



PPTA TE WEHENGARUA ANNUAL CONFERENCE 2024

CONSTITUTIONAL AMENDMENT: AMENDING GENDERED PRONOUNS

A PAPER FROM THE PPTA WAITAHA-CANTERBURY REGION



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RECOMMENDATIONS

- 1 That the paper be received.
- 2 That rule 3(b) of the Constitution be changed from:

(b) In these Rules unless inconsistent with the context words importing the singular or the plural shall include the plural and singular respectively and words importing one sex shall include the other.

To:

(b) In these Rules unless inconsistent with the context words importing the singular or the plural shall include the plural and singular respectively.
- 3 That rule 9(i) be changed from:

9. A member shall cease to be such:

(i) If she/he shall cease to be a teacher or tutor or ceases to be eligible for membership in terms of Rules 5 or 6 hereof and shall cease to pay her/his subscription provided that where a member has been dismissed and appeals against that dismissal she/he shall be eligible to retain membership pending the determination of the appeal.

To:

(i) If they shall cease to be a teacher or tutor or ceases to be eligible for membership in terms of Rules 5 or 6 hereof and shall cease to pay their subscription provided that where a member has been dismissed and appeals against that dismissal they shall be eligible to retain membership pending the determination of the appeal.
- 4 That rule 9(iii) be changed from:

(iii) If she/he shall deliver to the Secretary a notice in writing stating her/his desire to withdraw from membership PROVIDED that such notice is a minimum of 2 weeks and provided further that any resignation shall not be effective until the member has paid all dues required under these rules.

To:

(iii) If they shall deliver to the Secretary a notice in writing stating their desire to withdraw from membership PROVIDED that such notice is a minimum of 2 weeks and provided further that any resignation shall not be effective until the member has paid all dues required under these rules.
- 5 That rule 14(iii) be changed from:

(iii) Where a member is a relieving teacher or pro-rata teacher and is employed as such at more than one school that member shall nominate the branch to which she/he intends to belong and shall thereupon be a member of that branch and no other.

To:

(iii) Where a member is a relieving teacher or pro-rata teacher and is employed as such at more than one school that member shall nominate the branch to which they intend to belong and shall thereupon be a member of that branch and no other.

6 That rule 40(i) be changed from:

(i) The President or in her/his absence a Vice-president or in their absence a member of the Executive appointed by the meeting on Motion called for by the Secretary or failing her/him any other member of the Executive acting as temporary Chairperson for such purpose shall be Chairperson at any Executive meeting.

To:

(i) The President, or in the President's absence a Vice-president, or in their absence a member of the Executive appointed by the meeting on Motion called for by the Secretary, or failing that, any other member of the Executive acting as temporary Chairperson for such purpose shall be Chairperson at any Executive meeting.

7 That rules 51(i)(c)-(e) be changed from:

51. (i) The position held by any member on the Executive shall be vacated:

(c) If such member gives the Secretary notice tendering her/his resignation.

(d) If such member is elected or appointed to any other position on the Executive other than Junior Vice-president during her/his term of office in the former capacity.

(e) If such member ceases to be employed at a school within the boundaries of the region or regions by whose members she/he was elected to her/his position on the Executive PROVIDED that if a period of less than three (3) months remains such member shall remain in office until the normal end of her/his term AND PROVIDED FURTHER that this subsection shall not apply to the positions of President or Vice-president.

To:

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(c) If such member gives the Secretary notice tendering their resignation.

(d) If such member is elected or appointed to any other position on the Executive other than Junior Vice-president during their term of office in the former capacity.

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8 That rule 51(iii)(e) be changed from:

51. (i) The position held by any member on the Executive shall be vacated:

(e) If such member ceases to be employed at a school within the boundaries of the region or regions by whose members she/he was elected to her/his position on the Executive PROVIDED that if a period of less than three (3) months remains such

member shall remain in office until the normal end of her/his term AND PROVIDED FURTHER that this subsection shall not apply to the positions of President or Vice-president.

To:

(e) If such member ceases to be employed at a school within the boundaries of the region or regions by whose members they were elected to their position on the Executive PROVIDED that if a period of less than three (3) months remains such member shall remain in office until the normal end of their term AND PROVIDED FURTHER that this subsection shall not apply to the positions of President or Vice-president.

9 That rules 57(ii)-(iv) be changed from:

(ii) The President or in her/his absence a Vice-president or in their absence a member of the Conference appointed by the meeting on motion called for by the Secretary or failing her/him any other member of the Conference acting as temporary Chairperson for such purpose shall be Chairperson at any Conference.

(iii) At any Conference representatives from fifteen (15) Regional Organisations shall form a quorum competent to transact the business of the Conference.

(iv) Notwithstanding anything to the contrary contained in these Rules the Chairperson may in her/his discretion at any Conference accept any motion on any matter concerning the Association or its members and the Conference may discuss and deal with such motion.

To:

(ii) The President, or in the Presidents absence a Vice-president, or in their absence a member of the Conference appointed by the meeting on motion called for by the Secretary, or failing that, any other member of the Conference acting as temporary Chairperson for such purpose shall be Chairperson at any Conference.

(iii) At any Conference representatives from fifteen (15) Regional Organisations shall form a quorum competent to transact the business of the Conference.

(iv) Notwithstanding anything to the contrary contained in these Rules the Chairperson may in their discretion at any Conference accept any motion on any matter concerning the Association or its members and the Conference may discuss and deal with such motion.

10 That rule 61(ii) be changed from:

(ii) The Vice-presidents shall assist the President in her/his duties and in the absence of the President one of them shall be appointed to act as President of the Association and shall be Chairperson of the Conference and of the Executive.

To:

(ii) The Vice-presidents shall assist the President in the President's duties and in the absence of the President one of them shall be appointed to act as President of the Association and shall be Chairperson of the Conference and of the Executive.

11 That rules 64(iii)(a)-(f) be changed from:

(iii) The Returning Officer shall have power to and shall:
(a) appoint such deputy poll clerks scrutineers and other assistants and provide them with such powers and duties as she/he shall see fit and
(b) provide ballot papers in such number and such form as she/he shall deem requisite and suitable and
(c) provide for the due secrecy and peaceful nature of the ballot in such manner as she/he shall deem fit and
(d) direct and regulate the manner of voting and of recording votes and
(e) arrange for and superintend the counting and recounting of the votes and disallow votes not recorded in the specified manner or not sufficiently clear in her/his opinion and
(f) generally do all things necessary expedient or advisable in her/his opinion for the proper conduct of the election.

To:

(iii) The Returning Officer shall have power to and shall:
(a) appoint such deputy poll clerks scrutineers and other assistants and provide them with such powers and duties as the Returning Officer shall see fit and
(b) provide ballot papers in such number and such form as they shall deem requisite and suitable and
(c) provide for the due secrecy and peaceful nature of the ballot in such manner as they shall deem fit and
(d) direct and regulate the manner of voting and of recording votes and
(e) arrange for and superintend the counting and recounting of the votes and disallow votes not recorded in the specified manner or not sufficiently clear in their opinion and
(f) generally do all things necessary expedient or advisable in their opinion for the proper conduct of the election.

12 That rules 64(iv)-(v) be changed from:

(iv) The Returning Officer shall comply with any regulations not inconsistent with these Rules duly made by the Executive amplifying or specifying more particularly her/his powers and duties hereunder.
(v) All acts and things done by the Returning Officer for any such purpose shall be deemed to be done by her/him under the direction and authority of the Executive.

To:

(iv) The Returning Officer shall comply with any regulations not inconsistent with these Rules duly made by the Executive amplifying or specifying more particularly the Returning Officer's powers and duties hereunder.
(v) All acts and things done by the Returning Officer for any such purpose shall be deemed to be done by the Returning Officer under the direction and authority of the Executive.

13 That rules 67(i)-(ii) be changed from:

(i) All nominations must be in writing made and signed by at least two full members, or in the case of the office of Māori Vice-President signed by at least two full members on the Māori electoral roll, and signed by the nominee in token of her/his acceptance and shall otherwise be void.

(ii) The Returning Officer shall accept such nominations only as appear to her/him or to be of persons eligible under these Rules and to comply with these Rules in all respects.

To:

(i) All nominations must be in writing made and signed by at least two full members, or in the case of the office of Māori Vice-President signed by at least two full members on the Māori electoral roll, and signed by the nominee in token of nominees acceptance and shall otherwise be void.

(ii) The Returning Officer shall accept such nominations only as appear to them or to be of persons eligible under these Rules and to comply with these Rules in all respects.

14 That rule 71(ii) be changed from:

(ii) Voting shall be held in Branches and the Secretaries thereof shall forward a statement of the results of such voting to the Returning Officer before a date to be specified by her/him PROVIDED that any member who so desires may post her/his sealed ballot paper directly to the Returning Officer by such date.

To:

(ii) Voting shall be held in Branches and the Secretaries thereof shall forward a statement of the results of such voting to the Returning Officer before a date to be specified by the Returning Officer PROVIDED that any member who so desires may post their sealed ballot paper directly to the Returning Officer by such date.

15 That rule 80(ii) be changed from:

(ii) The Secretary shall act as Secretary of the Association the Conference and the Executive and of all Committees of the Executive to which she/he has been appointed as Secretary and shall be responsible for the operation of the Association's National Office.

To:

(ii) The Secretary shall act as Secretary of the Association the Conference and the Executive and of all Committees of the Executive to which the Secretary has been appointed as Secretary and shall be responsible for the operation of the Association's National Office.

16 That rule 80(iv) be changed from:

(iv) The Secretary shall see that all meetings notices and other acts and things required by these Rules are duly summoned given and done and shall do all things in her/his power to carry into effect the provisions of these Rules.

To:

(iv) The Secretary shall see that all meetings notices and other acts and things required by these Rules are duly summoned given and done and shall do all things in their power to carry into effect the provisions of these Rules.

17 That rule 80(vi) be changed from:

(vi) The Secretary as such shall not vote or be entitled or permitted to vote whether in the Conference the Executive any Committee of the Executive or when acting as temporary Chairperson as provided in these rules PROVIDED that where the voting is evenly divided she/he shall decide by lot when acting as Returning Officer or as temporary Chairperson.

To:

(vi) The Secretary as such shall not vote or be entitled or permitted to vote whether in the Conference the Executive any Committee of the Executive or when acting as temporary Chairperson as provided in these rules PROVIDED that where the voting is evenly divided the Secretary shall decide by lot when acting as Returning Officer or as temporary Chairperson.

18 That rule 80(viii) be changed from:

(viii) The Secretary shall be deemed to be a member of the Association during her/his tenure of office as such but shall not during such time be liable to pay any subscription in respect of such membership.

To:

(viii) The Secretary shall be deemed to be a member of the Association during their tenure of office as such but shall not during such time be liable to pay any subscription in respect of such membership.

19 That rule 82(ii)(f) be changed from:

(f) A statement or note showing whether such motion or amendment was lost or carried and showing also the name of any member who has expressly desired that her/his dissent thereto be recorded.

To:

(f) A statement or note showing whether such motion or amendment was lost or carried and showing also the name of any member who has expressly desired that their dissent thereto be recorded.

20 That rule 90(iii)(c) be changed from:

(c) by the posting thereof in a prepaid letter addressed to such member at her/his last known or usual private or school address and any notice so posted shall be deemed to have been delivered notwithstanding anything contained in these Rules to the contrary at the time when the letter would in the ordinary course of post be delivered.

To:

(c) by the posting thereof in a prepaid letter addressed to such member at their last known or usual private or school address and any notice so posted shall be deemed to have been delivered notwithstanding anything contained in these Rules to the contrary at the time when the letter would in the ordinary course of post be delivered.

21 That Second Schedule rules 10(i)–(ii) be changed from:

10.

(i) The Chairperson may, after putting the motion to the voices (and she/he shall if any member immediately disputes her/his declaration on the voices) call for a show of hands, first from those in favour of the motion and then from those of the contrary opinion.

(ii) The Chairperson shall by herself/himself or with the assistance of tellers nominated by her/him for that purpose, count the votes on each side, shall declare the figures and declare the motion carried or lost accordingly and such declaration shall be final, except as provided in the next order.

To:

10.

(i) The Chairperson may, after putting the motion to the voices (and the Chairperson shall if any member immediately disputes their declaration on the voices) call for a show of hands, first from those in favour of the motion and then from those of the contrary opinion.

(ii) The Chairperson shall by themselves or with the assistance of tellers nominated by the Chairperson for that purpose, count the votes on each side, shall declare the figures and declare the motion carried or lost accordingly and such declaration shall be final, except as provided in the next order.

22 That Second Schedule rule 14(ii) be changed from:

(ii) Any member called to order by the Chairperson shall immediately cease to speak and shall resume her/his seat unless permitted by the Chairperson to explain.

To:

(ii) Any member called to order by the Chairperson shall immediately cease to speak and shall resume their seat unless permitted by the Chairperson to explain.

23 That Second Schedule rules 15(iii)(a)–(c) be changed from:

(iii) No member may speak to any motion more than once provided:

(a) that the mover of any substantive motion may speak on moving the motion and again in reply at the conclusion of the debate and before the motion is put; there is no right of reply for amendments and formal motions; and

(b) that the seconder of any motion may first formally second such motion and speak to the motion later in the debate if she/he so desires; and

(c) that the Chairperson may permit any member who has spoken to explain herself/himself in regard to any material part of her/his speech.

To:

(iii) No member may speak to any motion more than once provided:

(a) that the mover of any substantive motion may speak on moving the motion and again in reply at the conclusion of the debate and before the motion is put; there is no right of reply for amendments and formal motions; and

- (b) that the seconder of any motion may first formally second such motion and speak to the motion later in the debate if they so desire; and
- (c) that the Chairperson may permit any member who has spoken to explain themselves in regard to any material part of their speech.

24 That Second Schedule rule 15(v) be changed from:

(v) The Chairperson may speak to a motion only in order to make a personal explanation, or an explanation as to the matter under debate; and if the Chairperson shall desire to take further part in any debate she/he shall first leave the chair and shall cease to be Chairperson until such motion has been disposed of and shall then resume the chair. In the interim the chair shall be filled or taken in such manner or by such persons as if the Chairperson were absent from the meeting.

To:

(v) The Chairperson may speak to a motion only in order to make a personal explanation, or an explanation as to the matter under debate; and if the Chairperson shall desire to take further part in any debate they shall first leave the chair and shall cease to be Chairperson until such motion has been disposed of and shall then resume the chair. In the interim the chair shall be filled or taken in such manner or by such persons as if the Chairperson were absent from the meeting.

25 That Second Schedule rule 21(vi) be changed from:

(vi) The Chairperson may refuse to accept such motions if she/he is of the opinion that discussion of the motion has been insufficient for a proper understanding of the matter under discussion or that any party to the discussion has not had reasonable or equal opportunity to present a case.

To:

(vi) The Chairperson may refuse to accept such motions if they are of the opinion that discussion of the motion has been insufficient for a proper understanding of the matter under discussion or that any party to the discussion has not had reasonable or equal opportunity to present a case.

26 That Second Schedule rule 24(vi) be changed from:

(vi) The Chairperson shall then reply and explain her/his ruling and shall then put the motion to the meeting.

To:

(vi) The Chairperson shall then reply and explain their ruling and shall then put the motion to the meeting.

27 That Third Schedule rule 3(ii) be changed from:

(ii) Such application must be made before any such Branch or Regional Organisation make any commitment to the said member or undertake any responsibility on her/his behalf PROVIDED that in case of emergency such Branch or Regional Organisation may take such preliminary steps as may be immediately necessary to safeguard the interests of such member.

To:

(ii) Such application must be made before any such Branch or Regional Organisation make any commitment to the said member or undertake any responsibility on the members behalf PROVIDED that in case of emergency such Branch or Regional Organisation may take such preliminary steps as may be immediately necessary to safeguard the interests of such member.

28 That Third Schedule rule 6 be changed from:

6. In the event of a Branch or Regional Organisation not making an application to the Executive for legal assistance on behalf of a member such member may herself/himself forward such application to the Executive.

To:

6. In the event of a Branch or Regional Organisation not making an application to the Executive for legal assistance on behalf of a member such member may themselves forward such application to the Executive.

29 That Third Schedule rule 7 be changed from:

7. A member shall have the right to legal assistance either by means of a grant or by the Association assuming liability either in whole or part or either absolutely or contingently depending on the result of the proceedings for the legal costs incurred by such member in defending any legal proceedings brought against such member as a result of any act done or omitted by such member during and in the course of her/his employment as and in performing her/his duties as a teacher.

To:

7. A member shall have the right to legal assistance either by means of a grant or by the Association assuming liability either in whole or part or either absolutely or contingently depending on the result of the proceedings for the legal costs incurred by such member in defending any legal proceedings brought against such member as a result of any act done or omitted by such member during and in the course of their employment as and in performing their duties as a teacher.

1. INTRODUCTION

- 1.1 This paper moves to address an issue which has gone under the radar.
- 1.2 At Annual Conference 2017, the paper *Affirming Diversity: Inclusion for Sexuality and Gender Minorities* was voted and approved.¹ Recommendation 5 stated:

“That the executive consider a claim for the 2018 STCA round to eliminate gender biased language in STCA section, 6.3 Parental Provisions and subsequent to this a similar claim in section 5.2 in the ASTCA.”

- 1.3 The reason for that recommendation was that the language in the provisions allowed only female teachers to access those parental entitlements. It did not recognise male-identifying teachers who were adopting, nor those male-teachers who were pregnant. They were not inclusive provisions in our collective agreements; they did not align with our values. The language was changed, and the current collective agreement refers to “teacher”.

- 1.4 Within that paper, the purpose of a gender-neutral approach was set out:

“A gender-neutral approach is all about giving our students choice and is by no means a challenge to either end of the gender spectrum. There is no challenge being made to anyone’s right to identify as a man or a woman. It acknowledges however that for many of our students, a binary approach to gender is not inclusive and other options need to be presented so that every person feels emotionally and physically safe. The notion of choice aligns with other causes, such as cultural expressions of identity that can be repressed by uniform. Gender neutrality is all about providing the options so that all young people feel included and safe.” (section 6.2) [sic]

- 1.5 This shows that as a union we fight to eliminate gender biased language within our employment agreements and advocate for these changes for the young people in our kura and communities. Yet, until this point, we have not considered that our foundational document, the Constitution of the Post-Primary Teachers’ Association, should have the same treatment.
- 1.6 This paper sets out to rectify this issue. By amending our Constitution to make it gender neutral, we bring this key document in line with our values as a union and professional association.

¹ *Affirming Diversity: Inclusion for Sexuality and Gender Minorities*, Annual Conference Paper 2017. <https://www.ppta.org.nz/communities/lgbtiq/document/543>.

2. WHY HAVE A GENDER-NEUTRAL CONSTITUTION?

- 2.1 A constitution for an association like ours is for members to understand their roles, responsibilities, and the process for decision making. They contain rules around elections, meetings, membership, and what happens if the organisation ceases to exist. Importantly, they state a purpose for the organisation and its values.
- 2.2 There are three key reasons why our Constitution should be amended to become gender neutral.
- 2.3 **Inclusivity.** PPTA is an inclusive association. We welcome membership from all teachers that teach in secondary schools, area schools, and those who teach evening classes, out-of-hours music and art, and continuing education classes. We have networks for traditionally minoritised groups: Māori, Pasifika, Rainbow teachers, Women, and Neurodiverse kaiako. We do not exclude members, except in serious breaches of the Code of Ethics, so the language in our Constitution needs to reflect our inclusive values.
- 2.3.1 There are no positions within the PPTA that require a certain gender, except for women's representatives. Since the role is the focus, not the specific person carrying out the role it makes sense to just refer to the position in our Constitution. Once upon a time, we would have talked about Chairman, Headmaster, Fireman, which explicitly exclude women and non-binary folks. In society (and our Constitution) we now use non-gendered role titles: Chairperson, President, Junior Vice-President.
- 2.3.2 However, the language in the Constitution, as it currently stands, implicitly excludes those members who do not identify with he/she pronouns. While it would not actually prevent someone from holding a position or carrying out activities as described in the Constitution, it reinforces the alienation of our Rainbow Whānau. This is not who we are as an association.
- 2.3.3 The amendments contained in this paper address this issue by removing the references to he/she and replacing this with the singular "they", an inclusive pronoun that is endorsed by the APA Style Guide.
- 2.4 **Clarity and accessibility.** Since a society's constitution is an important document setting out the processes of the organisation, it needs to be accessible to all members. Members need to be able to easily read it and understand what the processes are, so they can contribute and engage effectively within our structures.
- 2.4.1 When reading the Constitution, it is tiring to read "he/she" all the time. It is simply awkward writing and uses gender when it is not relevant. Gender neutral language is precise, it encompasses all individuals, providing clarity in communication.
- 2.4.2 There is significant work that needs to be done to make our Constitution fully accessible to all members of the PPTA. It is hoped the accessibility of the Constitution will be reviewed in conjunction with the ongoing work ensuring the Constitution is compliant with the Incorporated Societies Act 2022 when we re-

register as an incorporated society.² In the meantime, we can ensure that the repetitive he/she is removed from the text.

2.5 Modernisation

- 2.5.1 Our society has evolved significantly in its understanding of gender. We recognise that non-binary people exist, and that they should be included in our society. PPTA has recognised this with the establishment of the Rainbow network, the Safer Schools for All workshops, and advocacy around proposed changes to the Relationships and Sexuality Education guidelines.
- 2.5.2 Our Constitution needs to reflect our values and understanding that historical language has marginalised members of our society. It needs to be relevant and respectful of our contemporary societal norms.

3. ARE THERE ISSUES MAKING OUR CONSTITUTION GENDER-NEUTRAL?

- 3.1 There are minimal issues with making our Constitution gender neutral. As has been canvassed, gender neutral writing provides clarity, ensures accessibility, and does not exclude people.
- 3.2 In fact, gender neutral legal drafting is fast becoming the norm amongst the English-speaking world. The New Zealand Parliamentary Counsel Office's *Plain Language Standard* includes a whole section on gender-neutral legal drafting, as does the Scottish Government's Parliamentary Counsel Office's guidance on drafting.³ Some US states, Canadian provinces and territories, most states and territories in Australia, and the United Kingdom draft laws as gender-neutral.⁴ On International Women's Day 2007, it was announced that all UK government legal drafting would be gender neutral.⁵
- 3.3 There are minor issues with using the singular *they*. This potential issue has been removed by considering whether repeating the noun, such as President, is more appropriate and increases clarity.

² At the time of writing, re-registration for societies registered under the 1908 Act must occur before 5 April 2026.

³ New Zealand Parliamentary Counsel Office. *8.2 Gender-neutral language*. <https://www.pco.govt.nz/8.2/>. Scottish Parliamentary Counsel Office (2018). *Drafting Matters!: guidance* (2nd ed.). <https://www.gov.scot/publications/drafting-matters/>.

⁴ Revell, D. L. & Vapnek, J. (2020). Gender silent legislative drafting in a non-binary world. *Capital University Law Review*, 48(2), 103-148.

⁵ (8 March 2007) 457 GBPD HC 1675.

4. RATIONALE FOR CHANGES

- 4.1 These changes proposed to our Constitution are technical, but their effect should not be understated. These amendments send a strong message to members and the community that we, the PPTA, are an inclusive association where all members belong, regardless of their gender.
- 4.2 Of the 28 proposed amendments, 27 of them are simple changes that replace gendered pronouns with non-gendered pronouns, and, where necessary for clarity, the name of the member's role is repeated.
- 4.3 The other proposed amendment removes the generic "one sex refers to all" phrase that is often seen in contracts. This is a relic of an era where all contracts and laws were written with only traditionally masculine pronouns, harking back to when women had few rights, if any.
- 4.4 The shift to gender-neutral language in our Constitution is not just about being precise with language; it is a fundamental step towards equality and respect for all PPTA members. By making this change, we stand up and reaffirm our commitment to an inclusive and just organisation, mirroring the Aotearoa we imagine together: an Aotearoa where all are valued, where all can contribute, where all can succeed regardless of their gender.