

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. No change from current Rules. | 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 |