

Proposed amendments to rules of the Australian Salaried Medical Officers' Federation (New South Wales)

[\(Registered rules of ASMOF \(NSW\) as at as at 5 July 2013\)](#)

In accordance with Rule 60.2 we provide members with a notice of a proposal to change rules the State Union.

You can read the current Rules [here](#).

Explanatory Note

The State Council of ASMOF NSW has proposed amending the Rules of the State Union to:

- (i) provide for an Associate Membership category (rule 3A) allowing ASMOF NSW to recruit medical students.
- (ii) amend Rule 32 to standardise proxy voting.
- (iii) introduce a new dedicated Doctor in Training position of Junior Vice President (rules 2, 20, 41A, 48, and 49).
- (iv) align, where necessary and appropriate, the State Rules to the NSW Branch rules (rules 19 and 33) in regard to the composition of the governing bodies, and
- (v) to remove redundant provisions (rule 19A).

Amend Rule 2 as follows:

2. DEFINITIONS

- 2.1 In these Rules unless the context otherwise indicates, or requires, the following words and phrases shall have the meanings assigned to them:

“Act” means the *Industrial Relations Act (NSW) 1996*;

“ASMOF” means the Australian Salaried Medical Officers’ Federation, an organisation registered pursuant to the ~~*Workplace Relations Act (Cth) 1996*~~*Fair Work (Registered Organisations) Act 2009 (Cth)*;

“Associated Body” means, subject to its consent to its so being, any association or organisation, or combination of associations or organisations, whether registered or not, that may be determined by resolution of the State Council, to be an associated body for the purposes of these Rules;

“Counterpart Federal Body” means the NSW Branch of the Australian Salaried Medical Officers’ Federation;

“Direct Debit” means a system for the collection of members’, or applicants for membership, subscriptions as provided for by Sub-rule 12.7.2;

“Election Procedure Rules” shall mean Rule 47;

“Federation” means the State Federation;

“Federation Website” shall mean the worldwide website approved, from time to time, by the State Council as the website of the State Federation;

“Financial Member” means a member of the State Federation, other than Associate, Retired or Honorary Members, financial in accordance with these Rules and includes Life Members;

“Honorary Member” shall mean a member of the State Federation who has been appointed as an honorary member pursuant to these Rules;

“Life Member” means a member of the State Federation who has been appointed as a life member pursuant to these Rules;

“Member” means a member of the State Federation;

“Ordinary Office Hours” means 9.00am to 5.00pm, Monday to Friday, public holidays excluded;

“Payroll Deductions” means a system for the collection of members’, or applicants for membership, subscriptions from the employers of the members, or applicants for membership, as provided for by Sub-rule 12.7.1;

“Registered Office” means the registered office provided for by Rule 1.2;

“Retired Member” means a member of the State Federation who has been appointed as a retired member pursuant to these Rules;

“Rules of Debate” means the rules and procedures provided for in Schedule 2;

“Standing Orders” means the standing orders provided for in Schedule 1;

“State Branch of a Federal Organisation” shall mean the New South Wales Branch of the Australian Salaried Medical Officers’ Federation;

“State Council” means the elected officers;

“State Council Member” means an elected officer of State Council and includes the State Officers;

“State Executive” means the State President, the State Vice President, the State Junior Vice President, the State Secretary, and the State Treasurer;

“State Federation Journal” means a journal, newsletter or other publication, published by the State Federation and provided to the Financial Member of the State Federation free of charge;

“State Federation” means the Australian Salaried Medical Officers’ Federation (New South Wales), an organisation registered pursuant to the *Industrial Relations Act (NSW) 1996*;

“State Group” means one of the state groups provided by Rule 33; “State Group Representative” means a Financial Member elected as a representative of a State Group to the State Council in accordance with these Rules;

“State Officer” means a member of the State Executive;

“State Register” means the register maintained pursuant to Rule 15;

Add a new Rule 3A as follows:

3A - ASSOCIATE MEMBER

- 1) A person who is not eligible to be admitted as a Member but who is studying or training to become a qualified medical practitioner may be admitted as an Associate Member.
- 2) An Associate Member will be admitted on the terms determined by the State Council and will be bound by these rules.
- 3) An Associate Member is not:
 - a. eligible to be elected as a State Council Member; or
 - b. to vote at any meeting of the State Federation.

Amend Rule 19 as follows:

19. CONSTITUTION OF THE STATE COUNCIL

19.1 The Council of the State Federation ~~shall~~ consists of the:

19.1.1 State Officers; and

~~19.1.2~~ State Group Representatives in the ratio of one (1) State Group Representative for each 200 Financial Members of each State Group, calculated under rule 19.3, provided that there is a minimum of two (2) State Group Representatives for each State Group.

~~19.1~~ The membership of each State Group shall be entitled to State Group Representatives on the State Council as follows:

Number of Financial Members of the State Group	Number of State Group Representatives to be elected — up to
0 — 199	2
200 — 299	3
300 — 399	4
400 — 499	5
500 — 599	6
600 — 699	7
700 — 799	8
800 — 899	9
900 and above	10

~~19.3~~ 19.2 The number of Financial Members ~~financial members~~ of a State Group for the purposes of calculating the number of State Group Representatives pursuant to Sub-rule 19.2 1 shall be the number of Financial Members ~~financial members~~ of the State Group enrolled on the day 30 days prior to the day nominations are to open.

19.3 The Council may, prior to the date prescribed for the filing of the prescribed information for the election of the State Group Representatives, determine to alter:

- 19.3.1 the State Groups; and/or
- 19.3.2 the ratio used for determining the number of State Group Representatives to be elected, provided that the Council may not alter the minimum number of State Group Representatives.
- 19.4 State Group Representatives shall be elected ~~to the State Council~~ every 3 years, in accordance with these Rules, by, and from, the Financial Members financial membership of the State Group ~~(if any) by the financial members of the State Group~~, and shall, subject to these Rules, hold office until their successors are elected and take office.
- 19.5 Where there are no Financial Members employed in a State Group at the opening of nominations for the election of the State Group Representatives, then the office of that respective State Group will remain vacant for the three (3) year term that follows.
- ~~19.5~~19.6 Members elected to represent salaried medical officers on the Branch Council of the Federal Counterpart Body ~~or the Federal Council or Executive of the Australian Medical Association~~ shall be ex-officio State Council members but they shall have no voting rights on the State Council unless they are otherwise elected, in accordance with these Rules, as a State Group Representative.

Delete Rule 19A as follows:

~~Rule 19A. TRANSITIONAL ARRANGEMENTS – Representation of Newly Admitted Medical Officers on State Council~~

- ~~19A.1 Notwithstanding any other Rule, the State Council is permitted, as a transitional measure until the next scheduled State Council election, to exercise the following additional powers:~~
- ~~19A.1.1 To create additional positions on State Council to represent the State Group of Medical Officers, with the number of such positions to be determined as per Rule 19.2, with the number of financial Members for the purposes of calculating the number of State Group representatives, as per Rule 19.3, to be deemed to be the number of financial Members admitted as Medical Officers on the day that this Transitional Rule is consented to by the NSW Industrial Registrar.~~
- ~~19A.1.2 The additional positions on State Council will be filled in accordance with Rule 51 as though they were Casual Vacancies.~~
- ~~19A.1.3 To establish a Medical Officers State Group Committee, with the State Group representatives on the State Council arising from the processes outlined in Rule 19A.1.1 to constitute this State Group Committee.~~
- ~~19A.2 At the first meeting of the Medical Officers State Group Committee after its establishment, it shall elect one of its Members as the Chairperson of the State Group Committee.~~
- ~~19A.3 The Medical Officers State Group Committee will subsequently undertake its activities in accordance with Rule 35 State Group Committee Rules.~~
- ~~19A.4 To be clear, this Transitional Rule is intended to ensure representation of the Medical Officers State Group following the variation to the State Federation Rules [R12/0197] and will cease to have any effect as of the next State Council election due after the day that this Rule is consented to by the NSW Industrial Registrar.~~

Amend Rule 20 as follows:

20. CONSTITUTION OF THE STATE EXECUTIVE

20.1 The State Executive shall be comprised of the following:

20.1.1 the State President;

20.1.2 the State Vice-President;

~~20.1.3 the State Junior Vice-President;~~

20.1.4 the State Secretary;

20.1.5 the State Treasurer.

Amend Rule 32 as follows:

32. PROXY VOTING ON THE STATE COUNCIL AND THE STATE EXECUTIVE

~~32.1 A State Council Member who is unable to be present at the whole or any part of a meeting of the State Council may by writing, telegram, facsimile or E-mail delivered to the State Secretary prior to the commencement of the meeting concerned, appoint a Financial Member of their State Group, including another State Council Member representing their State Group, to act as their proxy.~~

~~32.2 A State Council Member may instruct their proxy, appointed pursuant to Sub-rule 32.1, as to how they shall vote on a matter for determination by the State Council.~~

~~32.3 A proxy, appointed pursuant to Sub-rule 32.1, shall have all the powers of the State Council Member they represent, provided that, in exercising a vote, the proxy shall act in accordance with any direction given by the State Group Representative pursuant to Sub-rule 32.2.~~

~~32.4 A State Council Member who is appointed as a proxy pursuant to Sub-rule 32.1 shall be entitled to record a vote as a proxy in addition to any vote they are entitled to cast on their own behalf.~~

~~32.5 A State Officer may appoint another State Officer as their proxy who shall be entitled to record a vote as a proxy in addition to any vote they are entitled to cast on their own.~~

32.1 A proxy may be appointed under this rule by a member of the State Council who is unable to be present at the whole or part of a meeting of the State Council (for this rule 'the SC Meeting').

32.2. A proxy may be appointed under this rule by a member of the State Executive who is unable to be present at the whole or part of a meeting of the State Executive (for this rule 'the Executive Meeting').

- 32.3. An appointment of a proxy to an SC Meeting or an Executive Meeting must be:
 - 32.3.1. written;
 - 32.3.2. delivered prior to the commencement of the meeting to the State Secretary:
 - 32.3.2.1. in person;
 - 32.3.2.2. by facsimile;
 - 32.3.2.3. by E-mail; or
 - 32.3.2.4. by text message;
 - 32.3.3. in the case of an SC Meeting be to:
 - 32.3.3.1. a Financial Member of the State Group to which the officer appointing the proxy is allocated; or
 - 32.3.3.2. the chair of the meeting; and
 - 32.3.4. in the case of an Executive Meeting be to:
 - 32.3.4.1. a State Officer; or
 - 32.3.4.2. the chair of the meeting.
- 32.4. If an officer does not when appointing nominate a person as proxy for an SC Meeting or an Executive Meeting, then the chair of the meeting is the proxy.
- 32.5. A proxy may be directed by the officer granting the proxy as to how they are to vote on a matter for determination at the meeting and the proxy must vote in accordance with those directions.
- 32.6. A proxy may exercise the same rights at the meeting as the officer granting the proxy may have exercised if that officer were in attendance at the meeting.
- 32.7. A member of the State Council who is appointed as a proxy is entitled to vote at the SC Meeting as a proxy in addition to the vote they are entitled to exercise on their own behalf, provided that the number of votes a member of the State Council is entitled to exercise cannot exceed four.
- 32.8. Despite sub-rule 32.7, the chair of the SC Meeting when appointed as a proxy is entitled to vote at the SC Meeting as a proxy in addition to the vote they are entitled to exercise on their own behalf, provided that the number of votes the chair of the meeting is entitled to exercise cannot exceed six.
- 32.9. A State Officer who is appointed as a proxy for an Executive Meeting is entitled to vote as a proxy in addition to the vote they are entitled to exercise on their own behalf, provided that the number of votes a State Officer is entitled to exercise cannot exceed two.
- 32.10. A proxy at an SC Meeting is counted for the purposes of quorum.

Amend Rule 33 as follows:

33. THE STATE GROUPS

- 33.1 The State Federation shall be divided into State Groups, representative of

Members, as provided for by this Rule, and each Member shall be allocated, at the time of their admission to membership, to a relevant State Group in accordance with the category of employment in which the member is employed.

~~33.2~~ ~~33.2~~—The State Groups ~~shall be~~ as follows:

<u>State Group</u>	<u>Definition</u>
<u>Staff Specialist</u>	<u>consultants and senior consultants who are recognised medical specialists employed on a full-time or part-time basis, but does not include visiting medical officers</u>
<u>Clinical Academic</u>	<u>staff specialists who have a formal employment relationship with a university school of medicine</u>
<u>Specialist Medical Administrator</u>	<u>staff specialists who hold FRACMA or an appropriate higher qualification acceptable to an employer</u>
<u>Career Medical Officer</u>	<u>registered medical practitioners who are employed full-time or part-time and do not practice at a specialist or consultant level and who are not employed as a medical officer</u>
<u>Medical Officer (Doctor in Training)</u>	<u>includes intern, resident medical officers, registrars and senior registrars who are employed on a full-time or part-time basis on a term limited contract</u>
<u>Visiting Medical Officer</u>	<u>visiting medical specialists who are specialists appointed under fractional arrangements</u>
<u>GP Registrars</u>	<u>medical officers employed as a GP trainee</u>
<u>Miscellaneous</u>	<u>includes members who do not fall within another Practitioner Type</u>

~~33.1.1~~—~~Staff Specialists;~~

~~33.1.2~~—~~Clinical Academics;~~

~~33.1.3~~—~~Specialist Medical Administrators;~~

~~33.1.4~~—~~Career Medical Officers;~~

~~33.1.5~~—~~Medical Officers;~~

~~33.1.6~~—~~Miscellaneous.~~

~~33.233.3~~ The State Council shall on its own motion or upon the request of a group of 100 financial Members of a category of employment which category of employment is not provided for by Sub-rule 33.2.1 – 33.2.5, approve the establishment of a State Group, which group shall be accorded representation on the State Council in accordance with Rule 19.2.

~~33.333.4~~ Where no State Group has been established to represent the category of employment to which the Member belongs, then the member shall be assigned to the Miscellaneous State Group.

~~33.433.5~~ No Member at any time shall be assigned to more than one State Group and if a Member qualifies for more than one State Group, the Member shall be entitled to elect which State Group the Member is assigned to.

~~33-533.6~~ Any dispute arising out of the application of this Rule, in relation to the assignment of a Member to a State Group, shall be referred by the State Secretary to the State Council for determination and the decision of the State Council shall be final.

~~33-633.7~~ The State Council may, in addition to the rights provided by Sub-rule 33.3, provide for additional groups in the event that the eligibility rules of the Federation are sought to be, or are, varied and may so provide during the currency of a term of office of the State Council, provided that the State Council determines to so provide by a 2/3 majority.

Add a new Rule 41A as follows:

41A. DUTIES OF THE STATE JUNIOR VICE PRESIDENT

41A.1 The State Junior Vice-President shall exercise all of the rights and perform those duties of the State President that the State President directs, or the State Council or the State Executive directs, in accordance with these Rules, the State Junior Vice President to so perform.

41A.2 The State Junior Vice-President's office is honorary.

Amend Rule 48 as follows:

48. COLLEGIATE ELECTIONS

48.1 The State President, State Vice President, State Junior Vice President, State Secretary and State Treasurer shall be elected by a Collegiate Electoral System.

48.2 The Electoral College shall be the State Council.

48.3 The Returning Officer shall call for nominations from among members of the Electoral College, by written notice to each member.

48.4 A candidate for office under sub-rule 48.1 must be:

48.4.1 a State Council Member, provided that a candidate for the State Junior Vice President must be a State Group Representative elected from the Medical Officer (Doctor in Training) State Group; and

~~48.448.4.2~~ shall be nominated in writing by another member of the Electoral College and the nomination shall be delivered to the Returning Officer prior to the commencement of the first meeting of the State Council next following the election of the State Council members (for the purposes of this Rule "the Meeting").

48.5 If the Returning Officer finds that a nomination is defective, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

48.6 48.6.1 The Returning Officer shall notify each member of the Electoral College of the opening and closing time of the ballot which shall be conducted at the Meeting.

48.6.2 The ballots for each of the offices of State Executive shall be conducted separately and in the following order:

- State President;
- State Vice President;
- State Junior Vice President
- State Secretary;
- State Treasurer.

48.6.3 Any member of the College who is a candidate for more than 1 office shall if elected in a ballot be taken to have withdrawn their nomination from any subsequent ballot.

48.7 If at the close of nominations, only the required number of nominations have been received for the offices, the Returning Officer shall declare such candidates to be elected.

48.8 If there are more than the required number of candidates for any office, the Returning Officer shall, at the Meeting, conduct an election by secret ballot of the members of the Electoral College.

48.9 Any candidate may appoint a scrutineer, and the provisions of the Election Procedure Rules in relation to scrutineers shall apply.

48.10 The Returning Officer shall in relation to any ballot required, arrange for the preparation of ballot papers on which the candidates' names shall appear in alphabetical order.

48.11 The Returning Officer shall initial and hand to each member of the Electoral College a ballot paper and each member of the Electoral College shall cast a vote by completing the ballot paper by striking out the name of each candidate the voter does not wish to vote for, and by placing the completed ballot paper in the ballot box in the control of the Returning Officer.

48.12 Any member who shall not be present at the meeting at which the ballot is to be held may:

48.12.1 lodge a request with the Returning Officer for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Returning Officer shall not count the ballot until such member has been given reasonable opportunity to vote; or

48.12.2 appoint another member of the Electoral College to vote as their proxy and such appointed member shall be entitled to vote in their own right and as proxy, provided that no member of the Electoral College can exercise more than one proxy vote.

48.13 The candidate or candidates securing the highest number of votes, in any ballot, shall be declared elected.

48.14 The Returning Officer shall declare to the State Council the result in writing as soon as the count is completed.

48.15 The candidate or candidates elected shall take office upon the declaration by the Returning Officer of the result of the election, and each shall hold office until their successors are, in accordance with these Rules, ~~declared~~ elected and take office.

Amend Rule 49 as follows:

49. EXEMPTION FROM ELECTION

49.1 For the purposes of this Rule the “Branch” shall mean the Counterpart Federal Body.

49.2 For the purposes of this Rule the offices of the State Federation that correspond to the office of the Branch are:

The Branch	The State Federation
New South Wales Branch President	State President
New South Wales Branch Vice President	State Vice President
<u>Branch Junior Vice President</u>	<u>State Junior Vice President</u>
New South Wales Branch Secretary	State Secretary
New South Wales Branch Assistant Secretary/Treasurer	State Treasurer
New South Wales Branch Group Representatives/Councillor	State Group Representatives

~~The Branch~~ ~~The State Federation~~
~~New South Wales Branch President~~ ~~State President~~
~~New South Wales Branch Vice President~~ ~~State Vice President~~
~~New South Wales Branch Secretary~~ ~~State Secretary~~
~~New South Wales Branch Treasurer~~ ~~State Treasurer~~
~~New South Wales Branch Group Representatives~~ ~~State Group Representatives~~

49.3 Persons elected to an office of the Branch that correspond with an office of the State Federation shall be taken to have been validly elected to that corresponding office in the State Federation provided that the Industrial Registrar is satisfied, on application made in accordance with this Rule, that:

49.3.1 the membership of the Branch is identical, or substantially similar, to the membership of the State Federation; and

49.3.2 the Rules of the Branch that provided for the election of persons to office in the Branch comply substantially with the requirements of the Act relating to the election of holders of offices pursuant to the Act.

49.4 The State Secretary shall, unless otherwise directed by the State Council, forthwith upon the declaration of an election in relation to the Branch make application to the Industrial Registrar for the Industrial Registrar’s confirmation of the matters provided for by Sub-rule 49.3.

49.5 Persons holding office in the State Federation in accordance with this Rule, shall hold office in accordance with these Rules as if they were holding the office pursuant to an election held in accordance with these Rules.