

## **“Schedule 2”**

The Branch Executive notes:

1. On 17 April 2014 the rules of the Police Federation of Australia were amended to incorporate Parts CF1 and CF2 which provided for a Queensland Police Branch (“the Branch”) of the Police Federation of Australia (“the PFA”) in the State of Queensland.
2. The Part CF1 and Part CF2 rules were drafted on the basis of the first general elections of the Branch being conducted prior to 1 July 2013.
3. As a result of the rules not being certified by the FWC, due to delays occurring in the FWC, until a considerable period of time after 1 July 2013, the FWC have now raised a number of issues regarding the timing of elections and the terms of office for the existing officers.
4. Each of the current officers, elected in the inaugural elections under the Part CF1 rules, have consented to their successors being elected in accordance with the dates specified in the rules.
5. The Branch Secretary has been in discussions with the FWC with respect to clarifying the rules of the Branch, regularising the affairs of the Branch, and synchronising the terms of office with the Queensland Police Union of Employees (“the QPUE”).
6. The QPUE has recently amended its rules to provide for exemptions from elections, which would have the effect of ensuring that joint members of the Branch/QPUE would only need to vote once, rather than voting separately for the officers of the Branch and officers of the QPUE, and the Branch supports the QPUE in relation to this issue.
7. The proposed amendments give effect to the original intention of the rules and provide for:
  - a. quadrennial elections of Branch Regional Representatives to occur in 2015 and 2017;
  - b. the first elections for Branch Conference Delegates to occur in 2015;
  - c. the Branch Vice President, Branch Treasurer and Branch Assistant Treasurers to be elected every two (2) years at the meeting of the Branch Executive following the election of Branch Regional Representatives (each 2 years);
  - d. the term of office for persons elected to casual vacancies to be limited to the unexpired portion of the term;
  - e. sub-rule 42(a) being brought into compliance with the requirements of the Act;
  - f. clarification with respect to Assistant Branch Secretary being a ‘position’ and not an ‘office’; and
  - g. clarification to ensure interaction between the Part CF1 and Part CF2 rules is maintained.
8. The proposed amendments have been prepared in consultation with the Fair Work Commission and the Fair Work Commission have ‘pre-approved’ the rule amendments.
9. The proposed amendments have been previously circulated in draft to the members of the Branch Executive.

**Resolution**

1. The Branch Executive resolves to delete sub-rule 3(q) and insert in lieu the following:

(q) *“Election Procedure Rules” means rules 42 to 72, inclusive, of these rules;*

2. The Branch Executive resolves to delete rule 28 and insert in lieu the following:

**28 - BRANCH ASSISTANT SECRETARY**

(a) *The Branch Assistant Secretary is to assist, as directed by the Branch Secretary and subject to this rule, the Branch Secretary in the performance of the Branch Secretary’s duties.*

(b) *The Branch Secretary may provide written delegation to the Branch Assistant Secretary to perform a function on behalf of the Branch Secretary.*

(c) *The Branch Assistant Secretary will perform such duties as directed by the Branch President.*

(d) *During any temporary absence of the Branch Secretary the Assistant Branch Secretary will perform such duties as directed by the Branch President.*

(e) *The Branch Assistant Secretary may, with the approval of the Branch Secretary authorise payment, from the Branch Fund, for monies expended in carrying out the business of the Branch, provided that the:*

(i) *monies to be expended are in respect of a budgeted item;*

(ii) *expenditure is within the expenditure limits for non-recurrent expenditure set by the Branch Executive; or*

(iii) *expenditure is for recurrent expenditure.*

(f) *The Branch Assistant Secretary will perform such other duties as required by:*

(i) *these rules;*

(ii) *the Branch Conference; and/or*

(iii) *the Branch Executive.*

3. The Branch Executive resolves to delete sub-rule 39(j) and insert in lieu the following:

(j) *The Branch Assistant Secretary, will be appointed by the Branch Executive from the Members, the Branch Secretary and the Branch Assistant Secretary.*

4. The Branch Executive resolves to delete rule 40 of the Part CF2 rules and insert in lieu the following:

**“40 - ELECTIONS OF OFFICERS, BRANCH SECRETARY AND EXECUTIVE MEMBERS**

(a) *Elections will be conducted in accordance with the Election Procedure Rules.*

(b) *For the purposes of this rule:*

- a. *“Biennial Elections” means elections, to be conducted under the Election Procedure rules, and to be held each two (2) years as required by this rule; and*
  - b. *“Quadrennial Elections” means elections, to be conducted under the Election Procedure rules, and to be held each four (4) years as required by this rule.*
- (c) *The term of office for the Branch President is four (4) years.*
- (d) *Despite sub-rule (c) the Branch President elected at the inaugural elections held under Part CF1 will hold that office until their successor is declared elected in an election held in 2015, following which a member elected as Branch President will hold office until their successor is elected at a subsequent Quadrennial Election.*
- (e) *The term of office for the:*
- a. *Northern Regional Representative;*
  - b. *North Coast Regional Representative;*
  - c. *South East Regional Representative; and*
  - d. *Metropolitan South Regional Representative,*

*is four (4) years.*

- (f) *Despite sub-rule (e) the following officers elected at the inaugural elections held under Part CF1:*
- a. *Northern Regional Representative;*
  - b. *North Coast Regional Representative;*
  - c. *South East Regional Representative; and*
  - d. *Metropolitan South Regional Representative,*

*will hold their respective office until their successor is declared elected in an election held in 2015, following which a member respectively elected as:*

- e. *Northern Regional Representative;*
- f. *North Coast Regional Representative;*
- g. *South East Regional Representative; and*
- h. *Metropolitan South Regional Representative,*

*will hold that respective office until a successor in that office is elected at a subsequent Quadrennial Election.*

- (g) *The term of office for the:*
- a. *Far Northern Regional Representative;*
  - b. *Central Regional Representative;*
  - c. *Southern Regional Representative;*
  - d. *Metropolitan North Regional Representative; and*
  - e. *Headquarters and Support Regional Representative,*

*is four (4) years.*

- (h) *Despite sub-rule (g) the following officers elected at the inaugural elections held under Part CF1:*
- a. *Far Northern Regional Representative;*
  - b. *Central Regional Representative;*

- c. *Southern Regional Representative;*
- d. *Metropolitan North Regional Representative; and*
- e. *Headquarters and Support Regional Representative,*

*will hold their respective office until their successor is declared elected in an election held in 2017, following which a member respectively elected as:*

- f. *Far Northern Regional Representative;*
- g. *Central Regional Representative;*
- h. *Southern Regional Representative;*
- i. *Metropolitan North Regional Representative; and*
- j. *Headquarters and Support Regional Representative,*

*will hold that respective office until their successor in that office is elected at a subsequent Quadrennial Election.*

(i) *The term of office for the:*

- a. *Branch Vice President;*
- b. *Branch Treasurer; and*
- c. *Branch Assistant Treasurer,*

*is two (2) years.*

(j) *Despite sub-rule (i) the following officers elected at the inaugural elections held under Part CF1:*

- a. *Branch Vice President;*
- b. *Branch Treasurer; and*
- c. *Branch Assistant Treasurer,*

*will hold their respective office until their successor is declared elected in an election held in 2015, following which a member respectively elected as:*

- d. *Branch Vice President;*
- e. *Branch Treasurer; and*
- f. *Branch Assistant Treasurer,*

*will hold that respective office until their successor in that office is elected at a subsequent Biennial Election.*

(k) *The term of the position of the Branch Secretary is four (4) years.*

(l) *Despite sub-rule (k) the Branch Secretary elected at the inaugural elections held under Part CF1 will hold their position until their successor is declared elected in an election held in 2016, following which the member elected as Branch Secretary will hold the position until their successor is elected at a subsequent Quadrennial Election.*

(m) *The term of office for the person elected as the Branch President also holding the office of Federal Council Delegate is four (4) years.*

(n) *Despite sub-rule (m) the person elected as Branch President holding the office of Federal Council Delegate following the inaugural elections held under Part CF1 will hold that office until their successor is declared elected in an election held in 2015 for the office of Branch President, following which the member elected as Branch President will also hold*

*office as a Federal Council Delegate until their successor is elected at a subsequent Quadrennial Election.*

(o) *The term of office of a:*

*a. Federal Council Delegate,*

*also holding an office of:*

*b. Branch Vice President;*

*c. Branch Treasurer;*

*d. Branch Assistant Treasurer; or*

*e. Branch Executive member,*

*is two (2) years.*

(p) *The following officers:*

*a. Branch Vice President;*

*b. Branch Treasurer;*

*c. Branch Assistant Treasurer; and*

*d. Branch Executive member,*

*if also ex officio a Federal Council Delegate, or elected as a Federal Council Delegate, will hold the office of Federal Council Delegate for the same period that they hold, as the case may be, their respective office of:*

*e. Branch Vice President;*

*f. Branch Treasurer;*

*g. Branch Assistant Treasurer; or*

*h. Branch Executive member,*

*until their successor is declared elected in an election held in 2015, following which a member respectively elected as:*

*i. Branch Vice President;*

*j. Branch Treasurer; and*

*k. Branch Assistant Treasurer; or*

*l. Branch Executive member,*

*will if holding the office of Federal Council Delegate, either ex officio or by election, hold that office until their successor in that office is elected at a subsequent Biennial Election.*

(q) *The persons elected to the offices provided for in this rule will, subject to this rule, continue to hold the office to which they are elected until they:*

*a. die;*

*b. resign;*

*c. are no longer entitled to nominate for the office; or*

*d. are otherwise removed from office in accordance with these rules.*

(r) *The persons elected or appointed to the positions provided for in this rule will, subject to this rule, continue to hold the position to which they are elected or appointed, as the case may be, until they:*

*a. die;*

*b. resign;*

- c. are no longer entitled to nominate for the position; or
- d. are otherwise removed from the position in accordance with these rules.

**40A - ELECTION OF BRANCH ASSISTANT SECRETARY**

- (a) The term of the position of the the Branch Assistant Secretary is four (4) years.
- (b) Despite sub-rule (a) the Branch Assistant Secretary elected at the inaugural elections held under Part CF1 will hold their position until their successor is appointed, by the Branch Executive, four (4) years following in 2018, following which the member appointed, by the Branch Executive, as Branch Assistant Secretary will hold that position until their successor is appointed at the conclusion of each four (4) year period.
- (c) For the purposes of sub-rule (b) the appointment of the Branch Assistant Secretary will occur at the next meeting of the Branch Executive following the conclusion of the Branch Assistant Secretary's term under sub-rule (b).

**40B - ELECTION OF CONFERENCE DELEGATES**

- (a) Elections will be conducted in accordance with the Election Procedure Rules.
- (b) For the purposes of this rule, "Annual Elections" means elections, to be conducted under the Election Procedure rules, and to be held each year as required by this rule.
- (c) The term of office for a Conference Delegate is the period of the Branch's financial year following the year of their election.
- (d) Conference Delegates will be first elected in elections held under these Part CF2 rules in 2015.
- (e) Conference Delegates elected under sub-rule (d) will take office on 1 January 2016, and will hold office until their respective successors are elected at a subsequent Annual Election and take office."

5. The Branch Executive resolves to delete sub-rule 42(a) of the Part CF2 rules and insert in lieu the following:

*"(a) Only Members, financial as at the date of the calling of nominations, may nominate for an election for any office in the Branch or a Sub-branch."*

6. The Branch Executive resolves to delete sub-rule 42(d) of the Part CF2 rules and insert in lieu the following:

*"(d) Persons eligible in accordance with **sub-rules 39 i) and j)** may nominate for the position of Branch Secretary or Branch Assistant Secretary and must have their nomination seconded by 3 Members."*

7. The Branch Executive resolves to delete paragraph 72(a)(i) of the Part CF2 rules and insert in lieu the following:

*(i) the "Meeting" is the first meeting of the Branch Executive next following the declaration of elections for the offices of Branch Regional Representatives in any year of election of Branch Regional Representatives under **rule 40**;*

8. The Branch Executive resolves to delete sub-rule 73(c) of the Part CF2 and insert in lieu the following:

*(c) Where a casual vacancy occurs, and the unexpired portion of the term of office or the position is more than twelve months, or three quarters of the term, whichever is the greater, the vacancy will be filled by direct or collegiate election, as the case may be and in accordance with the Election Procedure Rules, for such unexpired portion of the term.*

9. The Branch Executive resolves to insert a new sub-rule 73(f) immediately following sub-rule 73(e) in the following terms:

*(f) Where, between election of the delegates to Federal Council, there has been an increase in the membership of the Branch such that the Branch would be entitled to an additional delegate, then such additional offices are to be filled in accordance with **rule 41**.*

10. The Branch Executive resolves to amend the Part CF2 rules by inserting, immediately following rule 100, the following rule:

***“101 – TRANSITIONAL***

*(a) Part CF1 **rule 10** will not, to the extent of any inconsistency with these part CF2 rules, apply.*

*(b) Part CF1 **rule 14** will not, to the extent of any inconsistency with these part CF2 rules, apply.*

*(c) The Branch Council, despite the terms of Part CF1 **rule 15**, will not comprise of Branch Conference Delegates until Branch Conference Delegates are first elected and take office in accordance with these Part CF2 rules.”*

11. The Branch Executive directs the Branch Secretary to promptly take all steps necessary to have the amendments to the rules (in accordance with resolutions 1-10) certified by the Fair Work Commission.

12. The Branch Executive resolves that the Branch Secretary is authorised in seeking to alter the rules in accordance with resolutions 1–10, to make such changes to the alterations proposed by resolutions 1–10 as may be required by the Fair Work Commission to ensure that the rules (as altered) are lawful, typographically correct and consistent with the rules of the PFA, provided that the Branch Secretary may not make any change under this resolution that changes the substance and intent of the alterations proposed by resolutions 1-10.

13. The Branch Executive authorises the Branch President to sign a declaration pursuant to Regulation 126(2) of the *Fair Work (Registered Organisations) Regulations 2009* (Cth).