Notice of SSTUWA rule alterations - November 2023

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14 November 2023

This notice is to inform members of changes to the union rules that were endorsed by the SSTUWA State Council at its meeting on 10 - 11 November 2023. This notice includes a copy of the rule change resolutions that were passed by the State Council, together with a description of the reasons for the changes.

The reasons for the changes are in the same or similar language as was included in the agenda for State Council and which was distributed to State Council delegates prior to the commencement of the November State Council.

It is the intention of the union to apply to the Western Australian Industrial Relations Commission ("WAIRC") to register the proposed alterations to the rules, as decided by State Council.

Please note:

Members are entitled to object to the proposed alteration by forwarding a written objection to the Registrar of the Western Australian Industrial Relations Commission, Level 16, 111 St George's Terrace Perth, WA 6000.

1. Proposed amendment to rule 3a – definitions:

That a definition of SSTUWA be included in Rule 3A, to read as follows:

> **"SSTUWA"** means The State School Teachers' Union of W.A.

Existing rule:

3A - Definitions

In these rules, unless the contrary intention appears:

"Act" means the Western Australian Industrial Relations Act 1979

"AEU" means the Australian Education Union.

"Agent" in the context of elections conducted pursuant to these rules, means the member of a group or team who is appointed by the group or team members to act on their behalf.

"Electoral Commissioner" means the Electoral Commissioner of the Western Australian Electoral Commission.

"executive committee" means the committee of management of the union.

“executive member” means a member of the union’s committee of management.

“member” means an eligible, financial member of the union.

“office” means

(a) The office of president, senior vice president, vice president, general secretary or executive member;

(b) The office of State Council delegate.

“officer” means a person elected to an office within the union.

“publication” means the union journal known as the ‘Western Teacher’ or any other official union publication which may appear from time to time and shall include the official website of the union.

“rules” means the rules of the State School Teachers’ Union of WA (Incorporated).

“senior officer” means the President, Senior Vice-President, Vice-President and General Secretary of the union.

“union” means the State School Teachers’ Union of WA (Incorporated).

“AEU WA Branch” means the Western Australian branch of the Australian Education Union.

Reason for proposed amendment:

The proposed amendment defines the acronym SSTUWA to ensure that all uses of it clearly refer to The State School Teachers’ Union of W.A. with no reference to the Union’s previous incorporated status as an incorporated body under the Associations Incorporated Act 2015.

Effect of proposed amendment:

3A - Definitions

In these rules, unless the contrary intention appears:

“Act” means the Western Australian Industrial Relations Act 1979

“AEU” means the Australian Education Union.

“Agent” in the context of elections conducted pursuant to these rules, means the member of a group or team who is appointed by the group or team members to act on their behalf.

“Electoral Commissioner” means the Electoral Commissioner of the Western Australian Electoral Commission.

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“executive member” means a member of the union’s committee of management.

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(a) The office of president, senior vice president, vice president, general secretary or executive member;

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“officer” means a person elected to an office within the union.

“publication” means the union journal known as the ‘Western Teacher’ or any other official union publication which may

appear from time to time and shall include the official website of the union.

"rules" means the rules of the State School Teachers' Union of WA (Incorporated).

"senior officer" means the President, Senior Vice-President, Vice-President and General Secretary of the union.

"SSTUWA" means The State School Teachers' Union of W.A.

"union" means The State School Teachers' Union of W.A.

"AEU WA Branch" means the Western Australian branch of the Australian Education Union.

2. Proposed amendment to rule 19 – union appointments committee:

That Rule 19(c) be deleted and replaced by the following:

19(c) Union Appointments Committee members shall hold their positions until the conclusion of the term of office for Senior Officers and Executive Members.

Existing rule:

19 - Union appointments committee

(a) The Union Appointments Committee shall consist of the President, two Vice Presidents and six Executive members.

(b) The six Executive members will be elected by Executive in January of the year in which they take office.

(c) The term of office for Appointments Committee members shall expire on December 31st of the year in which they were elected to the Appointments Committee.

(d) Five members of the committee shall constitute a quorum.

(e) The functions of the Union Appointments Committee shall be to:

(i) make recommendations to the Executive as to the appointment of Industrial staff of the union from time to time; and

(ii) such other functions as are allocated to it by the Executive from time to time.

Reason for proposed amendment:

The proposed amendment corrects a deficiency in the present rule between 19(b) and (c) in that if 19(b) applies then 19(c) is redundant, OR if 19(c) applies, then there is a need for a subsequent provision as to when a replacement election would be held. The proposed amendment clarifies this by providing for Appointments Committee members, once elected, to hold that position for the remainder of their term on Executive.

Effect of proposed amendment:

19 - Union appointments committee

(a) The Union Appointments Committee shall consist of the President, two Vice Presidents and six Executive members.

(b) The six Executive members will be elected by Executive in January of the year in which they take office.

(c) **Union Appointments Committee members shall hold their positions until the conclusion of the term of office for Senior Officers and Executive Members.**

(d) Five members of the committee shall constitute a quorum.

(e) The functions of the Union Appointments Committee shall be to:

(i) make recommendations to the Executive as to the appointment of Industrial staff of the union from time to time; and

(ii) such other functions as are allocated to it by the Executive from time to time.

3. Proposed amendment to rule 23(a) – State Council:

That Rule 23(a)(xiii) be deleted and replaced by the following:

23(a)(xiii) The election of delegates to State Council shall be held during the first school division term every two years, and such delegates shall hold office until their successors are elected.

Existing rule:

23 - State Council

(a) Rules

(i) The governing body of the Union shall be the State Council.

(ii) Subject to any referendum of members, State Council is the supreme decision-making authority of the Union and Policy directives issued by State Council shall be adhered to by all members.

(iii) State Council shall consist of the President, Senior Vice President, Vice President, Ordinary Executive Members, General Secretary and delegates elected from each District, in accordance with the provisions of this rule and Rule 32- Elections for Office.

(iv) Each district shall be entitled to one delegate to State Council per 100 financial members, or part thereof.

(v) Where sufficient nominations from women financial members have been received, at least 50% of the delegates from each district to State Council shall be women.

(vi) Where fewer than the number of nominations required to enable subrule (a)(v), above, to be complied with, are received from women, any woman who so nominated shall be declared elected, and a ballot conducted to fill the remaining vacant position or positions.

(vii) Rule Deleted.

(viii) Any financial member may nominate to be a delegate to State Council representing his/her district, provided that such nomination is proposed and seconded by two financial members who are also members of that district.

(ix) Should nominations of delegates to State Council exceed the number of delegates to which the district is entitled, the Returning Officer shall conduct a ballot of all financial members in the district to determine district representation.

To attain gender balance in the district representation the Returning Officer shall, at the conclusion of the ballot, declare the highest polling women candidates elected, to the number of women delegates required under sub-rule (a)(v) of this rule. The remaining positions shall then be declared in the order of election.

(x) In addition to electing district delegates to State Council the members of the district are entitled to elect two alternate delegates. Such alternate delegates in the order in which they were elected, shall represent the district in the absence of one of the delegates subject to notification to the Union Returning Officer.

(xi) Where sufficient nominations from women financial members have been received, at least one of the alternate delegates shall be a woman. The Returning Officer, at the conclusion of any ballot for alternate delegates to State Council shall declare the highest polling female and male candidates elected. For the purposes of sub-rule (a)(x) of this rule, the first alternate delegate shall be the highest polling candidate of the two elected.

(xii) Where no nominations are received from women for an alternate delegate position, nominations shall be re-opened for all financial members to fill the designated position.

(xiii) The election of delegates to State Council shall be held during the first school division term each year, and such delegates shall hold office until their successors are elected during the first school division term of the following year, and shall be eligible for re-election.

(xiv) State Council shall meet at least twice per year as determined by Executive.

(xv) In the event of a casual or extraordinary vacancy arising in the office of delegate to State Council, the casual vacancy shall be filled by an election in as far as practicable the same mode as is prescribed by these rules for the election of that State Council delegate and any person so elected shall hold office for the unexpired portion of the term of the State Council delegate he or she is elected to replace.

Reason for proposed amendment:

The proposed amendment extends the term of office of State Council delegates by providing for State Council delegates to be elected for a period of two years instead of the current 12 month provision.

Effect of proposed amendment:

23 - State Council

(a) Rules

(i) The governing body of the Union shall be the State Council.

(ii) Subject to any referendum of members, State Council is the supreme decision-making authority of the Union and Policy directives issued by State Council shall be adhered to by all members.

(iii) State Council shall consist of the President, Senior Vice President, Vice President, Ordinary Executive Members, General Secretary and delegates elected from each District, in accordance with the provisions of this rule and Rule 32- Elections for Office.

(iv) Each district shall be entitled to one delegate to State Council per 100 financial members, or part thereof.

(v) Where sufficient nominations from women financial members have been received, at least 50% of the delegates from each district to State Council shall be women.

(vi) Where fewer than the number of nominations required to enable subrule (a)(v), above, to be complied with, are received from women, any woman who so nominated shall be declared elected, and a ballot conducted to fill the remaining vacant position or positions.

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(xi) Where sufficient nominations from women financial members have been received, at least one of the alternate delegates shall be a woman. The Returning Officer, at the conclusion of any ballot for alternate delegates to State Council shall declare the highest polling female and male candidates elected. For the purposes of sub-rule (a)(x) of this rule, the first alternate delegate shall be the highest polling candidate of the two elected.

(xii) Where no nominations are received from women for an alternate delegate position, nominations shall be re-opened for all financial members to fill the designated position.

(xiii) The election of delegates to State Council shall be held during the first school division term every two years, and such delegates shall hold office until their successors are elected.

(xiv) State Council shall meet at least twice per year as determined by Executive.

(xv) In the event of a casual or extraordinary vacancy arising in the office of delegate to State Council, the casual vacancy shall be filled by an election in as far as practicable the same mode as is prescribed by these rules for the election of that State Council delegate and any person so elected shall hold office for the unexpired portion of the term of the State Council delegate he or she is elected to replace.

Authorised by Sally Dennis, General Secretary, The State School Teachers' Union of W.A.
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