



**ANNUAL
DELEGATE
CONFERENCE
2010**

**STANDING ORDERS COMMITTEE
REPORT NO. 1**

IMPORTANT INTRODUCTORY NOTE

- 1. The Reports of the Standing Orders Committee are prepared in order to facilitate the business of Conference and, in particular, to ensure that business is conducted in an orderly and coherent manner.*
- 2. The Reports of the Standing Orders Committee are subject to approval by Conference. These reports should not be confused with "The Regulations Governing Procedure at Meetings" which are a set of permanent regulations designed to deal with procedural issues at meetings.*
- 3. This Report of the Standing Orders Committee should be studied carefully by each delegate to Conference because it is the basis on which all business of the Conference will be conducted if approved by Conference.*

PUBLIC SERVICE EXECUTIVE UNION

ANNUAL DELEGATE CONFERENCE 2010

STANDING ORDERS COMMITTEE

REPORT NO. 1

1. ORDER OF BUSINESS

- 1.1 Items 1 to 10 should be taken as they appear on the Final Agenda.
- 1.2 Item 11 (Motions to Amend the Rules) should be taken in the order in which the individual motions appear on the Final Agenda in Time Unit L.
- 1.3 Item 12 (Motions on Policy and Annual Report) should be taken in the order specified in Section 14 of this Report.

2. RECOMMENDATIONS OF STANDING ORDERS COMMITTEE

- 2.1 The Standing Orders Committee requests Branches and the Executive Committee, in the interests of better procedure at the Conference to use the following procedure for dealing with the recommendations of the Standing Orders Committee:
 - (a) Please notify any proposals for amendments to this Report to the Standing Orders Committee not later than 5.30 p.m. on Wednesday 7 April, 2010 and state the reason for the proposed amendment;
 - (b) The Standing Orders Committee will meet in advance of Conference to consider each such proposed amendment;
 - (c) The Standing Orders Committee will then prepare a Report (Standing Orders Committee Report No. 2) which will list all such proposed amendments and will indicate which proposals are accepted by the Committee and which are not accepted;

- (d) Report No. 2 of the Standing Orders Committee will be available to delegates at the commencement of the Conference;
- (e) At the Annual Conference the Standing Orders Committee will propose the adoption of Report No. 1 and Report No. 2 - including any amendments to Report No. 1 accepted by the Committee in Report No. 2;
- (f) The Chairperson of the Conference will be requested to allow adequate time to discuss the Reports of the Standing Orders Committee;
- (g) The amendments to Standing Orders Committee Report No. 1 which have been notified to the Standing Orders Committee under (a) above and which were not accepted by the Committee should be taken before any other amendments are taken;
- (h) The procedure to be followed at the Conference should be that only one amendment should be before the Conference at any time; the Chairperson should call one speaker in favour of the amendment; should then call on the Standing Orders Committee to reply and the Conference should then decide on the amendment before going on to the next amendment.

3. STATEMENT OF ACCOUNTS

3.1 There are three types of issues which can be raised on the Statement of Accounts:

- (a) Simple requests for information;
- (b) Comments; and
- (c) Proposals to refer back.

3.2 When the Statement of Accounts are issued to the Branches, Branches will be in a position to communicate with Head Office on any issues on the Statement of Accounts by 5.30 p.m. on Wednesday 7 April, 2010. The Standing Orders Committee will arrange to divide any such issues into the three categories mentioned above. Simple requests for information can be dealt with by Head Office by correspondence and then do not need to be raised at the Conference. Issues in categories (b) and (c) which have been notified to Head Office by 5.30 p.m. on Wednesday 7 April, 2010 should be given priority at the Conference over issues not so notified in advance.

3.3 *eircom* Branch have indicated their intention to speak on the Statement of Accounts.

4. NOMINATIONS

- 4.1 The nominations for the elections are in order.
- 4.2 Since Valerie Behan is the only candidate for election as President, she will be deemed to be elected to that Office.
- 4.3 Valerie Behan's is also nominated for the election of the Executive Committee. As she will be deemed to be elected as President her name will not appear on the ballot paper for election to the Executive Committee.
- 4.4 There are two candidates for Election as Vice-President (Brian O'Connor and Tony Nolan). Brian O'Connor is also a candidate in the election of the Executive Committee, and if he is elected as Vice-President he will no longer be a candidate for election to the Executive Committee. His name will, however, appear on the Ballot Paper for the election of the Executive Committee. Votes cast for Brian O'Connor in the election for Vice-President will be deemed to have been cast for the person with the next preference on the ballot papers involved, in the event of him being elected Vice-President.
- 4.5 The nomination of Angela Dunne for election to the Executive Committee has been withdrawn.

5. APPLICATION OF TERMS OF RULE 7.2

- 5.1 The 2000 Annual Delegate Conference adopted an amendment to Rule 6.2 (then) and now Rule 7.2 so that it now reads as follows:
- 7.2 *The Standing Orders Committee shall examine every notice of business to appear on the Agenda of a Delegate Conference.*
- The Standing Orders Committee shall, with the consent of the proposing branch, or the Executive Committee if the proposer, amend motions which otherwise would be deemed to be out of order, provided that such amendment does not alter the intended meaning of the motion. The acceptance or otherwise of any such proposed amended motion for discussion will be subject to the approval of the Delegate Conference.*
- 5.2 The Standing Orders Committee made recommendations to the 2001 to 2009 Annual Delegate Conferences for the implementation of this Rule. These recommendations were endorsed by these Conferences and were seen as effective. As a result, it is recommended that the same procedures be used this year. These are set out below.

- 5.3 There are, normally, three types of motions which can be placed on the Agenda for the Conference:
- (a) Motions on Policy;
 - (b) Motions to Amend the Rules;
 - (c) Motions on the Rules of Procedure at meetings;

Motions on Policy

5.4 In the case of policy motions the reasons for recommending that they be regarded as out of order can fall under a number of headings including the following:

- (a) The motion is not in the form of a motion to Conference;

Examples would be :

To increase Annual Leave for all grades

That this AGM seeks increased Annual Leave.

- (b) The motion seeks to do something which conflicts with the Union's Rules:

Examples could be:

That this ADC instructs the General Secretary etc. etc.

That AGMs be held in July

- (c) A motion might be worded in such a way as to make no sense

5.5 In the case of Motions on Policy, the Standing Orders Committee have concluded that, where a motion would have fallen because it was out of order as it stood, they should, where possible, propose an adjusted wording which would enable the motion to be discussed at the Conference. In order to do so, however, they would need to be clear as to the actual meaning of the motion.

5.6 As regards the method whereby this is to be done, it has been decided that the text of Motions as adjusted by the Standing Orders Committee under Rule 7.2 would appear on the Final Agenda marked by an asterisk (*). The original wording

appears on the Final Agenda as a Category C motion – this is at the end of the Final Agenda. This category consists of motions which the Standing Orders Committee consider to be out of order in their original form.

- 5.7 This procedure enables the Standing Orders Committee to implement the provision of Rule 7.2 which requires the consent of the Branches (or the Executive Committee, if the proposer) to the adjusted text, without the necessity to engage in correspondence which would be an administrative difficulty given time constraints. If the Branch involved (or the Executive Committee, as appropriate) does not accept the text as adjusted, then the original text of the Motion in question would apply (i.e. that shown in Category C) and, as it would have been out of order but for the adjustment made under the provisions of Rule 7.2, it should be regarded as being out of order.
- 5.8 The Standing Orders Committee is conscious of the fact that only certain motions will be amenable to adjustment. Where, for example, a motion calls for something which would require an amendment to the Rules, it will not be possible for the Standing Orders Committee to draft a Motion to Amend the Rules – that is fundamentally a matter for the Branch or the Executive Committee and is not a mere matter of minor wording adjustment. The same could arise where a motion contains internal contradictions or does not make any sense.
- 5.9 It should be noted that the implementation of Rule 7.2 can produce situations where, as a result of wording adjustments proposed by the Standing Orders Committee under the Rule, amendments to Motions which are proposed in the ordinary way may have to fall if the text of an amendment is such that it could not stand as a valid amendment to the adjusted wording of the motion.

Motions to Amend the Rules

- 5.10 In the case of Motions to amend the Rules there are a variety of reasons which give rise to such motions being regarded as being out of order.
- 5.11 The Rules of the Union are the basis on which the Union conducts itself as an organisation. The Rules themselves have to be registered with the Registrar of Friendly Societies under the Trade Union Acts, have to comply with that legislation and are subject to approval by the Registrar. The registration of

Amendments requires various statutory forms to be submitted to the Registrar, including a sworn statement attesting to the fact that the Rules of the Union have been complied with in the making of an alteration to the Rules. It is open to any member to complain to the Registrar about such a Rule Amendment and the procedures followed in respect of same.

- 5.12 The Standing Orders Committee has concluded that there is an absolute necessity that motions to amend the Rules are clearly and precisely drafted from initiation so that there is no potential for problems with the application of Union Rules and that it would not be appropriate to suggest adjustments to the wording of such motions under Rule 7.2.

Motions on Rules of Procedure at Meetings

- 5.13 Motions to amend the Regulations Governing Procedure at Meetings do not arise very often. There are none this year. They tend to be viewed in the same way as motions to amend the Rules. However, the Standing Orders Committee would not have as definite a view on such motions as is set out above in respect of Motions to amend the Rules.
- 5.14 The Standing Orders Committee has followed the principles set out above in its recommendations in this Report for the implementation of Rule 7.2 in respect of the Agenda for the Annual Delegate Conference this year. The Committee has, in fact, found it necessary to apply Rule 7.2 to some Motions this year.

6. MOTIONS TO AMEND THE RULES

6.1 There are five Motions to amend the Rules.

6.2 Motion No. 1 to amend the Rules from the Social and Family Affairs Branch is out of order. The motion deals with the procedure to be followed when electing six members to the Standing Orders Committee. The amendment seeks to bring about a situation whereby *“No Branch may have more than two people elected to the Standing Orders Committee at any one time.”*

The motion is out of order in that it does not cater for a situation whereby a person elected onto the Standing Orders Committee is transferred to a Branch that already has two members on the Standing Orders Committee. If the amendment were to be passed, then, there is no provision in rules to determine which of the three members of the Standing Orders Committee should stand down as a Branch in an amended rule situation could only have

two members elected to the Standing orders Committee at any one time. Accordingly it is out of order.

- 6.3 Motion No. 2 from the Road Safety Authority Branch is out of order. The amendment seeks that *“No Branch may have more than two people elected to the Standing Orders Committee at any one time.”* and the inserted new wording states, *“The maximum number of delegates from one branch on the Standing Order Committee should be limited to a maximum of two”*. The proposed wording of the amendment is inconsistent with the terms of the existing rule which refers to *“members”* in using the terms *“two people”* or the maximum number of delegates from one branch on the Standing Orders Committee should be limited to a maximum of two”. Accordingly the amendment is out of order.

- 6.4 Motion No. 3 from the Enterprise, Trade and Employment Branch is out of order. It seeks to instruct the Executive to insert an addition to Rule 10, by adding at paragraph 10.14, *“A member of the Executive who has served on the Executive for 5 years or more cannot go up for election for a position on the Executive for a further 5 years.”*

It is not the function of the Executive Committee to amend the rules. This motion is also ambiguous in that it does not address how the 5 years are to be reckoned. Are they to be accumulated consecutively or can they be accumulated over a broken period?

- 6.5 Motion No. 4 from the Enterprise, Trade and Employment Branch is out of order. It seeks to instruct the Executive to insert an addition to Rule 10, by adding at paragraph 10.15, *“Each candidate for election to the Executive must submit his/her manifesto for election to each branch secretary before the start of the period of AGM”*.

It is not the function of the Executive Committee to amend the rules. This is a function of the Annual Delegate Conference. In any event the proposition is unachievable in that candidates for election to the Executive Committee often only emerge at Branch Annual General Meetings and would be debarred from putting themselves forward for consideration as candidates in the absence of having circulated *“his/her manifesto for election to each branch secretary before the start of the period of AGM”*. Accordingly the motion is out of order.

- 6.6 Motion No. 5 from the Enterprise, Trade and Employment Branch is out of order. It seeks to instruct the Executive to insert an amendment to Rule 16.11, to read, *“Nothing in this Rule shall constitute an obstacle to negotiations for the settlement of a trade dispute nor the return to work by members of the union party to the trade dispute, and any decision taken in accordance with this rule to*

organise, participate in, sanction or support a strike or industrial action may only be rescinded or amended by a further ballot of the members so concerned.

It is not the function of the Executive Committee to amend the rules. This is a function of the Annual Delegate Conference.

Secondly, the proposed amendment to rule would conflict with the provisions of the Industrial Relations Act 1990, and would, therefore, not be in accordance with the law.

Thirdly it conflicts with Rule 16.7, which states, “*Both the Executive Committee and the Industrial Relations Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Rule 16, favours such strike or other industrial action*”.

7. AMENDMENTS TO MOTIONS TO AMEND THE RULES

7.1 There is one Amendment to the Motions to Amend the Rules from the Enterprise, Trade and Employment Branch.

7.2 This is an Amendment to Motion No. 5. It is out of order as is the original motion from the same Branch, which was deemed out of order, for the reasons as set out at paragraph 6.6 of this report.

8. CONFLICTS BETWEEN MOTIONS TO AMEND THE RULES AND AMENDMENTS TO SUCH MOTIONS

8.1 There are none.

9. MOTIONS TO AMEND THE REGULATIONS GOVERNING PROCEDURE AT MEETINGS

9.1 There are no such motions this year.

10. ANNUAL REPORT

10.1 There are three types of issues which can be raised on the Annual Report:

- a) Simple Requests for information
- b) Comments; and
- c) Proposals to refer back.

- 10.2 The Standing Orders Committee requested that Branches would communicate any issues that they wished to raise by **23 March** and have arranged to divide any such issues into the three categories mentioned above. Simple requests for information can be dealt with by Head Office by correspondence and then do not need to be raised at the Conference. Issues in categories (b) and (c) which have been notified to Head Office by 23 March should be given priority at the Conference over issues not so notified in advance.
- 10.3 No notifications wishing to raise issues on the Annual report have been received.

11. MOTIONS ON POLICY

- 11.1 The Motions on Policy on the Agenda have been divided into three categories:
- (a) Primary Motions (Category A)
 - (b) Secondary Motions (Category B)
 - (c) Original motions before adjustment of the text under Rule 7.2 (Category C)
- 11.2 Motions in the Secondary category should be taken at the Conference only if all other business has been completed.
- 11.3 In general, the approach of the Standing Orders Committee has been that Motions which re-iterate existing policy and general practice of the Union; are covered by action taken (e.g. reported on in the Annual Report) or are essentially matters for action at Branch Level have been included in the Secondary Category as have motions which deal with an issue which has been the subject of a decision by the Conference in the past 3 years. In addition, Motions which deal with general issues not affecting pay, conditions or Union organisation issues have been included in the Secondary Category. However, motions which are highly topical can be included in the Primary Agenda.
- 11.4 In order to facilitate the conduct of business at the Conference, the Standing Orders Committee have arranged to have the motions on policy grouped under the headings "Primary Category" ("A" Motions) and "Secondary Category" ("B" Motions) and numbered sequentially from No. 1 onwards in each category. As a result, the numbering of policy motions on the Final Agenda is not the same as the numbering which the motions on policy were assigned on the Preliminary Agenda. The latter are shown in brackets at the end of Motions on the Final Agenda.

11.5 Motions included in the Secondary Category are as follows:

- (a) Motions dealing with General issues not affecting pay, conditions or union organisation issues:

There are no Motions included in this category this year.

- (b) Motions re-iterating existing policy and general Practice of the Union which are covered by action taken (e.g. reported on in the Annual Report) or are essentially matters for action at Branch Level:

Final Agenda No.	(Preliminary Agenda No.)
B.1	(31)
B.2	(82)
B.3	(40)
B.5	(61)
B.6	(69)
B.7	(70)
B.8	(80)

- (c) Motions dealing with issues which have been the subject of a decision by Conference in the past 3 years and which are generally covered by existing practice as well:

Final Agenda No.	(Preliminary Agenda No.)
B.4	(60)

11.6 Motions whose texts were adjusted by the Standing Orders Committee under Rule 7.2 appear (as adjusted) on the Primary and Secondary Agenda as appropriate. They are marked with an asterisk (*) on the Final Agenda. The original texts of the relevant motions are printed on the Final Agenda as “Category C” motions. In the event that the adjusted texts are not acceptable to the Branches concerned or the Conference, then the original texts will stand and, since these motions would have been out of order if the original texts had stood, then any of them which are re-instated on the “A” or “B” Agenda should be regarded as being out of order.

11.7 Assuming that the proposed adjustments to the texts of motions proposed by the Standing Orders Committee under Rule 7.2 are acceptable to the Branches concerned and the Conference by the adoption of this Report, all of the Motions on Policy are in order with the exceptions specified at Paragraphs 11.8 to 11.21.

11.8 Motion A. 5 is out of order. The motion *“instructs the Executive Committee to formally notify the department of Finance that any concessions given under*

previous National Pay Agreements are being revoked in the light of the two pay cuts imposed on our members”. It conflicts with Rule 16.7 of the Union rules which states, “Both the Executive Committee and the Industrial Relations Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Rule 16, favours such strike or other industrial action”

11.9 Motion A.6 is out of order. The Motion “supports the ‘work-to-rule’ measures introduced by the Executive and also mandates the Union to implement the following ‘work-to-rule’ industrial action principles”.

It conflicts with Rule 16.7 of the Union rules which states, “Both the Executive Committee and the Industrial Relations Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Rule 16, favours such strike or other industrial action”

11.10 Motion A. 15 is out of order. The motion seeks to “instruct the incoming Executive Committee to embark upon a Programme of Regression as part of the Industrial Action Programme”..etc. It conflicts with Rule 16.7 of the Union rules which states, “Both the Executive Committee and the Industrial Relations Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Rule 16, favours such strike or other industrial action”.

11.11 If Motion A. 20 is carried, then, Motions A. 21 falls as they are in direct conflict.

11.12 Motion A. 23 is out of order. This motion seeks to instruct “the incoming executive to instruct all its civil and public service branches to formally withdraw from their Partnership Committees with immediate effect” This motion conflicts with Rule 16.7 of the Union Rules which states, “Both the Executive Committee and the Industrial Relations Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Rule 16, favours such strike or other industrial action”.

11.13 Motion A. 34 is out of order. This motion seeks to instruct “the incoming executive to immediately escalate the current industrial action” This motion conflicts with Rule 16.7 of the Union Rules which states, “Both the Executive Committee and the Industrial Relations Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Rule 16, favours such strike or other industrial action”.

- 11.14 Motion A. 35 is out of order. This motion instructs the Executive Committee to establish the number of vacancies that have arisen during the embargo, whether any were promotional vacancies for PSEU grades, and to pursue their filling at the end of the embargo inclusive of industrial action. This motion conflicts with Rule 16.7 of the Union Rules which states, *“Both the Executive Committee and the Industrial Relations Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Rule 16, favours such strike or other industrial action”*.
- 11.15 Motion A, 55 is out of order. This motion asks the incoming Executive Committee *“to instruct the Dept of Finance that members of this Union will not perform duties involving T&S until the agreed rates are restored”*. This essentially would be directing members in the Department of Finance to engage in industrial action outside the legal requirements of the Industrial Relations Act 1990. The motion also conflicts with Rule 16.7 of the Union Rules which states, *“Both the Executive Committee and the Industrial Relations Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Rule 16, favours such strike or other industrial action”*.
- 11.16 Motion A. 63 is out of order. This motion seeks that ADC *“instructs the incoming Executive Committee to Review the percentage that union members pay to the PSEU in accordance with the pay cuts that members have had to endure”*. Union subscriptions are addressed in Union Rules at Rule 13. Any alterations to union subscriptions will have to be addressed by way of rule amendment.
- 11.17 Motion A. 67 is out of order. This motion seeks *“that ADC asserts that officials of the PSEU be prohibited from taking on any other role which could be interpreted as a conflict of interest, and that the PSEU seek through the Public Services committee of ICTU to have this policy taken on by all Public Sector Unions with regard to their own individual officials.”*

In accordance with Rule 12 of the Union Rules the officials of the union are amenable to the directions of the Executive Committee. In particular Rule 12.2, inter alia, provides, *“The General Secretary, Deputy General Secretary and Assistant General Secretaries shall carry out the instructions of the Executive Committee”* In such circumstances it is a matter to be determined by the Executive Committee.

- 11.18 Motion A 68 is out of order. This motion seeks *“all full time Officials immediately declare what their gross annual salary is, their pension and other benefits and confirm that their salaries are subject to the same pay pension levies, health levies and pay cuts as the members”* Rule 12.11, of the Union

Rules provides, “*The remuneration and other conditions of employment of the General Secretary, Deputy General Secretary and the Assistant General Secretaries shall be determined by the Executive Committee*”. Rule 12.12, further provides, “*The Executive Committee may appoint such other staff as may be necessary for the conduct of the Union's business and shall be responsible for setting their remuneration and other conditions of employment*”. It is a matter between the Executive Committee and the officials in terms of pay and conditions.

11.19 Motion A. 70 is out of order. This motion seeks to alter the manner as to how “*union subscriptions are calculated*”. Union subscriptions are addressed in Union Rules at Rule 13. Any alterations to union subscriptions will have to be addressed by way of rule amendment

11.20 Motion. A. 76 is out of order. This motion seeks “*That this ADC instructs the incoming executive to withdraw any and all appointees to State Boards, or other Government fora and to request ICTU and all Public Service Unions to do likewise.*” To do this would be in total conflict with the objectives of the Union, set out in Rule 3 which, inter alia, states,

- (a) to promote and safeguard the interests of the members by regulating the relations between members and their employers;
- (b) to promote and safeguard the interests of the members by co-operating with other representative bodies of workers;
- (c) to co-operate with other representative bodies and employers to promote administrative efficiency within the Public Sector of the economy;
- (d) to take appropriate steps, alone, or in co-operation with other organisations, to assist in the social, educational and economic development of the members;
- (e) to take appropriate steps, alone, or in co-operation with other organisations, to promote justice and equity;

This would result in the Union not being able to participate in any bodies such the Conciliation and Arbitration Scheme, Disciplinary Appeal Boards or Boards where provision is made for worker directors. Clearly this would not be “*promoting or safeguarding the interests of members*”.

11.21 Motion A. 82 is out of order. This motion seeks “*That this ADC strongly urges all Head Offices officials to voluntarily donate 1 full day(s) pay in order to show solidarity to its members. etc*”. Rule 12.11, of the Union Rules provides, “*The remuneration and other conditions of employment of the General Secretary, Deputy General Secretary and the Assistant General Secretaries shall be determined by the Executive Committee*”. Rule 12.12, further provides, “*The Executive Committee may appoint such other staff as may be necessary for the conduct of the Union's business and shall be responsible for setting their remuneration and other conditions of employment*”. It is a matter to be determined between the Executive Committee and the officials.

12 AMENDMENTS TO MOTIONS ON POLICY

- 12.1 The Amendments to the motions on policy are in order with the exceptions stated in paragraphs 12.2 and 12.5 below.
- 12.2 The Amendment to Motion A. 15 is out of order. This essentially would amount to engaging in industrial action outside the legal requirements of the Industrial Relations Act 1990. The motion also conflicts with Rule 16.7 of the Union Rules which states, *“Both the Executive Committee and the Industrial Relations Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Rule 16, favours such strike or other industrial action”*.
- 12.3 The Amendment to Motion A. 34 is out of order. This essentially would amount to engaging in industrial action outside the legal requirements of the Industrial Relations Act 1990. The motion also conflicts with Rule 16.7 of the Union Rules which states, *“Both the Executive Committee and the Industrial Relations Committee shall have full discretion in relation to organising, participating in, sanctioning or supporting a strike or other industrial action notwithstanding that the majority of those voting in the ballot, including an aggregate ballot referred to in Rule 16, favours such strike or other industrial action”*.
- 12.4 The Amendments to Motion A.62 are in order. If the Amendment from the Enterprise, Trade and Employment Branch is carried, then, the other Amendments fall. If it is not carried, then, the other Amendments should be taken as set down on the Agenda.
- 12.5 The Amendment to Motion A. 82 from the Garda Civilian Branch is out of order. Rule 12.11, of the Union Rules provides, *“The remuneration and other conditions of employment of the General Secretary, Deputy General Secretary and the Assistant General Secretaries shall be determined by the Executive Committee”*. Rule 12.12, further provides, *“The Executive Committee may appoint such other staff as may be necessary for the conduct of the Union's business and shall be responsible for setting their remuneration and other conditions of employment”*. It is a matter to be determined between the Executive Committee and the officials.

13 CONFLICTS BETWEEN MOTIONS ON POLICY AND AMENDMENTS TO MOTIONS ON POLICY AND THE ORDER OF TAKING AMENDMENTS

- 13.1 Motion A.50 covers Motions A. 51 and A. 52.

13.2 Motion A. 58 covers Motion A. 59.

14. **MOTIONS ON POLICY AND ANNUAL REPORT**

14.1 The motions on policy in the Primary Category should be taken in association with the Annual Report in the order indicated on the Final Agenda as set out in the timetable.

15. **COMPOSITE MOTIONS**

15.1 The Standing Orders Committee have prepared the following Composite Motion to cover Motions A. 29 to A. 33 inclusive on the Agenda. This motion (Composite A) should be taken in place of the Motions indicated, subject to the agreement of the Branch sponsoring the original Motions.

“That this ADC requests the Executive Committee to give union members details of all changes discussed with the Department of Finance in the negotiations prior to the 2010 Budget. These details to include shared services, opening and closing times, attendance arrangements, the extension of competitive and merit based promotions, redeployment arrangements; sick and annual leave”.

16 **ELECTIONS**

16.1 There are four elections on the Agenda for the Conference:

- (a) Election of President.
- (b) Election of Vice- President
- (c) Election of Executive Committee
- (d) Election of Standing Orders Committee

16.2 Since there is only one candidate for election to the position of President, there will be no contest for this position and sole candidate, Valerie Behan, will be deemed to be elected.

16.3 Since there are two candidates for election to the position of Vice-President, Brian O’Connor and Tony Nolan, there will be a contest for this position. There is a need for a ballot paper for this election.

16.4 There are contests for the election of the Executive Committee and Standing Orders Committee. There should thus be a need for ballot papers for these elections.

16.5 The arrangements for the conduct of the elections should be as follows:

- (a) Ballot Papers for the election should be distributed by the Scrutineers in return for Voting Cards in Time Unit B on Thursday;
- (b) Ballot Papers should not be collected by the Scrutineers;
- (c) A Ballot Box(es) should be provided in the hall which would be under the control of the Scrutineers (or at least the Chair or one of the other Scrutineers) for the duration of the Thursday afternoon session of the Conference;
- (d) Ballot Papers for all elections should be placed in the Ballot Box(es) at any time during the Thursday afternoon until the close of the Conference;
- (e) In the event that a delegate has not received a ballot paper at the normal time for the distribution of Ballot Papers, then a ballot paper may be secured from the Scrutineers at any time subsequently during the Thursday afternoon session;
- (f) At the end of the Thursday afternoon session (i.e. at 6:30 p.m.), the Ballot Box(es) should be removed and kept under the control of the Scrutineers (or an official nominated by the Scrutineers) until the count later that evening;
- (g) No further ballot papers will be issued or accepted after the close of the Conference on the Thursday afternoon (i.e. 6:30 p.m.);
- (h) The results of all elections should be announced by the Scrutineers during the Friday session;
- (i) These arrangements must be adhered to rigidly.

17. EMERGENCY MOTIONS

17.1 Branches are reminded that the procedure in relation to the submission of Emergency Motions is set out in the Rules (Rule 8.13).

17.2 Essentially, the Rule provides:

- (a) an emergency motion must have certain characteristics;

- (b) a procedure whereby it is considered for admission onto the agenda.

- 17.3 As regards characteristics, the Rule provides that an emergency motion must
- (a) be of such a nature that it could not have been submitted for inclusion on the Agenda for the Conference in the ordinary way; and
 - (b) deal with a matter of importance to the members of the Union.
- 17.4 The procedure which must be followed is as follows:
- (a) the Branch or the Executive Committee, as appropriate, shall make a request in writing to the Chairperson of the meeting seeking his/her permission for the introduction of such a motion onto the Agenda of the Meeting;
 - (b) If the Chairperson gives his/her permission s/he shall convey the request to Standing Orders Committee;
 - (c) The Standing Orders Committee shall then consider the matter and decide whether or not they recommend to the Conference that the motion be included in the Agenda;
 - (d) Any recommendation by the Standing Orders Committee on such matter shall be put to the Conference which shall have a final determination on whether the motion be accepted for discussion or not.
- 17.5 These provisions of the Rules are extremely restrictive and are framed so quite deliberately.
- 17.6 The Delegate Conference is a body composed of delegates from the branches who, under the Rules, have been mandated by the Branches, in accordance with the provisions of the Rules, as to the manner in which they should vote on motions appearing on the original agenda. An emergency motion cannot have been considered by such mandating meetings and, as such, the delegates from the Branches cannot have been mandated on same. Emergency motions must, therefore, be viewed in a restrictive manner.
- 17.7 The Rules make no provision for amendments to Emergency Motions. Nonetheless, procedures to deal with such amendments have been adopted by the Annual Delegate Conferences held in the years 1996 to 2009. In line with those procedures the Standing Orders Committee recommends the following procedure for dealing with any proposed amendments to Emergency Motions:

- 17.8 The Standing Orders Committee recommends the following procedure for dealing with any proposed amendments to Emergency Motions:
- (a) the Branch or the Executive Committee, as appropriate, shall make a request in writing to the Chairperson of the Standing Orders Committee seeking the approval of the Committee for the introduction of such an amendment onto the Agenda of the Meeting;
 - (b) The Standing Orders Committee shall then consider the matter and decide whether or not they recommend to the Conference that the amendment be included in the Agenda;
 - (c) If the Standing Orders Committee decides to recommend that the amendment be admitted onto the Agenda, it shall make a recommendation to that effect to the Conference, covering any other procedural issues which arise as well in such context, and the Conference shall then decide on such recommendation which shall determine whether the amendment should be admitted to the agenda or not.

18 TIMETABLE FOR THE CONFERENCE

- 18.1 It is recommended that the Conference should deal with the business in accordance with the timetable appended to this report.
- 18.2 This timetable has been devised on the basis of allocating the time available between the various sections of the Agenda having regard to the amount and type of business in each section.
- 18.3 Each section has been allocated a Time Unit (A to V in timetable). Where the end of time allocated to a particular section is reached but all of the business in that section has not been completed then discussion of the business in that section should cease at the end of the Time Unit (subject to the discretion of the Chairperson in regard to any marginal adjustments to allow a speaker to conclude or to take or complete a vote etc.). The Conference should then proceed to the first item of business in the next section.
- 18.4 Where all of the business allocated to a particular Time Unit has been completed before the end of the time specified then the Conference should proceed to the business in the next following Time Unit. The time at which discussion in that second Time Unit should end should remain unaffected and be as set out below.
- 18.5 Items of business which arise to be dealt with in Time Units A to V and which have not been dealt with in these Time Units because of time constraints may be dealt with in Time Unit W. The Standing Orders Committee will make a

recommendation to the Conference at that stage on the order in which such business should be taken.

- 18.6 In the event that there is still business remaining at 5:20 p.m. on Friday, then all such business should be deemed to be remitted to the Executive Committee.

19 GENERAL

- 19.1 Motions or amendments to motions which are mentioned in the timetable or elsewhere which have been recommended as being out of order by virtue of this report should not be regarded as being in order by virtue of such references.
- 19.2 Speakers should state their name and Branch (or, in case of the Executive Committee or Standing Orders Committee, the Committee of which they are members) when they come to speak. Speakers should also come to the front of the hall to the seats provided for the purpose before they are due to speak so that time will not be lost in coming to the rostrum. The attention of delegates is drawn to the fact that two microphones for speakers are provided on either side of the platform at the front of the hall.
- 19.3 The Report on Membership as at the end of 2009 should be taken at the commencement of Time Unit T, followed, immediately, by the awarding prizes in respect of recruitment and membership.
- 19.4 The Executive Committee have agreed that a speaker from the Union's Solidarity Committee may address Conference on the work of that Committee. This address should take place in Time Unit T immediately following the presentation of prizes in respect of membership and recruitment.
- 19.5 The consumption of alcohol is not permitted in the Conference hall whilst Conference is in session.
- 19.6 In accordance with the law no smoking is allowed in the Conference hall.
- 19.7 No documents, of any sort, should be circulated in the Conference Hall without the prior written approval of the Standing Orders Committee.
- 19.8 The Standing Orders Committee recommends that the motions to amend the Rules, except as they specify otherwise, should, if adopted, take effect only as and from the conclusion of the Annual Delegate Conference.

March 2010

ANNUAL DELEGATE CONFERENCE 2010 - TIMETABLE

THURSDAY, 15 APRIL, 2010 - AFTERNOON

TIME UNIT	TIME	BUSINESS
	3:30 p.m.	Opening of Conference
A	3:30 p.m. to 4:15 p.m.	Items 1 to 6 on Final Agenda
B	4:15 p.m. to 4:25 p.m.	Distribution of Ballot Papers
C	4:25 p.m. to 4:45 p.m.	Items 7 to 10 on Final Agenda
D	4:45 p.m. to 5:05 p.m.	Address by David Begg, General Secretary ICTU
E	5:05 p.m. to 6:10 p.m.	Section 2 of Annual Report with Motions A.1 to A.18
F	6:10 p.m. to 6:30 p.m.	Section 2 of Annual Report with Motions A.19 to A.23
	6:30 p.m.	Adjournment of Conference

FRIDAY, 16 APRIL, 2010 - MORNING

TIME UNIT	TIME	BUSINESS
	10:00 a.m.	Resumption of Conference
G	10:00 a.m. to 10:45 a.m.	Section 3 of Annual Report with Motions A.24 to A.33
H	10:45 a.m. to 11:10 a.m.	Presentation of Life Honorary Membership to David Bedlow
	11:10 a.m. to 11:40 a.m.	Break for Tea/Coffee
I	11.40 a.m. to 11:50 a.m	Section 3 of Annual Report with Motions A.34 to A.36
J	11.50 a.m. to 12.00 p.m.	Section 4 of Annual Report with Motion A.37
J	12:00 p.m. to 12:05 p.m.	Section 5 of Annual Report with Motion A.38
K	12:05 p.m. to 12.35 p.m.	Section 6 of Annual Report with Motions A.39 to A.45
L	12:35p.m. to 12.50 p.m.	Motions to Amend Rules
M	12.50pm to 1.00 p.m	Section 7 of Annual Report with Motions A.46 to A.47
	1:00 p.m.	Adjournment of Conference
	1:00 p.m. to 2:30 p.m.	Lunch

ANNUAL DELEGATE CONFERENCE 2010 – TIMETABLE

FRIDAY, 16 APRIL, 2010 – AFTERNOON

TIME UNIT	TIME	BUSINESS
	2:30 p.m.	Resumption of Conference
N	2:30 p.m. to 3:05 p.m.	Section 7 of Annual Report with Motions A.48 to A.53
O	3:05 p.m. to 3:45 p.m.	Section 7 of Annual Report with Motions A.54 to A.60
P	3:45 p.m. to 4:05 p.m.	Section 8 of Annual Report with Motions A.61 to A.70
Q	4:05 p.m. to 4:10 p.m.	Section 9 of Annual Report with Motion A.71
R	4:10 p.m. to 4:15 p.m.	Section 10 of Annual Report with Motion A.72
S	4:15 p.m. to 4:30 p.m.	Section 11 of Annual Report with Motions A.73 to A.78
T	4:30 p.m. to 4:50 p.m.	Section 12 of Annual Report with Motion A.79
U	4:50 p.m. to 5:05 p.m.	Section 13 of Annual Report with Motions A. 80 to A.83
V	5:05 p.m. to 5:10 p.m.	Section 1 of Annual Report
		<p>Any remaining Sections of Annual Report should be taken first. If there is any remaining business from Time Units A to X which has not been taken, the Standing Orders Committee will make a recommendation to the Conference on the order in which any such business should be taken.</p>
W	5:10 p.m. to 5:20 p.m.	
X	5:20 p.m. to 5:30 p.m.	Conclusion of Conference
	5:30 p.m.	Conference Concludes