
INDEPENDENT EDUCATION UNION (SOUTH AUSTRALIA) INCORPORATED

CONSTITUTION

(As amended at AGM 24 June 2021)

1. NAME AND DEFINITION

1.1 The name of the Union shall be Independent Education Union (South Australia) Incorporated, hereinafter referred to as the Union.

1.2 For the purposes of these rules a Non-Government School shall mean a school registered as a non-government school (and separate sections thereof) registered pursuant to part V of the South Australian Education Act 1972 as amended or replaced.

1.3 For the purposes of these rules whenever the singular form is used it is assumed to apply to the plural and whenever the plural form is used it is assumed to apply to the singular.

1.4 For the purposes of these rules 'the federal Union' shall mean the Independent Education Union of Australia, an organisation registered pursuant to the provisions of the Fair Work Act 2009 (Commonwealth) as amended or replaced.

2. INDUSTRY

2.1 The Union is formed in, or in connection with the industry of education.

3. OBJECTS and POWERS

3.1 To uphold the rights and to foster, protect and improve the rights and interests of members industrially, professionally and otherwise.

3.2 To obtain and secure for its members the best possible conditions and proper and sufficient remuneration and to guard them against any hardship, oppression or injustice in connection with their employment.

3.3 To encourage and foster improvement in the status, training and qualifications of all members.

3.4 Notwithstanding anything in this constitution to actively support Non-Government Schools and their right to financial support by State and Federal Governments up to the cost of educating children in Government schools.

3.5 To support the right of parents to choose to educate their children at independent and Catholic schools and the rights of children in such schools to receive education of the highest quality possible.

3.6 To support the appropriate level of government funding of public education including kindergarten, pre-school education, primary and secondary education as well as tertiary education and adult education.

3.7 To secure the participation and influence of members in the administration, development and planning of education.

3.8 To speak authoritatively for members.

3.9 To co-operate with and assist other organisations, associations, institutions and groups in the pursuit of these objectives.

3.10 To provide financial assistance to members and their dependants in the pursuit of these objectives.

3.11 To provide legal assistance to members at the Union's sole and absolute discretion.

3.12 To provide from time to time such services to and for members as shall be determined.

3.13 To establish funds for the mutual assistance and support of members in the carriage of these objects.

3.14 To acquire land and other property, real and personal, for the use and benefit of the Union. To sell, exchange or dispose of any such land and property.

3.15 To raise money by contributions or levies for the purpose of carrying out the objects of the Union.

3.16 To borrow and raise money in such a manner as may be determined from time to time by the Union.

3.17 To invest the funds of the Union.

3.18 To elect, appoint and employ officers, professional officers and other employees for the furtherance of the Union's objects and to remunerate such persons by salaries, wages, honoraria and other payments and benefits.

3.19 To make contributions to the financing of superannuation schemes or retirement funds for the benefit of the elected, appointed and employed officers and to enter into such arrangements as may be necessary for that purpose or those purposes.

3.20 To receive any gift of property, whether real or personal, whether subject to any trust or not for any one or more of the objects of the Union.

3.21 To undertake and execute any trusts or any agency business which is directly conducive to any object of the Union.

3.22 To subscribe to any charity or to make any donations for any public purpose or for any purposes in direct or indirect furtherance of any object of the Union.

3.23 To inculcate amongst staff members in non-government schools a corporate spirit and a sentiment of community of interests and purpose.

3.24 To do all such lawful things as are incidental or conducive to the attainment of the above objects.

3.25 The Association shall have all the powers conferred by section 25 of the Associations Incorporation Act 1985.

4. MEMBERSHIP

4.1 Eligibility for Membership

4.1.1 The Union shall consist of an unlimited number of persons howsoever described who are employed, usually employed or desirous of being employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocation and/or industrial pursuits of;

4.1.1.1 Persons engaged in teaching or eligible to be engaged in teaching including Principals and others exercising supervisory and/or counselling and/or advisory functions in a non-government, school, college or educational institution;

4.1.1.2 Persons engaged in any clerical or administrative capacity in a non-government, school, college or educational institution, or acting in any capacity assisting any of the persons described in paragraph 4.1.1.1;

4.1.1.3 Any other person employed in a non-government school, college, or educational institution (other than persons employed by any cleaning, catering, security, laundering, gardening, construction, building maintenance or domestic service contractor engaged to provide such services to any non-government, school, college or educational institution);

4.1.1.4 Persons employed by any authority or body responsible for the conduct or supervision of a non-government, school, college or educational institution, or any group of such schools, as an advisor, supervisor or educational officer or engaged in any clerical or administrative capacity provided that nothing in this rule entitles the Union to enrol as members any persons employed by or on behalf of the State of South Australia.

4.1.1.5 Any person employed by, or appointed as an officer of, the Union.

4.2 Application for Membership

4.2.1 An application for membership shall be made to the Secretary of the Union in the prescribed form as approved from time to time.

4.2.2 Life Membership - Life members of the Union shall be appointed by Executive or a Special Conference. Life members shall be considered as financial members for all purposes of these rules.

4.2.3 Financial Membership shall upon payment of monies due and acceptance of the application by the Executive commence as from the date of receipt of the completed application form.

4.3 (Deleted)

4.4 Termination of Membership

4.4.1 A member may resign by giving notice in writing to the Secretary.

4.4.2 Membership will be cancelled upon notification of the death of a member.

4.4.3 Subject to the member's right to be heard, Executive may resolve by two thirds majority of those present and voting expel from membership a member who brings the Union into disrepute or who acts contrary to the objectives of the Union.

4.4.4 Where a member ceases to be eligible for membership of the Union, membership shall automatically cease. However, whilst a member remains financial, they do not cease to be eligible because of their retirement from the industry.

4.4.5 Where a member is:-

4.4.5.1 Financial: the date of termination shall be one month from the date of receipt of such member's written notice to the Secretary. Fees and levies outstanding and due in and/or for the notice period are due and recoverable.

4.4.5.2 Unfinancial: the date of termination of membership shall be three months after the date that the member becomes continuously unfinancial. Fees and levies outstanding and due in and/or for the unfinancial period are due and recoverable.

4.4.5.3 Life Member: termination shall be the date of acceptance of resignation by Executive.

4.5 Register of Members

There shall be kept a Register of Members by the Secretary at the principal office of the Union wherein shall be entered the details contained in the application of all members together with details as to their financial standing or otherwise. For the purpose of this rule "member" shall include life member and retired member.

4.5.1 The Union shall maintain a principal office at 213-215 Currie Street, Adelaide, 5000 or such other place as determined by Executive which shall be opened to the public between the hours

of 10am and 4pm weekdays or at such times as are published on the Union's website or otherwise.

4.6 Dual membership with the federal Union.

4.6.1 An application to become a member of the Union (Independent Education Union (South Australia) Incorporated) is also (subject to eligibility) an application to become a member of the South Australian Branch of the federal Union (Independent Education Union (South Australia) Branch) unless the applicant notifies the Secretary in writing that they do not wish to have dual membership with the federal Union.

4.6.2 The fee payable for membership of the Union alone is the same as that payable for dual membership with the federal Union.

5. GOVERNMENT

5.1 Special Conferences

5.1.1 The affairs of the Union shall be under the control of the Executive and Special Conferences of financial members.

5.1.2 Executive shall deal with and be responsible for all matters in relation to the Special Conference.

5.1.3 The quorum for a Special Conference shall be 15 financial members.

5.1.4 At Special Conferences a resolution shall be passed by simple majority of those present and voting, save that a motion to alter these rules requires a two thirds majority of those present and voting.

5.2 Deleted

5.3 Special Conference

5.3.1 Executive may at any time on its own resolution and shall upon a requisition by 50 financial members of the Union call a Special Conference and shall fix the time and place for holding such Special Conference in the form of notice to be given, provided that at any Special Conference, only such business as is stated in the notice convening the meeting shall be dealt with.

5.3.1.1 Executive shall give 21 days' notice of Special Conferences to all members.

5.3.2 Where a Special Conference is called upon a requisition signed by 50 financial members of the Union as aforesaid the requisition shall specify what is to be discussed at such Special Conference.

5.3.3 Amendments without notice may be put and discussed at Special Conference, provided that they conform to the requirements of rule 5.32 above.

5.4 Plebiscite

5.4.1 Special Conferences may resolve by a majority to refer any question or motion before it or any decision reached by it to a plebiscite of financial members of the Union.

5.4.1.1 The result of any plebiscite in which the question is carried by a simple majority of members voting shall be binding upon the membership and shall become policy.

5.4.1.2 There shall be provided a period of not less than four school weeks for the preparation and dissemination of information on matters in question in any plebiscite.

5.4.1.3 Executive shall make available such resources of the Union as it shall, from time to time, see fit equally to selected parties for the preparation of affirmative and negative "cases" pertinent to any plebiscite.

5.4.1.4 The period of time allowed for distribution of voting papers and closing time of ballot to be determined at the Special Conference at which the decision to hold a plebiscite is taken but that time be not less than fourteen (14) days.

5.5 Branches

5.5.1 A Branch shall mean all financial members of the Union (excluding Principals and Deputies however called) who work together in the same workplace or Special Interest group as defined from time to time by the Executive of the Union.

5.5.1.1 One Special Interest Branch defined by the Executive includes all Principals and Deputies (however called) who are financial members of the Union.

5.5.2 Each workplace is to have only one Branch unless the Executive of the Union has specifically authorised the establishment of more than one Branch in the best interest of the members at that workplace.

5.5.3 Members of the Union at each Branch must elect, from among themselves, one or more Union Branch Representatives biennially. Upon a/the position becoming vacant during a term of office the position/s shall be filled by election for the remainder of the original term.

5.5.4 The functions of a Union Branch Representative are:

5.5.4.1 To make every effort to enrol all persons at the workplace who are eligible to be members of the Union.

5.5.4.2 To act as a medium of communication between members and the Union office.

5.5.4.3 To post on a notice-board or otherwise disseminate to members the full content of notices or other correspondence sent by the Union.

5.5.4.4 To convene meetings of the Branch as necessary.

5.5.4.5 To support or arrange support for Branch members who may have problems requiring the assistance of the Union.

5.5.4.6 To communicate with the management of the workplace on matters of concern to members of the Branch.

5.5.4.7 To participate in professional development or training to support their functioning as a Union Branch Representative.

5.5.4.8 To facilitate the holding of elections for the position of Union Branch Representative/s as and when they fall due by calling for the Branch to elect a member who is not standing for election to be returning officer.

5.5.4.9 To promote the Objects of the Union.

5.5.5 Members of the Branch may elect, from among themselves, more than one Union Branch Representative. Where more than one Union Branch Representative is elected the Branch may determine that such representatives are elected by and from distinct occupational groupings or distinct worksites.

5.5.6 At meetings of the Branch, twenty-five percent of the members or fifteen members, whichever is the lesser, are required to attend in order to form a quorum. All questions are to be decided by a majority of the votes of the members present and voting.

5.6 (deleted)

5.7 General meetings of members

5.7.1 The Secretary (or a delegated person) may call a general meeting of members or a special interest group of members at his/her own initiative or upon the direction of the executive.

5.7.2 Members may call for a meeting as per rule 5.3 Special Conference.

5.7.3 Under normal circumstances at least 7 day notice shall be provided to members, but notice of less than 7 days will not invalidate to calling of a meeting or decisions made at a meeting.

5.7.4 Notification of general meetings may be made through the Branch Representative networks, with the Branch Representatives being responsible for forwarding the notice to Branch members in a timely fashion.

5.7.5 The quorum for a general meeting shall be 5 members

5.7.6 A question at a general meeting is determined by a simple majority of those present and voting.

5.8 Meetings other than by attendance

5.8.1 The Secretary may permit the participation of members in any meeting of members including a Special Conference, or a General Meeting of members by teleconference, video conference or equivalent electronic means.

5.8.2 The Executive may allow the participation of an Executive Member in an Executive Meeting by teleconference or video conference or equivalent electronic means. The Secretary may make a telephonic, electronic, facsimile, postal or verbal vote of members of Executive. Such vote shall have the same force and effect as a decision of the Executive made in meetings assembled.

6. MANAGEMENT AND OFFICERS

6.1 Deleted

6.2 The Executive shall:

6.2.1 Consist of thirteen (13) financial members being those elected to the Independent Education Union (South Australia) Branch executive under the rules of the federal union.

6.2.2 Consist of one (1) Secretary, one (1) Deputy Secretary and eleven (11) Ordinary Members. As soon as possible after the election of the Executive, the incoming Executive shall elect by and from itself, an additional four (4) Office Bearers who shall be one (1) President, two (2) Vice-Presidents and one (1) Treasurer.

6.2.3 The duties and/or powers of the Executive shall be to determine Union policy in the best interest of members also:

6.2.3.1 To regularly attend meetings at a time decided upon by the Executive as being most convenient for that Executive and at such other times that meetings are convened by the President or Secretary.

6.2.3.2 To carry into effect the decisions of any Special Conference.

6.2.3.3 To remit to members, or Special Conference any question which it considers requires consideration.

6.2.3.4 To delegate to any committee power to investigate, report on any matter and to take such action as may be determined.

6.2.3.5 To appoint a delegate or delegates to represent the Union at any meeting of an affiliated body, or organisation or institution or at any meeting of any body organisation or institution whose activities concern the Union or any of its members.

6.2.3.6 To deal with all applications for membership and resignations from membership of the Union.

6.2.3.7 To set membership fee categories and rates.

6.2.3.8 To conduct hearings of allegations that a member or members have brought the Union into disrepute or acted contrary to the objects or rules of the Union and, if sustained, to determine the appropriate penalty which may be censure, suspension or expulsion from membership.

6.2.3.9 To administer and control the funds of the Union: purchase such real and other property as is necessary or desirable for the conduct of the Union's business.

6.2.3.10 To control and administer finances for the emergency relief of members of the Union.

6.2.3.11 To control and administer any scheme of legal defence of Members of the Union as may be determined by Executive or for any other purpose connected with the welfare of the Union or its members.

6.2.3.12 To take any action it considers necessary in a state of emergency affecting the interests of members of the Union.

6.2.3.13 To initiate and carry out any investigations into the books and records or into the conduct of any salaried employee.

6.2.3.14 To have control of the funds of the Union.

6.2.3.15 To spend the funds for all ordinary purposes.

6.2.3.16 To borrow or raise money.

6.2.3.17 To disburse the said funds for extraordinary purposes subject to any resolution of a Special Conference.

6.2.3.18 To pay such salary or honorarium to any of its Officers including the President, as it may determine.

6.2.3.19 From time to time to invest any surplus funds over and above what is required for working expenses of the Union.

6.2.3.20 To authorise a committee to be responsible to it for any of the above matters and in so doing to propose definite terms of reference for each of such Committees.

6.2.3.21 To deal with applications from individual members for permission to approach the Executive or any sub-committee or any other body authorised by the Executive of the Union.

6.2.3.22 To interpret the rules.

6.2.3.23 To publish a periodical.

6.2.3.24 To borrow money and to give such security for the discharge of liabilities incurred upon such terms and conditions as the Executive thinks fit.

6.2.4 Accounts paid by the Union by cheques drawn upon its Banker shall be signed by two of any of the following persons - (a) Treasurer (b) President (c) Secretary (d) Deputy Secretary (e) a Vice-President (f) that employee to whom the Treasurer has delegated authority to sign cheques in accordance with Rule 7.412 of these Rules (hereinafter referred to as "the Finance Officer").

6.2.5 Members of Executive who

cease to be financial members of the Union by expulsion or otherwise or,

are permanently incapacitated by ill health or

are declared bankrupt or

are absent from three successive meetings thereof without obtaining leave of absence

shall forfeit their seat. Apologies and leave of absence for less than 12 months if accepted shall be taken as leave.

6.2.6 Subject to the right of the member of executive or officer to be heard, executive may vote by two thirds majority, to expel from executive a member of the executive and/or remove from office an officer who is

is not fit and proper or

brings the union into disrepute or

acts contrary to the objects of the union

6.2.7 A quorum for an Executive meeting shall be the next highest integer greater than half the number of Executive members at the time.

7. DUTIES OF OFFICERS

7.1 The President

7.1.1 The President shall:-

7.1.1.1 Be the chief officer of the Union and shall share with the Secretary responsibility for public statements.

7.1.1.2 In consultation with the Secretary convene meetings of the Executive, or Special Conferences.

7.1.1.3 Preside at all Conferences and Executive meetings, all meetings arranged by the Executive open to all members and such committees as the President attends unless another member of the Executive or other office holder be appointed by the President.

7.1.1.3.1 When presiding at any meeting the President shall have a casting vote only.

7.1.1.4 Have the power to summon special meetings of the Executive.

7.1.1.5 Have the power to authorise the disbursement of funds up to an amount set from time to time by the Executive for the period between successive executive meetings. Such payment shall be reported to the Executive.

7.1.1.6 If the President so wishes accompany any member or members given authority to approach any board, committee or commission set up to serve non-government education.

7.1.1.7 Share with the Secretary the responsibility for all correspondence.

7.1.1.8 Request and receive an explanation from any Officer or member of the Union in any case where the President believes that the interests of the Union may not have been served and report thereon to the Executive of the Union.

7.1.1.9 Ensure that, as far as possible, the rules of the Union are maintained and observed by Officers and members of the Union.

7.2 The Vice Presidents:

7.2.1 The Vice-Presidents shall exercise all of the rights and powers and perform all of the duties of President in the absence of the President or whenever the President requests.

7.3 The Secretary:

7.3.1 The Secretary shall be responsible to the Executive:

7.3.1.1 For the smooth and efficient operation of staff, who are responsible to the Secretary.

7.3.1.2 For the safe keeping of all documents and property of the Union.

7.3.1.3 For the preparation of any returns required under the Industrial and Employee Relations Act (SA) or other applicable legislation.

7.3.1.4 For attendance at all meetings of the Executive.

7.3.1.5 For the execution of all decisions of Special Conferences and the Executive.

7.3.1.6 For the execution of all such decisions of standing committees as they are empowered to make under their terms of reference.

7.3.2 The Secretary shall:

7.3.2.1 Appoint a returning officer in any plebiscite, or for any vote taken at Special Conferences and Executive meetings.

7.3.2.2 Share with the President the responsibility for public statements.

7.3.2.3 Be responsible for the taking of accurate minutes of Executive meetings and Special Conferences.

7.3.2.4 Share with the President the responsibility for all correspondence.

7.3.2.5 Sign any process or document proper to be signed on behalf of the Union by an officer thereof and appear or authorise another to appear before any Court, Commission or Industrial Tribunal before which the Union is to be represented.

7.3.2.6 Sue and be sued and accept service or process on behalf of and in the name of the Union and be the contact point for receipt of any notices to the Union under any Act, Regulation or industrial instrument. For clarity the Union Branch Representative is not authorised to accept service of notices to the Union.

7.3.2.7 Be responsible for the day to day supervision and direction of employees of the Union.

7.3.2.8 Subject to this Constitution appoint and dismiss the Union's employees.

7.3.2.9 Diligently and carefully carry out any instructions of the Executive and see to the prompt circulation of all agencies, notices and minutes and generally pursue by all lawful means the objects of the Union.

7.3.2.10 Ensure that all matters required to be attended to by the Union under the Industrial and Employee Relations Act (SA) or other applicable legislation are attended to within the limits and in the mode prescribed in the said Acts.

7.3.2.11 Maintain a register of officers.

7.3.3 The Secretary shall be an ex-officio member of any committee of the Union.

7.3.4 Duties of the Deputy Secretary: In addition to being a fully participatory member of Executive, the Deputy Secretary shall be authorised to undertake the role of the Secretary in full or in part at the request of the Secretary or if the Secretary is absent or incapacitated.

7.4 The Treasurer

7.4.1 The Treasurer shall or shall oversee employees of the Union who shall:

7.4.1.1 Receive and receipt, enter up and bank forthwith to the credit of the fund of the Union all money so to be dealt with.

7.4.1.2 Prepare and sign cheques drawn upon the fund of the Union in payment of accounts proper to be paid and ensure that each such cheque is countersigned as required by the rules and is in all respects in order.

7.4.1.3 Keep or cause to keep proper books of account of the Union and see to the preparation of an annual balance sheet, statement of receipts and payments and income expenditure disclosing the true financial position of the Union.

7.4.2 In all matters to act under the direction of the Executive of the Union.

7.5 The Executive

7.5.1 The members of the executive shall:

7.5.1.1 Regularly attend Executive meetings as requested.

7.5.1.2 Deliberate or vote on motions brought to Executive.

8. ELECTION OF EXECUTIVE

8.1 The Executive of the Union shall be the Executive of the Independent Education Union (South Australia) Branch who are elected as such by members in a ballot conducted by the Australian Electoral Commission pursuant to the Fair Work Act 2009 (Commonwealth) as amended or replaced

9. ELECTION OF OFFICERS

9.1 The officers of the Union shall be the office bearers of the Independent Education Union (South Australia) Branch who are elected as such by and from the Branch Executive referred to in clause 8.1 of these rules.

10. FINANCE

10.1 There shall be opened an account or accounts with a credit union or bank or building society as may be determined by the Executive and the funds of the Union shall be deposited in such account or accounts from time to time.

10.2 Subscriptions:

10.2.1 The subscription owing to the Union shall be an annual one due, owing and payable in advance with the following provisions:

10.2.1.1 Members may pay annually in advance or by periodic electronic payments as arranged with the Union's financial institutions at the time.

10.2.2 The subscription payable shall be in accordance with the following:

10.2.2.1 Members shall pay an amount as determined by Executive from time to time.

10.2.2.2 If a member moves from one fee category to another the subscription to the Union shall be increased or decreased accordingly.

10.2.2.3 If a member receives a change in status which increases the subscription payable the increase in subscription is due, owing and payable from the date on which the change took effect

10.2.2.4 If a member receives a change in status which decreases the subscription payable the decrease in subscription is recoverable from the Treasurer by application to the Secretary, which

application shall contain details of the change in status. Refunds for overpaid subscriptions are limited to the prior six months and an administration fee may be charged.

10.2.2.5 Members shall provide the Union with timely notification of changes of fee category, contact details and other information as required.

10.2.2.6 Members who after reasonable endeavours remain uncontactable shall be deemed to be lost members and any periodic payments of fees shall be ceased and the member removed from the register of members.

10.3 Deleted

11. COMMITTEES

11.1 The executive may form such ad hoc or on-going committees with terms of reference and compositions as it sees fit.

11.2 There is one Standing Committee which shall be the Management Committee which shall have oversight of

The finances of the Union including budgeting, monitoring and extraordinary items

Human resource management of the Union employees including hiring, disciplining and terminating employment as appropriate

Other matters that any of the committee members wish to raise as business

Urgent matters between executive meetings

11.2.1 Management Committee shall be six members; the President, two Vice-Presidents, Secretary, Deputy Secretary and Treasurer.

12. ALTERATION TO RULES

12.1 These rules shall only be amended by a special conference called for that purpose.

12.2 A motion to alter these rules requires a two thirds majority of those present and voting to pass.

13. DISSOLUTION

13.1 The Association may be wound up in the manner provided for in the Associations Incorporation Act 1985.

13.2 If after the winding up of the Union there remain surplus assets such surplus assets may be distributed to an organisation which has similar objects and has rules which prohibit the distribution of its assets and income to its members.

13.3 The Union may determine to distribute surplus assets to one or more nominated charities.

13.4 Such organisation/organisations or charity/charities shall be identified and determined by a resolution of members at a special conference-.

13.5 Surplus assets at the completion of a winding up must not be distributed to members or former members, or associates of those persons.

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