of Council shall be entitled to one vote in any deliberation of Council.
- (e) If so determined by the Secretary a meeting of Council may be conducted from telephone, radio or by any other similar means by which the members of the Council are able to communicate verbally with each other without being physically present.

#### 15. POWERS OF COUNCIL

The Council shall be responsible for the management of the affairs of the Association.

In particular, and without derogating on the generality of the aforesaid powers of management , the Council shall have power to:

- (a) consistently with the decisions of Annual Conference, declare the policy of the union on all matters and implement, monitor and review the decisions of Annual Conference;
- (b) carry on the financial administration of the Association;
- (c) acquire or take on lease or otherwise obtain for use any office, or building for the purposes of the Association;
- (d) purchase, hire or otherwise acquire any property necessary for the purposes of the Association;
- (e) employ any person and at any time suspend or dismiss any such person;
- (f) investigate complaints and grievances of members and/or groupings of members and investigate and settle disputes within the Association;
- (g) make, vary or repeal any by-laws for the regulation of the affairs of the Association;
- (h) transact any business of the Association that may require immediate attention and report same to the next General Meeting or to Association Members by other means;
- (i) transact or report on any business referred to it by any General Meeting and submit to such Meeting any recommendations consistent with the objects of the Association;
- (j) appoint a Returning Officer;
- (k) make available to Auditors all information and books necessary for the execution of their duties;

- (l) submit annually for the approval of Council or a General Meeting of members the annual auditors' report, balance sheet and financial statement. The Council may also submit such other report of the affairs and activities of the Association as it may determine;
- (m) organise the conduct of elections and plebiscites;
- (n) represent the Association in the conciliation, arbitration and settlement of industrial disputes;
- (o) direct and control worksite representatives subject to these Rules;
- (p) have power to levy members of the Association when it is deemed necessary by the Council to achieve a particular object;
- (q) have power to conduct lotteries;
- (r) subject to these Rules, have power to determine the time and place of meetings;
- (s) From time to time appoint such committee of its members as it may think fit and may -
  - (i) delegate to any such committee such of the powers vested in the Council as the Council may think fit;
  - (ii) revoke or vary any such powers;
  - (iii) dissolve any such committee;
- (t) hold a plebiscite of the financial members of the Association on any question;
- (u) do all things necessary to carry out the objects of the Association consistent with these rules;
- (v) have power to form groupings of members however styled;
- (w) have power to make investments of surplus funds or portion thereof and give directions to officers of the Association for that purpose;
- (x) settle disputes and adjust grievances and mediate in any industrial dispute with the Association's area;
- (y) have power to appoint a financial adviser or advisers to advise on the financial administration of the Association.

## 16. DUTIES OF THE COUNCIL

In addition to the duties conferred elsewhere by these rules the Council shall:

- (a) give due consideration to all matters referred to it by Annual Conference, members, or groupings of members of the Association;
- (b) appoint auditors to audit the books of the Association;
- (c) report regularly to members on the business of the Association;
- (d) report to the membership in a publication distributed to all of the membership the declaration of the result of any election including a full report of the ballot by the Returning Officer;
- (e) present the declaration of the result of any extra-ordinary election and make available a report on the ballot by the Returning Officer at the next Council meeting.

## 17. DUTIES OF COUNCILLORS

It shall be the duty of a Councillor:

- (a) to attend all meetings of Council;
- (b) to attend general meetings and special meetings of the Association.

## 18. CONTROL OF COUNCIL AND ANNUAL CONFERENCE DECISIONS

- (a) Decisions of the Council shall be final and binding on all members subject to the powers of the Annual Conference to formulate policy and to resolutions of general meetings of members or unless amended or rescinded by a plebiscite which has been conducted in accordance with this rule.
- (b) A plebiscite on a notice of motion to veto any acts or decisions of the Council shall be held where the Secretary receives a motion or direction of veto signed by at least ten percent (10%) of the financial members of the Association, and the Secretary shall within a period of twenty-eight days of such motion having been received cause a plebiscite to be held on such motion. The majority of financial members of the Association, voting by plebiscite conducted pursuant to such a motion or direction shall have power to veto any acts or decisions of the Council when a majority of financial members of the Association voting, vote in favour of such a motion. The majority decision shall be given immediate effect.
- (c) Prior to a plebiscite being taken pursuant to (b) of this rule, the 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.

- (d) The Secretary shall within seven days notify all Councillors of the results of any plebiscite.

## 19. GENERAL MEETINGS OF THE ASSOCIATION

- (a) A General Meeting of the Association may be called by the Council for any purpose it determines.
- (b) A General Meeting of the Association shall be called by the Secretary on receipt of a written request of at least five per cent (5%) of the members in the Association, 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.
- (c) The Secretary shall notify all members either in writing or by publication of the date, time and place of a General Meeting of the Association and such notification shall specify the purpose or purposes for which such meeting has been called pursuant to Sub Rule (a) or (b) of this Rule.
- (d) A duly constituted General Meeting of members of the Association shall have power to direct the Council and Annual Conference on matters of policy and administration.
- (e) Every resolution unless otherwise provided by these rules proposed at any meeting referred to in this Rule shall be carried by a simple majority of those present and voting at such meeting.
- (f) Any meeting may be adjourned from time to time and from place to place by resolution of the majority of members present at any such meeting but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (g) The quorum for any meeting referred to in this rule shall be one tenth (1/10) of the whole membership provided always that where this number would exceed 25, 25 members shall constitute a quorum.
- (h) If within 30 minutes from the time appointed for any meeting a quorum of members is not present the meeting shall lapse.

## 20. RESIGNATION FROM OFFICE OF COUNCILLORS AND OFFICERS

- (a) Any member of the Council may resign their membership of the Council by writing under their hand addressed and forwarded to the Council; any such resignation shall take effect from the date of its acceptance by the Council.

- (b) For so long as the Association continues to affiliate with the Federal Organisation the Council shall not accept a resignation pursuant to sub-rule (a) hereof unless it is accompanied by a similar resignation from the Council of the Federal Branch.

## 21. EXECUTIVE

There shall be an Executive comprising:

- (a) The President, Vice-President and Secretary; and
- (b) Four Executive members.

## 22. DUTIES AND POWERS OF EXECUTIVE

- (a) Subject to any decision or direction of Council the Executive shall have all the powers of Council except the powers referred to in Rule 12 and Rule 12A of these Rules or any power expressly reserved to itself by Council or the power to rescind or amend any decision of Council.
- (b) The Executive shall subject to these rules carry out the duties delegated or imposed on it by Council.
- (c) The quorum for a meeting of the Executive shall be a simple majority of the members of the Executive eligible to attend.
- (d) The Executive shall meet at least four times per year or as determined by the Secretary. Each member of the Executive shall have one vote.
- (e) A resolution shall be carried if the simple majority of the votes cast are in favour of a resolution as put to the Executive.
- (f) When so determined by the Secretary a meeting of the Executive may be conducted by telephone, radio or by any other similar means by which members of the Executive are able to communicate verbally with each other without being physically present.

## 23. PROXY VOTING ON COUNCIL AND EXECUTIVE

- (a) If any member of Council or Executive is unable to attend the whole or any part of any meeting or to participate in any vote of Council or Executive he or she may appoint one other member of the Executive or Council as the case may be as his or her proxy on that body. That appointment may be made for a period of time and may be contingent upon the unavailability of the member concerned and may be terminated at any time. The member appointing the proxy shall prior to the meeting or part of the meeting or vote of the Council or Executive notify the Secretary of the name and office of the person appointed as his or her proxy. That notification may be transmitted by post, telegraph, telex, lettergram, facsimile, overnight bag, courier, computer link-print-out or any other

method of communication that has the like effect to such method of communication.

- (b) A person appointed as a proxy to any meeting or in any vote of Council or Executive shall have all the powers and duties of the office to which the proxy relates.

#### CHAPTER 4. OFFICERS OF THE ASSOCIATION

##### 24. OFFICERS OF THE ASSOCIATION

The officers of the Association shall be the President, the Vice President and the Secretary.

##### 25. DUTIES OF THE PRESIDENT

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

- (a) Preside at all meetings of Annual Conference, Council, Executive and at General Meetings and preserve order.
- (b) Upon the confirmation of the Minutes, sign the Minute Book in the presence of the meeting.
- (c) Represent the Association as and when required to do so by the Council or Executive.

##### 26. DUTIES OF VICE-PRESIDENT

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

##### 27. DUTIES OF SECRETARY

The Secretary shall be the principal officer of the Association and shall be subject to the control of the Council. The Secretary may be known as the Chief Executive Officer of the Association.

- (a) The Secretary shall:
  - (i) attend each meeting of the Annual Conference, Council, Executive and General Meetings unless granted leave of absence;
  - (ii) sign or countersign as the case may be all instruments to which his or her signature is required;

- (iii) produce for audit at least once a year, and at such additional times as the Council may direct, all books and documents of the Association in his or her custody;
  - (iv) arrange meetings of the Annual Conference, Council and Executive in accordance with these Rules;
  - (v) prepare and forward to the proper authorities all returns required by law;
  - (vi) when vacating his or her office, deliver to his or her successor in the presence of a member of the Council all books, documents and other property of the Association in his or her possession;
  - (vii) ensure that all books and financial statements show a true and correct record of financial transactions of the Association or;
  - (viii) publish the annual audited accounts of the Association;
  - (ix) make all financial documents available to the auditors when required;
  - (x) sign any instruments or documents when requested to do so by the Council or Executive;
  - (xi) invest funds as directed by the Council;
  - (xii) lodge for safe keeping all securities and other legal documents of the Association with the Bankers of the Association;
  - (xiii) perform such other duties appertaining to his or her office as the Council or Executive shall direct from time to time;
  - (xiv) when an industrial dispute exists, if appropriate, take the necessary steps to have the dispute submitted for conciliation and/or arbitration and to conduct proceedings on behalf of the Association;
  - (xv) authorise all public documents emanating from the Association and spokespersons representing the Association.
- (b) The Secretary shall be the officer authorised to affix the Seal of the Association to any document required to be sealed.
- (c) The Secretary shall be responsible for:
- (i) the making and keeping of a correct record of proceedings of the Council, Executive and Annual Conference;
  - (ii) the conduct of the Council and Executive's correspondence;

- (iii) collecting and receiving all moneys payable to the Council pursuant to these Rules, issuing receipts and banking that money in the bank account of the Association determined from time to time by Council;
  - (iv) the preparation of all cheques, money orders or the like drawn on the Council's funds;
  - (v) the maintenance of a true account of all moneys he or she receives on behalf of the Association and all moneys disbursed from funds;
  - (vi) keeping all records of members required by legislation.
- (d) The Secretary should be paid such salary or allowance and allowed such leave of absence as the Council may determine.

## CHAPTER 5. FINANCE

### 28. ASSOCIATION FUNDS

- (a) The Association Funds shall be:
  - (i) subscriptions received by the Association after deducting therefrom the capitation fees payable to the Federal Branch pursuant to rule 10 (I);
  - (ii) levies as imposed by the Council;
  - (iii) interest in investments;
  - (iv) monies received by the Association from any other source;
  - (v) money raised for the purpose of publishing or by-publishing Association publications.
- (b) Council shall nominate the bank through which its financial matters are contracted.
- (c) All books and accounts and other financial documents shall be duly presented for audit to the Association auditor who shall be a qualified practicing accountant.
- (d) Copies of an audited balance sheet and statement of receipts and expenditure of the Association shall be presented to the Association's Council at least once per year.
- (e) The Council shall control and administer the funds of the Association and cheques drawn on the Association account shall be signed by any two of the President, Secretary, Councillor or an employee of the Association, designated by the Council.



- (f) Monies raised by levy pursuant to rule 15(p) shall be used for the purpose of the levy only, provided that with the approval of the Council, any unused portion may be applied for the general purposes of the Association.

## 29. FINANCIAL YEAR

The financial year of the Association shall commence on the first day of July in every year and shall end on the 30th day of June next following.

## 29A. CESSATION OF PROVISION OF VOCATIONAL EDUCATION AND TRAINING

- (1) If the Australian Nursing & Midwifery Federation (SA Branch) is wound up or ceases to provide nationally recognised vocational education and training then upon a request in writing from the Minister for Education, Science and Training (the Minister), the Association will refund an amount nominated by the Minister not exceeding the amount spent by the Association of funds received by it under the (Industry Skills Centre) (Australian Nursing & Midwifery Education Centre) Program funding agreement entered into between the Minister and the Association, to the Minister within 90 days of such request.
- (2) This rule cannot be amended or removed from the registered rules of the Association.

## CHAPTER 6. INDUSTRIAL AND LEGAL MATTERS

### 30. INDUSTRIAL AGREEMENTS

Industrial agreements made by the Association shall be signed on behalf of the Association by the President or Secretary or by three members of the Council.

### 31. SEAL

The Association Seal shall be kept at the Registered Office of the Association and shall be affixed to any document required to be sealed by the Secretary or in her absence by the President.

### 32. AMENDMENT TO RULES

- (a) The rules of the Association shall be added to, amended or repealed by resolution of the Council convened and meeting in person provided that the motion constituting the proposed addition, amendment or repeal shall be given to each member of Council in writing at least twenty-eight clear days before the meeting is held.
- (b) The motion constituting the proposed addition, amendment or repeal may be given to each member of council by posting the motion by pre-paid post to the address of that member last appearing on the register of members at least thirty clear days

before the day the meeting is held, or in the event a member has provided an e-mail address, by e-mailing the motion constituting the proposed addition, amendment or repeal to that e-mail address at least twenty-eight clear days before the day the meeting is held.

### 33. AMALGAMATION

The Association may amalgamate with other associations or organisations in accordance with the appropriate Federal or South Australian industrial legislation as amended from time to time.

### 34. DISSOLUTION

Except in so far as the same is incidental to any amalgamation with another association or society the Association shall not be dissolved nor its funds appropriated for any purpose other than those set forth in these rules so long as fifteen members remain clear on the Register nor until an affirmative vote for dissolution shall have been first obtained by a ballot of all members of the Association. If at any time the number of members of the Association shall be reduced to below fifteen the Association may be dissolved by a vote of the majority of the members present and entitled to vote at a meeting duly summoned for the purpose. The funds of the Association shall be dealt with in accordance with a resolution for the purpose raised at such meeting.

## CHAPTER 7. ELECTION OF COUNCIL AND OFFICERS

### 35. QUALIFICATIONS FOR OFFICE AND NOMINATION

- (a) A candidate for the Council or for a position of officer of the Association shall be a financial member of the Association for a period of one year immediately preceding the date of nominations for office and no person who holds office or any paid position in any Association, Organisation or Union with industrial objects other than the Association shall be eligible to nominate or hold office.
- (b) Nominations shall be in writing and signed by three other financial members of the Association.
- (c) Notwithstanding (a) and (b) hereof for so long as the Association continues to affiliate with the Federal Organisation the qualifications for office and nomination shall be the same as the qualifications for such office and nomination in the Federal Branch.

### 36. ELECTIONS

- (a) Elections for members of the Council and officers 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 election.

- (b) The election for the position of Secretary 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.
- (c) Elections of the Association shall be conducted by the Returning Officer appointed by the Council.
- (d) Elections shall be by secret ballot and every financial member of the Association shall be entitled to vote.
- (e) Notwithstanding sub-rules (a) to (e) hereof and Rule 16(e) and (f) for so long as the Association continues to affiliate with the Federal Organisation no separate election shall occur for members of the Council and Officers of the Association but the members of the Council and Officers of the Association shall be the persons elected as members of the Council and Officers of the Federal Branch provided that the person elected to the position of Branch Federal Councillor of the Federal Branch shall be an ordinary member of the Council of the Association and a member of the Executive Committee of the Association.

### 37. TERM OF OFFICE

- (a) The President shall hold office for a term of two years, and shall then be eligible for re-election for a further term of two years. A person shall not be eligible for election as President for more than two successive terms.
- (b) The Vice-President shall hold office for a term of two years, and shall then be eligible for re-election for a further term or terms of two years each.
- (c) The Secretary shall hold office for a term of four years and shall be eligible for re-election for a further term or terms of four years each.
- (d) Members of the Council other than those referred to in the foregoing provisions of this rule, shall hold office for a term of two years and be eligible for re-election.
- (e) A person 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.
- (f) For so long as the Association continues to affiliate with the Federal Organisation sub-rules (a) to (e) hereof shall only have application whilst their terms remain consistent with the rule providing for terms of office in the Rules of the Federal Branch.

### 38. RETURNING OFFICER

- (a) A Returning Officer shall be appointed by the Council for an 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 or an employee of the Association, worksite electorate, section, or unit of the Association.

- (b) In conducting elections the Returning Officer shall:-
- i) call for nominations and check all nominations received to see that they comply with the requirements of the rules and reject any that do not so comply, provided that 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;
  - ii) if there be no more nominations than there are vacancies for the position, declare the nominated person or persons elected to the position;
  - iii) where more nominations are received than there are vacancies to be filled:
    - a) by ballot, decide the order in which the candidates' names shall appear on the ballot paper;
    - b) where appropriate have ballot papers printed;
    - c) ensure that such ballot papers indicate:
      1. the number to be elected;
      2. the manner in which votes shall be recorded;
      3. the date and time for closing of the ballot.
  - iv) be responsible for the safe custody of the ballot papers;
  - v) obtain from the printer a certificate of the number of ballot papers printed;
  - vi) initial every ballot paper prior to its distribution;
  - vii) subject to the rules relating to the election of officers of the Council, 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:
    - 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;
    - b) a ballot paper or ballot papers depending upon the positions to be filled;
    - c) a notice that the ballot paper of any member whose subscription is overdue will not be counted;

- d) a prepaid stamped - addressed envelope addressed to the Returning Officer for the return of the ballot papers.
  - viii) 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;
  - ix) hold the ballot box containing unopened all envelopes received by him or her up to the hour appointed for the closing of the ballot;
  - x) at the time fixed for the closing of the ballot, open the ballot box in the presence of the scrutineers and count all the votes cast;
  - xi) 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;
- (c) In the case of plebiscites, which must be conducted as secret postal ballots, the Returning Officer shall:
- i) Check the motion which is to be placed before the Association Members and have the ballot papers printed and delivered to him or her setting out the motion, the manner in which votes shall be recorded and the date and time of closing of the ballot;
  - ii) satisfy himself or herself as to the impartiality of the statement prepared by the Secretary concerning the matter at issue, arrange for the statement to be printed and ensure that one copy accompanies each ballot paper;
  - iii) conduct the plebiscite as far as practicable in accordance with this rule.
- (d)
- i) The Returning Officer shall call for nominations for each of the officers referred to in the provisions of Rule 24. Nominations shall be in writing and signed by the person nominating and one other member of the Council;
  - ii) if there be no more nominations than there are vacancies for each position to be filled, the Returning Officer shall declare the person or persons nominated for such positions elected;
  - iii) where in respect of each or any election more nominations are received than there are vacancies to be filled the Returning Officer shall -
    - a) prepare ballot papers. At least seven days before the first meeting of the Council after the declaration of the Poll, send by prepaid

post to each member of the Council a ballot paper together with the necessary advice referred to in subsequent provisions of this rule and a prepaid stamp addressed envelope addressed to the Returning Officer for the return of the ballot paper;

- b) advise members of the Council in respect of each or any election to be conducted of the number of persons to be elected and the method of recording a vote;
  - c) advise members of the Council of the date and time for the closing of each ballot;
  - d) be responsible for the safe custody of ballot papers;
  - e) control a ballot box for the reception of ballot papers and hold such ballot box until the time appointed for the closing of the ballot;
  - f) at the time fixed for the closing of the ballot, open the ballot box in the presence of scrutineers, if they desire to be present, and count the votes cast;
  - g) declare the result of the election if practicable at the meeting of the Council.
- (e) Notwithstanding sub-rules (a) to (d) hereof no election shall be conducted by a Returning Officer appointed by the Association for so long as the Association continues to affiliate with the Federal Organisation.

### 39. ELECTION MATERIAL

In elections to fill offices in accordance with these Rules, each candidate may, not 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 (together with any photograph so supplied) shall be capable of being reproduced on one side of an A4 sheet and 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 seven days from the close of nominations to supply a replacement statement or photograph on a separate A4 sheet for 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.

#### 40. BALLOT PROCEDURE

- (a) All nominations of candidates for election shall be lodged with the Returning Officer not later than a date to be fixed by him or her. Nominations shall be in writing and signed by the persons nominating and three other financial members.
- (b) Ballot papers shall be deemed spoiled which -
  - i) show more candidates marked as voted for than the number permitted;
  - ii) which are defaced or mutilated as to prevent the intention of the voter being ascertained.
- (c) The Returning Officer may rule as he or she thinks necessary on any other matter but -
  - i) a ballot paper shall not be deemed spoiled only on account of the voter having indicated a preference for fewer than the number of candidates to be elected;
  - ii) a ballot paper shall not be deemed spoiled only on account of the voter having used a mark other than that decided on to indicate his or her preferences.
- (d) For so long as the Association continues to affiliate with the Federal Organisation sub-rules (a) to (c) hereof shall have no application.

#### 41. SCRUTINEERS

A candidate in any election may, if he or she so desires, appoint a scrutineer who is a financial member of the Association 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.

- (a) 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.
- (b) A scrutineer shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.
- (c) A scrutineer shall not interfere with or attempt to influence any member at the time such member is casting his or her vote.
- (d) Ballot papers shall not be opened except in the presence of the scrutineers unless they 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.

This rule shall have no application for so long as the Association continues to affiliate with the Federal Organisation.

#### 42. EXTRAORDINARY VACANCIES

- (a) If for any reason the position of any of the Officers of the Association becomes vacant between the normal elections referred to in the foregoing provisions of these Rules such vacancy shall be filled in the following manner:
- i) if the vacancy occurs within eighteen (18) calendar months (thirty-six (36) calendar months if the vacant position is that of Secretary) of the first day of September of a year in which an election for such office would be held in accordance with these Rules the Council may appoint one of its members to fill such vacancy for the balance of the unexpired term and the provisions of sub-rule (b) hereof shall apply to the vacancy in the position of ordinary members of Council thereby created;
  - ii) if the vacancy occurs more than eighteen (18) calendar months (thirty-six (36) calendar months if the vacant position is that of Secretary) prior to the first day of September of a year in which an election for such office would be held in accordance with these Rules the Returning Officer shall conduct an election to fill such vacancy for the balance of the unexpired term as far as practicable in accordance with these rules;
  - iii) in the event of an election being held pursuant to sub-rule (a) (ii) hereof the Council may make an appointment to such office for the whole or part of the period from the vacation of the office until the candidate duly elected thereto assumes office;
  - iv) if the vacant position is that of Secretary and sub-rule (a) (i) hereof otherwise applies the Council may appoint any person who is a financial member of the Association for a period of one year immediately preceding the date of appointment;
  - v) notwithstanding that a vacancy occurs in circumstances such that the Council may appoint and replace the Council may nevertheless call upon the Returning Officer to conduct an election to fill such vacancy.
- (b) A casual vacancy in the position of an ordinary member of the Council shall be filled by election conducted by the Returning Officer, provided that if such vacancy occurs within eighteen (18) calendar months of the first day of September of a year in which an election for Councillors would be held, the Council may:-
- i) where the number of remaining ordinary members is not fewer than five as required by Rule 13(b) hereof, by resolution determine that the position remain vacant until the normal elections occur;



- ii) appoint the person who received the highest number of votes of the unsuccessful candidate in the immediately preceding election for members of the Council, and in the event that that person declines the appointment or has already been appointed to the Council pursuant to this Rule, appoint the person who received the next highest number of votes and so on;
  - iii) where there is no person available for appointment pursuant to (ii) hereof appoint a person from the list of nominees resulting from the Council calling for nominations from the members to fill the vacancy.
- (c) A member appointed by the Council to any office pursuant to this Rule shall be eligible for election to the office in accordance with the Rules.
  - (d) Where an election has been held for any office in the Association and no member has been duly elected a further election shall be conducted as though an extraordinary vacancy existed and the provisions of this Rule shall apply.
  - (e) This Rule shall have no application for so long as the Association continues to affiliate with the Federal Organisation.

#### 43. STANDING ORDERS FOR COUNCIL AND EXECUTIVE MEETINGS

##### A. Conduct of Council and Executive Meetings

1. Council/Executive meetings shall, subject to the presence of a quorum, commence at the time and dates decided by Council/ Executive or by the President pursuant to these Rules.
2. In the absence of the President and Vice President the meeting shall elect a Chairperson (from voting members) for the duration of their absence.
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.
4. At all meetings voting shall be by a show of hands unless otherwise determined.
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.
6. No discussion shall be allowed except on a motion or amendment which has been moved and seconded.
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.

8. When any voting member is speaking no one shall interrupt except to raise a point of order.

B. Power of the chairperson

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.
2. The mover of the motion shall have five (5) minutes to present argument in support of the motion and ten (10) minutes to reply. The reply must not introduce new material.
3. The seconder of such a motion and all amendments to the motion shall be limited to five (5) minutes.
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.
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.

C. Amendments

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.
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.
3. Each amendment shall constitute a separate motion.
4. The mover of an amendment shall not have the right of reply.
5. No member shall propose more than one amendment upon a motion.
6. Voting members can speak only once to each amendment to a motion.

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.
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.

D. Closure of Debate

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.
2. Upon any of these procedural motions being lost the debate shall continue as if such a motion had not been moved.
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".

E. Point of Order

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.

F. Disagreement with Chairperson's ruling

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.

G. Withdrawal of a Motion

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.

H. Suspension of Standing Orders

Standing orders or any one standing order may be suspended by a vote of the meeting.

44. WORKSITE REPRESENTATIVES

- (a) Each worksite at which members of the Association are employed shall be entitled to worksite representatives according to the number of financial members of the Association at the worksite at 1 July immediately preceding Annual Conference as follows:
- |                                |  |
|--------------------------------|--|
| 20 financial members or less - | up to 3 worksite representatives                                       |
| 21 or more financial members - | 1 additional worksite representative<br>for each additional 10 members |
- (b) Worksite representatives of all financial members at the worksite shall be elected biennially by a secret postal ballot conducted by the Secretary. Where the number of nominations is less than the number of positions available all nominees shall be declared elected unless a member or members in the worksite object to the nomination in which case a ballot shall be conducted.
- (c) Worksite representatives may be nominated by another financial member of the Association at the worksite and must be a financial member at the worksite.
- (d) Worksite representatives shall have such duties and titles as may be approved by the Council from time to time.
- (e) Notwithstanding the other provisions of this rule, Directors of Nursing / Midwifery will not be eligible to become worksite representatives or to vote in ballots for such representatives conducted under this rule.
- (f) Notwithstanding any other provisions of these rules, where an extra-ordinary vacancy occurs in the position of worksite representative during the course of the term of office of a representative, Council may fill such vacancy by appointment of a worksite representative from eligible financial members at the worksite.

45. WORK SITE ELECTORATES

- (a) All members of the Association shall be allocated to a work site electorate. A member may not be allocated to more than one work site electorate at any one time.

- (b) The Council may authorise groupings of 10 or more members to be formed either:
- (i) at a hospital or similar institution;
  - (ii) within any workplace or convenient geographical location at which Council considers it convenient or appropriate.
- c. Each member shall be allocated to a work site electorate at the time of joining the Association. Where a member changes his/her employment he/she should immediately notify the Secretary who shall allocate the member to a new work site electorate.
- d. Notwithstanding the other provisions of this Rule, there shall be a work site electorate to which all members of the Association who are Directors of Nursing / Midwifery or Assistant Directors of Nursing / Midwifery shall be allocated. Directors of Nursing / Midwifery and Assistant Directors of Nursing / Midwifery shall not be allocated to any other work site electorate.

#### 46. ANNUAL CONFERENCE DELEGATES

- (a) Each worksite electorate shall be represented at Annual Conference by the following number of delegates based on the number of financial members in the group as at 1 July immediately preceding Annual Conference as follows:

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

- (b) Subject to (c) of this rule, delegates to the annual conference from each work site electorate shall be elected biennially by and from the members of the Association allocated to each work site election by elections conducted under the direction of the Secretary in accordance with procedures to be determined by the Council from time to time, provided that at least 50% of the delegates from each work site electorate are work site representatives.
- (c) Directors of Nursing / Midwifery and Assistant Directors of Nursing / Midwifery allocated to that work site electorate shall elect biennially delegates to the Annual Conference by and from the financial members of that electorate.

- (d) Conference delegates shall:
  - (i) attend and participate at all worksite electorate meetings;
  - (ii) submit matters to the worksite electorate meetings to determine should be placed on the agenda for the Annual Conference;
  - (iii) attend Annual Conference.
- (e) notwithstanding any other provisions of these rules, in the event of an extraordinary vacancy occurring in the position of Annual Conference Delegate during the course of the term of office of such delegate, Council may appoint a delegate to fill the vacancy from the members of the work site electorate in which the extraordinary vacancy occurs.

#### 47. ANNUAL CONFERENCE

- (a) An Annual Conference shall be convened each year.
- (b) The Annual Conference shall be composed of:
  - (i) all members of the Council;
  - (ii) Conference delegates elected by and from work site electorates.
- (c) Council shall determine the time and place of the Annual Conference.
- (d) Annual Conference shall be responsible for the formulation of the policies of the Association. Consistent with its focus on the formulation of policy, the Conference will not have powers in relation to rules or resource allocation or operational matters for the Association. Decisions of Annual Conference shall be referred to Council for implementation, monitoring and review, and shall be subject to the powers of the members voting by plebiscite pursuant to rule 18 and to the powers of general meetings pursuant to rule 19.
- (e) Notice of the Annual Conference together with a copy of the agenda shall be sent to each member of Council and to each conference delegate at least forty-five (45) days prior to the commencement of the Annual Conference, by the Secretary. Each electorate shall meet in order to consider the agenda and proposed resolutions within this period and may instruct conference delegates on how the electorate wishes their views to be conveyed to the conference. Conference delegates cannot be bound in advance of the Conference on how they must vote on any matter given that they should be in a position of considering information and views expressed by others at the time of debate.
- (f) A quorum to the Annual Conference shall be a majority of worksite electorate delegates, and a majority of the members of the 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.

- (g) Annual Conference shall determine its own procedures.
- (h) Council and/or electorates may only submit matters in the form of proposed resolutions to the Secretary on policy matters to be placed on the agenda for Annual Conference but such matters must be received in writing by the Secretary no later than fifty (50) days prior to the commencement of the conference.