



**APEX**  
ALLIED SCIENTIFIC AND TECHNICAL

# Rules

October 2023

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## 1 **Name**

The name of the society is the Association of Professionals and Executive Employees Incorporated (“APEX”).

## 2 **Interpretation**

**Act** means the Employment Relations Act 2000 and its amendments.

Except as expressly provided in these rules, or where the context otherwise requires, the interpretations contained in Part 2, Section 5 of the Act shall apply.

**Associate Member** has the meaning set out in rule 5.3.

**Delegate** has the meaning set out in rule 10.1.

**Disciplinary Committee** has the meaning set out in rule 5.9.3.

**Division** means a division of APEX.

**Divisional Membership Meeting** means a meeting of the Members of a Division.

**Financial Member** has the meaning set out in rule 5.4.4.

**Financial Year** means the period from 1 April to 31 March, or some other period as may be agreed to at an Annual General Meeting.

**Honorary Life Member** has the meaning set out in rule 5.2.

**Interim National Membership Meeting** has the meaning set out in rule 8.1.

**Month** means one calendar month.

**Majority** means 50% plus 1 of those who vote.

**Member** means a person accepted for membership of APEX.

**National Divisional Council** has the meaning set out in rule 9.1

**National Executive** is the body referred to in rule 8.2.

**National President** has the meaning set out in rule 8.3.1.

**National Vice President** has the meaning set out in rule 8.3.2.

**National Secretary** has the meaning set out in rule 8.3.3.

**Officer** means an elected or appointed office holder of APEX, but does not include Delegates.

**Postal Ballot** has the meaning set out in rule 11.3

**Registrar** means the Registrar of Incorporated Societies under the Incorporated Societies Act 1908.

**Secret Ballot** has the meaning set out in rule 11.2.

**Vacancy** means a vacancy in any office or position occurring for any reason other than expiry of the term of appointment.

### **3 Registered office**

The registered office of APEX is 195 Main Highway, Ellerslie, Auckland, New Zealand, or such other place as APEX may from time to time determine.

### **4 Objects**

4.1 The objects of APEX are to:

- 4.1.1 Negotiate, protect, and improve the collective employment interests of its members.
- 4.1.2 Advise members on employment relationship problems.
- 4.1.3 Promote and support member participation in decision-making processes affecting their employment and general quality of life, and the wellbeing of the workforce or professional group to which they belong.
- 4.1.4 Promote and support member's acquisition and improvement of their occupational skills and the standing of the professional group as a whole.
- 4.1.5 Do anything else necessary and helpful in furtherance of the above objects.

4.2 Pecuniary gain is not an object of APEX. No member or persons associated with APEX shall derive any income, benefit or advantage from APEX where they can materially influence the payment of the income, except in the case of:

- 4.2.1 professional services rendered in the course of business and charged at a rate no more than the current market rates; or
- 4.2.2 interest on money lent at no greater rate than the current market rates.

### **5 Membership**

5.1 **Becoming a member**

5.1.1 Any person of good character may apply to the National Secretary to become a member of APEX:

- a) if they are employed or are about to be employed in any of the areas covered by the Divisions; or
- b) if the National Executive deems that they should become a member. In such cases the National Executive may impose special conditions in respect of such membership.

5.1.2 Application for membership shall be in writing and shall provide the applicant's:

- a) full name.
- b) employer.

- c) workplace address.
- d) private postal address, phone and email contact details.
- e) intended APEX Division.
- f) position title.
- g) payment or proof of arrangement to pay subscriptions in accordance with rule 5.4.
- h) a signed acknowledgement of APEX's authority to act in accordance with rule 6.
- i) any other information as may be required by the National Executive.

5.1.3 Members shall give the National Secretary written notice of any changes to the information supplied above within 7 days of the change occurring.

5.1.4 Subject to rule 5.1.5, applicants become members when their application is approved by the National Secretary.

5.1.5 The National Secretary may refuse membership if:

- a) The National Secretary has good reason to believe that the application is not made in good faith or that the applicant is likely to act in a manner inconsistent with the objects of APEX.
- b) The applicant has previously been expelled from APEX or another union.
- c) The applicant has supplied false information.

5.1.6 Any person who feels they have been improperly refused membership may appeal to the National Executive in writing, which will make a final and binding decision on the matter within one month. The National Executive will generally consider the appeal on the basis of written submissions only, but may also conduct a hearing in any manner it sees fit in the circumstances.

## **5.2 Honorary life membership**

5.2.1 An Annual General Meeting may elect any person an Honorary Life Member.

5.2.2 An Honorary Life Member may attend meetings but is not entitled to vote on any matter.

5.2.3 Honorary Life Members are exempt from paying subscriptions or special levies.

## **5.3 Associate Members**

5.3.1 Any person studying at a Tertiary Educational Institution to become a professional covered by one of APEX's divisions may become an Associate Member of APEX.

5.3.2 Associate Members shall not be entitled to vote or participate in any APEX ballot or election, but shall be entitled to all other benefits of membership. The subscription fee for Associate Members who receive no remuneration as part of that training programme shall be \$0.00 per year or another amount

determined by the Annual General Meeting. For Associate Members who receive remuneration whilst participating in that training programme, the membership fee shall be set by the Annual General Meeting.

5.3.3 Associate Members cease to be Associate Members in the same way as Members end their membership or when they complete or cease their period of study

5.3.4 The National Executive may also determine whether any other person may become an Associate Member of APEX, in which case, the termination of their Associate status will also be determined by the National Executive.

#### **5.4 Subscriptions**

5.4.1 The amount of the membership subscription shall be determined from time to time at an Annual General Meeting.

5.4.2 The subscriptions shall be paid:

- a) annually in advance; or
- b) by automatically salary deductions; or
- c) by monthly direct credit payments at a rate of 1/12 of the annual subscription; or
- d) by such other manner as may be determined by the National Executive.

5.4.3 New Members will not be able to partake in any decision making process of APEX until their first subscription has been received by the National Secretary.

5.4.4 Other Members shall be deemed Financial Members for the period covered by their subscription, plus one calendar month.

5.4.5 Only Financial Members may vote or participate in an APEX ballot or election, subject to these rules or any conditions imposed upon a member's membership as to any entitlement to vote or to participate in an APEX ballot or election.

5.4.6 For a period of three months from the date of becoming a new Member or a Financial Member of APEX (whichever is the later date), the Member's entitlement to assistance from APEX in respect of matters or disputes which have already arisen or arise during the three month period and which relate to the Member as an individual (e.g. matters which could potentially be Personal Grievances or complaints against the Member) shall be at the discretion of the National Executive.

#### **5.5 Special levies**

The National Executive may at any time make a call upon the members for a special levy for a specific purpose, and before being payable, such levy shall be ratified by a Postal Ballot.

#### **5.6 Copy of rules**

The National Secretary shall give any member a copy of these rules free of charge on request, or may place a copy of these rules on APEX's website which the member can access.

## **5.7 Debts to APEX**

Subscriptions in arrears and other monies owing to APEX may be sued for and recovered by the National Secretary.

## **5.8 Suspension of membership fees**

5.8.1 A member who, due to some extraordinary circumstance/s outside their control is unable to pay their APEX subscriptions may bring their distress to the attention of the National Secretary by way of written notice. The National Secretary must then refer the notice to the National Executive at their next meeting, or earlier if appropriate given the member's distress.

5.8.2 The National Executive may exempt any member (including those brought to their attention pursuant to Rule 5.8.1) from paying subscriptions or levies, subject to any conditions the National Executive may impose.

5.8.3 The National Executive may cancel the exemption at any time.

## **5.9 Disciplinary matters and or disputes**

5.9.1 Disciplinary matters or disputes can result from:

- a) Acting in a manner contrary to these rules.
- b) Acting in a manner contrary to APEX's policies made in accordance with these rules.
- c) Acting against APEX's best interests.
- d) Undermining collective activity.
- e) Misappropriating APEX money or property.
- f) Knowingly divulging information that is either expressly or impliedly confidential to APEX and/or its members.
- g) Harming any member, associate, officer, or authorised representative of APEX in any way.
- h) Engaging in any act that may bring their profession or APEX into disrepute.
- i) a claim of misbehaviour, or
- j) member's rights or interests being disregarded, or
- k) breaching a duty under the Rules, bylaws or the Incorporated Societies Act 2022. This could be breaches by members or officers of APEX..

5.9.2 A Financial Member or officer of APEX may charge another member or APEX of committing any of the above offences by reporting the allegation and supporting evidence in writing to the National Secretary.

5.9.3 The National Secretary shall forward a copy of the report to the alleged offender and shall refer the matter to a Disciplinary Committee. The Disciplinary Committee shall be:



- a) the relevant Divisional Executive, who shall either convene a meeting for the purpose, or if more practical, add the matter to the agenda of their next meeting; or
  - b) if there is no Divisional Executive, or the Divisional Executive is barred from hearing the matter by rule 5.9.5, then a committee formed by members of the National Executive's choosing, who shall convene at the earliest reasonable opportunity.
- 5.9.4 The Disciplinary Committee shall summon the complainant and the member named in the complaint to appear before it as soon as is reasonable. The summons shall be in writing and shall advise that those persons appearing before the Disciplinary Committee are entitled to:
- a) representation;
  - b) make verbal and written statements in support of their cases; and
  - c) call witnesses.
- 5.9.5 The Disciplinary Committee shall conduct disciplinary hearings to investigate the complaint in accordance with the principles of natural justice. The Disciplinary Committee shall ensure that the parties can present their cases and tender relevant evidence either orally or in writing. Where any member of the Disciplinary Committee is involved in any capacity in any complaint he/she shall not participate in the hearing as a member of the Disciplinary Committee.
- 5.9.6 The Disciplinary Committee may impose one or more of the following disciplinary measures in respect of any offences committed:
- a) Caution.
  - b) Censure.
  - c) Severe reprimand.
  - d) Suspension or expulsion from APEX.
- 5.9.7 The Disciplinary Committee shall decide on the balance of probabilities whether an offence has been committed. It shall report the majority decision and reasons within 14 days of the date of the hearing of the complaint to:
- a) The complainant.
  - b) The member named in the complaint.
  - c) The National Secretary.
- 5.9.8 Any person who is found to have committed an offence, suspended, or expelled under this rule may appeal against the Disciplinary Committee's decision within 14 days of issue. The notice of appeal must be lodged with the National Secretary in writing setting out the grounds for the appeal.
- 5.9.9 The Disciplinary Committee shall not implement any findings or recommendations in relation to any complaint until the period for appeal has expired, or the outcome of any appeal is known.
- 5.9.10 The National Secretary shall forward the notice of appeal to the National Executive who shall consider the matter at their next meeting.

- 5.9.11 If any member of the National Executive has a personal interest in the matter or has been involved with the original complaint, they will recuse themselves from the appeal hearing.
- 5.9.12 The National Executive shall conduct the appeal hearing in accordance with the principles of natural justice.
- 5.9.13 Within 14 days of the hearing the National Executive shall report the majority decision and reasons to:
- a) The complainant.
  - b) The member named in the complaint.
- 5.9.14 The National Executive's decision shall be final.

## **5.10 Ending membership**

- 5.10.1 Anyone may resign membership by giving the National Secretary 2 weeks' written notice.
- 5.10.2 Membership shall also terminate upon:
- a) becoming ineligible for membership.
  - b) the National Secretary striking off a member on the grounds that any monies owing to APEX remain outstanding for more than 3 months.
  - c) expulsion of a member at the conclusion of a disciplinary proceeding under rule 5.9.
  - d) death.
- 5.10.3 Any debts owing to APEX are not affected by termination of membership and remain recoverable.
- 5.10.4 APEX shall refund any monies paid in advance from the date membership ends.

## **6 Authority to Act**

Each Member acknowledges that by virtue of their membership:

- a) They appoint APEX to act as their exclusive agent in all matters connected with their employment or prospective employment, including the negotiation and enforcement of any individual or Collective Agreements unless agreed otherwise by the National Executive.
- b) They will be bound by all of the terms of any employment agreements which are negotiated by APEX and duly ratified in accordance with rule 11.3.
- c) They will be bound by these rules until their membership ends, including rules relating to the procedure ratifying any terms of settlement of any negotiations relating to the terms and conditions of their employment to which APEX may agree pursuant to section 51 of the Act.

- d) APEX's appointment as their exclusive agent continues until their membership ends.
- e) They give their consent to allow APEX access to personal information relevant to their employment.

## **7 General structure**

7.1 APEX is organised into National, Divisional, and Local levels.

### **7.2 Authority vested in Membership through Annual General Meetings**

7.2.1 Authority for the conduct of the affairs of APEX is vested in the Membership through Annual General Meetings. The Membership's primary functions at such meetings are:

- to set APEX's vision, mission and core values;
- to establish systems and bodies of governance and delegation for APEX, to elect members to those bodies, and to hold those members and bodies accountable; and
- to receive the annual financial report, a report from the National President on the activities of both the National Divisional Council and National Executive during the year and annual performance reports from service provider(s).

### **7.3 Annual General Meetings**

7.3.1 The National Executive shall ensure that an Annual General Meeting occurs once in every calendar year, and shall determine the format ie. electronic or physical or a combination of the two, as well as the time and place of each Annual General Meeting.

7.3.2 The National Secretary shall give each member at least 60 days' notice of the Annual General Meeting. The notice shall include:

- a) the time and place of the Annual General Meeting; and
- b) the business to be transacted, including an agenda and any remits or notices of motion.

7.3.3 The quorum for an Annual General Meeting shall be both:

- a) 10 members entitled to vote or participate in a ballot or election; and
- b) members from at least half the Divisions who are entitled to vote or participate in a ballot or election must be present.

7.3.4 The business of the Annual General Meeting shall include:

- a) receiving and adopting the annual reports and annual financial statements from the National Secretary.
- b) receiving the result of any elections of National Executive Officers held by Postal Ballot prior to the Annual General Meeting.
- c) deciding on the distribution of funds in accordance with rule 12.2.

#### **7.4 Authority vested in National Executive between Annual General Meetings**

The National Executive provides leadership and stewardship for APEX between Annual General Meetings.

#### **7.5 Divisions autonomous**

For the purposes of bargaining for Collective Agreements, Divisions may act independently from each other.

#### **7.6 Authority to execute Collective Agreements**

7.6.1 Collective Agreements and other such instruments shall be made in such mode as the National Executive may determine, and shall be executed by the National Secretary or, in the absence or incapacity of the National Secretary, by any two other officers of the National Executive that the National Executive appoints for the purpose.

7.6.2 No Collective Agreements shall be executed unless ratified by the membership in compliance with rule 11.3.

#### **7.7 Authority to represent APEX in formal proceedings**

APEX may be represented in any matter, including before the Employment Relations Authority and Employment Court, or in any other formal proceedings, by such person or persons as the National Executive may appoint.

#### **7.8 Authority of an officer may be delegated**

Where an officer has power to make a decision or perform an act under these rules, that officer may delegate such power to another person. The delegating officer remains responsible for the exercise of power and any resulting outcome. Any delegation by an officer to a delegate (appointed pursuant to Rule 10.1.1) must be recorded in writing.

#### **7.9 Seal**

7.9.1 There shall be a seal of APEX which shall be kept in the custody of the National Secretary and shall be affixed by the National Secretary to any document requiring the affixture of the seal.

7.9.2 The seal may be altered or renewed only by resolution of the Annual General Meeting.

### **8 National structure**

#### **8.1 Interim National Membership Meetings**

8.1.1 In addition to any Annual General Meeting, Interim National Membership Meetings may be called in accordance with these rules.

8.1.2 The National Secretary shall call an Interim National Membership Meeting when requested by:

- a) the National Executive;
- b) a Divisional Executive; or
- c) 100 Members, whose signatures appear on a meeting petition.

- 8.1.3 The National Secretary may call an Interim National Membership Meeting to be held:
- a) in one place at one time; or
  - b) by any number of sub-meetings which may be held in different places and times, created by dividing the membership into whatever subsets the National Secretary considers conducive to the efficient running of the National Membership Meeting and democratic principles.
- 8.1.4 On receipt of a request, the National Secretary shall give each member at least 21 clear days' notice of an Interim National Membership Meeting. The notice shall include:
- a) the time and place of the Interim National Membership Meeting (or the relevant sub-meeting); and
  - b) the business to be transacted.
- 8.1.5 Should the National Secretary fail to call an Interim National Membership Meeting within 14 days of being requested to do so, or should the Interim National Membership Meeting otherwise fail to be called in accordance with the above rules, then the National President may call an Interim National Membership Meeting instead. Any meeting called by the National President in these circumstances shall be deemed to have been validly called.
- 8.1.6 When calling an Interim National Membership Meeting the National Secretary or National President as the case may be shall have regard to the other notice periods set out in these rules.
- 8.1.7 All Officers of APEX have the right to be present at Interim National Membership Meetings.
- 8.1.8 10 Financial Members shall form a quorum at an Interim National Membership Meeting. Where sub-meetings are held in accordance with rule 8.1.3, the quorum can be reached with the aggregate number of Members present across all sub-meetings.
- 8.1.9 Voting on any matter shall be by a show of hands with a simple majority (aggregated across sub-meetings, if applicable) deciding the matter, unless a Secret Ballot is requested by the members present, or these rules or the law requires another form of voting.
- 8.1.10 Members shall not vote on any one issue more than once

## **8.2 The National Executive**

- 8.2.1 Further to rule 7.4, the National Executive's main functions are:
- a) to take such action as it deems fit to promote the objects of APEX.
  - b) to ensure appropriate implementation of any decisions made by Annual General and Interim National Membership Meetings;
  - c) to support the National Divisional Council;
  - d) to hold other structures, bodies and officers of APEX accountable for their functioning;

- e) to resolve disputes or problems encountered between APEX members or bodies.
- f) to ensure that there is sound financial policy and that the financial policy is consistently implemented across APEX;
- g) to ensure compliance with these rules;
- h) to perform the other functions conferred on it by these rules and by law.

8.2.2 The National Executive shall consist of:

- a) the National President;
- b) the National Vice President;
- c) the National Secretary;
- d) the Executive Secretary/Treasurer; and
- e) 6 members elected from the National Divisional Council.

8.2.3 The National Executive shall hold meetings at least annually and at such other times as the National President, the National Secretary, or any 3 National Executive Officers deem appropriate in the circumstances.

8.2.4 The National Executive may hold meetings at such place or by such means as it sees fit (including by telephone and electronic means).

8.2.5 The National Secretary is responsible for calling National Executive meetings and shall do so by notice to each National Executive member at least 4 clear days before the date of the meeting.

8.2.6 Any other member of the National Executive may call a meeting of the National Executive, and that meeting will be deemed to have been validly called, if:

- a) the National Secretary is absent or incapacitated;
- b) the office of National Secretary is vacant; or
- c) the National Secretary fails to call a meeting within 2 days of duly being requested to do so.

8.2.7 A quorum is achieved at National Executive meetings when the majority of National Executive members are present.

8.2.8 Acceptance of National Executive office means accepting collective responsibility. Issues may be debated vigorously within the confidential setting of National Executive meetings. Where consensus cannot be reached, votes will be taken and the majority will prevail.

### **8.3 National Executive Officers**

8.3.1 The National President is the elected leader of APEX. As such the National President's duties include:

- a) Chairing all meetings of the National Executive, the Annual General Meeting, National Divisional Council and any Interim National Membership Meetings.
- b) Following any lawful instructions from the Membership or the National Executive.
- c) Performing other lawful duties as usually appertain to the office of President.

### 8.3.2 Duties and powers of National Vice President

The National Vice President is responsible for assisting the National President, and fills the role of President during periods of the National President's absence or incapacity.

8.3.3 The National Secretary is responsible for administrating the day to day activities of APEX in accordance with policy set by the National Executive. The National Secretary's duties include:

- a) Calling meetings of the National Executive, Annual General Meeting, National Divisional Council and any Interim National Membership Meetings.
- b) Submitting a report to meetings of the National Executive on the business of APEX since their previous meeting.
- c) Submitting an annual report to the Annual General Meeting.
- d) Performing work necessary for APEX to remain compliant with the provisions of the Incorporated Societies Act 1908 and other legal requirements.
- e) Keeping a register of membership information which shall include:
  - Full Name.
  - Employer.
  - Division.
  - Contact details.
  - Joining date.
  - Leaving date.
  - Records of payment of membership fees.

8.3.4 The Executive Secretary/Treasurer is responsible for:

- a) Creating the order of business of the National Executive meetings, Annual General Meeting, National Divisional Council and any Interim National Membership Meetings; and
- b) Recording the minutes of those meetings; and
- c) General oversight of day to day APEX expenditure; and

- d) Submitting audited annual financial statements to the Annual General Meeting. The financial year of the society will begin on the 1<sup>st</sup> of July each year and end on the 30<sup>th</sup> of June of the following year.
- e) Performing other lawful duties as usually appertain to the offices of Secretary and Treasurer.

#### **8.4 Appointment of National Executive Officers**

- 8.4.1 6 members of the National Divisional Council shall be elected from amongst and by the Divisional Presidents and Divisional Secretaries. They shall be elected for a period of 2 years and be eligible for re-election for a second term. 2 members shall come up for (re)election each year. The role of these 6 position holders on the National Executive is not specific divisional representation but whole of APEX governance.
- 8.4.2 The offices of National President, Vice President, National Secretary and Executive Secretary/Treasurer shall be contestable every 2 years, with the candidates for the National President and National Secretary offices standing for election in even years and the candidates standing for the Vice President and Executive Secretary / Treasurer office in odd number years.
- 8.4.3 The National Secretary shall give written notice to all Members at least 42 clear days prior to an Annual General Meeting calling for nominations to contestable offices.
- 8.4.4 Any nominations must be:
  - a) in writing.
  - b) signed by the proposer and seconder (both of whom must be Financial Members).
  - c) endorsed with or accompanied by the candidate's signed consent to nomination, and
  - d) received by the National Secretary at least 30 clear days prior to the Annual General Meeting.
- 8.4.5 Any person shall be eligible as a candidate for the office of National President and Executive Secretary/Treasurer. However, if any such person is not a Financial Member, they shall become a Financial Member on election in the way set out in these rules, including by paying the standard subscription fee. The National Secretary does not have to be a Financial Member.
- 8.4.6 When there is more than one nominated candidate for a position the officers shall be elected by Postal Ballot of the Members, and at the Annual General Meeting the Returning Officer shall declare the outcome of the election.
- 8.4.7 Officers are eligible for re-election.
- 8.4.8 If only one candidate is nominated, then at the Annual General Meeting the Returning Officer shall declare the nominated candidate elected; or if no candidate was nominated, then the vacancy may be filled in accordance with rule 8.6.
- 8.4.9 Officers must consent in writing and certify they are not disqualified by virtue of 8.4.10 or 8.4.11 (and 8.5).



8.4.10 No person shall hold more than 1 position on the National Executive and there shall be no more than 2 national executive members from any one division appointed to the national executive at any one time

8.4.11 Subject to the provisions of rule 8.5 all officers shall hold office until they:

- a) resign.
- b) are removed in accordance with Rule 8.5.
- c) are replaced by their successor.

## **8.5 Removal of National Executive Officers**

8.5.1 The following are grounds for removing a National Executive Officer from Office:

- a) The National Executive Officer is guilty of misconduct or of neglecting their duty.
- b) The National Executive Officer has become medically incapacitated.
- c) The National Executive Officer has otherwise become unsuitable for the position, for example because they have become bankrupt.
- d) The National Secretary has received a requisition that the National Executive Officer be removed, signed by at least 50 members or 10% of the total membership (whichever is the lesser).
- e) The National Executive Officer has been found to have committed an offence in accordance with rule 5.9.

8.5.2 Any Financial Member may lay a charge against a National Officer on any of the above grounds by setting out the charge in writing and delivering it to the National Secretary.

8.5.3 Upon receiving such a charge, the National Secretary shall inform the person charged in writing. If the person charged accepts the charge, or does not respond within 5 working days, then the Office shall be deemed vacant and shall be filled according to the Vacancy rules set out in rule 8.7. If the person charged wishes to defend the charge, then the National Secretary shall:

- a) call an Interim National Membership Meeting to consider the charge and to pass a resolution on whether the National Officer will be removed.
- b) invite the Officer concerned and/or the Officer's representative to attend the Interim National Membership Meeting and be heard in his or her defence.

8.5.4 Should the Interim National Membership Meeting pass a resolution that the Officer be removed, the Office shall be deemed vacant and shall be filled according to the Vacancy rules set out in rule 8.7.

8.5.5 The proceedings shall not be invalidated merely by reason of the absence of the person charged.

## **8.6 Vacancies**

8.6.1 On a Vacancy occurring in a National Executive Officer position, the remaining Officers of the National Executive at their next meeting shall:

- a) temporarily appoint a replacement Officer of their choosing; and
- b) arrange for the substantive filling of the vacancy in accordance with the standard procedure (see "Appointment of National Executive Officers"), with such modification as shall be necessary in the circumstances. However, if the Vacancy occurs when there is less than 6 months remaining in the term, then the temporary appointment shall remain in office until the office is filled in the normal course of events.

8.6.2 Any person appointed or elected to fill any vacancy in accordance with this rule shall hold office or position subject to the above provision for the unexpired period of their predecessor's term, and shall be eligible for reappointment or re-election as the case may be.

## **8.7 National staff**

The National Executive may enter into contracts of or for service with any staff or agents.

# **9 *National Divisional Council***

## **9.1 The role of the National Divisional Council shall be to:**

Review broader trends and issues affecting or likely to affect members of APEX.

Enable and facilitate the sharing of knowledge between divisions, improve communication and the Association's collective knowledge base.

Assist in the formation of, development and implementation of APEX's strategic plans, evaluating performance against those strategies and plans, adapting as necessary and reporting to the Annual General Meeting accordingly.

## **9.2 The National Divisional Council shall comprise:**

- a) The National President, Vice President, National Secretary and Executive Secretary/Treasurer; and
- b) All Divisional Presidents and Secretary's.

9.3 The National Divisional Council shall meet in conjunction with the Annual General Meeting in each year and at further times as deemed necessary.

9.4 The National Secretary shall be responsible for calling meetings of the National Divisional Council in accordance with these rules. Any 6 members of the National Divisional Council shall also be entitled to call a meeting by notifying the National Secretary in writing of their wish to do so.

## 10 **Divisional section**

### 10.1 **Divisions/sections**

10.1.1 APEX shall have Divisions to represent the particular interests of those who work in the following occupational groups:

a) MIT Division:

Medical Imaging Technologists, who are persons engaged in the use of MRI, ionizing or other radiation on human beings for medical diagnostic or therapeutic purposes, and who may be registered with the New Zealand Medical Radiation Technologists Board, or is fulfilling the requirements towards such registration or students studying towards such qualifications.

Clinical Assistants, employee who directly assists MITs in medical imaging procedures, and perform ancillary duties that do not require registration under the HPCA.

b) Radiation Therapy Division: Radiation Therapists who are persons engaged to perform Radiation Therapy may be registered with the New Zealand Medical Radiation Technologists Board, or are fulfilling the requirements towards such registration or students studying towards such qualifications.

c) Sonography Division: Sonographers, who are persons who perform ultrasonography having passed both the Part I and II exams of the Australian Society of Ultra Sound Medicine (ASUM) Diploma of Medical Ultrasound or equivalent who may be registered with the New Zealand Medical Radiation Technologists Board, or are fulfilling the requirements towards such registration, or are students studying towards such qualifications.

d) Oral Health Division: Dental and Oral Health Therapists, who are;

persons who provide dental care for individuals within the Health and School Dental Care Services.

persons employed as Dental Assistants.

e) Psychology Division:

A Psychologist who is registered with the NZ Psychologists Board.

Psychotherapists who hold registration with the Psychotherapists Board of Aotearoa New Zealand.

Behavioural Specialists who provide support services to people with disabilities of all ages, their whanau and wider support networks.

f) Physiology Division: Clinical Physiologists who are persons employed to work within a specific physiological discipline (e.g. respiratory, sleep, cardiac, renal, neurology) and is involved in the investigation and/or treatment of the functional aspects of patient care.

g) Managers and IT Division: including all

Information Technology Workers, who include anyone, involved in the provision of information technology services; and

Managers, who are persons responsible for providing direction of purpose and/or instruction to others, the allocation of resources, and whose skills commonly influence the output of others within the organisation, in the undertaking within their control or sphere of influence.

- h) Medical Physics Division: Medical Physicists, who are persons who perform diagnostic and/or therapeutic medical physics concerned with cancer treatment, medical imaging, radiation protection, ophthalmology and any other areas primarily involving ionizing and non ionizing radiations. This group also includes registrars in medical physics who are undertaking training under a recognised postgraduate training programme by the Australasian College of Physical Scientists and Engineers in Medicine or equivalent.
- i) Physiotherapy Division: Physiotherapists, who are:  
  
persons recognised by the Physiotherapy Board of New Zealand as fulfilling the requirements of a registered Physiotherapist and who undertakes the practice of physiotherapy, or trainee Physiotherapists.  
  
persons employed as physiotherapy assistants.
- j) Pharmacy Division:  
  
Pharmacist: persons registered with the Pharmacy Council of New Zealand as a pharmacist or an intern pharmacist.  
  
Pharmacy Technician: persons who hold a certificate in pharmacy recognised by the Pharmaceutical Society of New Zealand as sufficient to be a Pharmacy Technician and who works under the supervision of a registered pharmacist.  
  
Pharmacy Assistants, employees in a pharmacy in manual or technical work ancillary to that of a registered pharmacist, but who is not a registered pharmacist, pharmacy technician, intern pharmacist, or trainee pharmacy technician, and any employee substantially employed in the role of a pharmacy assistant who may from time to time use a different title.
- k) Anaesthetic Technician Division: Anaesthetic Technicians who include Charge Anaesthetic Technicians, and trainees.
- l) Dietitian Division: Dietitians, who are persons registered with the NZ Dietitians Board and who undertakes the practice of Dietetics.
- m) Social Work Division: Social Workers, who are persons recognised by the Social Workers Registration Board as fulfilling the requirements of a Social Worker and who undertakes the practice of Social Work.
- n) Audiology Division: Audiologists, who are persons that utilize advanced technology and detailed check-ups to diagnose, treat and manage patients who have hearing and balance problems.
- o) Biomedical Engineering Division:

Biomedical Engineers, who are persons that apply engineering principles and design concepts to medicine and biology for healthcare purposes, both diagnostic and therapeutic.

Trades:

Electrician (Registered Electrician) - means an employee who completed an apprenticeship and gained a National Certificate in Electrical Engineering – Electrician for Registration (Level 4), or National Certificate in Electricity Supply – Electrician (Level 4) and holds a practicing license issued and recognised by the Electrical Workers Registration Board (EWRB).

Electrical Service Technician (Registered EST) - means an employee who completed an apprenticeship and training to gain a National Certificate as an Electrical Appliance Serviceperson and holds a practicing license issued and recognised by the Electrical Workers Registration Board (EWRB).

Mechanical Technician/Tradesperson - means an employee who completed an apprenticeship and training and gained a Certificate in mechanical trades (i.e. Deeds of Apprenticeship/Record of proof).

Plumber (Registered Plumber) - means an employee who completed an apprenticeship and gained a National Certificate in Plumbing and Qualified Certifying Plumber, holds a practicing license issued and recognized by Plumbers, Gasfitters and Drainlayers Board.

Carpenters/Joiners – means an employee who completed an apprenticeship with trade certificate qualifications designed to provide trained people who have achieved the practical skills and accredited knowledge required to construct, repair and install building structures to the level required of a commercially competent carpenter/joiner.

p) Occupational Therapy Division:

An occupational therapist is a person who is registered with the Occupational Therapy Board NZ.

Persons employed as an “therapy assistant and any employee substantially employed in the role of a therapy assistant who may from time to time use a different title.”.

q) CSSD Division: CSSD technicians are those employees who clean, sterilise and package surgical instruments and other hospital equipment, soft goods and linen in a sterilisation unit.

r) Speech Language Division: Speech Language Therapists are those employees who provide treatment, support and care for children and adults who have difficulties with communication, or with eating, drinking and swallowing.

- s) Clinical Perfusionist Division: Registered/certified Clinical Perfusionists and Trainee Clinical Perfusionists.
- t) Laboratory Workers Division: employees who are employed or engaged to be employed to:

Supervise or perform pathology tests and/or associated duties in the laboratory service including Information Technology (staff whose primary function is Information Technology support within the laboratory), after death care (mortuary duties), the collection of specimens, specimen reception and related clerical work, whether on human or veterinary tissue samples; and

Hospital Scientists, who are graduates of a university and are engaged in scientific work, but who are not Medical Laboratory Scientists or Medical Physicists; and

Embryologists who are Medical Laboratory Scientists practicing in the field of embryology

**Medical Laboratory Assistant** means a person, who being responsible to and under the supervision of a Medical Laboratory Scientist, Scientific Officer, or Medical Practitioner, is employed and engaged in manual or technical work ancillary to medical laboratory science.

**Medical Laboratory Scientist** means a person who is recognised by the Medical Sciences Council of New Zealand as fulfilling the requirements for registration as a Medical Laboratory Scientist.

**Medical Laboratory Technician** means a person who is recognised by the Medical Sciences Council of New Zealand as fulfilling the requirements for registration as a Medical Laboratory Technician.

**Medical Laboratory Pre-Analytical Technician** means a person who is recognised by the Medical Sciences Council of New Zealand as fulfilling the requirements for registration as a Medical Laboratory Pre-Analytic Technician.

**Mortuary Technician** means a person employed principally to work in a mortuary to assist a pathologist at autopsy, and who is recognised by the Medical Sciences Council of New Zealand as fulfilling the requirements for registration as a Medical Laboratory Technician.

- 10.1.2 The National Executive may allow a person who works in an ancillary or associated capacity to any of the above to join the appropriate division.
- 10.1.3 The National Executive may establish other Divisions if it sees fit, having regard to the objects of APEX, provided that the National Executive shall present such establishment to the next Annual General Meeting. The Annual

General Meeting must then either resolve to rescind the new Division or amend these rules so that the Division is added above.

## **10.2 Decision making**

Subject to these rules, the membership of each Division, by majority through Divisional Membership Meetings, shall have authority to make decisions binding on its own Division only.

## **10.3 Divisional Executive**

10.3.1 Each Division is represented and managed by its own Divisional Executive.

10.3.2 Each Divisional Executive shall consist of the following Divisional Officers:

- a) a Divisional President; and
- b) a Divisional Secretary.

10.3.3 A Divisional Executive may delegate its authority or any part of it to the National Executive or any other person or persons of its choosing.

10.3.4 A Divisional Executive must comply with any decisions of the National Executive and decisions made by Divisional Membership Meetings.

## **10.4 Divisional Officers**

10.4.1 A Divisional President is the leader of the Divisional Executive and may be a member of the National Executive. As such a Divisional President's duties include:

- a) Chairing all meetings of the Divisional Executive and the Divisional Membership.
- b) Following any lawful instructions from the Division Membership or the Divisional Executive.
- c) Performing other lawful duties as usually appertain to the office of President.
- d) Attending National Executive Meetings where elected as a National Executive Member.

10.4.2 A Divisional Secretary is responsible for carrying out lawful instructions that may be given by a meeting of the Divisional Membership or the Divisional Executive. The Divisional Secretary's duties include:

- a) Calling meetings of the Divisional Executive and Divisional Membership, creating the order of business, and recording the minutes of those meetings.
- b) Submitting a report to meetings of the Divisional Executive on the business of the Division since their previous meeting.
- c) Managing and accounting for the Division's funds in accordance with rule 12.

- d) Where the division manages its own funds submitting an annual report and financial statements to the National Secretary in advance of the AGM.
- e) Acting as Divisional President when the Divisional President is unavailable or incapacitated.
- f) Performing other lawful duties as usually appertain to the offices of Secretary and Treasurer.

## **10.5 Appointment of Divisional Officers**

- 10.5.1 The following rules apply to the appointment to the offices of Divisional President and Divisional Secretary.
- 10.5.2 The Divisional Secretary shall give written notice to Members of their Division at least 42 clear days prior to the Annual General Meeting calling for nominations.
- 10.5.3 Any nominations must be:
  - a) in writing.
  - b) signed by the proposer and seconder (both of whom must be Financial Members)
  - c) endorsed with or accompanied by the candidate's signed consent to nomination, and
  - d) received by the Divisional Secretary at least 30 clear days prior to the Annual General Meeting.
- 10.5.4 Only members of the Division who are Financial Members are eligible for election.
- 10.5.5 Officers are eligible for re-election.
- 10.5.6 The offices shall be filled by vote of the members.
- 10.5.7 If only one candidate is nominated, then the Returning Officer shall declare the nominated candidate elected. If no candidate was nominated, then the vacancy may be filled in accordance with rule 9.7.
- 10.5.8 All Divisional Officers shall hold office until they:
  - a) resign.
  - b) become medically incapacitated.
  - c) are replaced by their successor.
  - d) are removed by the following process.

## **10.6 Removal of Divisional Officers**

- 10.6.1 The following are grounds for removing a Divisional Officer from Office:
  - a) The Divisional Officer is guilty of misconduct or of neglecting their duty.



- b) The Divisional Officer has become medically incapacitated.
- c) The Divisional Officer has otherwise become unsuitable for the position, for example they have become bankrupt.
- d) The Divisional Secretary has received a requisition that the Divisional Officer be removed, signed by at least 50 members or 10% of the total membership (whichever is the lesser).
- e) The Divisional Officer has been found to have committed an offence in accordance with rule 5.9.

10.6.2 Any Financial Member may lay a charge against a Divisional Officer on the above grounds by setting out the charge in writing and delivering it to the Divisional Secretary.

10.6.3 Upon receiving such a charge, the Divisional Secretary shall inform the person charged in writing. If the person charged accepts the charge, or does not respond within 5 working days, then the Office shall be deemed vacant and shall be filled according to the Vacancy rules set out in rule 9.7. If the person charged wishes to defend the charge, then the Divisional Secretary shall:

- a) call a Divisional Membership Meeting to consider the charge and to pass a resolution on whether the Divisional Officer will be removed.
- b) invite the Officer concerned and/or the Officer's representative to attend the Divisional Membership Meeting and be heard in his or her defence.

10.6.4 Should the Divisional Membership Meeting pass a resolution that the Officer be removed, the Office shall be deemed vacant and shall be filled according to the Vacancy rules set out in rule 9.7.

10.6.5 The proceedings shall not be invalidated merely by reason of the absence of the person charged.

## **10.7 Vacancies**

10.7.1 On a Vacancy occurring in a Divisional Officer position, the remaining Officers of the Divisional Executive at their next meeting shall:

- a) temporarily appoint a replacement Officer of their choosing; and
- b) arrange for the substantive filling of the vacancy in accordance with these rules (see "Appointment of Divisional Officers"), with such modification as shall be necessary in the circumstances. However, if the Vacancy occurs when there is less than 6 months remaining in the term, then the temporary appointment shall remain in office until the office is filled in the normal course of events.

10.7.2 Any person appointed or elected to fill any vacancy in accordance with this rule shall hold office until they resign, become medically incapacitated, or are replaced by their successor, and shall be eligible for reappointment or re-election as the case may be.

## **10.8 Divisional staff**

The Divisional Executive may enter into contracts of or for service with any staff or agents.

## **11 Local structure**

### **11.1 Delegates**

- 11.1.1 Members at each workplace in each Division will elect one of their number to be a principal delegate, to represent them in matters affecting their interests at the Divisional level of APEX. If there are fewer than 5 members employed by the same employer at the same workplace in a Division, then they may elect a delegate or nominate another divisional delegate to act for them.
- 11.1.2 Delegates have a right to attend and be heard at Divisional Executive meetings.
- 11.1.3 Delegates are responsible to their Divisional Executive for:
- a) advising the Divisional Executive of their status as a Delegates (by notifying the National Secretary); and
  - b) serving as a liaison between the Divisional Executive and the Members at the workplace.
- 11.1.4 The duties and powers of a delegate are limited to those described in Rules 10.1.1-10.1.3. Any delegation to a delegate may occur only in accordance with Rule 7.8.

### **11.2 Collective bargaining teams**

Divisional Executives may appoint Delegates to a team for attendance at Collective Bargaining. Any Member taking objection to the constitution of such teams may bring their objection to the attention of the National Executive. The National Executive's decision will be final.

## **12 Voting**

### **12.1 Modes of Voting**

- 12.1.1 Except where these rules expressly specify the manner in which a vote shall be conducted, any vote of all or any of the members of the union may be conducted either by:
- Secret ballot undertaken at a meeting(s) of members eligible to vote; or  
Postal ballot of members eligible to vote; or  
Electronic ballot of members eligible to vote.
- 12.1.2 Where more than one mode of conducting a vote is permitted by these rules, in each case the decision on which mode of voting to adopt shall be made by the National Secretary in consultation with the relevant executive (being either the National Executive or the Divisional Executive).

### **12.2 Secret Ballots at Meetings**

Where 10% of the members in attendance at a meeting request a Secret Ballot, or a vote to ratify a Collective Agreement is to be undertaken at a meeting, the following procedure shall apply.

The Meeting shall elect a Returning Officer to conduct the ballot.

The relevant executive (being the National Executive or the Divisional Executive) and any person directly concerned with the result of any ballot may each appoint a

scrutineer to oversee the conduct of the ballot, provided that only the first 3 scrutineers put forward may be appointed.

The Returning Officer shall afford each scrutineer all reasonable opportunity to carry out their function.

The Returning Officer shall ensure that:

- sufficient ballot papers are made available to Financial Members present at the meeting, and
- votes can be cast secretly.

When voting has finished, the Returning Officer shall:

- set aside any informal votes;
- count the remaining votes;
- declare the outcome to the Chair of the meeting.
- The Chair shall declare the motion won or lost according to the valid votes cast for and against, and any abstentions.

### **Postal Ballots**

When a Postal Ballot is required by these rules, the National Secretary in consultation with the relevant executive (being the National Executive or the Divisional Executive) shall:

appoint a Returning Officer, who:

in the case of an election, shall not be an officer or candidate for election;

shall be responsible for the conduct of the Postal Ballot.

advise the Returning Officer in writing of the matter to be decided or provide a list of the candidate(s) in the case of an election.

The relevant executive and any person directly concerned with the result of any ballot may each appoint a scrutineer to oversee the conduct of the ballot, provided that only the first 3 scrutineers put forward may be appointed, and the Returning Officer shall afford each scrutineer all reasonable opportunity to carry out such function.

The National Secretary or the Divisional Secretary as the case may be shall ensure that the ballot paper clearly:

shows the matter to be voted on, or the names of the candidates for election (as the case may be);

includes instructions on the manner in which a vote is to be recorded; and

includes the time by which the ballot paper is to be returned to the Returning Officer.

The Returning Officer shall post a ballot paper and a postage paid return envelope to each member entitled to vote 14 days before the ballot's closing date, unless the relevant executive has decided a shorter period should apply in the circumstances. Where any Postal Ballots are held concurrently, the Returning Officer may mark on the envelopes which ballot the contents relate to.

As soon as practicable after the closing date, the Returning Officer shall:

set aside any informal votes; and

count the remaining votes.

In the case of an election:

where a candidate has the highest number of valid votes cast, the Returning Officer shall declare to the membership in writing that the candidate has been duly elected; or

where any two or more candidates receive the same number of valid votes, the Returning Officer shall determine by random draw which of the candidates shall be elected, and shall declare to the membership in writing that the candidate has been duly elected.

In the case of any other ballot, the Returning Officer shall declare in writing to the relevant membership the state of the voting, and therefore whether the motion has been carried or lost according to the majority of the votes cast.

### **Electronic Ballots**

The general tenor and intent of the rules that apply to postal ballots shall also apply to electronic ballots. In addition:

Activities related to electronic ballots shall only use private personal email addresses; and

It is the responsibility of each member to ensure APEX is updated on any changes to private personal email addresses; and

Any electronic ballot shall ensure that only one ballot per member is possible and that all votes cast are anonymous; and

The time in which an electronic ballot may be cast shall be clearly identified.

### **Voting relating to Ratification of Collective Agreements**

Ratification of any Collective Agreement shall be by a majority vote in favour of acceptance by members whose employment would be covered by the Collective Agreement and who vote, or by such other means as may be determined by the relevant Divisional Executive.

A ratification vote can be undertaken by Secret Ballot at a meeting of members or alternatively by Postal or Electronic Ballot in accordance with these rules.

### **Voting Relating to Strikes**

Except where a strike is proposed on the grounds of safety or health in accordance with section 84 of the Employment Relations Act 2000, before a strike may proceed:

A secret ballot (which may be conducted electronically) must be conducted in accordance with these rules of members who would become a party to the strike; and

The question to be voted on in the ballot is whether the member is in favour of the strike; and

The result of the ballot must be in favour of the strike. For the purposes of this clause, the result of a secret ballot is determined by a simple majority of the members who are

entitled to vote and who do vote. As soon as reasonably practicable after the conclusion of the ballot the union shall notify the result of the ballot to the members who were entitled to vote.

### **13 Funds**

- 13.1 All subscriptions, levies and other monies payable to APEX shall be the property of APEX.
- 13.2 The Annual General Meeting shall determine what portion of the subscriptions will be:
- a) retained by the relevant Division, under control of the Divisional Executives.
  - b) allocated to the National budget, under control of the National Executive.
- 13.3 All other monies and the power to borrow money shall be under control of the National Executive.
- 13.4 Bank accounts under the National Executive's control may only be operated by any two of:
- a) The National President, the National Secretary and the Executive Secretary/Treasurer; or
  - b) The National President, the National Secretary, the Executive Secretary/Treasurer and another authority duly appointed by the National Executive.
- 13.5 Bank accounts under a Divisional Executive's control may only be operated by:
- a) The Divisional President and the Divisional Secretary (acting together); or
  - b) Either the Divisional President or the Divisional Secretary and another authority duly appointed by the Divisional Executive (acting together).
- 13.6 National and Divisional Executives may authorise reimbursements from APEX bank accounts to members for expenses they incur on APEX business.
- 13.7 Divisional Secretaries shall keep complete accounting records for their Division and shall assist the Executive Secretary/Treasurer to compile consolidated accounting records.
- 13.8 The Executive Secretary/Treasurer shall keep complete consolidated accounting records in accordance with Generally Accepted Accounting Practice (GAAP) and to produce annual financial statements which give a true and fair view.
- 13.9 The membership through Annual General Meetings shall appoint a Chartered Accountant to audit APEX's annual accounts.
- 13.10 The Auditor shall hold the position until:
- a) he or she is removed by an Annual General Meeting.
  - b) a successor is appointed by an Annual General Meeting.
  - c) he or she resigns.

- 13.11 All Members and Officers shall give the Auditor such information and explanation as the Auditor may require.
- 13.12 The Executive Secretary/Treasurer shall present the annual financial statements, including the Auditor's opinion, to the next Annual General Meeting.

## **14 Amendments to rules**

- 14.1 Should any Financial Member desire that these rules be amended, that member may present a written notice of motion to that effect to the Executive Secretary/Treasurer. The Executive Secretary/Treasurer shall inform the National Executive and add the motion to the agenda for the next Annual General Meeting.
- 14.2 The National Executive may give notice of motion to amend these rules at any National Membership Meeting.
- 14.3 The rules may be amended by a resolution being passed at a meeting referred to above with a 2/3<sup>rd</sup>s majority.
- 14.4 Within 90 days of the resolution being passed, the National Secretary shall forward an application to the Registrar to record the changes to the rules, and thereafter make the amended copy of the rules available in accordance with rule 5.6.
- 14.5 Rule 12.2 (relating to what portion of subscriptions are retained by a Division) may only be amended by a majority vote in each Division.
- 14.6 No amendments may be made to the principles in rules 4.2 and 14.5 relating to pecuniary gain.

## **15 Liquidation**

- 15.1 The National Secretary may apply to the Registrar for the voluntary cancellation of the registration of APEX if:
- a) the National Executive has first sent written notice to each financial member of the intention to do so; and
  - b) no objections have been received; or
  - c) where objections have been received, a ballot has been held in accordance with rules 11.1 or 11.2 of these rules and a majority of Financial Members entitled to vote has cast a valid vote in favour of cancellation.
- 15.2 Where, pursuant to an amalgamation with another Society the registration of APEX is to be cancelled, the National Executive shall ensure that a final audit of APEX has been carried out in accordance with these rules.
- 15.3 APEX shall be dissolved on the date of the cancellation of its registration by the Registrar. Surplus assets of APEX shall be distributed to X organisation if APEX is wound up, put into liquidation or removed from the register and prior to the Society being dissolved by the Registrar.
- 15.4 Except where the cancellation of registration has resulted from amalgamation with another Society, all assets and liabilities of APEX shall be realised upon cancellation, and the surplus funds, if any, shall be distributed by a person who has been appointed by the

National Executive in such manner as the National Executive has determined in accordance with the objects as specified in rule 4.

15.5 No member shall participate in any surplus on dissolution of APEX.

## **16 Standing orders**

### **16.1 Chair**

16.1.1 The Chair of a meeting shall have power:

- a) to exercise a deliberative vote, and in the case of equality of voting, also a casting vote.
- b) to decide the order of business, to put motions, and to declare the result of the voting.
- c) to order the removal from a meeting of any person obstructing the business of the meeting or behaving in a disorderly manner, or of any person not entitled to be present.
- d) by a resolution of the meeting or in the absence of a quorum, to adjourn a meeting or to declare a meeting closed.
- e) generally to do and perform such other lawful things and acts as may be necessary or desirable to carry on the business of a meeting with order and regularity.

### **16.2 Order of business**

16.2.1 The business of APEX shall be conducted in the following order:

- a) apologies.
- b) reading and adopting of minutes.
- c) outward correspondence.
- d) inward correspondence.
- e) Executive reports and recommendations.
- f) business ordered to stand over from previous meeting.
- g) notices of motion to be taken in order tabled.
- h) new business.

### **16.3 Motions**

16.3.1 All motions shall be duly proposed and seconded and:

- a) be of an affirmative character.
- b) be withdrawn only by leave of the proposer and seconder.
- c) may be adjourned to a future meeting.

- d) may be amended by striking out certain words.
- e) may be amended by adding certain words.
- f) may be amended before a decision is arrived at.

16.3.2 When a motion has been proposed and seconded, the Chair shall at once proceed to take votes unless some Member rises to oppose it, or to propose an amendment.

#### **16.4 Amendments**

16.4.1 Only one amendment shall be entertained at the one time.

16.4.2 If an amendment is lost other amendments may follow.

16.4.3 If an amendment is carried it shall be held to take the place of the original and become a substantive motion.

16.4.4 An amendment for adjournment of the question can be proposed only when a motion for adjournment specified a time of adjournment to.

16.4.5 A member shall not be permitted to move an amendment after resuming his/her seat subsequent to speaking to a motion or amendment.

#### **16.5 Speakers**

16.5.1 All speeches shall be addressed to the Chair.

16.5.2 If two or more members rise at the same time the Chair shall at once decide who has the floor.

16.5.3 No more than two members shall speak in succession either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the question shall be put to a vote of the meeting.

16.5.4 The seconder of a motion or amendment may do so pro forma, and reserve their right of speaking to the question till later.

16.5.5 A member can only speak once upon any question before APEX except:

- a) in reply to an original motion.
- b) in explanation or correction of some matter during debate.
- c) to raise a point of order.

16.5.6 When a point of order is raised the member raising the same shall state his/her point clearly in a few words, and if a member is speaking, such member shall take his/her seat until the point of order is decided. The Chair shall decide the matter promptly and not allow any discussion

#### **16.6 Time limit**

The mover of any original motion shall be allowed five minutes to introduce it, and given five minutes to reply. No other member shall be allowed to speak for more than five minutes at any one time



## **16.7 Voting**

Every Financial Member present when a vote is held shall vote by a show of hands, or by some other means if required under these rules.

## **16.8 Notices of motion**

16.8.1 Any member may give notice of motion for a future meeting by reading such notice to any one meeting.

16.8.2 Should the meeting at which the notice of motion is tabled approve the forwarding of that notice to the next meeting, it shall be the duty of the relevant Secretary (National Secretary, Divisional Secretary, or Delegate) to include that notice in the agenda for the next meeting.

16.8.3 Such notice of motion shall take precedence in the order in which it stands, unless otherwise ordered by the Chair.

16.8.4 It will lapse if the member, or some other member authorised on his or her behalf by written authority, is not present when the order of the day for such notice is read at the meeting corresponding to that at which it was originally proposed.

## **16.9 Questions superseded**

A question before the Chair may be superseded by agreeing to a motion, or to a motion "that the question be now put" and the Chair shall forthwith put such motion to the meeting without discussion.

## **16.10 Suspension of standing orders**

The Standing Orders may be suspended only by an urgent matter brought down to a meeting by the relevant Executive (National Executive, Divisional Executive, or Delegate) or by the unanimous consent of the meeting.