

POLICY AND PROCEDURES

The Standing Orders of the National Executive and National Council of the Health Services Union

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Relevant Rule: No specific rule applies]

Relevant Legislation: Fair Work (Registered Organisations) Act (2009)

Scope: This policy, or parts of this policy have application to all HSU Branches

AUTHORITY

A Rule of the National Council of the Health Services Union enacted in accordance with Rule 71 - Standing Orders and Rules of Debate, of the registered rules of the Union.

“The National Council shall determine from time to time the standing orders and rules of debate to apply to meetings of the National Council, National Executive, Branch Committees and General meetings of members of the Union or any branch thereof.”

RULE

1. Objectives

To ensure that meetings of the HSU National Executive, National Finance Committee and National Council or Committees are conducted in an orderly and fair manner.

2. Definitions

“**Member**” means a member of the National Executive, National Finance Committee or National Council or any national committee or sub-committee as defined by the rules of the Union

3. Interpretation

Interpretation of this Rule is within the jurisdiction of the Chair.

4. Application

This Rule applies to all Meetings of the National Executive, National Finance Committee and National Council and any committees or sub-committees established by those bodies or by the rules of the Union, unless suspended by Resolution, following the procedure set out in clause 27 of this Rule.

5. President

5.1 The President is the Chair of the Executive, Council or Committee (other than the National Finance Committee) and is responsible for the proper conduct of the meeting and adherences to these Standing Orders.

5.2 The President (or Chair) must be heard without interruption.

5.3 If a situation arises which is not covered by these Standing Orders, the President (or Chair) must act as they see fit provided that they act fairly, and their actions do not bring the conduct of the Meeting into disrepute.

6. Vice Presidents

The Senior Vice President is the Deputy Chairperson of the meeting. The duties of the Deputy Chairperson are those provided for in Rule 25 of the Registered Rules of the Union and include chairing meetings (other than the National Finance Committee) when the President is absent. Where the President and Senior Vice President are both unavailable to chair a meeting, the Junior Vice President will chair the meeting. Rule 25 also provides for appointment of a member as Chair where both the President and both Vice Presidents are absent from a meeting.

7. National Secretary

The National Secretary will ensure that in accordance with Rule 26(b) of the rules of the Union accurate Minutes of National Executive, National Finance Committee and National Council meetings are kept and that they correctly record every decision that is made by the meeting, the precise words of all motions and amendments that are proposed, and whether the motions and amendments were carried or rejected.

Within 14 days of a National Executive, National Finance Committee or National Council meeting, draft minutes of the meeting will be provided by the National Secretary to all members of the National Executive, National Finance Committee or National Council.

The National Secretary will ensure that, once adopted by the meeting, and within 14 days of the meeting, the minutes of meetings are signed by the chair as being a true and accurate record of the meeting.

The original of the confirmed minutes will be kept in the minute folder and a copy will be provided to the National Executive, National Finance Committee or National Council.

8. Observers at Meetings

Observers may be admitted to any meeting of the Union by resolution of the meeting admitting such observers. Observers may be given speaking rights for part or all of the meeting by resolution of the meeting.

Observers who are granted admission to a meeting must abide by the terms of this Rule.

9. Expulsion

9.1 The Chair may expel any member from the meeting, including Officers and observers, for behaviour disruptive to the conduct of business.

9.2 A member may only be expelled after at least one warning.

9.3 A member expelled from any Meeting may attend any subsequent meeting. This clause does not exempt any member from being expelled under clauses 9.1 and 9.2 at a subsequent meeting.

10. Dissent Motions

- 10.1 A member may move dissent in any ruling of the Chair regarding the conduct of a Meeting. Such a motion of dissent will be in the form “That this meeting dissents from the Chair’s ruling”.
- 10.2 While the meeting is considering a motion moved pursuant to clause 10.1, the Chair must pass to the Vice President or where the motion of dissent is against the Vice President, to another Officer. In the case of the National Finance Committee the Chair must pass to another Officer.
- 10.3 Only the mover of the motion and the Chair may speak to a Dissent Motion.
- 10.4 Both the mover of the Dissent Motion and the Chair may speak for up to two minutes.

11. Points of Order

- 11.1 If a breach of these Standing Orders occurs, a member may immediately raise a “Point of Order” with the Chair.
- 11.2 Where a member raises a Point of Order, that request must be heard immediately.
- 11.3 An explanation or a contradiction is not a “Point of Order”.
- 11.4 The Chair may allow members to speak briefly on “Points of Order”
- 11.5 A member speaking on a “Point of Order” must not raise new matters.

12. Start of Meeting

- 12.1 Quorum for a meeting must be in accordance with the rules of the Union.
- 12.2 Meetings shall, subject to the presence of a quorum, start at the time set out on the notice.
- 12.3 If no quorum is present within 30 minutes of the starting time set out on the notice, the meeting lapses and another meeting may be called in accordance with Rule 33 – National Quorums of the Unions rules.

13. Record of Attendance

- 13.1 A record of attendance shall be maintained for all meetings, including Committee meetings. The record shall detail the names of all members, and the names of others in attendance.

13.2 The record of attendance must clearly indicate whether a person was:

- (a) Present
- (b) Present but late
- (c) Present but left early
- (d) Absent, with apology and/or leave of absence
- (e) Absent, without apology and/or leave of absence

13.3 Proxy Vote

(i) National Executive

In the event that a National Officer is unable to be present at any meeting of National Executive he or she may appoint in writing another National Officer as his or her proxy to exercise his or her vote a national Executive meeting.

In the event that a Branch Secretary is unable to be present at any meeting of National Executive he or she may appoint in writing another member of the relevant Branch Committee of Management as his or her proxy to exercise his or her vote a National Executive meeting.

(ii) National Council

In the event that a member of National Council shall for any reason or at any time be unable to be present at any meeting of National Council:

in the case of a National Officer, he or she may appoint in writing another member of the National Council as his or her proxy to exercise his or her vote at a meeting; and

in case of a Branch Delegate to National Council, the Branch Committee of Management may appoint any other member of that Branch Committee as his or her proxy to exercise his or her vote a meeting.

(c) In the event that a National Officer shall for any reason or at any time be unable to be present at any meeting of National Executive he or she may appoint in writing another National Officer as his or her proxy to exercise his or her vote at such meeting.

(d) In the event that a Branch Secretary shall for any reason or at any time be unable to be present at any meeting of National Executive he or she may appoint in writing another member of the relevant Branch Committee of Management as his or her proxy to exercise his or her vote at such meeting.

*****should be reference to a proxy instrument & time before the meeting plus needs to add to who the proxy is provided**

14. Quorum

It shall be the Chair's responsibility at all times to ensure that quorum is present.

15. Informal Meeting without Quorum

15.1 In the absence of quorum at a duly constituted meeting, an "Informal Meeting" may be held and business may be dealt with as for a formal meeting.

15.2 Any resolutions of an "Informal Meeting" will have no effect unless ratified subsequently by a quorate meeting.

16. Proof of Resolution

A declaration by the Chair that a motion has been carried or lost and an entry to that effect in the minutes will be conclusive evidence of the fact without proof of the number of votes for or against the motion.

17. In-Camera Session

17.1 The meeting may resolve to move into an In-Camera Session for which only members are permitted to attend. Any observers who were admitted to the meeting must leave the meeting.

17.2 Items classified as In-Camera by the meeting or the President must be considered by meeting in an In-Camera session.

17.3 Minutes for a meeting will record that an agenda item was dealt with in an In-Camera session of the meeting.

17.4 In-Camera sessions of the meeting shall be the last item on the agenda.

18. Reports

18.1 Upon the presentation of reports the Chair shall invite members to direct questions of the report to the appropriate person.

18.2 Unless determined otherwise by the Chair, each member shall be afforded one opportunity of a maximum duration of two minutes in which to ask the appropriate person any questions of the report.

18.3 Upon receiving a response the member may be allowed one minute further to seek clarification of a response or to make supplementary questions.

18.4 Where deemed appropriate by the Chair and time permits, a member who has exhausted their opportunity to ask questions of the report may seek leave of the Chair to ask a further question.

19. Motions/Amendments

- 19.1 Motions must be moved and seconded to be considered. The mover of a substantive motion may, however, speak for one minute before a seconder is required.
- 19.3 The Chair must rule out of order any motion or amendment which is trivial, frivolous, ambiguous, internally contradictory, or which has no effect on the status quo. Such a motion may be reworded by the mover and resubmitted to the Chair.

20. Amendments

- 20.1 Amendments must relate to the motion before the Chair.
- 20.2 An amendment which is a direct negative of the motion before the Chair is out of order.
- 20.3 Amendments must be considered in the order which they are received by the Chair.
- 20.4 Where an amendment is before the Chair, only discussion relevant to that particular amendment will be allowed.
- 20.5 Amendments must be dealt with by the meeting when moved. An amendment to a motion, however, shall not be considered by the meeting until the mover of that motion has exercised their right to introduce it.
- 20.6 A motion may be amended either by resolution of the meeting, or by the mover with the consent of the seconder.
- 20.7 An amended motion will be treated as the original motion.

21. Foreshadowed Motions

- 21.1 Where a motion is moved that is contradictory in meaning or intent to the motion before the Chair it must be dealt with as a “foreshadowed motion”.
- 21.2 For the purposes of this clause the original motion before the Chair shall be called the substantive motion.
- 21.3 The substantive motion and the foreshadowed motion must be debated together.
- 21.4 The substantive motion and the foreshadowed motion must be put to the vote at the conclusion of the debate.
- 21.5 The mover of the foreshadowed motion may exercise their right of reply in the order in which the foreshadowed motion was moved.
- 21.6 The mover of the substantive motion may exercise their right of reply only after the mover of the foreshadowed motion has exercised their right of reply.

- 21.7 The Chair must only put the foreshadowed motion to the vote if the substantive motion is lost.
- 21.8 The Chair must put foreshadowed motions to the vote in the order in which they were moved.

22. Procedural Motions

- 22.1 Procedural motions are motions dealing with the conduct of the meeting itself.
- 22.2 The Chair may direct that any motion which is both substantive and procedural be split into two or more motions containing its substantive and procedural parts.

23. Debate

- 23.1 Except by procedural resolution to the contrary, speakers must not speak for more than three minutes.
- 23.2 The mover of a motion or an amendment will introduce their motion or amendment.
- 23.3 A member wishing to speak will indicate that they wish to speak by raising their hand.
- 23.4 The Chair must take an exhaustive list of speakers after a motion or amendment has been introduced. The exhaustive list must be strictly adhered to.
- 23.5 No member may speak more than twice to any particular motion or amendment.
- 23.6 The mover has a right of reply.
- 23.7 Where two consecutive speakers have spoken either in favour or against a motion the Chair will invite the mover to exercise their right of reply, after which the Chair must put that motion or amendment to the vote. Where, in the opinion of the Chair, a motion is one of censure or no confidence the Chair must allow the member(s) against whom the motion is moved to speak after the mover's right of reply and before the vote is taken.
- 23.8 After the mover of a motion has exercised their right of reply the Chair shall put the motion to the vote.

24. Withdrawal of Motions

The mover of a motion or amendment may withdraw his or her motion or amendment at any time before it is put to a vote. In this occurrence, the seconder of that motion or amendment will then have the first option of taking up moving of that motion or amendment.

25. The Vote

- 25.1 The Chair may accept motions to which there is no dissent as carried without putting them to a vote. If a member expresses dissent, the motion must then be put to a vote.
- 25.2 The Chair must read the motion or amendment aloud before it is put to the vote.
- 25.3 Where there is a foreshadowed motion the Chair must also read the foreshadowed motion aloud before putting the substantive motion to the vote.
- 25.4 The Chair must separately call for:
- (a) Those members in favour of the motion;
 - (b) Those members against the motion; and
 - (c) Those members abstaining from the vote
- to raise their hands and clearly indicate their vote. The President must then declare the result of the vote.
- 25.5 A member may request a recount upon the vote being declared. Members are not required to vote as they did on the previous count.
- 25.6 A member may call for a count upon the vote being declared. If so, the National Secretary must record in the Minutes the number of members voting for, or voting against, or who abstained, on the motion or amendment.
- 25.7 The Chair or any three members may call for a Poll before the vote on that motion or amendment is taken. If so, the National Secretary must record in the minutes the names of those members voting for or voting against or who abstained on the motion or amendment.
- 25.8 A member may request that the nature of his or her vote on the motion or amendment be recorded in the Minutes immediately upon the declaration of the result.

26. Matters Already Dealt With

Motions relating to matters already dealt with at that meeting or reversing a previous resolution of that meeting or substantially restating a motion defeated at that meeting must not be considered.

27. Suspension of Standing Orders

- 27.1 The effect of any of these Rules concerning the Standing Orders may be suspended by a Resolution supported by at least two-thirds of those members present and voting.

- 27.2 A Suspension of Standing Orders shall not affect the rights or duties of the Chair, the manner in which votes are determined or the right of any member to move dissent in the ruling of the Chair of the Meeting.

28. Out of Session Votes

- 28.1 The President may determine that an Out of Session Vote of the National Executive be held on any matter with sufficient importance that it needed to be resolved before the next full meeting of the National Executive.
- 28.2 An out of session motion may be put to the vote of all members of the National Executive by either postal or electronic means. The results of the vote must be recorded.
- 28.3 Once the result of an Out of Session Vote is determined, having provided a reasonable period for a vote to be returned, the President must advise the National Executive of the result indicating the number who vote for, against or abstained and the number who did not vote.
- 28.3 If any five members of the National Executive object to the President to a matter being dealt with by way of an Out of Session Vote, the vote must not be taken and the matter must be referred to a meeting of the National Executive called in accordance with Rule 22(a).
- 28.4 The outcome of an Out of Session Vote must be recorded as such in the minutes of the meeting immediately preceding the Out of Session Vote as if it was a vote of that meeting.

End of Rule

58 - BRANCH QUORUM

- (a) Quorums for the meetings of a Branch held in accordance with these rules, shall be as follows -
- (i) at any General Meeting of a Branch 25 financial members;
 - (ii) at any meeting of the Branch Committee, a majority of members of the Branch Committee or ten members thereof, whichever is the lesser.
- (b) If no quorum be present at the expiration of 15 minutes after the time stated for the commencement of the meeting, such meeting shall lapse, but without prejudice to another meeting being called for the same purpose as such meeting was called, at such other time and place as may be thought fit. In the event that any such other meeting has been called, the business for which the same has been called may be transacted by those present, notwithstanding the fact that there is not a quorum present. Any resolutions passed at any such meeting shall be as binding and effectual as if a quorum were present. Seven days' notice of any such other meeting shall be given by the Branch Secretary to all members of the Branch or Branch Committee as the case may be.

- (c) Notwithstanding anything else contained in these rules, where a Branch has less than 100 members the following quorum shall apply:
 - (i) At any General Meeting of a Branch 10 financial members;
 - (ii) at any meeting of the Branch Committee, a majority of members of the Branch Committee or five members thereof, whichever is the lesser.

32 - NATIONAL VOTING

This Rule does not apply to elections, ballots or plebiscites conducted pursuant to sub rule 23B.

- (a) Voting at meeting of National Council and National Executive shall be by show of hands or by such other method as the meeting may decide. The Chair shall have a deliberative vote only and in the event of a tie, the question shall lapse.
- (b) In the event that a member of National Council shall for any reason or at any time be unable to be present at any meeting of National Council -
 - (i) in the case of a National Officer, he or she may appoint in writing another member of the National Council as his or her proxy to exercise his or her vote at such meeting; and,
 - (ii) in any other case, the Committee of the Branch concerned may appoint any other member of that Branch Committee as his or her proxy to exercise his or her vote at such meeting.
- (c) In the event that a National Officer shall for any reason or at any time be unable to be present at any meeting of National Executive he or she may appoint in writing another National Officer as his or her proxy to exercise his or her vote at such meeting.
- (d) In the event that a Branch Secretary shall for any reason or at any time be unable to be present at any meeting of National Executive he or she may appoint in writing another member of the relevant Branch Committee of Management as his or her proxy to exercise his or her vote at such meeting.