

Analysis of changes to constitution

Old Section (1999 Rules)	New section (2017)	Changes	Comment/Purpose	Changes Made to Draft from Geoff Cox
Section 1-1 Introduction	Part I - 1	Nil	Same Name	
	Part 1- 2 Association with RSCDS	New	Added from the Draft Model RSCDS Constitution	Added. Subsequent Sections renumbered
I-2 Statement of Purposes	Part I-3 Purposes	Nil	Changed the reference to the Branch as a “Local Association” of the Society. The name of the Branch has not been changed for local convenience.	Changed “branch” to association except when referring to the Melbourne & District Branch by name.
I - 2.1 Branch not for profit of individual members	Part I – 7 Not for profit organisation	Restated	Same intent	Renumbered
Rule I – 3(f) financial year	Part I -3 Financial year	Restated as a clause	Same intent	Renumbered
Some items covered in I – 3 Interpretations	5 Definitions	New definitions	Defines terms in the Rules	Added Junior Associate member, defined country groups, group, and teachers’ panel, added Delegates Meeting, Local Association and Society Delegates. Renumbered
3(i) ordinary member of committee not an officer	Defined in 45 (g)	3(i) deleted	Same intent	Renumbered
I- 3(j) casual vacancy	Defined in 60	3(j) deleted	Same intent (check)	Renumbered
I-3(k) The Act 1981	I-5	Refer to new Act	Reference to new Associations Incorporation Reform Act 2012 (“New Act”)	Renumbered

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I-3(l) The regulations under The Act	I-5	Refer to new Act	Reference to new Regulations under the New Act	Renumbered
I-3(m) Interpretation of words		No longer required		Renumbered
	Part 2-6 Powers of Branch	New	Defines the Powers of the Branch to manage property, invest money and enter contracts etc	Renumbered
I - 2.1 Branch not for profit of individual members	Part 2-7 Not for Profit	Restated	Same intent	Renumbered
Section II – 4 Conditions of membership	Part 3-I-9 and 3-I-11	Modified and restated	New section provides for classes of membership to be defined by the Society and to provide for a Junior Associate who not a voting member of the Branch but may participate in Branch activities. 9(1)(b) clarifies that membership of Branch and Society is simultaneous.	Provides for simultaneous joining of the Branch and the Society by defining eligibility so that it does not require a person to already be a member of the Society. Joining the Branch requires application to join the Society at the same time through the one process. Added two clauses to cover Society defining classes of membership and include Junior Associate. Renumbered.
II-5 Membership types	Not required	Long-Term members are deleted	Membership types are not defined in the Rules because they may change from time to time according to the Society's Rules.	Renumbered
17 (d) defines five members as a quorum for the Committee	Part 3-1-8 Minimum members	New	Defines the minimum number of members of the Branch as 5, which is sufficient for a Committee quorum	Renumbered

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I-6(a) Subscriptions requires members to be 16 years of age and over (d) for Junior Associate	Part 3-1-10 Eligible for membership	New	Defines conditions for membership of the Branch as supporting the purpose and is a member of the Society. Includes provision for Junior Associate, otherwise, membership classes are as defined by the Society from time to time. We do not wish to change the Constitution whenever the Society changes its membership structure.	Added classes of members that are not Society members (Junior Associate). Renumbered
I-6 Subscriptions	Part 3-1-10 Application for membership	New	Process for application added.	Renumbered.
I-4(c) refusal of membership via Executive Council	Part 3-1-11 Consideration of application	New	Clarifies process of refusal and repayment of monies. Membership may now be refused by the Committee, without reference to the Society Executive Council	Modified the procedure for refusal of membership to no longer refer to the Society. Renumbered
	Part 3-1-12 New membership	New	Defines when the rights of membership are active.	The Committee will not have resolutions for membership. It will be automatic unless refusal process activated. Renumbered
	Part 3-1-13 Annual subscription	New	Defines the right of the Committee to set membership fees having regard to the charges set by the Society.	No joining fee is anticipated. Refer to Junior Associate. Renumbered
	Part 3-1-14 General rights	New	Sets out the rights of members to vote and receive notice of meetings	Reference to Associate replaced with age 18 years for voting eligibility to be consistent with Society Rules. Renumbered
	Part 3-1-15 Junior Associate	New	States non-voting rights of Junior Associates	Refer to Junior Associate. Renumbered
II-4(e) Non-transferable rights	Part 3-1-16	Restated	Non-transferable rights when membership ceases due to any reason.	Renumbered

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II-4(e)(ii) Non-transferable rights	Part 3-1-17 Cessation of membership	Restated	Includes recording the date of termination of membership in the register of members.	Renumbered
II-8 Resignation	Part 3-1-18 Resignation	Restated and New	Rights cease upon resignation with no refunds. Late annual subscription of more than two months after the due date deems resignation.	Changed from 12 to 2 months so as to align with payment cycle and entitlement to discounted fees for Branch events. Renumbered
II-7 Register of members	Part 3-1-19 Register	Restated	Register of members kept by Secretary.	Renumbered
II-9 Suspension of Members	Part 3-2-20 Grounds for Disciplinary Action	Restated	Specifies the basis for disciplinary action.	Renumbered
II-9 Suspension of Members	Part 3-2-21 Disciplinary subcommittee	Restated		Renumbered
II-9 Suspension of Members	Part 3-2-22 Notice to Member	Restated	Defines a process for notifying a member of a disciplinary action	Renumbered
II-9 Suspension of Members	Part 3-2-23 Decision	Restated	Defines the decision process of the disciplinary subcommittee	“Executive Council” changed to “Management Board” which is the name of the governing body of the Society. Renumbered
II-9 Suspension of Members	Part 3-2-24 Appeal rights	Restated	Defines rights to appeal a disciplinary decision	Renumbered
II-9 Suspension of Members	Part 3-2-25 Conduct of appeal Meeting	Restated	Defines conduct of appeal review meeting	Renumbered

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II-9 Disputes (Grievance procedure)	Part 3-3-26 Grievance application	Restated	Describes a grievance between parties affecting the Branch	Renumbered
II-9 Disputes (Grievance procedure)	Part 3-3-27 Resolution attempt	Restated	The parties to a dispute must attempt to resolve the dispute between.	Renumbered
II-9 Disputes (Grievance procedure)	Part 3-3-28 Appointment of mediator	Restated	Process for appointing a mediator if requested.	Renumbered
II-9 Disputes (Grievance procedure)	Part 3-3-29 Mediation	Restated	Mediation process	Renumbered
II-9 Disputes (Grievance procedure)	Part 3-3-30 Failure to resolve	Restated	Proceed to resolution with the Act or at law.	Renumbered
VI – 24 The AGM	Part 4-31 AGM	Restated	AGM to be held within 5 months of the end of the financial year (previously 6 months). Notice of meetings now is covered under Rule 34. Previously seven clear days were required for notice by post.	Renumbered
VI-21 General Meetings	Part 4-32 Special General Meeting	Restated	Defines a Special General Meeting	Renumbered
VI-26 (c)	Part 4-33 SGM by Request	Restated	Specifies the conditions for members to request a Special general Meeting, by at least 10% of total members. Committee can convene a SGM. Currently 20 members or four committee members are needed to convene a SGM.	Renumbered

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VI – 24 The AGM (notice of meeting)	Part 4-34 Notice of General Meetings	Restated	21 days notice of a special general meeting if there is a special resolution, 14 days otherwise.	Renumbered
VI-25 AGM voting	Part 4-35 proxies	Restated	Proxies are not permitted.	Renumbered
	Part 4-36 Use of technology	New	Members may participate in meetings through communication technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other. Such persons are included in the quorum (Part 4-36)	Renumbered
VI-21(b)(i) General Meetings	Part 4-37 Quorum	Restated	10% of members entitled to vote (previously 20 members)	Renumbered
VI-21(b)(ii) General Meetings	Part 4-38 Adjournment	Restated	Procedure to defer the meeting if there is insufficient time to consider the items of if more time is needed to consider an item of business.	Renumbered
VI-23 (a) & (b) General Meeting Voting VI-25 AGM voting	Part 4-39 Voting	Restated	Provisions for postal voting and dealing with a tied vote by giving the Chair a second or casting vote.	Renumbered
	Part 4-40 Special resolutions	New	Three quarters majority needed for such measures as removing a committee member or altering Rules, name or purpose	Renumbered
	Part 4-41 Carriage of resolution	New	Provision to request poll at a meeting rather than pass on a show of hands.	Renumbered
	Part 4-42 Minutes	New	Requirements for minutes of meeting.	Renumbered

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III-11(a)	Part 5-1-43 Role and powers of Committee	Restated	Appoint and remove staff, establish subcommittees.	Renumbered
III-11(c) and (d)	Part 5-1-44 Delegation	Restated	Covers subcommittee and Teachers' Panel	"preliminary teaching test" now referred to as "teaching test Units 1-3". Renumbered
III-12(a)	Part 5-2-45 Composition of Committee	Restated	Defines Committee membership	Renumbered
III_12(b) Two year rule for President	Part 5-2-45(a)	Needs to be added	President can only stand for two years and has to take one year off before renominating.	Two year Rule for President needs to be added back to New draft. Renumbered
III_13(a)(iii) Two year rule for Teachers' Panel Representative	Part 5-2-45(h)	Deleted two year rule for Teachers Panel Representative	The two year rule serves no useful purpose as the role is dominantly for liaison with the Teachers in the Branch. The Teachers' Panel representative does not vote at Committee meetings.	Fixed numbering in 44 after (g) – previously restarted at (b). Renumbered
	Part 5-2-46 General Duties	New	Obligations on Committee members to properly fulfil their duties in accordance with the Act	Renumbered
VI-22 Chairman for General Meeting	Part 5-2-47 President and VP	Restated	Procedure to choose chairman if President and/or Vice President are not available	Renumbered
II-7 Register of members	Part 5-2-48 Secretary	New and restated	Obligations under the Act	Renumbered
	Part 5-2-49 Assistant Secretary	New		Replace "treasurer" with "Secretary". Renumbered
	Part 5-2-50 Treasurer	New	Obligations under the Act	Renumbered

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	Part 5-2-51 Assistant Treasurer	New		May not be needed. Renumbered
	Part 5-3-52 Eligible Committee Member	New	Over 18 years of age	Renumbered
VI – 24 (g) Declare positions vacant at The AGM	Part 5-3-53 Vacancy	Restated	Annual election for Committee	Renumbered
III-14	Part 5-3-54 Nominations	Restated – no seconder required	Nominations for Committee - members are allowed to nominate themselves without a seconder	Renumbered
VI-23 (a) & (b) General Meeting Voting	Part 5-3-55 Election officers	Restated		Renumbered
VI-23 (a) & (b) General Meeting Voting	Part 5-3-56 Ordinary Members	Restated	Clarifies basis for election when there are sufficient nominations for Ordinary Committee Members	Renumbered
	Part 5-3-57 Ballot	New	Defined procedure for running a ballot and dealing with a tie.	Renumbered
	Part 5-3-58 Term of Office	New	Provisions for re-election and removal from Office by special resolution.	Renumbered
III-15 Cause of vacancy	Part 5-3-59 Vacation of office	New	Resignation and cessation of committee for absence with leave.	Renumbered
III-16 Filling causal vacancies	Part 5-3-60 Filling a vacancy	Restated	Obligation to replace with Secretary within 14 days. This would require another committee member to take up the role in normal circumstances.	Renumbered

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	Part 5-4-61 Committee Meetings	New – Requires minimum four meetings per year	Meetings required four times per year – previously three times	Amend back to three times per year, Renumbered
	Part 5-4-62 Notice of Meetings	New provision	Notice required 7 days before a meeting	Renumbered
	Part 5-4-63 Urgent Meetings	New provision	Special provision for an urgent meeting to discuss an issue for which the meeting was convened.	Renumbered
	Part 5-4-64 Committee procedure	New	Committee determines its own procedure	Renumbered
	Part 5-4-65 Use of technology	New	Provides for a remote meeting attendance by means of communication technology.	Renumbered
III-17 (d)	Part 5-4-66 Committee Quorum	Basis of Quorum	Quorum is a majority of Committee members. Previously it was five members with at least two Office bearers.	Renumbered
III-17 (h)	Part 5-4-67 Committee Voting	Restated	Defines majority voting for Committee	Change to exclude Teachers' panel and Country Groups representative from voting. Renumbered
	Part 5-4-68 Conflict of Interest	New	Avoids votes by Committee members where there is a conflict of interest	Renumbered
	Part 5-4-69 Minutes	New	Procedure for minutes of meeting	Renumbered
	Part 5-4-70 Leave of Absence	New	Leave of Absence may be granted for up to three months.	Renumbered
	Part 7 -73 Representation in the Society	New	Adds the obligation to provide delegates to represent the Branch to the Society	Section added and renumbered.

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VIII-37	Part 7-74 Source of Funds	Restated and Renumbered	Defines source of funds	Renumbered from Part 6-70
I-2(p) VIII-31	Part 7-75 management of funds	Restated and Renumbered		Renumbered from Part 6-71
III-19 Delegates meeting composition	Part 6-71	Added	Delegates Meeting provisions were excluded from the initial redraft.	Added new Part 6-71
III-20 – Delegates Group entitlement	Part 6-72	Added	Delegates meeting responsibilities and entitlements were excluded from the initial redraft.	Added new Part 6-72. Allows for two members from each Group to attend the Delegates Meeting. Requires Committee to provide reports to the Delegates Meeting to clarify purpose. Members may attend as observers and submit recommendations through their Delegates.
VIII-30	Part 7-76 Financial records	New, expanded and renumbered	New obligations to keep financial records for seven years	Renumbered from Part 6-72
	Part 7-77 Financial Statements	New and renumbered	Obligations under the Act	Renumbered from Part 6-73
VIII-32	Part 8-78 Common Seal	Restated and renumbered	Common Seal held by the Secretary	Renumbered from Part 7-74
II-7 for Register of members	Part 8-79 Registered Address	New and renumbered	Replaces the address of the Public Officer with the postal address of the Secretary unless otherwise resolved by Committee.	Renumbered from Part 7-75
	Part 8-80 Notice requirements	Provision for email and facsimile and renumbered	New mechanisms for sending notices: email and facsimile	Renumbered from Part 7-76

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	Part 8-81 Custody and Inspection	New and renumbered	Members have access to the Branch's records	Renumbered from Part 7-77
VIII-35	Part 8-82 Winding up	New and renumbered	Proceeds to be granted to an organisation with similar purposes to be decided by a special resolution.	In the first instance the property should go to the Society. Added a note about the Society's Suspense account to hold proceeds for 10 years in case there is a request to start and new Branch. Renumbered from Part 7-78
	Part 8-83 Alteration of Rules	New and renumbered	By special resolution of a general meeting of the Branch	Renumbered from Part 7-79