

Progressive PSA CONSTITUTION

Objects and rules

Contents

1. Objects	1
2. Membership	2
2.1 Membership qualifications	2
2.2 Nomination for membership	2
2.3 Classes of membership	2
2.4 Members' rights	3
2.5 Cessation of membership	3
2.6 Register of members	3
2.7 Membership Fees	3
3. The General Meeting	4
3.1 Role and frequency	4
3.2 Time, place, notification	4
3.3 Annual general meetings – calling and business	4
3.4 Special general meetings – calling and business	4
3.5 Quorum, voting and decisions at general meetings	5
4 Office bearers	5
4.3 The Chairperson	6
4.4 Secretary	6
4.5 Treasurer	6
4.6 Whip	7
4.8 Election of office bearers	7
4.8 Removal of office bearer	8
5. Preselection of candidates for union elections	8
6. Funds	9
7. Alteration of Constitution: objects and rules	9
Appendix 1 - Definitions	10
Appendix 2 – Qualification for voting rights	10
Appendix 3 – Membership fees	11
Appendix 4 – Voting methods	11

1. Objects

The Progressive PSA (PPSA) is an organising group for all PSA members and elected honorary officials who are committed to:

- maximising democracy, accountability and solidarity
- developing effective member campaigns and action to defend the wages, working conditions, respect for workers and job security of union members, union rights and the provision of quality public services to the people of NSW
- campaigning in PSA elections.

We seek to do this by

- a. publishing a website and communications to PSA members
- b. keeping a contact list of interested PSA members
- c. adopting a platform and policies, and endorsing candidates for union elections
- d. proposing campaigns and strategies to win PSA demands, involving member action, consultation and agreement
- e. reviewing the rules of the PSA to maximise democracy and accountability

- f. caucusing before meetings of PSA official bodies, together with delegates to those bodies who support Progressive policies but may not be members of the group
- g. campaigning for democratic and inclusive union structures, where different points of view are heard and elected officials are accountable to broader member forums
- h. developing the sense of solidarity and the capacity of the union membership to take combined action
- i. developing a network of active workplace delegates, provision of excellent training and support to delegates
- j. educating ourselves and union members about the issues facing the public sector and trade unionists
- k. ensuring that the staff of the union are accountable to the membership, professional and non-factional
- l. fund-raising

2. Membership

2.1 Membership qualifications

A person is qualified to be a registered member of the PPSA if the person:

- 2.1.1 is a member or associate member of the NSW Public Service Association.
- 2.1.2 has been nominated and approved as a member by a general meeting.
- 2.1.3 is familiar with, and willing to support and abide by the objects and rules of the group.

NOTE: Unelected employees of the PSA, other than secondees from a NSW public sector agency, are not eligible for membership of the PPSA.

2.2 Nomination for membership

- 2.2.1 A nomination of a person for membership as a voting member or a supporter of the PPSA shall be made at a general meeting of the group by a voting member.
- 2.2.2 The general meeting may permit a nominee to attend as a visitor.
- 2.2.3 A general meeting subsequent to the nomination meeting shall approve a nomination for a person to become a member, or to change a class of membership.

2.3 Classes of membership

- 2.3.1 A person may be granted membership as one of the following member classes:
 - (a) voting member
 - (b) supporter

2.4 Members' rights

2.4.1 A voting member of the group has a right subject to qualification (see Appendix 2) to:

- (a) attend and speak at any general meeting of the group
- (b) nominate candidates for, or be nominated for election to office-bearer or pre-selected candidate of the PPSA.
- (c) invite a person to participate in general meetings of the group, as a visitor, for a maximum of 2 general meetings. Further participation will require that person to be granted membership.
- (d) be included in any email distribution list for online communication within the group.
- (e) Have the right to propose, second and vote on motions

2.4.2 A supporter has a right to:

- (a) attend and speak at any general meeting of the group, but not to propose, second or vote on motions at such meeting.

2.5 Cessation of membership

2.4.1 A person ceases to be a member of the group if the person:

- (a) dies
- (b) resigns
- (c) is expelled from the group by a general meeting
- (d) does not pay the required annual membership subscription, payable under these rules, within 90 days of the due date of payment.
- (e) ceases to be a member or associate member of the PSA

2.6 Register of members

2.5.1 The secretary of the group shall establish and maintain a register of members of the group specifying the name and email address of each person who is a member of the group together with the date on which the person became a member, or ceased to be a member.

2.5.2 The register, and any other books required under these rules to be kept by the group may, subject to these rules, be kept in paper or electronic form provided that the register or other books may be inspected and reproduced .

2.5.3 The register of members shall be open for inspection by any member of the group at any reasonable hour on any day by appointment with the Secretary.

2.5.4 A member of the group may obtain a copy of any part of the register by providing just cause. A general meeting will determine what is just cause.

2.7 Membership Fees

Appendix 3 contains information and amounts pertaining to fees and subscriptions as determined by the Annual General Meeting.

3. The General Meeting

3.1 Role and frequency

The general meeting

- (a) controls and manages the affairs of the group
- (b) is open for attendance to all voting members, supporters and approved visitors
- (c) shall be held on a regular schedule determined by an Annual General Meeting, or as resolved by a general meeting, or as sought by petition of 6 members

3.2 Time, place, notification

- 3.2.1 The general meeting shall be held within 5km of Sydney Central station unless a previous general meeting has decided on a different location, or if there is no objection to meeting at another location.
- 3.2.2 A general meeting may be, if there is no objection, conducted by any electronic means available to all members. Such electronic meetings shall be concluded within 72 hours of being declared open.
- 3.2.3 The general meeting shall meet at least 3 times in each period of 12 months.
- 3.2.4 The secretary shall give 7 days notice of the time and place of a regular general meeting.

3.3 Annual general meetings – calling and business

- 3.3.1 In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the office bearers reports on the activities of the group during the last preceding financial year,
 - (c) to elect office-bearers of the group
- 3.3.2 An annual general meeting shall be specified as such in the notice convening it, with at least 3 weeks notice.
- 3.3.3 The Annual general meeting will be held within 4 weeks either side of PSA Annual Conference, on a date decided by a regular general meeting.

3.4 Special general meetings – calling and business

- 3.4.1 A special general meeting, in addition to the meetings scheduled by a previous AGM or GM, may be convened by any 6 members of the group. The convenor/s of the meeting shall provide at least 14 days notice of the meeting to the secretary.

3.4.2 Notice of a special general meeting shall be forwarded to all members, by any means whatsoever, including electronic means, by the secretary at least 14 days before the time appointed for the holding of the meeting.

3.4.3 A notice, given under clauses 3.4.1 and 3.4.2 shall specify the general nature of the business to be transacted at the special general meeting and no business other than that business is to be transacted at the meeting, except business that members present at the meeting unanimously agree to treat as urgent business.

3.5 Quorum, voting and decisions at general meetings

3.5.1 A quorum is present when at least 20% or 6 voting members of the group (whichever is the greater) are present.

3.5.2 Each member present at a general meeting is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

3.5.3 If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:

- (a) if convened on the requisition of members, is to be dissolved, and
- (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

3.5.4 A question arising at a general meeting of the group is to be determined on a show of hands, unless before or on the declaration of the show of hands a poll is demanded,

3.5.5 At a general meeting of the group, a poll may be demanded by the chairperson or by at least 3 members present in person at the meeting.

4 Office bearers

4.1 The office-bearers are to be:

- a. Secretary
- b. Chair
- c. Treasurer
- d. Whip
- e. Deputy Whip
- f. Returning Officer

4.2 Additional office bearers and other provisions related to officers

4.2.1 any additional office-bearers may be created and appointed by the general meeting from time to time.

4.2.2 A member of the association who is elected or appointed to the PSA Executive is not permitted to hold office in the PPSA.

- 4.2.3 A voting member of the group is, subject to these rules, permitted to hold up to, but no more than, 2 offices concurrently.
- 4.2.4 The same member may not, except as otherwise provided by these rules, concurrently hold the office of president and secretary or treasurer.
- 4.2.5 Each office bearer is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- 4.2.6 In the event of a casual vacancy occurring for an office bearer, the general meeting may appoint a member of the group to fill the vacancy. The member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

4.3 The Chairperson

- (a) shall preside at all meetings of the Central Council Caucus and General meetings
- (b) The Chairperson will work with the Secretary and Progressive Central Council Whip to facilitate meetings and agendas.

4.4 Secretary

- 4.4.1 It is the duty of the secretary to keep, or cause to be kept, minutes of:
 - (c) all appointments of office-bearers
 - (d) the names of members present at any general meeting, and
 - (e) all proceedings at general meetings.
- 4.4.2 Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting **provided that the Chairperson of the next succeeding meeting attended the original meeting.**
- 4.4.3 Except as otherwise provided by these rules, the secretary shall keep in his or her custody or under his or her control all records relating to the group.
- 4.4.4 Any records required under these rules to be kept by the group, may be kept in paper or electronic form provided that, if kept in electronic form, they are capable of being inspected and reproduced in accordance with these rules.
- 4.4.5 The records of the group shall be open to inspection, free of charge, by a member of the group at any reasonable hour on any day by appointment with the Secretary.

4.5 Treasurer

- 4.5.1 It is the duty of the treasurer of the group to ensure:
 - (a) that all money due to the group is collected and received and that all payments authorised by the group are made, and
 - (b) that correct books and accounts are kept showing the financial affairs of the group, including full details of all receipts and expenditure connected with the activities of the group, and
 - (c) that the financial records of the group are made available to a general meeting at any such time as may be determined by them, and

- (d) the financial records are delivered to the Chairperson at each annual general meeting.

4.6 Whip

4.6.1 It is the duty of the Whip to

- (a) ensure a full quota of PPSA delegates are present at central council, central council committees, women's council or PSA Annual Conference;
- (b) obtain apologies from elected PPSA delegates who cannot attend meeting and keep record of such;
- (c) arrange alternate PPSA delegates to attend for elected delegates and councillors when apology is given
- (d) act as Chairperson at Central Council Caucus if the Chairperson is unavailable

4.7 Deputy Whip

4.7.1 The Deputy Whip must be eligible to be Women's Council Whip if the Whip is not.

4.7.2 It is the duty of the Deputy Whip to assist or act for the Whip as requested by the Whip

4.8 Election of office bearers

4.7.1 Nominations of candidates for election as office-bearers of the group

- (a) shall be made in writing, signed by 2 members of the group and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
- (b) shall be delivered to the Returning Officer at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place and may be delivered via e-mail in PDF format i.e. by 'scanned copy' or other electronic means capable of recording the signatures of the nominee and the nominators.

4.7.2 If insufficient nominations are received to fill all vacancies, the candidates nominated will be elected and further nominations are to be received at the annual general meeting.

4.7.3 If insufficient further nominations are received, any vacant positions are taken to be casual vacancies.

4.7.4 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated will be elected.

4.7.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

4.7.6 The ballot for the election of office-bearers is to be conducted at the annual general meeting.

4.7.7 Voting in elections is by the method specified in Appendix 4 – Voting methods.

4.7.8 Casual vacancies will be filled at the next general meeting, with the vacancy an agenda item with at least 14 days notice.

4.8 Removal of office bearer

The group, in general meeting, may by resolution remove any office bearer before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed. At least 14 days notice is to be given by the Secretary of any motion for removal of an office bearer at any general meeting, with the text of such motion to be communicated by a mover and seconder to the Secretary at least 21 days prior to the General meeting at which the removal motion is to be debated.

5. Preselection of candidates for union elections

5.1 PSA membership is the electorate

5.1.1 The group may preselect or endorse candidates for any PSA elections. Progressive candidates for the following positions must be pre-selected or endorsed by a general meeting:

- PSA Executive
- PSA Central Council
- CPSU / SPSF branch positions and Federal Secretary

5.1.2 The Returning Officer shall give at least 14 days notice of a ballot for pre-selection of candidates in Executive, Central Council and SPSF/CPSU general elections.

5.1.3 The ballot shall be conducted at a general meeting according to the voting method described in Appendix 4

5.1.4 Any member of the group may nominate to the Returning Officer any eligible candidate for the position to be elected. The nominee's agreement is required.

5.1.5 A voting member of the group may vote in the preselection ballot, subject to satisfying the requirements outlined in Appendix 2, as at one week before the ballot.

5.1.6 A regional member may vote by email to the Returning Officer no later than 2 hours prior to the advertised time of the general meeting. The Returning Officer maintains the anonymity of the vote, and marks off the name of the voter on the roll.

5.2 Subset of PSA membership is the electorate

5.2.1 Candidates for other offices in sub-electrates of the union, such as Women's Council and Delegates Committees, may be endorsed by PPSA members in those electorates, unless there is a resolution of a general meeting to endorse candidates.

6. Funds

6.1 Source

- 6.1.1 The funds of the group may be derived from membership fees, events, donations, sponsorships and such other lawful sources as the Office bearers or a general meeting determine.
- 6.1.2 All money received by the group shall be deposited as soon as practicable and without deduction to the credit of the group's account.

6.2 Management

- 6.2.1 Subject to any resolution passed by the group in general meeting, the funds of the group are to be used in pursuance of the objects of the group.
- 6.2.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 office bearers.
- 6.2.3 No officer or member of the group shall be deemed an employee, contractor or service provider of, to or for the group and no payment shall be made by the group to any officer or member except in the reimbursement of approved expenditure as allowed for in these rules.

7. Alteration of Constitution: objects and rules

- 7.3.1 The statement of objects and these rules may not be substantially altered, rescinded or added to other than by a special resolution of a general meeting, that has been given at least 14 days notice to members.
- 7.3.2 A voting member of the group may vote on the rule change, subject to satisfying the requirements outlined in Appendix 2 as at one week before the ballot.
- 7.3.3 A regional member may vote by email to the Chairperson so long as they attend the general meeting by an audio connection.

Appendix 1 - Definitions

In these rules:

voting member means a person registered in the register of members of the group who is eligible to vote.

registered member means a person whose details are recorded in the register of members.

supporter means a participant registered in the register of members of the group as not satisfying all the requirements for voting membership

visitor means any person who, not being a member, is invited by a member to participate in the activities of the group.

office, officer or office-bearer has the same meaning as in *the Act*.

secretary means:

- (a) the person holding office under these rules as secretary of the group, or
- (b) if no such person holds that office – the chair of the group.

special general meeting means a general meeting of the group requisitioned by at least 6 members, that is not a general meeting scheduled by a previous general meeting

a general meeting is a meeting held on a regular schedule **determined by an** Annual General Meeting, or as **resolved** by a previous general meeting

books means all books, records and other documents required by *the rules*

membership year means from 1 April in any calendar year to 31 March in the following calendar year.

metropolitan member – a member who lives or works in the metropolitan area defined as greater Sydney (http://en.wikipedia.org/wiki/Suburbs_of_Sydney), the Blue Mountains (http://en.wikipedia.org/wiki/City_of_Blue_Mountains) Newcastle (http://en.wikipedia.org/wiki/Category:Suburbs_of_Newcastle,_New_South_Wales) or Wollongong (as defined http://en.wikipedia.org/wiki/Category:Suburbs_of_Wollongong,_New_South_Wales)

regional member – a member who lives outside the metropolitan area

The group – means the Progressive PSA

Appendix 2 – Qualification for voting rights

For a member to be entitled to voting rights at general meetings, and in elections for office bearers and preselected candidates, the member shall:

- (a) attend at least 2 general meetings in the preceding 12 months if a metropolitan member (Newcastle, Sydney, Wollongong) or 1 general meeting if a regional member, unless there have been fewer than 4 general meetings held, in which case a metropolitan member shall have attended at least 1 meeting.
- (b) Be a workplace delegate or a member of a PSA workplace committee, unless a general meeting accepts a reason why this is not possible.
- (c) Pay the minimum annual membership fee.
- (d) Support the group by activity and/or additional financial contributions.

The secretary provides a list of members qualifying for voting rights to a general meeting prior to the conduct of a ballot, for verification and endorsement that the above qualifications have been met by all members on the list.

Appendix 3 – Membership fees

An annual membership fee of \$10 is payable by every voting member and of \$5 is payable by every supporting member. This fee is reviewed at the Annual General Meeting.

Appendix 4 – Voting methods

- 1) Voting methods are based on the guidance of the Australian Electoral Commission regarding industrial elections
http://www.aec.gov.au/about_aec/AEC_Services/Industrial_Elections/files/model-rules-nov2010.pdf

- 2) The standard method of voting and counting is:
 - Single position elections - optional preferential (Need a means to resolve tied votes. That's previously been a 'draw from the hat' in this Caucus, but 'coin toss' has been used)
 - Multi-position elections up to 3 positions - proportional representation
 - Multi-position elections more than 3 positions - multiple preferential.