



AUSTRALIAN  
PHYSIOTHERAPY  
ASSOCIATION

# BRANCH REGULATIONS

2017

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# Branch regulations

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## PART A - INTERPRETATION

### Regulation 1—Power to make regulations

- 1.1 These Branch regulations are made pursuant to clause 43.1 of the Constitution.
- 1.2 Except for Branch Regulation 2, if any Branch regulation is inconsistent with a clause of the Constitution, the Constitution will apply to the extent of the inconsistency.

### Regulation 2—Definitions

- 2.1 The following words have these meanings in this document unless the contrary intention appears:

**Association:** the Australian Physiotherapy Association ACN 004 265 150.

**Association's Code of Conduct:** the code of conduct published by the Association from time to time.

**Board:** the Association's Board of Directors.

**Branch Council Meeting:** a meeting of any Branch Council.

**Branch:** a group of Members in a geographic area as approved by the Board.

**Branch Council:** the committee responsible to the Board for the strategic oversight of matters relating to a respective Branch.

**Branch Council President:** any person elected or appointed as President of the respective Branch Council in accordance with the Office Bearer Regulations.

**Branch Council Vice President:** a person elected or appointed as Vice President of the respective Branch.

**Branch Council:** in accordance with the Office Bearer Regulations.

**Branch Member:** any member of a particular Branch.

**Branch Membership List:** the document containing the names, contact details, and category of membership of all of the members of a particular Branch.

**Branch Regional Group:** any members within a region that has been established by a Branch Council as a regional group pursuant to these Branch Regulations.

**Branch Regulations:** these regulations including any schedules.

**BRG:** a Branch Regional Group.

**Branch Regional Group Chairperson:** a person elected or appointed as chair of the respective Branch Regional Group in accordance with the Office Bearer Regulations.

**BRG Committee:** a committee responsible to the respective Branch Council for the operational management of their BRG.

**BRG Committee Member:** a person elected or appointed to a BRG Committee.

**Committee:** a group of members elected or appointed to govern the respective group of members under the Constitution or the Association's regulations and includes any:

- (a) Branch Council;
- (b) National Group National Committee;
- (c) State Chapter Committee;
- (d) Branch Regional Group Committee; or
- (e) other committee established by the Board.

**Constitution:** the Association's constitution.

**Meeting Regulations:** the Association's regulations for meetings.

**NAC:** the Association's National Advisory Council.

**NAC Regulations:** the Association's regulations for the NAC.

**NAC Representative:** a person appointed as a NAC Representative in accordance with the NAC Regulations.

**National President:** the President of the Association.

**National Professional Standards Panel:** the Association's National Professional Standards Panel.

**National Group:** any group of members in an area of physiotherapy practice established by the Board.

**National Group National Committee:** means a committee responsible to the Board for the strategic oversight of matters relating to a respective National Group.

**National Group Regulations:** the Association's regulations for the National Groups.

**Nominations and Elections Policy:** the Association's policy specifying the process of nominations and elections.

**Objects:** the objects of the Association set out in the Constitution.

**Officer Bearer Regulations:** the Association's regulations for its office bearers.

**Voting Member:** a person entitled to vote at meetings of the respective committee pursuant to the Meeting Regulations.

2.2 All words used in these Branch Regulations will have the same meaning and interpretation as those corresponding words used in the Constitution unless indicated otherwise.

## PART B – BRANCHES

### Regulation 3—Branch role

- 3.1 The primary role of each Branch is to assist the Association to achieve its objects, through the provision of leadership, communication, representation, and services to all members within the respective Branch.
- 3.2 The role of each Branch is performed by:
- (a) its Branch Council;
  - (b) any BRGs of the respective Branch; and
  - (c) staff appointed under Branch Regulation 8.1.

### Regulation 4—Branch responsibilities

- 4.1 Subject to any directions of the Board, each Branch must, in the performance of its role:
- (a) uphold and promote the Association's policies, procedures, and guiding principles;
  - (b) participate in the Association's strategic planning and policy development;
  - (c) implement the Association's strategic goals;
  - (d) communicate and collaborate effectively with other committees within the Association;
  - (e) foster effective communication and collaboration between Branches and other APA departments;
  - (f) manage its resources effectively and efficiently;
  - (g) provide to all members any services identified by the Board as core services;
  - (h) co-ordinate activities of the Association;
  - (i) support activities of any Branch Committees;
  - (j) support and assist other Branches;
  - (k) promote, coordinate and support members' professional development;
  - (l) communicate the value and significance of physiotherapy to key target audiences;
  - (m) build effective working relationships with key internal and external stakeholders;
  - (n) refer appropriate matters to the National Professional Standards Panel;
  - (o) identify, act and advocate on relevant issues and trends in the local health care environment; and
  - (p) promote professional standards and encourage members to adhere to the Association's Code of Conduct.

### Regulation 5—Branch membership list

- 5.1 The CEO must ensure:
- (a) the name, contact details, category of membership, respective Branch, and other particulars determined by the Board from time to time, for all members within each Branch are maintained on the Association's national database in accordance with membership procedures and data entry requirements;
  - (b) access to personal information collected and stored under Branch Regulation 5.1(a) is restricted in accordance with the requirements of relevant privacy legislation; and
  - (c) that information collected and stored under Branch Regulation 5.1(a) is only circulated to any third party external to the Association if consented by the member and in accordance with the Association's policies.

## **Regulation 6—External representation by Branches**

- 6.1 Subject to the Association's external representation policy, a Branch may in the performance of its role:
- (a) provide advice;
  - (b) represent the Association; or
  - (c) prepare submissions;  
to external third parties or the media on matters consistent with the Association's policy agenda.

## **Regulation 7—Branch exclusions**

- 7.1 Unless the Board approves otherwise, a Branch must not:
- (a) remove or suspend the membership of any member.
- 7.2 Unless the CEO approves otherwise, a Branch must not seek legal advice on any matter.

## **Regulation 8—Branch staff**

- 8.1 The CEO must engage the appropriate level of staff to ensure the role of the Branch is fulfilled.
- 8.2 The CEO must ensure any person engaged under Branch Regulation 8.1 is accountable to the CEO and responsible to the respective Branch Council for the conduct of the ordinary business of the respective Branch.

## **PART C – BRANCH COUNCILS**

### **Regulation 9—Branch Council powers**

- 9.1 Each Branch Council, subject to the directions of the CEO, has the power to:
- (a) exercise any powers the Board may delegate to the respective Branch Council;
  - (b) constitute working parties or committees necessary for the effective operation of the respective Branch;
  - (c) recommend to the Board the establishment of any BRGs within the respective Branch;
  - (d) establish and disestablish any BRGs with approval by the Board under Branch Regulation 9.1(d); and
  - (e) participate in the election of Directors pursuant to the Constitution.

### **Regulation 10—Branch Council size**

- 10.1 Any Branch Council must consist of:
- (a) at least six (6) voting members; and
  - (b) not more than eleven (11) voting members.
- 10.2 Subject to Branch Regulation 10.1, each Branch Council may in its sole discretion, determine its size whenever the term of any respective voting member ceases.



## **Regulation 11—Branch Council composition**

- 11.1 Each Branch Council must consist of:
- (a) a Branch President;
  - (b) not more than two Branch Vice Presidents;
  - (c) any other voting members of the respective Branch Council elected or appointed pursuant to these Branch Regulations; and
  - (d) any ex-officio members of the respective Branch Council appointed pursuant to these Branch Regulations.
- 11.2 A Director must not concurrently hold voting positions on the Board and on any Branch Council.

## **Regulation 12—Ex-officio Branch Council positions**

- 12.1 The National President is an ex officio member of all Branch Councils.
- 12.2 Any Branch Manager or Co-ordinator is an ex-officio member of the respective Branch Council.
- 12.3 Any Branch Council may, subject to the approval of the Board, appoint any other ex-officio members to the respective Branch Council for a term determined by the Branch Council but not exceeding two (2) years.

## **Regulation 13—Branch Council voting member positions**

- 13.1 Any member within a Branch is eligible to be elected to the respective Branch Council in accordance with the Nominations and Elections Policy.
- 13.2 Except in relation to a voting member elected to fill a casual vacancy on the respective Branch Council, the term of any voting member of the respective Branch Council:
- (a) commences on 1 January of the year after the date they are elected; and
  - (b) ceases three (3) years after the date their term commenced unless they cease to hold the position earlier in accordance with these Branch Regulations.
- 13.3 Subject to Branch Regulation 17.3, a person may only be elected as a voting member of the respective Branch Council for two (2) consecutive terms.
- 13.4 A person, after serving two (2) consecutive terms as a voting member of the respective Branch Council, is not eligible to be elected or appointed as a voting member of the respective Branch Council for at least two (2) years after the date their two (2) consecutive terms end.

## **Regulation 14—Resignation of Branch Council voting member**

- 14.1 A voting member of any Branch Council may resign at any time by giving written notice of their resignation and the date of their resignation to the respective Branch Council and its Branch Manager or Co-ordinator.
- 14.2 Any person who resigns under Branch Regulation 14.1 ceases to be a voting member of the respective Branch Council from the resignation date specified in their resignation notice.

### **Regulation 15—Removal of Branch Council voting member**

- 15.1 The Board may, in its sole discretion, remove any Branch Council voting member from their respective Branch Council at any time.

### **Regulation 16—Cessation of Branch Council voting member**

- 16.1 A person immediately ceases to be a voting member of the respective Branch Council if they:
- (a) are elected or appointed as a Director of the APA Board;
  - (b) cease to be a member within the respective Branch for any reason;
  - (c) die or their estate is liable to be dealt with in any way under the laws relating to mental health;
  - (d) are absent, without reasonable excuse or the consent of the respective Branch Council, from three (3) consecutive meetings of the respective Branch Council;
  - (e) are found guilty of an offence of professional misconduct; or
  - (f) are removed from office.

### **Regulation 17—Casual vacancy of Branch Council voting member**

- 17.1 If there is a casual vacancy in the position of a voting member of any Branch Council, the respective Branch Council may call for nominations from the members within the respective Branch to fill the casual vacancy in accordance with Branch Regulation 10.1 and the Nominations and Elections Policy.
- 17.2 The person appointed by the respective Branch Council as a voting member under Branch Regulation 17.1 will hold office until the expiry of the term of the position they filled.
- 17.3 For the purposes of Branch Regulation 13.3, any person appointed by the respective Branch Council as a voting member under Branch Regulation 17.1 is deemed to have served a full term.

## **PART D – BRANCH REGIONAL GROUPS**

### **Regulation 18—Responsibilities of a Branch Regional Group**

- 18.1 Each Branch Regional Group must:
- (a) promote and support professional development for its members;
  - (b) liaise with the Branch Council and Branch staff which established the respective Branch Regional Group;
  - (c) liaise with other Committees within the respective Branch as necessary;
  - (d) provide representation to the Branch Council which established the respective Branch Regional Group about issues relating to physiotherapy within the respective region;
  - (e) encourage its members to communicate with other Branch Regional Groups; and
  - (f) assist its members to access the Association's services.
- 18.2 Subject to approval by the Branch Council which established the respective Branch Regional Group, any Branch Regional Group may be governed by a Branch Regional Committee.
- 18.3 Any Branch Regional Group is accountable to the Board through the Branch Council which established the respective Branch Regional Group.



## **Regulation 19—Composition of a Branch Regional Group**

- 19.1 Each Branch Regional Group is composed of any members whose primary postal address on the Branch Membership List is within the region of the respective Branch Regional Group.

## **Regulation 20—Composition of a Branch Regional Group Committee**

- 20.1 Subject to Branch Regulation 18.2, any Branch Regional Group Committee must consist of:
- (a) the respective Branch Regional Group Chairperson.
- 20.2 Subject to Branch Regulation 20.1, any Branch Regional Group Committee may in its sole discretion, determine its size whenever the term of any member of the respective Branch Regional Group committee ceases.
- 20.3 Each Branch Council Chairperson is an ex-officio member of any Branch Regional Group Committee within their respective Branch.
- 20.4 The National President and Branch staff are ex-officio members of all Branch Regional Group Committees.

## **Regulation 21—Branch Regional Group Committee positions**

- 21.1 Any member whose primary postal address on the Branch Membership List is within the region of any Branch Regional Group is eligible for election or appointment to their respective Branch Regional Group Committee in accordance with the Nominations and Elections Policy.
- 21.2 Except in relation to the appointment of a person to fill a casual vacancy, the term of each member of any Branch Regional Group Committee:
- (a) commences on 1 January of the year after the date they are elected; and
  - (b) ceases three (3) years after the date their term commenced unless they cease to hold the position earlier in accordance with these Branch Regulations.
- 21.3 A person may only be elected to the same Branch Regional Group Committee for two (2) consecutive terms.
- 21.4 A person, after serving two (2) consecutive terms as a member of any Branch Regional Group Committee, is not eligible to be elected or appointed as a member of the respective Branch Regional Group Committee for at least two (2) years after the date their two (2) consecutive terms end.

## **Regulation 22—Resignation of Branch Regional Group Committee member**

- 22.1 Any member of a Branch Regional Group Committee may resign at any time by giving written notice of their resignation and the date of their resignation to the respective Branch Regional Group Committee and Branch staff.
- 22.2 Any person who resigns under Branch Regulation 22.1 ceases to be a member of the respective Branch Regional Group Committee from the resignation date specified in their resignation notice.

### **Regulation 23—Removal from Branch Regional Group Committee**

- 23.1 A Branch Council may, in its sole discretion, remove a member of any Branch Regional Group Committee established by the respective Branch Council at any time.
- 23.2 The Board may, in its sole discretion, remove a member of any Branch Regional Group Committee at any time.

### **Regulation 24—Cessation of membership of Branch Regional Group Committee**

- 24.1 A person immediately ceases to be a member of a Branch Regional Group Committee if they:
- (a) cease to have a primary postal address on the Branch Membership List that is within the region of the respective Branch Regional Group for any reason;
  - (b) die or their estate is liable to be dealt with in any way under the laws relating to mental health;
  - (c) are found guilty of an offence of professional misconduct; or
  - (d) are removed from office.

### **Regulation 25—Casual vacancy on Branch Regional Group Committee**

- 25.1 If there is a casual vacancy in a Branch Regional Group Committee position, the respective Branch Regional Group Committee may appoint any Member whose primary postal address on the Branch Membership List is within the region of the respective Branch Regional Group to fill the casual vacancy.
- 25.2 Any person appointed to a Branch Regional Group Committee under Branch Regulation 25.1 will hold office until the expiry of the term of the position they filled.
- 25.3 For the purposes of Branch Regulation 21.3, any person appointed to fill a casual vacancy under Branch Regulation 25.1 is deemed to have served a full term.