

DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*

ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act 2009*

I, Angela Louise Smith, of Level 3/53 Blackall Street Barton ACT, am the President of the Australian Federal Police Association Branch of the Police Federation of Australia and am authorised to give this notice of particulars of alterations to the rules of the Australian Federal Police Association Branch of the Police Federation of Australia and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the Australian Federal Police Association Branch of the Police Federation of Australia.
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.

Relevant Rules

3. The relevant Rules of the AFPA in connection with the alteration of those rules are Rule 76 ("Meetings of Branch National Council") and Rule 101 ("Making or Alteration of Association Rules"). I refer to these Rules without reproducing them in this declaration. Any reference hereafter to "the Rules" or a Rule is a reference to the Rules of the AFPA as at the date the alterations being made.

Action taken under the rules to make the subject alterations

4. On 18 September 2018, notice was provided to all members of the Branch National Council at the respective email addresses advised by each such member to the AFPA advising them of the time, date and location of the Branch National Council. Attached hereto and marked AS1 is a true copy of that Notice.
5. On 18 January 2019, notice was provided to all members of the Branch National Council at the respective email addresses advised by each such member to the AFPA further advising them of the time, date and location of the Branch National Council and requesting any Agenda Items be submitted by 15 February 2019. Attached hereto and marked AS2 is a true copy of that Notice.
6. The Branch Executive resolved on 21 February 2019 to recommend to the Branch National Council that it consider, during the course of the scheduled Branch National Council meeting to be conducted on 20 and 21 March 2019, alterations to the existing Rule book as contained in the approved National Council meeting agenda.
7. On 5 March 2019, a Notice dated 5 March 2019, was sent by AFPA General Manager, Vince Kelly, to all members of the Branch National Council at the respective email addresses advised by each such member to the AFPA.

8. This document gives notice of the approved Agenda for the Branch National Council including the proposed Rule alterations. Attached hereto and marked AS3 is a true copy of that Notice and its attachment.
9. The Attachment to that Notice is the notified National Council Agenda and is marked AS4. The relevant Agenda Items are 4(a), 4(b), 4(c),4(d), 4(e) and 4(f) respectively, (Pages 7 to 12).
10. The said National Council meeting took place at the Vibe Hotel, 1 Rogan Street, Canberra in the Australian Capital Territory on 20 and 21 March 2019. I was the Chair of the National Council meeting in my capacity as President of the Australian Federal Police Association Branch of the Police Federation of Australia.
11. The proposed alteration of the Rules of the AFPA were dealt with during proceedings of the National Council meeting on the afternoon of 21 March 2019.
12. Attached hereto and marked AS5 is a true copy of the draft minutes of said National Council meeting. In connection with these draft minutes I say as follows:
 - a. While those draft minutes cannot be signed as a true and correct by the President until they have been approved by the next meeting of the Branch National Council, I have read them and I believe they are true and correct;
 - b. The meeting was at all times quorate in accordance with Rule 76;
 - c. The text of the resolutions adopting the alterations to the Rules are correctly recorded in items 4(a), 4(b), 4(c),4(d), 4(e) and 4(f) respectively, (Pages 7 – 12 attached Minutes);
 - d. Voting on all resolutions, including the relevant resolutions, was taken by show of hands pursuant to Rule 76(5) and each resolution was declared carried unanimously in accordance with Rule 101 (1) which requires a simple majority.
13. In accordance with regulation 126(a) a copy of this notice will be published on the AFPA website by no later than Friday 5 April 2019.
14. A copy of the alterations will be provided to the Chief Executive Office of the Police Federation of Australia within 7 days of this application being lodged.
15. A copy of this notice will be provided to the Executive within 7 days of this notice being lodged.
16. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.



Angela Smith
President
5 April 2019

Angela Lowe

Subject: FW: Save the Date: AFPA National Council – Wednesday 20 and Thursday 21 March 2019

From: Angela Lowe

Sent: Tuesday, 18 September 2018 3:56 PM

To: AFPA Staff Members <staffmembers@afpa.org.au>; National Executive Team <NationalExecutiveTeam@afpa.org.au>; Janeg.thompson@afp.gov.au; Stephen.booth@afp.gov.au; Adrian.craft@afp.gov.au; David.fleming@afp.gov.au; Troy.gordon@afp.gov.au; Nathan.nallo@afp.gov.au; Bridget.o'sullivan@afp.gov.au; Robertc.young@afp.gov.au; John.hawkins@afp.gov.au; Martin.hess@afp.gov.au; Nathan.thompson@afp.gov.au; luke.houlihan@afp.gov.au; paul.gurn@afp.gov.au; mathew.tonge@afp.gov.au; kane.johnson@afp.gov.au; Matt.warren@afp.gov.au; lan.quirk@afp.gov.au; Michael.travers@afp.gov.au; Joshua.schwartz@afp.gov.au; jodie.green@afp.gov.au; gary.dean@afp.gov.au; James.taylor@afp.gov.au; Joshua.kinghorn@afp.gov.au; Robert.griffith@afp.gov.au; Ellanor.pavlovich@afp.gov.au; Clare.fitzpatrick@afp.gov.au; David.gale@afp.gov.au; Alexander.king@afp.gov.au; aaron.dezilva@afp.gov.au; luke.read@afp.gov.au; Pamela.damokas@afp.gov.au; Nicholas.bryce@afp.gov.au; Geoffrey.byron@afp.gov.au; Rodney.higgins@afp.gov.au; Rab.seip@afp.gov.au; timothy.murphy@afp.gov.au; Peter.slater@afp.gov.au; Tom.smith@afp.gov.au; David.clark@afp.gov.au; Scott.caulfield@afp.gov.au; Malcolm.westhead@afp.gov.au; Julian.laycock@afp.gov.au

Subject: Save the Date: AFPA National Council – Wednesday 20 and Thursday 21 March 2019

Save the Date: AFPA National Council – Wednesday 20 and Thursday 21 March 2019

Council delegates are advised that the 2019 AFPA National Council will be conducted on Wednesday 20 and Thursday 21 March 2019 at the Vibe Hotel, 1 Rogan Street Canberra ACT (Canberra Airport).

Interstate council delegates will be required to travel to Canberra on Tuesday 19 March 2019.

The council meeting shall be preceded by an informal networking evening on Tuesday 19 March 2019.

A request for Agenda Items will be made in accordance with Rule 77(10) in January 2019.

The required formal notification of the council dates and proposed agenda will be circulated in accordance with Rule 77(2) in February 2019.

The President is currently ensuring that delegates are able to access appropriate paid leave to attend the council meeting

For delegates who are required to travel from interstate locations you will be contacted shortly by AFPA administrative staff in relation to travel and accommodation arrangements. Please reply promptly to all requests.

Regards
Vince Kelly

Angela Lowe

Subject: FW: Notice for Agenda Items for 2019 National Council Meeting**From:** Angela Lowe**Sent:** Friday, 18 January 2019 3:37 PM

To: Janeg.thompson@afp.gov.au; Stephen.booth@afp.gov.au; Adrian.craft@afp.gov.au; David.fleming@afp.gov.au; Troy.gordon@afp.gov.au; o_sullivan_bridget@hotmail.com; Robertc.young@afp.gov.au; John.hawkins@afp.gov.au; Martin.hess@afp.gov.au; Nathan.thompson@afp.gov.au; Luke.houlihan@afp.gov.au; Paul.gurn@afp.gov.au; Mathew.tonge@afp.gov.au; Kane.johnson@afp.gov.au; Ian.quirk@afp.gov.au; Michael.travers@afp.gov.au; Joshua.schwartz@afp.gov.au; Jodie.green@afp.gov.au; Gary.dean@afp.gov.au; James.taylor@afp.gov.au; Joshua.kinghorn@afp.gov.au; Robert.griffith@afp.gov.au; Ellanor.pavlovich@afp.gov.au; Clare.fitzpatrick@afp.gov.au; David.gale@afp.gov.au; Alexander.king@afp.gov.au; Aaron.dezilva@afp.gov.au; Luke.read@afp.gov.au; Pamela.damokas@afp.gov.au; Nicholas.bryce@afp.gov.au; Geoffrey.byron@afp.gov.au; Rodney.higgins@afp.gov.au; Rab.seip@afp.gov.au; Timothy.murphy@afp.gov.au; Peter.slater@afp.gov.au; Tom.smith@afp.gov.au; David.clark@afp.gov.au; Scott.caulfield@afp.gov.au; Malcolm.westhead@afp.gov.au; Julian.laycock@afp.gov.au; Angela Smith <Angela.Smith@afpa.org.au>; Adrian Smith <Adrian.Smith@afpa.org.au>; Alex Caruana <Alex.Caruana@afpa.org.au>; James Cheshire <James.Cheshire@afpa.org.au>; John Hawkins <john.hawkins@afpa.org.au>; Scott Henderson <Scott.Henderson@afpa.org.au>; Vince Pannell <Vince.Pannell@afpa.org.au>; Kylie Young <Kylie.Young@afpa.org.au>

Cc: Angela Lowe <Angela.Lowe@afpa.org.au>; Vince Kelly <Vince.Kelly@afpa.org.au>

Subject: Notice for Agenda Items for 2019 National Council Meeting

Notice for Agenda Items for 2019 National Council Meeting

In accordance with Rule 77(1) of the AFPA Rules, Delegates to Branch National Council are invited to submit items for the Agenda of the National Council meeting, to be held on Wednesday 20 & Thursday 21 March 2019 at the Vibe Hotel Canberra Airport.

Proposed Agenda Items must be submitted in the form of a competent resolution with supporting documents, as required.

Proposed Agenda Items must be submitted by 15 February 2019.

Proposed Agenda Items may be forwarded electronically to afpa@afpa.org.au

If you require assistance with the preparation of proposed Agenda Items, and accompanying resolution or documentation, please contact Vince Kelly on 02 6285 1677 or vince.kelly@afpa.org.au

Kind regards
Angela

**ANGELA LOWE**

Business Support Officer

Australian Federal Police Association

P 02 6285 1677 E angela.lowe@afpa.org.au

A Level 3/53 Blackall Street, Barton ACT 2600

PO BOX 4576, Kingston ACT 2604

www.afpa.org.au

Vince Kelly

Subject: FW: AFPA National Council Agenda 2019
Attachments: National Council Meeting Agenda 20 & 21 March 2019.pdf

From: Vince Kelly

Sent: Tuesday, 5 March 2019 4:33 PM

To: Janeg.thompson@afp.gov.au; Stephen.booth@afp.gov.au; Adrian.craft@afp.gov.au; David.fleming@afp.gov.au; Troy.gordon@afp.gov.au; Nathan.nallo@afp.gov.au; Bridget.o'sullivan@afp.gov.au; Robertc.young@afp.gov.au; John.hawkins@afp.gov.au; Martin.hess@afp.gov.au; Nathan.thompson@afp.gov.au; Luke.houlihan@afp.gov.au; Paul.gurn@afp.gov.au; Mathew.tonge@afp.gov.au; Kane.johnson@afp.gov.au; Michael.travers@afp.gov.au; Joshua.schwartz@afp.gov.au; Jodie.green@afp.gov.au; Gary.dean@afp.gov.au; Robert.griffith@afp.gov.au; Ellanor.pavlovich@afp.gov.au; Clare.fitzpatrick@afp.gov.au; David.gale@afp.gov.au; Alexander.king@afp.gov.au; Aaron.dezilva@afp.gov.au; Luke.read@afp.gov.au; Pamela.damokas@afp.gov.au; Nicholas.bryce@afp.gov.au; Rodney.higgins@afp.gov.au; Rab.seip@afp.gov.au; Timothy.murphy@afp.gov.au; Peter.slater@afp.gov.au; Tom.smith@afp.gov.au; David.clark@afp.gov.au; Scott.caulfield@afp.gov.au; Angela Smith <Angela.Smith@afpa.org.au>; Adrian Smith <Adrian.Smith@afpa.org.au>; Alex Caruana <Alex.Caruana@afpa.org.au>; James Cheshire <James.Cheshire@afpa.org.au>; John Hawkins <john.hawkins@afpa.org.au>; Scott Henderson <Scott.Henderson@afpa.org.au>; Vince Pannell <Vince.Pannell@afpa.org.au>; Vince Kelly <Vince.Kelly@afpa.org.au>; Vicki Linabury <Vicki.Linabury@afpa.org.au>; Michael Chilcott <Michael.Chilcott@afpa.org.au>; Troy Roberts <Troy.Roberts@afpa.org.au>; Angela Lowe <Angela.Lowe@afpa.org.au>; Chris Chilcott <chris.chilcott@afpa.org.au>; Sam Delaney <Sam.Delaney@afpa.org.au>; Sharon Wright <Sharon.Wright@afpa.org.au>; Anish Prasad <Anish.Prasad@afpa.org.au>; Wendy Black <Wendy.Black@afpa.org.au>; Matthew Peterson <matthew.peterson@afpa.org.au>; Bob Muir <Bob.Muir@afpa.org.au>; Kendall Searle <kendall.searle@afpa.org.au>

Subject: AFPA National Council Agenda 2019

Dear National Council Delegates,

Please find attached the Agenda for the AFPA Biennial National Council to be conducted at the Vibe Hotel Canberra Airport on 20 and 21 March 2019.

The Order of Business is clearly set out on Pages 3 and 4 of the attached document.

As previously advised pre conference drinks will be held at the Vibe Hotel Canberra Airport (1 Rogan Street Canberra 2609) from 5.30pm on Tuesday 19 March.

Please note the following documents are being finalised and are not in the papers:

- Legal and Industrial Report
- Agenda Item One AFPA Election Manifesto and Strategy
- Agenda Item Two AFPA Member Wellbeing Strategy

These documents and the agenda will be available at Council meeting.

If you have any questions relating to the Agenda please email vince.kelly@afpa.org.au

Thanks

Vince



AFPA

Australian Federal
Police Association

**BIENNIAL NATIONAL COUNCIL MEETING 2019
AUSTRALIAN FEDERAL POLICE ASSOCIATION**

BRANCH OF THE POLICE FEDERATION OF AUSTRALIA

**Wednesday 20 & Thursday 21 March 2019
CBR 1 & 2, Vibe Hotel Canberra Airport**



AFPA

Australian Federal
Police Association

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- 2 AFPA Member Well Being Strategy
- 3 AFPA Legal Assistance Scheme
- 4 Proposed AFPA Branch Rule Amendments
 - 4A Amend Rule 81(6)
 - 4B Amend Rule 94(1)(c)
 - 4C Amend Rule 94(6)
 - 4D Zone Election Rule-New Rule 95(3A)
 - 4E Amend Rule 95(5)
 - 4F Amend Rule 98(A)
- 5 EA2021
- 6 Compensation and Rehabilitation Coverage - Australian Peace Keeping Police

AUSTRALIAN FEDERAL POLICE ASSOCIATION BIENNIAL NATIONAL COUNCIL MEETING 2019



AFPA
Australian Federal
Police Association

Order of Business
Wednesday 20 March 2019
CBR 1 & 2, Vibe Hotel Canberra Airport

Day 1

9.00-10.00am		Opening Session
MC - TBC		
Angela Smith, President, AFPA		
The Hon Clare O'Neil, Shadow Minister for Justice and Financial Service		
10.00-10.30am Morning Tea		
10.30-11.00am	Andrew Colvin, Australian Federal Police Commissioner	
11.00-11.30am	AFPA Election Manifesto and Strategy	
Stefanee Lovett, Managing Director, Capital Hill Advisory Kathryn Conroy, Manager Public Affairs, Capital Hill Advisory		
11.30-1.00pm	Member Well Being Panel Workshop	
Introduction	Angela Smith, AFPA President & Darren Black, National Chief Executive Officer, OzHelp	
Session Moderator	Cath McGrath, Director, Catherine McGrath Media	
Panel Member	Dr Katrina Sanders, Chief Medical Officer, Australian Federal Police	
Panel Member	Kate Carnell AO, Australian Small Business and Family Enterprise Ombudsman	
Panel Member	Prof Sandy McFarlane AO, Director, Centre for Traumatic Stress Studies University of Adelaide	
1.00-2.00pm Lunch		
2.00-2.30pm	Industrial Report	
Vicky Linabury, Legal & Industrial Manager, AFPA		
2.30-3.15pm	Agenda Items	
Angela Smith President, AFPA		

3.15-3.30pm Afternoon Tea		
3.30-4.30pm	Presentations	
Scott Williams, Chief Executive Officer, Police Health		
Tony Taylor, Chief Executive Officer, Police Bank		
Hanaan Indari, Deputy Managing Partner and David Tarrant, Partner, Carroll O'Dea Lawyers		
4.30pm at your Leisure		
7.00 for 7.15-10.30pm	Conference Dinner	Canberra Room, Vibe Hotel Canberra Airport

Order of Business
Thursday 21 March 2019
CBR 1 & 2, Vibe Hotel Canberra Airport

Day 2		
9:00-10.30am	EA 2021/ Industrial Session	
AFPA Survey Results	Peter Lewis, Director, Essential Media	
Session Moderator	Cath McGrath, Director, Catherine McGrath Media	
Panel Member	The Hon Brendan O'Connor, Shadow Minister for Employment and Workplace Relations	
Panel Member	Neil Gaughan, Deputy Commissioner, Australian Federal Police	
Panel Member	Scott Lee, Assistant Commissioner, Australian Federal Police	
Panel Member	Adrian Smith, Secretary/Treasurer, AFPA	
10.30 am-11.00am Morning Tea		
11.00-12.30pm	AFPA Agenda Items	
12.30-1.30pm Lunch		
1.30-2.30pm	Executive Elections	
Returning Officer Australian Electoral Commission		
2.30-3.30pm	Agenda Items Continued	
Angela Smith, President, AFPA		
3.30-4.00pm	Presentation to retiring NE Board Members for their Service on the Board	
Angela Smith, President, AFPA		
4.00pm	Meeting Concludes	

AUSTRALIAN FEDERAL POLICE ASSOCIATION BIENNIAL NATIONAL COUNCIL MEETING 2019

CBR 1 & 2, Vibe Hotel Canberra Airport

Wednesday 20 March 2019 & Thursday 21 March 2019



AFPA

Australian Federal
Police Association

Attendees

Chair: Angela Smith, National President, Australian Federal Police Association

AFPA National Council Delegates		
NAME	ROLE	OFFICE
Community Policing Zone		
Jane Thompson	Zone Convenor	ACT Policing - Traffic
Adrian Craft	Workplace Delegate	ACT Policing - Winchester
Troy Gordon	Workplace Delegate	ACT Policing - City
Bridget O'Sullivan	Workplace Delegate	ACT Policing - Traffic
Canberra Zone		
Vacant	Zone Convenor	Canberra – W&D
Martin Hess	Workplace Delegate	Bungendore - HQJOC
Luke Houlihan	Workplace Delegate	Canberra - Protection
Paul Gurn	Workplace Delegate	Crime Operations
Matthew Tonge	Workplace Delegate	Organised Crime and Cyber
Kane Johnson	Workplace Delegate	Canberra - Protection
Executive and International Zone		
Michael Travers	Workplace Delegate	Canberra – Recognition and Ceremonial
Forensics Zone		
Joshua Schwartz	Zone Convenor	Majura - Forensics
Jodie Green	Workplace Delegate	Majura - Forensics
Protective Services Officers Zone		
Gary Dean	Zone Convenor	Canberra
Specialist Response Group Zone		
Robert Griffith	Workplace Delegate	Canberra – SRG Majura
Intelligence Canberra Zone		
Ellanor Pavlovich	Zone Convenor	Canberra - Intel

AFPA National Council Delegates		
NAME	ROLE	OFFICE
NSW Zone		
Vacant	Zone Convenor	Sydney - CT
David Gale	Workplace Delegate	Sydney – Crime Ops
Alex King	Workplace Delegate	Sydney – Crime Ops
Aaron Nathan De Zilva	Workplace Delegate	Sydney
Luke Read	Workplace Delegate	Sydney - CT
VIC/TAS Zone		
Pamela Damokas	Zone Convenor	Melbourne - PSS
Nicholas Bryce	Workplace Delegate	Melbourne – Org. C&C
Rod Higgins	Workplace Delegate	Melbourne – Org. C&C
Rab Seip	Workplace Delegate	Melbourne – Support Cap.
Queensland Zone		
Tim Murphy	Zone Convenor	Brisbane – Crime Ops
Peter Slater	Workplace Delegate	Brisbane - Aviation
Tom Smith	Workplace Delegate	Brisbane – Crime Ops
South Australia Zone		
David Clark	Zone Convenor	Adelaide - Aviation
Western Australia Zone		
Scott Caulfield	Zone Convenor	Aviation
AFPA Executive		
Angela Smith	President	AFPA Office
Adrian Smith	Treasurer/Secretary	Brisbane – Crime Ops
Alex Caruana	National Executive Member	Majura – Forensics
John Hawkins	National Executive Member	Canberra - Tuggeranong
Scott Henderson	National Executive Member	Sydney – Crime Ops
Vince Pannell	National Executive Member	Canberra
Clare Fitzpatrick	National Executive Member	Sydney

Apologies

AFPA National Council Delegates		
NAME	ROLE	OFFICE
James Cheshire	National Executive Member	Melbourne – Crime Ops
Nathan Thompson	Workplace Delegate	Canberra – Protection
Julian Laycock	Zone Convenor	Darwin - Aviation
Nathan Nallo	Workplace Delegate	ACT Policing - Traffic
Matt Warren	Zone Convenor	Melbourne - CT
Ian Quirk	Workplace Delegate	International – SLO Belgrade
James Taylor	Workplace Delegate	Alice Springs – Pine Gap
Geoff Byron	Workplace Delegate	Melbourne - CT
Malcolm Westhead	Workplace Delegate	Perth - Protection
Stephen Booth	Workplace Delegate	ACT Policing - Traffic
David Fleming	Workplace Delegate	ACT Policing - Winchester

AFPA Staff

Vince Kelly APM	General Manager
Vicki Linabury	Manager Industrial & Legal
Michael Chilcott	Legal Consultant
Troy Roberts	Media & Government Relations Manager
Matthew Peterson	Industrial Lawyer
Sam Delaney	Industrial Officer
Chris Chilcott	Industrial Support Officer
Anish Prasad	Industrial Officer
Wendy Black	Industrial Officer
Sharon Wright	Industrial Officer
Angela Lowe	Business Support Officer
Bob Muir	Membership Services Officer
Kendall Searle	Receptionist

Interstate Police Association/Union Observers

Mark Turner	Executive Member, Northern Territory Police Association
Paddy Carson	Executive Member, Northern Territory Police Association
Michael Kent	Committee Member, Police Association of SA
Tony King	President, Police Association of New South Wales
Pat Gooley	Secretary, Police Association of New South Wales
Kevin Morton	Vice President, Police Association of New South Wales
George Tilbury	WAPU Director
Gavin White	Treasurer, Police Association of Tasmania
Jason Gentili	Regional WA Director Police Union
Col Muller	QLD Police Union Exec Member
Grant Wilcox	QLD Police Union Exec Member



AFPA

Australian Federal
Police Association

AUSTRALIAN FEDERAL POLICE ASSOCIATION RULES OF DEBATE

These rules have been approved by the Branch National Council in accordance with rule 106 of the AFPA branch rules and will continue to apply to meetings of the branch until such time as they are revoked or amended.

- (a) Every delegate who wishes to speak shall indicate to the Chair by a raised hand.
- (b) Agenda proceedings are at the discretion of the National President. All completed motion forms will be collected.
- (c) Any motion moved and seconded cannot be withdrawn without the consent of the mover and seconder.
- (d) When speaking to or against a motion, Delegates are restricted to a time frame of three (3) minutes only. The mover of the motion has the right of reply. No other Delegate shall speak more than once on the same motion.
- (e) There shall be no more than two (2) speakers for and two (2) speakers against for each motion.
- (f) If further debate is required, then the option to suspend standing orders may be considered by the Conference. If the debate is taking an inordinate amount of time the Chair shall call for a motion to resume the standing orders.
- (g) On a motion being moved and seconded, one amendment on the motion shall be entertained at one time. If the amendment is carried, it becomes the motion, after which one other amendment only may be moved, i.e. there will only be a maximum of (2) amendments to any motion. The mover of an amendment does not have a right of reply. An amendment will not be accepted that changes the general intent of the original motion.
- (h) When a point of order is raised, the Delegate who is speaking shall stop until the point is decided by the Chair. There will be no discussion on the point of order. The Chair's ruling is final. A point of order is only raised if:
 - (i) the speaker is not speaking to the motion;
 - (ii) the speaker is using abusive language;
 - (iii) the speaker is proposing a matter that is contrary to the Branch's rules; and
 - (iv) the speaker is breaking the Rules of Debate.

- (i) A division may be called for at the direction of the Chair. A person nominated by the Chair, shall count the votes and hand the result in writing to the Chair who shall declare the result of the voting. The Delegates names shall be recorded as to how they vote.
- (j) If the debate exceeds the time limit and the Chair has not intervened, any Delegate who has not exercised the right to speak on any motion under consideration may move “that the motion be now put”. If the motion to close the debate is seconded, the Chair may put this to the National Council which will decide by vote if the debate shall be closed and the original motion put.
- (k) The Chair shall confine each speaker to the subject under debate.
- (l) Microphones are to be always used by every speaker to ensure that all delegates can hear the debate.
- (m) Any delegate using objectionable language or behaviour in the Conference may be suspended from Conference by the Chair.
- (n) Any Delegate wishing to retire before the meeting is closed shall first ask leave from the Chair.
- (o) The Chair may consider an approach by any Delegate for dealing with any urgent matter.
- (p) The Chair shall have the power to order the removal from the National Council meeting of any person who has been suspended or is guilty of disorderly conduct, or who is not entitled to be present. Observers to the National Council meeting are not entitled to vote, take part in the debate or address National Council unless otherwise determined by the Chair.
- (q) The National President may speak on any matter. Whenever the National President chooses to speak during a debate, any Delegate then speaking or about to speak shall stop, so that the National President may be heard without interruption. Should, however, the National President wish to speak for or against any motion, the National President shall vacate the Chair.
- (r) The Officers of the branch and each Delegate shall have one vote a tied vote will be declared in the negative.
- (s) At National Council, a Delegate who desires to vote on any subject and who is unable to be present at any part of the National Council meeting for any reason having been granted leave by the National President may appoint in writing, any other Delegate as proxy. Such appointment shall be in writing and the Delegate providing such proxy shall have their signature witnessed by at least two (2) other Delegates.
- (t) Any question arising regarding proceedings for the National Council meeting or debate shall be determined by the Chair.
- (u) Late agenda items will not be accepted unless considered sufficiently important by the Chair or unless otherwise determined by the National Council. The Chair may refer late agenda items to the National Executive for assistance.

**AUSTRALIAN FEDERAL POLICE ASSOCIATION
BRANCH OF THE POLICE FEDERATION OF AUSTRALIA**

**NATIONAL COUNCIL MEETING 2017
NATIONAL CONVENTION CENTRE**

**TUESDAY 21 MARCH 2017
WEDNESDAY 22 MARCH 2017**

MINUTES

Attendees:

Angela Smith	National President (Chair) Australian Federal Police Association	
Graeme Cooper	Chief Executive Officer	Australian Federal Police Association
Adrian Smith	Vice President	Chief Operating Officer Portfolio
Alex Caruana	Vice President	Close Operations Portfolio
Richard Smeltink	Vice President	Executive & AFPA Associate Portfolio
Steven Harris	Vice President	ACT Operations Portfolio
Stephen Booth	Zone Coordinator	ACT Policing Zone
Adrian Craft	Workplace Delegate	ACT Policing Zone
Troy Gordon	Workplace Delegate	ACT Policing Zone
Jane Thompson	Workplace Delegate	ACT Policing Zone
John Hawkins	Zone Coordinator	Capacity Zone
Kate Mokrij	Workplace Delegate	Capacity Zone
Wade Smith	Workplace Delegate	Capacity Zone
Clare Fitzpatrick	Zone Coordinator	National Security Zone
David Clark	Workplace Delegate	National Security Zone
Gary Dean	Workplace Delegate	National Security Zone
Jocelyn Smith	Workplace Delegate	National Security Zone
Mark Smith	Workplace Delegate	National Security Zone
Nathan Thompson	Workplace Delegate	National Security Zone
Luke Read	Workplace Delegate	National Security Zone
Peter Saultry	Workplace Delegate	National Security Zone
James Cheshire	Zone Coordinator	Operations Zone
Rab Albertson	Workplace Delegate	Operations Zone
David Gale	Workplace Delegate	Operations Zone
Rod Higgins	Workplace Delegate	Operations Zone
Vince Pannell	Workplace Delegate	Operations Zone
Mathew Tonge	Workplace Delegate	Operations Zone
Theo Constantinou	Workplace Delegate	Operations Zone
Sue Smith	Workplace Delegate	Operations Zone
Andrew Marsh	Workplace Delegate	Operations Zone
Scott Henderson	Zone Coordinator	Capability Zone
Simon Canfield	Workplace Delegate	Capability Zone
Adam Stephens	Workplace Delegate	Capability Zone
Kylie Young	Workplace Delegate	Capability Zone
Robert Griffith	Workplace Delegate	Capability Zone
Ellanor Pavlovich	Workplace Delegate	Capability Zone
Joshua Kinghorn	Workplace Delegate	Capability Zone

Apologies:

Ian Bridle	Vice President	Operations Portfolio
Mark Jager	Vice President	National Security Portfolio
Graham White	Workplace Delegate	Operations Zone
Ken McDermott	Workplace Delegate	Operations Zone
Stuart Bonner	Workplace Delegate	ACT Policing Zone
Roger Watts	Workplace Delegate	ACT Policing Zone
Christopher Budd	Workplace Delegate	Operations Zone
Peter Slater (Proxy for Peter Slater given to Adrian Smith)	Workplace Delegate	National Security Zone
David Fleming (Proxy for David Fleming given to Graeme Cooper)	Workplace Delegate	ACT Policing Zone

In Attendance

Vince Kelly, APM	Special Projects Officer	Australian Federal Police Association
Jonathan Meyer	Administration Manager	Australian Federal Police Association
Emily Beltrame	Administration Assistant (Minutes)	Australian Federal Police Association
Melanie Atlee	Media & Communications Officer	Australian Federal Police Association
Vicki Linabury	Industrial Lawyer	Australian Federal Police Association
Chris Chilcott	Membership Services Officer	Australian Federal Police Association
Robert Muir	Membership Services Officer	Australian Federal Police Association
Sharon Wright	Industrial Officer	Australian Federal Police Association

Interstate Police Association/Union Observers

Mark Burgess	Chief Executive Officer	Police Federation of Australia
Owen Blackwell	Executive Member	Northern Territory Police Association
Wilson	Vice President	Northern Territory Police Association
Allan Cannon	Vice President	Police Association of South Australia
Michael Lamb	Executive Member	The Police Association Victoria
Eamon Leahy	Executive Member	The Police Association Victoria
Michael Kelly	Executive Member	Queensland Police Union
Bill Feldman	Executive Member	Queensland Police Union
Gerry O'Connor	Executive Member	New South Wales Police Association
Oliver Behrens	Executive Member	New South Wales Police Association
Peter Potthoff	Director	WA Police Union
Michael Gill	Director	WA Police Union

Presenters/Observers

Tony Taylor	Chief Executive Officer	PoliceBank
Michael Oertel	Chief Executive Officer	Police Health
Kevin Lawton	Deputy Chair	Police Health
Peter Punch	Partner	Carroll & O'Dea Lawyers
Shirley Hardy-Rix	Editor	Hardy-Rix Media
Max Haoui		BooMedia

The National Council Meeting opened at 9.10am

OPENING

An opening address was given by Angela Smith (National President). This was followed with opening remarks from:

- Michael Keenan, MP – Minister for Justice
- Clare O’Neil, MP – Shadow Minister for Justice
- Andrew Colvin, APM – AFP Commissioner

ATTENDANCE REGISTER

Apologies as listed above

PREVIOUS MINUTES

MOTION: The minutes of the Special National Council Meeting of 24 November 2016 be accepted as tabled.

MOVED: James Cheshire

SECONDED: Rab Albertson

RESULT: Carried Unanimously

RULES OF DEBATE

MOTION: The Biennial National Council, in accordance with Rule 112 of the Rules, endorses the Rules of Debate as tabled

MOVED: Alex Caruana

SECONDED: Stephen Booth

RESULT: Carried Unanimously

AGENDA ITEM 1 – AFPA PROPOSED BRANCH RULE CHANGES

MOTION 1a: This National Council, being charged with the responsibility under the Rules of the AFPA of altering the Rules pursuant to Rule 111 when it thinks fit to do so, and having considered the Reports of the National Executive and the Association’s advisors in connection with the proposed alterations to the AFPA Rules, hereby **resolves** as follows:

The entire text of the current rules of the AFPA, being Rules numbered 53 to 117 inclusive in Part D of the Rule Book of the Police Federation of Australia, be deleted and in their stead the rules numbered 53 to 108 inclusive as contained in Annexure B to the Notice of proposed alterations to Rules circulated to National Council members on 17 February 2017 (copy attached to papers for this meeting and identified as Tab 5.1 Attachment - B) be inserted.

MOVED: Graeme Cooper

SECONDED: Alex Caruana

RESULT: For – 36 | Against – 2 | Abstain – 1 | Motion Carried

MOTION 1b: The President and all the other National Executive members are directed to take all such steps required under Rule 111 of the Branch Rules and any such steps as are necessary to have the alterations to the Rules hereby adopted certified by FWC as soon as possible.

MOVED: Steven Harris
Saultry

SECONDED: Peter

RESULT: Carried Unanimously

PRESENTATIONS

Presentations were given to the National Council by:

- Mark Burgess – Chief Executive Officer, Police Federation of Australia
- Kevin Lawton – Deputy Chair, Police Health
- Tony Taylor – Chief Executive Officer, PoliceBank

These were followed up an update on the new AFPA branding and website by:

- Graeme Cooper – Chief Executive Officer, Australian Federal Police Association
- Max Haoui – BooMedia

AGENDA ITEM 2 – AFPA LEGAL ASSISTANCE SCHEME

MOTION 2: The Biennial National Council endorses the proposed Legal Assistance Scheme as tabled.

MOVED: James Cheshire

SECONDED: Vince Pannell

RESULT: Carried Unanimously

AGENDA ITEM 3 – ZONE STRUCTURE & RULES ADVISORY COMMITTEE

MOTION 3a: The Biennial National Council endorses the Zone Structure established by the National Executive on 23 February 2017 and note it will take effect from 25 March 2017

MOVED: Rab Albertson

Adrian Craft

SECONDED:

RESULT: Carried Unanimously

MOTION 3b: The Biennial National Council endorses the establishment of a Zone Structure and Rules Advisory Committee comprising:

- President (Chair)
- Three Executive Members; and
- Three National Council Delegates

MOVED: Adrian Craft

SECONDED:

John Hawkins

RESULT: Carried Unanimously

MOTION 3c: The Biennial National Council nominates the following representatives to the Zone Structure and Rules Advisory Committee:

1. Scott Henderson
2. Adrian Craft
3. John Hawkins

Reserves

4. Kylie Young
5. Ellanor Pavlovich

MOVED: Alex Caruana
Thompson

SECONDED: Jane

RESULT: Carried Unanimously

AGENDA ITEM 4 – ENTERPRISE AGREEMENT ADVISORY COMMITTEE

MOTION 4a: The Biennial National Council endorses the establishment of the Enterprise Advisory Committee as tabled

MOVED: Stephen Booth

SECONDED: Peter Saultry

RESULT: Carried Unanimously

MOTION 4b: The Biennial National Council endorses the establishment of an Enterprise Agreement Advisory Committee comprising:

- Vice President (Chair)
- Three Executive Members; and
- Three National Council Delegates

MOVED: Nathan Thompson

SECONDED: Wade Smith

RESULT: Carried Unanimously

MOTION 4c: The Biennial National Council nominates the following representatives to Enterprise Agreement Advisory Committee:

1. Ellanor Pavlovich
2. Scott Henderson
3. Simon Canfield

Reserves

4. Luke Read
5. Jocelyn Smith

MOVED: David Clark

SECONDED: Sue Smith

RESULT: Carried Unanimously

AGENDA ITEM 5 – FULL TIME OFFICE HOLDERS/EXECUTIVE STAFF REMUNERATION POLICY

The 2017 Biennial National Council note the following documents as tabled:

- AFPA Executive Officers & General Manager Remuneration Policy (Attachment A)
- Position Description – President (Attachment B)
- Position Description – Vice President (Attachment C)
- Position Description – General Manager (Attachment D)

MOVED: Kate Mokrij

SECONDED: Scott Henderson

RESULT: Carried Unanimously

AGENDA ITEM 6 – PROPOSED LEADERSHIP DEVELOPMENT PROGRAM

MOTION 6: The 2017 National Council endorses the proposed joint AFP-AFPA Leadership Development Review and authorises the Executive to pursue the implementation of this review in partnership with the AFP

MOVED: Vince Pannell

SECONDED: Jocelyn Smith

RESULT: Carried Unanimously

CLOSED

The National Council Meeting adjourned at 4.07pm

WEDNESDAY, 22nd MARCH 2017

The National Council Meeting resumed at 9.11am

ENTERPRISE AGREEMENT UPDATE & PLANNING

AN update was provided to the National Council by Graeme Cooper & Adrian Smith

FORUM ON ELIZABETH BRODERICK'S REPORT – CULTURAL CHANGE: GENDER DIVERSITY AND INCLUSION IN THE AFP

The forum panellists consisted of:

Ray Johnson – Assistant Commissioner, Reform Culture and Standards, Australian Federal Police

Vicki Linabury – Industrial Lawyer, Australian Federal Police Association

Michael Lamb – Executive Member, The Police Association Victoria

NATIONAL EXECUTIVE ELECTIONS

Conducted by Renee Damasena – Returning Officer, Australian Electoral Commission.

Nominations were received for the following positions

- National President: Angela Smith & Adrian Craft
- National Vice President: Graeme Cooper
- Secretary/Treasurer: Adrian Smith
- Executive Members: Scott Henderson, Kylie Young, James Cheshire, Steven Harris, Kate Mokrij, Vince Pannell, Adrian Smith & Alex Caruana.

Graeme Cooper was declared elected unopposed to the position of National Vice President by Ms Damasena.

Adrian Smith was declared elected unopposed to the position of Secretary/Treasurer by Ms Damasena.

Ballots were commenced for the positions of National President & Executive Members (6). Ballots will conclude on 12 April 2017 to allow for the lodgement of absentee postal ballots

CLOSED

The National Council Meeting closed at 2.47



AUSTRALIAN FEDERAL POLICE ASSOCIATION
Previous Minutes from 2017 Biennial National Council Resolution

RESOLUTION: The minutes of the National Council Meeting of 21 & 22 March 2017 be accepted as tabled

Moved:

Second:

Carried/Rejected

Business Arising from 2017 Biennial National Council



AFPA

Australian Federal
Police Association

**AUSTRALIAN FEDERAL POLICE ASSOCIATION
Legal & Industrial Report Resolution**

Document currently being finalised

RESOLUTION: The National Council note the Legal & Industrial report tabled.

Moved:

Second:

Carried/Rejected



AUSTRALIAN FEDERAL POLICE ASSOCIATION
Agenda Item 1
AFPA Election Manifesto and Strategy Resolution

Document currently being finalised

RESOLUTION: The National Council endorses the AFPA Election Manifesto and Strategy as tabled and presented.

Moved:

Seconded:

Carried/Rejected



AUSTRALIAN FEDERAL POLICE ASSOCIATION
Agenda Item 2
AFPA Member Well Being Strategy Resolution

Document currently being finalised

RESOLUTION: The National Council notes the AFPA Member well-being strategy and endorses the joint AFPA/OzHelp Policy Position as tabled and presented.

Moved:

Seconded:

Carried/Rejected



AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 3

AFPA Legal Assistance Scheme Amendments Discussion Paper

TO: AFPA National Council
FROM: Vince Kelly, General Manager
SUBJECT: AFPA Legal Assistance Scheme Amendments
DATE: 20 & 21 March 2019

BACKGROUND

AFPA Rule 105 states:

Rule 105 – LEGAL ASSISTANCE

- 1) *The Association may provide legal assistance to a member for any matter directly or indirectly connected with or having an impact or effect upon the performance of duty by the member in the AFP, or for any other matter affecting the member.*
- 2) *The National Council shall determine, and when necessary amend the scheme for the provision of legal assistance to members, and such scheme as it provides from time to time will be published by the Association on its website.*

On 21 March 2017 the National Council endorsed a Legal Assistance Scheme in accordance with this Rule, Attachment A refers.

AFPA Rule 80 (1) states:

Rule 80 - EXECUTIVE – COMPOSITION, POWERS AND DUTIES

- 1) *The Executive shall consist of the Executive Officers of the Association and shall be the committee of management of the Association for the purposes of the RO Act. Subject to these Rules and the decisions of the National Council and the members in general meeting or by plebiscite, the Executive shall have full power to conduct and manage the affairs of the Association.*

CURRENT SITUATION

The current Legal Assistance Scheme was approved by the 2017 National Council following significant rules changes approved on the same date.

The scheme introduced much needed rigor and guidance for the granting of legal assistance to members. A review of the practical administrative operations scheme was undertaken by the Manager Legal & Industrial, General Manager, and Legal Assistance Committee during the second half of 2018. Based on recommendations the National Executive implemented administrative changes to the scheme in September 2018 utilising its powers in accordance with Rule 80 of the AFPA Branch Rules. The National Executive further determined to refer the amendments to the National Council for endorsement.

The changes to the scheme are highlighted as per attachment B and proposes amendments to Clauses:

- Clause 1(5), 1 (7)
- Clause 3 (2)(a)
- Clause 4 (3), 4(4)
- Clause 6
- Clause 7 (3), 7(4)

As indicated the changes were administrative in nature and did not alter the intent or scope to support members. It should be noted that the proposed changes make the Manager Industrial & Legal responsible for the day to day management of the scheme and clarify the role of the General Manager on the committee. The Executive is entitled to utilise its powers under Clause 80 to make these administrative amendments. The amended scheme should be

RECOMMENDATIONS

1. The National Council endorse the amendments to the 2017 Legal Assistance Scheme as tabled.



AFPA
Australian Federal
Police Association

AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 3 Attachment A

AFPA Legal Assistance Scheme Revised Draft (Tracked Changes)

LEGAL ASSISTANCE SCHEME

Document Summary

Original Document Prepared By:

Special Projects Officer, Vince Kelly~~Vick Linabury, Legal and Industrial Manager~~

Document Authorised By:

AFPA 2017 National Council~~AFPA National Executive~~

Change Summary:

Version	Effective	Change Description	Updated By
001	3-21 March 2017		<u>Approved by AFPA National Council</u> Vick Linabury, Legal
<u>002</u>	xx August 2018	xxx Amendments to Clauses 2, 3, 5(1), 6 and 7	<u>Vick Linabury, Legal and Industrial</u> xxx

LEGAL ASSISTANCE SCHEME

1 – PREAMBLE

- 1) This Legal Assistance Scheme (the Scheme) is established in accordance with Rule 105 of the registered rules of the Australian Federal Police Association – a branch of the Police Federation of Australia (the Association).
 - (i) Rule 57(1)(k) of the AFPA states Legal Assistance shall mean the provision of legal advice and representation of a member by a legally qualified employee of the Association, at no cost to that member apart from their fees; and/or
 - (ii) the provision of funding for or toward the legal costs (including expenses and disbursements) of a member by one or more legal practitioners engaged to provide legal services to that member.
- 2) The Scheme is designed to:
 - (i) assist members who may encounter employment related problems requiring legal expenditure; and
 - (ii) to define the circumstances in which in-house legal and industrial services will be provided to a member.
- 3) The Scheme is not an insurance policy. It is intended to offer members financial assistance for legal fees or associated legal expenses or costs that arise from their employment relationship with the Australian Federal Police.
- 4) The Association is conscious of its obligation to both individual members and the police profession and will always apply members' funds in a manner which is consistent with its moral and fiduciary obligations to the membership.
- 5) The Association will not support members who are charged with criminal offences or who are alleged to have engaged in serious misconduct unless exceptional circumstances exist as per sub-clause 4(1)(a) of the Scheme.
- 6) The overall responsibility for administration of the Scheme rests with the Executive of the Association.
- 7) The day to day management of the Scheme is the responsibility of the ~~Association General Manager in consultation with the~~ Manager –Legal and Industrial in consultation with the Executive Legal Assistance Committee Chair.
- 8) Authority for the granting of legal assistance is delegated to the Executive Legal Assistance Committee, subject to the principles and requirements set out in this policy.

2 – ELIGIBILITY OF APPLICANT

- 1) To be eligible for legal representation financed by the Scheme or legal services provided by Association staff an applicant shall be:
 - a) A financial ordinary member of the Association.
 - b) A non-financial member who is using a period of approved leave without pay from the AFP and was at the time that leave commenced, a financial member of the AFPA.
 - c) A former member who, at the time of the act or omission that is alleged, was a financial member of the Association.
 - d) The spouse, partner or dependent of a deceased member in relation to a claim or an issue concerning the deceased member, who, at the time of the death of the deceased member was a financial ordinary member of the Association, in respect of an issue that arose from the deceased member's employment relationship with the AFP.
 - e) The estate of a former member in circumstances where a claim for, or against, the estate arises out of the death of the member while in the course of his/her employment.
- 2) A member of the Executive, an elected delegate or an employee or servant of the Association, who becomes a party to any legal proceedings as a result of pursuing the aims and objectives of the Association.

3 – TYPES OF MATTERS COVERED

- 1) Legal Assistance may be granted to a member under this scheme in relation to matters directly arising from the member's employment, (except as outlined in Clause 13).
- 2) Legal Assistance granted under this scheme shall be for the following purposes or to provide legal services:
 - a) in a criminal matter, (if exceptional circumstances exist as per sub-clause 4(1)(a) of the Scheme -and approved in accordance with Clause 6 and 7 of this Scheme);
 - b) in seeking legal advice concerning the merits of any proposed or potential legal or administrative proceedings relating to a matter arising under *Australian Federal Police Act 1979*;
 - c) to seek an advice or an opinion, which becomes and will remain the property of the Association, providing that the matter:
 - (i) is of significant importance to the Association;
 - (ii) is of general interest to the broader membership; and

- (iii) has the potential to significantly affect the way the Australian Federal Police performs or conducts business.
- d) for a coronial inquest or inquiry;
- e) to respond to a notice issued under the *Australian Federal Police Act 1979* regarding employment issues;
- f) to pursue a review of or to appeal to a relevant tribunal, commission or body against a decision of the Commissioner to remove, demote, terminate, transfer or take any other employment action under the *Australian Federal Police Act 1979* or other legislation;
- g) to pursue a matter before any body or board that has jurisdiction over discrimination or harassment laws;
- h) to pursue a matter before the Commonwealth's Administrative Appeals Tribunal or equivalent State or Territory body;
- i) for representation during any enquiry by a Federal, State or Territory Ombudsman, Tribunal or Commission;
- j) for any matter where the Executive believes assistance should be provided in the interests of the membership and in accordance with the Objects of the Association's Rules; and
- k) for any matter arising in a jurisdiction outside Australia which arose during a member's deployment to that place.

4 – CIRCUMSTANCES FOR GRANTING LEGAL ASSISTANCE

- 1) General:
 - a) Legal Assistance shall only be provided where:
 - (i) The act or the omission that gives rise to the need for legal assistance was done, made or undertaken by the applicant lawfully or in good faith in the course of or in the discharge of the applicant's duties;
 - (ii) To make it clear a matter referred to above includes any act or omission so defined where the member is not undertaking a rostered shift of duty but is nevertheless acting in his or her official capacity as an employee of the Australian Federal Police;
 - (iii) Undertaking activities on behalf of the Association;
 - (iv) No aid or assistance was approved or granted to the Applicant by the Australian Federal Police or the Crown;
 - (v) Assistance is provided by the AFP and the Legal Assistance Committee considers that such aid or assistance is inadequate in the circumstances; and
 - (vi) The applicant agrees to be bound by the Clauses of this Scheme.
 - b) An application may be rejected if it is determined that:

- (i) Assistance is not in the general interest of the membership;
 - (ii) The potential cost of the assistance is disproportionate to the member's desired outcome; or
 - (iii) The Association seeks independent legal advice, including the advice of a legally qualified Association employee, about the merits of the matter which advises that the matter is without reasonable prospects of success.
- 2) General Limitations on Assistance:
- a) Generally, the Association will not fund:
 - (i) Civil proceedings; or
 - (ii) Pleas of guilty.
- 3) Workers Compensation Matters: ~~(not including appeals from the Administrative Appeals Tribunal)~~
- a) The Association shall, where possible and at the request of the member, assist a member through the Association's employed legal officers in relation to a worker's compensation claim. The Association's employed legal officers will provide advice and guidance on:
 - (i) Lodging a worker's compensation claim;
 - (ii) Lodging a reconsideration;
 - (iii) The return to work process; and
 - (iv) Rehabilitation.
 - b) The Association will not fund appeals of decisions regarding workers compensation in the Administrative Appeals Tribunal.
 - b)c) However, ~~W~~where a member requests financial assistance in matters relating to the member's worker's compensation claim, such assistance may be given where the member demonstrates actual financial hardship and is limited to funding expenses related to obtaining medical and other specialist reports sought by the member's legal representative in relation to the claim for worker's compensation through the decision-making processes and before the Administrative Appeals Tribunal.
- 4) Other Assistance:
- Where a member is charged with a criminal offence or is the respondent in legal proceedings (excluding those ~~not otherwise~~ defined in Clause 3 above), and the member can display to the satisfaction of the Legal Assistance Committee or Executive that, because the proceedings to which the member is a respondent have arisen either wholly or in part because of the member's employment under the *Australian Federal Police Act 1979* and the member can display financial hardship, the Executive may approve an interest free loan of up to \$10 000 to cover legal costs incurred in defence of those proceedings. This is provided after the member completes an agreement in writing to repay the loan on terms agreed to by both the Association and the member concerned in accordance with Rule 99 of the Registered Rules of the Association.

5 – APPOINTMENT OF LEGAL ASSISTANCE COMMITTEE

- 1) The Legal Assistance Committee shall consist of the following:
 - a) The Vice President (Chairperson);
 - b) Two members of the Executive appointed by the Executive; ~~and~~
 - c) The Secretary/Treasurer shall be a reserve member of the Committee; and
 - €d) The General Manager who shall be a non-voting ex officio member of the committee to provide guidance as required on the AFPA Financial position and approved budget.
- 2) The Legal Assistance Committee will be appointed at the first Executive meeting following the declaration of the Executive ballot conducted at the Association's Biennial National Council meeting.
- 3) The Legal Assistance Committee will hold office until the declaration of the subsequent ballot conducted at the Association's Biennial National Council meeting and the appointment of the new legal committee.
- 4) The Executive may fill any casual vacancy on the committee by the direct appointment of another Executive member.
- 5) If the Vice President is unavailable at any time the Secretary/Treasurer shall chair the committee.

6 – APPLICATION PROCESS

- 1) Applications for Legal Assistance must be in writing to the Association General Manager and include relevant supporting documentation such as but not limited to:
 - a) any documents, including letters, notices or reports that relate to the matter for which legal assistance is sought; and
 - b) briefs of evidence for criminal matters or any other relevant information.
- 2) An application under this Clause can be made electronically.
- 3) On receipt of an application the General Manager will refer the application to the AFPA's Manager - Legal and Industrial or, in the event of the unavailability of that employee due to a conflict or other reason, another suitably legally qualified employee, or an external legal practitioner.
- 4) The General Manager may approve expenditure of up to \$5000 in the event a matter is referred to an external legal practitioner for preparing information required under Clause 6 of the Scheme.
- 5) If an AFPA employee preparing a report for the Legal Assistance Committee believes it is necessary to engage an external legal practitioner to assist in the completion of such a report the General Manager may approve up to \$5000 for that purpose.
- ~~6/4)~~ A report shall be prepared for the consideration of the committee by the nominated person and

may include the following matters where relevant:

- a) Eligibility of the applicant in accordance with Clause 2;
- b) If the circumstances of the application meet the requirements of Clause 3;
- c) The nature of the claim;
- d) The complexity of the law and the facts involved;
- e) The value of the claim;
- f) The overall merits of the claim;
- g) The estimated cost of providing advice and/or assistance;
- h) The likely costs which may be awarded if a matter is unsuccessful;
- i) Any industrial relations, education or Association significance of the claim;
- j) Any relevant aspects of the Association's internal policies;
- k) The personal consequences of an adverse result on the applicant Member, e.g. financial hardship or loss of employment;
- l) Whether an application for representation by the Crown has been made by the member in the first instance; and
- m) Whether assistance is in the general interest of the membership.

7 – RESPONSIBILITIES OF THE LEGAL ASSISTANCE COMMITTEE

- 1) The appointed Legal Assistance Committee shall, on receiving the report prepared in accordance with Clause 6.6, determine whether to provide funding for the legal assistance sought and determine such conditions and restrictions that attach to that legal assistance as provided for at Clause 7.4. Such conditions and restrictions may include member contributions to costs, maximum amount, and the engagement of Association preferred legal counsel.
- 2) The Legal Assistance Committee may, in considering its decision, obtain any other information which it believes is relevant from any other source and may from time to time defer its decision until it has properly considered such information. Any costs incurred through such enquiry will be borne by the Association.
- 3) The Legal Assistance Committee should take into account but is not bound by precedent.
- 4) The Legal Assistance Committee shall, through the ~~Association General~~ Manager Legal and Industrial, advise the applicant of its decision in writing to:
 - a) Grant legal assistance, including any conditions the Committee decides are appropriate; or
 - b) Reject the application.
- 5) The Legal Assistance Committee may grant assistance to an ordinary financial member who, at the time of the act or omission that is alleged, was a non-member of the Association dependent on the

current and previous personal circumstances of the member and the likely costs of any assistance provided. The Legal Assistance Committee may require the advance payment of a service fee. The minimum fee, if imposed, shall be the equivalent of three months subscription fees for that member. A higher fee may be imposed by the Legal Assistance Committee

- 6) The Association is liable only for funding that is expressly approved by the Legal Assistance Committee.
- 7) An applicant or the applicant's legal representative is to immediately notify the Association General Manager of any changes in circumstance which may affect the legal liability of the Association.
- 8) Where approval for funding is granted, an agreement will be signed by the General Manager and the applicant specifying the terms and conditions stipulated under Clause 7.4 of the Scheme.
- 9) The Legal Assistance Committee must approve any alterations to the purpose of the original funding and the original contract is to be amended and signed by the respective parties.
- 10) The Legal Assistance Committee shall report on all decisions to each Executive meeting.
- 11) A contract entered between the General Manager and the applicant shall bind the applicant in terms of costs in any court proceedings as set out under Clause 10 of the Scheme.

8 – REQUEST BY APPLICANT FOR REVIEW OF DECISION

- 1) The applicant may seek a review of the decision of the Committee by application to a Review Committee, which is made up of the balance of the Executive who were not part of the Legal Assistance Committee who made the original decision under review. Such an application must be made to the General Manager within 14 days of receiving notice of the decision in writing.
- 2) An application under Clause 8.1 may be submitted electronically to the Association General Manager.
- 3) The Review Committee shall, upon receiving an application for review pursuant to Clause 8.1, conduct a review of the decision of the Legal Assistance Committee, and provide the applicant with an opportunity to submit written submissions supporting the application.
- 4) The Committee may also, at its absolute discretion, allow the applicant to be heard 'in private and question the applicant on the matter before making its decision.
- 5) The Review Committee shall then, through the Association General Manager, in writing advise the applicant of its decision to:
 - a) Provide assistance to the member in the terms sought in the application; or
 - b) Reject the application for assistance on the terms sought in the application but grant assistance on alternative terms that the Review Committee sees fit; or
 - c) Reject the application for assistance.

- 6) If an applicant receives new material or information relevant to a rejected application, the applicant may make a fresh application under Clause 6.

9 – APPEAL BY APPLICANT UPON RECEIPT OF NEW MATERIAL OR INFORMATION

- 1) The decision of the Review Committee in respect of legal assistance is final.

10 – COSTS, AWARD OF DAMAGES & DISBURSEMENTS

- 1) If the grant of legal assistance includes a condition requiring the periodic payment of disbursements, and such disbursements are recoverable on completion of the applicant's action, such disbursements, when paid, are to be repaid to the Association.
- 2) An applicant who receives an award for costs, damages or any other reason following the grant of legal assistance, shall be liable to refund to the Association any monies paid on the applicant's behalf, arising from that matter, to the limit of the award received.
- 3) While a member may instruct a lawyer, the Association is to be advised by the applicant of any adjournment sought by a party and the reasons for such adjournment. Failure by the applicant to do this may result in funding being withdrawn.

11 – SETTLEMENT OF CLAIMS

In any action, the Executive, upon receiving legal advice, may direct an applicant to settle their claim on terms advised by their solicitor. If an applicant rejects such a direction and elects to proceed with their action, the Legal Assistance Committee may withdraw any further funding. The applicant shall then be liable to the Association for all assistance to the date of the Executive's direction and such assistance shall be recoverable as a debt from the applicant.

12 – PRESIDENT'S AUTHORITY TO GRANT ASSISTANCE

- 1) Notwithstanding anything to the contrary contained elsewhere within the Legal
- 2) Assistance Scheme, the President, or in the absence of the President, the Vice President, may upon a verbal or written application by any eligible person for legal assistance to be financed by the Association under this Legal Assistance Scheme, grant and arrange for such legal assistance up to an amount not exceeding \$2000 without having to seek approval from the Legal Assistance Committee.

- 3) Without limiting the general application of Clause 12.1, assistance under that Clause shall be granted to a member seeking assistance with a response to an employment related matter or preliminary legal advice relating to a criminal matter to which the Legal Assistance Scheme applies, where the relevant authorised office bearer believes such assistance is necessary or desirable.
- 4) Subject to Clause 12.4, any further funding of legal assistance over and above that amount must be approved by the Legal Assistance Committee in accordance with the provisions set out above.
- 5) Where legal assistance over the amount provided for in Clause 12.1 is required in an emergency and it is not possible for the eligible person to make a formal application in time, the President or Vice President may authorise further legal assistance until the Legal Assistance Committee has properly considered the matter. The eligible person shall give an undertaking to provide a written request for legal assistance as soon as practicable in accordance with this Scheme.
- 6) The Association shall be able to recover legal assistance granted under this Clause from the applicant where:
 - a) The eligible person has not made a written application for assistance as required at Clause 12.4 and 12.7
 - b) The application for legal assistance is refused by the Legal Assistance Committee after due consideration of the matter in accordance with the formal application provisions set out above; or
 - c) The conditions set out at Clause 12.6 are not adhered to by the applicant.
- 7) Legal assistance under this Clause shall only be granted on condition that the legal assistance sought is obtained through a legal practitioner nominated by the President (or the Vice President in the absence of the President). Approval for further emergency assistance is limited to what is necessary in all the circumstances until the applicant has been afforded a reasonable opportunity to make an application for legal assistance in the manner ordinarily required under the Legal Assistance Scheme.
- 8) A verbal application made under this Clause will be reduced to writing as soon as practicable.
- 9) An application under this Clause may be made electronically.
- 10) The President or the Vice President shall report to the Executive all assistance approved under this Clause and any applications which have been denied.

13 – INITIAL ADVICE – CRIMINAL ALLEGATION

- 1) Where a financial member is the subject of a criminal allegation the President, an employee acting at the direction of the President or in the absence of the President, the Vice President or Secretary/Treasurer, may authorise initial legal representation for that member. Such advice is to be restricted to initial advice, attendance at any investigatory procedure, a bail application and, if required, a first mention in the court of summary jurisdiction.
- 2) Further applications and approvals will then be required in accordance with the Legal Assistance Scheme.

Agenda Item 3 – AFPA Legal Assistance Scheme Resolution

The National Council, in accordance with Rule 105 of the AFPA Branch Rules, adopts the amended Legal Assistance Scheme as tabled.

Moved:

Seconded:

Carried/Rejected

AUSTRALIAN FEDERAL POLICE ASSOCIATION



Agenda Item 4

AFPA Branch Rule Amendments Discussion Paper

TO: National Council
FROM: General Manager
SUBJECT: AFPA Branch Rule Amendments
DATE: 20 & 21 March 2019

BACKGROUND

The 2017 National Council endorsed the establishment of a Zone Structure and Rules Advisory Committee, which was to include NC Delegates and Executive members under the leadership of the President.

The Executive subsequently established a committee comprising:

Executive Representatives

- Angela Smith (Chair)
- Graeme Cooper (Vice Chair)
- Kylie Young
- Scott Henderson

NC Representatives

- Ellanor Pavlovich
- Adrian Kraft
- John Hawkins

Due to a number of changes to the Executive and competing priorities the committee did not convene, however, then Vice President, Graeme Cooper, AFPA General Manager, Vince Kelly, and AFPA Legal Counsel, Michael Chilcott, were tasked with undertaking a consideration of the zone structure and reviewing the AFPA rules.

It should be noted that a comprehensive rule review was undertaken in 2016 under the guidance of Mr Peter Punch, Senior Counsel, Carroll & O'Dea lawyers. Subsequently, significant rules changes were made in November 2016 by a special National Council meeting followed by the adoption of a complete revised set of rules by the National Council in March 2017. These proposed rules were registered by the Fairwork Commission in May 2017.

CURRENT SITUATION

In relation to the zone structure based on the advice of the then Vice President no alteration to the zone structure was recommended.

Since the revised rules have been adopted some minor administrative changes were identified that would reflect current governance practice within the AFPA. Further the Australia Electoral Commission identified a number of rules that required some minor adjustment to improve the efficiency and clarity of our rules in relation to both Executive and zone elections.

Proposed rules changes were drafted with the assistance of Peter Punch.

The scope of these rule changes and rational for each change is reflected within the 2019 National Council Agenda.

RECOMMENDATIONS

The National Council adopt Agenda Items 4A to 4F as tabled in the 2019 National Council Agenda note the results of the AFPA survey and endorse the broad EA Strategy as tabled and presented to the 2019 National Council.



AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 4 - Attachment A Draft marked up AFPA Branch Rules

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AUSTRALIAN FEDERAL POLICE ASSOCIATION BRANCH RULES

Document Summary

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Document Prepared By:

AFPA Rules from Fair Work Commission website

Document Authorised By:

AFPA National Executive

Change Summary:

Version	Effective	Updated By	Approved
001	8 February 2018	Angela Lowe	



AFPA
Australian Federal
Police Association

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AUSTRALIAN FEDERAL POLICE ASSOCIATION BRANCH RULES

CHAPTER 1 – FOUNDATIONAL AND PRELIMINARY MATTERS

Rule 53 – ESTABLISHMENT AND NAME

- 1) There shall be and is a branch of the Police Federation of Australia by the name “Australian Federal Police Association”.
- 2) These Rules are the Rules of the branch referred to in Sub-Rule (1) of this Rule.
- 3) The branch referred to in this Rule is referred to as “the Association” but that expression does not affect the fact that it is a branch of the Federation.
- 4) The Rules of the Association as in force prior to the date of certification of this Rule (“the certification date”) shall cease to apply from the certification date except insofar as they conferred rights or imposed obligations on members or other persons or entities prior to the certification date.

Rule 54 – LOCATION OF OFFICE

The office of the Association shall be located in the Australian Capital Territory, at such place or places as the Executive shall from time to time determine.

Rule 55 – OBJECTS

The objects of the Association shall be:

- 1) To uphold the rights and to foster, protect and improve the rights and interests of members industrially and otherwise;
- 2) To obtain and secure for its members, the best possible conditions and proper and sufficient remuneration, and to guard them against any hardship, oppression or injustice in connection with their employment;
- 3) To take all necessary steps for the protection and safety of the members in the course of their occupation;
- 4) To take the necessary steps and actions under any industrial or other legislation, or otherwise, for the purpose of securing satisfactory industrial conditions in respect of the remuneration of labour, the hours of labour, the age of employees and other conditions in or about a member’s employment;
- 5) To promote industrial peace by all amicable means, such as conciliation, arbitration, or by the establishment of permanent boards, or to assist in the settlement of disputes or grievances by just and equitable methods;
- 6) To foster co-operation and harmonious relations between its members and affiliates throughout Australia;

- 7) To form a Benevolent and Welfare Fund for the promotion of welfare and benevolent assistance for members;
- 8) To establish and maintain such publications as may be in the interest of the Association and/or its members;
- 9) To promote the interests and effective delivery of Federal and Australian Capital Territory Law Enforcement;
- 10) To protect our members from any malicious, capricious or malevolent behaviour directed against them within the context of their professional role;
- 11) To provide professional general association services to association members;
- 12) To provide legal and other assistance to financial members whenever and wherever considered necessary;
- 13) To raise funds by fees, contributions, levies and other forms of income and investment for the purposes of advancing the best interests of the members;
- 14) To assist members financially or by other lawful means and/or to co-operate with any other organisation or association;
- 15) To purchase, take on lease, hold, sell, lease, mortgage, exchange and otherwise own, possess and deal with any real or personal property and in particular any land, buildings or easements for any purposes connected with the conduct of the Association;
- 16) To borrow or raise or secure the payment of money in such a manner as the Association may think fit, to secure the same, or the repayment or performance of any debt liability, contract, guarantee or other engagement incurred, or to be entered into by the Association in any way and to redeem or pay off such securities;
- 17) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account, or otherwise deal with all or any part of the property and rights of the Association;
- 18) To do all such things as the Association may from time to time deem incidental or conducive to the attainment of the above objects or any of them but at all times recognising that the Association may be constrained to pursue only some of these objects to the exclusion of others from time to time or pursue some objects with differing priorities.

Rule 56 – STRUCTURE

- 1) The Association consists of the members of it from time to time.
- 2) Each member shall be a member of a Zone.

- 3) Subject to the members convened in general meeting, the supreme governing body of the Association in respect of matters specifically assigned to it by these Rules shall be the National Council;
- 4) The Committee of Management of the Association is the Executive, which shall have the responsibility of managing and controlling the affairs of the Association subject to the direction of members in general meeting or by plebiscite, or direction by the National Council on matters within its authority.

Rule 57 – DEFINITIONS AND INTERPRETATION

- 1) In these Rules, the following words or expressions shall have the following meaning, unless the contrary intention appears.
 - a) “AFP” shall mean the Australian Federal Police;
 - b) “Association” or “the Association” means the Australian Federal Police Association, a branch of the Federation;
 - c) “Association Executive Officers” shall mean the officers of the Association identified in Rule 72(1);
 - d) “Branch” or “the Branch” means the Association;
 - e) “Casual vacancy” shall mean a vacancy occurring in an office after it has been filled and before the expiry of the term of that office;
 - f) “Convenor” means the Convenor of a Zone (formerly titled “Zone Co-Ordinator”);
 - g) “Executive” shall mean the Executive Committee of the Association constituted under these Rules;
 - h) “Federation” or “the Federation” means the Police Federation of Australia;
 - i) “Federation Rules” means the registered Rules of the Federation as they provide from time to time;
 - j) “Financial Reports” means the Auditor’s Report, General Purpose Financial Report and Operating Report in respect of any financial year of the Association;
 - k) “FWC” means the Fair Work Commission by that name or any other name, or any successor thereto;
 - l) “Legal assistance” shall mean:
 - (i) the provision of legal advice and representation of a member by a legally qualified employee of the Association, at no cost to that member apart from their fees; and/or

- (ii) the provision of funding for or toward the legal costs (including expenses and disbursements) of a member by one or more legal practitioners engaged to provide legal services to that member.
 - m) “Members’ matter” shall mean any matter falling within the responsibility of the National Council other than the election or appointment of Association Executive Officers or Workplace Delegates, the removal of any Association Officer or Workplace Delegate from office and the alteration of the Rules of the Association;
 - n) “National Council” means the National Council of the Association;
 - o) “Office” shall bear the meaning assigned to it by the RO Act;
 - p) “Officer” shall mean the holder of an office, with the exception of a Returning Officer;
 - q) “Person” shall mean a natural person, a partnership or a corporation, as the case may require;
 - r) “Returning Officer” means the person holding or exercising the duties of the position referred to in Rule 94(6) or, where applicable, a member of the staff of the Australian Electoral Commission;
 - s) “Special Resolution” shall mean a resolution supported by not less than seventy-five percent (75%) of the persons entitled to vote on that resolution;
 - t) “the Rules” or “these Rules” shall mean the registered Rules of the Association as they provide from time to time;
 - u) “RO Act” or “the RO Act” shall mean the Fair Work (Registered Organisations) Act 2009 (Cth);
 - v) “Workplace Delegate” means a workplace delegate for a Zone;
 - w) “Zone” means a zone of the Association constituted by the Executive pursuant to Rule 85.
- 2) In these Rules, unless the contrary intention appears:
- a) The singular shall include the plural, and vice versa;
 - b) A reference to one gender shall include a reference to all other genders;
 - c) Headings are for convenience and do not affect meaning;
 - d) A reference to a communication “in writing” or “written” includes email or any other written form of electronic communication;
 - e) Any schedule to these Rules shall form part of these Rules;
 - f) The word “shall” is a word meaning mandatory requirement;

- g) A reference to a statute shall include any amendments to that statute and any statutory instruments made pursuant to that statute, and shall also include any successors to such statute, whether in whole or in part.
- 3) A reference in the Federation Rules to “Zone Secretary” of the Association shall be deemed to be a reference to the Secretary/Treasurer of the Association.

Rule 58 – BRANCH AUTONOMY

Notwithstanding any other provision of these Rules, the Association shall be completely and absolutely autonomous in matters affecting members of the Association only or its real and personal property and funds and shall be responsible for its own government and administration. It shall possess full and adequate powers to conduct its own affairs and to seek its objectives under the Rules. The control of the Association shall reside exclusively in the members of the Association. This Rule can never be altered except by a ballot of all financial members of Association conducted under Rule 71 of these Rules.

CHAPTER 2 – MEMBERSHIP

Rule 59 – ELIGIBILITY FOR MEMBERSHIP

See Rule 3 of the Federation Rules.

Rule 60 – ADMISSION TO MEMBERSHIP

Without limiting the effect of the Federation Rules in relation to admission to membership of it, a person who is eligible to be a member of the Federation pursuant to Rule 3(i) of the Federation Rules, and who otherwise complies with the Federation Rules and these Rules, is entitled and shall, on application, be admitted to membership of the Association.

Rule 61 – SUBSCRIPTIONS

- 1) Until otherwise determined by the Executive, the subscription for membership of the Association shall be calculated as follows:
 - a) In the case of Executive employees, 1.25% of the Executive Level minimum salary prescribed by the Executive Level Enterprise Agreement between the Association and the AFP from time to time;
 - b) In the case of all other employees (whether sworn or unsworn), 1.25% of the base salary for the employee concerned (that is, without any composite allowance) prescribed by the Enterprise Agreement between the Association and the AFP from time to time.
- 2) Subscriptions shall be due on the 1st July and shall be payable not later than the 30th September in the same year, provided that in the case of a member joining the Association after the 1st July in any financial year the subscriptions of such member for that year:

- a) Shall be a pro rata amount calculated in accordance with the remaining number of complete months in that financial year; and
 - b) Shall be payable by that member not later than three months after the date of acceptance of their membership.
- 3) Notwithstanding anything contained in these Rules:
- a) The Executive may make arrangements with any employer whereby with the authority of any member the subscriptions payable by that member to the Association are to be deducted by the employer from the salary or salaries of the member on a regular basis and paid to the Association;
 - b) A member who has authorised such deduction of their subscription to the association from their salary shall, subject to the provisions of paragraph (c) of this Sub Rule, be deemed a financial member of the Association so long as such authority remains in force and provided that such member owes no arrears of subscriptions, fees or levies;
 - c) Where an arrangement referred to in this Sub Rule is terminated by the employer, the Secretary/Treasurer or the Zone Convenor shall notify in writing any member affected by such termination and a member so notified shall thereupon become liable to pay and shall, within twenty eight days from the date of such written notice, pay to the Association the balance of any contribution owing for the relevant year (which amount shall be specified in such notice and shall be the amount of the annual subscription payable by that member for that year less such amount or amounts as has or have been deducted by the employer from that member's salary in respect of such annual subscription) and thereafter shall be liable to pay subscriptions in accordance with this Rule;
 - d) The Secretary/Treasurer may make arrangements to provide for any Association members who choose to, to pay their subscriptions to the Association by means of automatic electronic funds transfer via a financial institution.
- 4) All subscriptions and fees payable by members of the Association shall be paid to and collected by the Secretary/Treasurer or their duly appointed agent.
- 5) Where the Association becomes aware that payments required to be made by a member to the Association pursuant to any arrangement made under this Rule have ceased without notice to the Association, the Association shall within seven (7) days of becoming aware of such cessation notify the member and give them a reasonable opportunity, being not less than fourteen (14) days, to rectify any deficiency and make good any arrears.
- 6) The Executive may, upon receipt of a written application by a member:
- a) Permit the member to pay their subscription by instalments, and/or;
 - b) Exempt such member from the payment either wholly or in part of any subscriptions, fees or levies payable by such member where the Executive believes that that member's peculiar circumstances warrant such action by it.

- 7) Where the Executive receives such an application from a member the Executive shall, before deciding on the application, advise the member in writing of the consequences of such an application on that member's rights as a member, as prescribed by Rule 63 (3), and give the member the opportunity to withdraw the application before it is decided upon by the Executive.

Rule 62 – ASSOCIATION LEVIES

Levies shall not be imposed upon members except by a decision of the members in general meeting.

Rule 63 – UNFINANCIAL MEMBERS

- 1) Subject to Rule 61(3) and Sub Rule (3) of this Rule, a member owing subscriptions, fees or levies for a period of three months after they first become due shall be deemed to be unfinancial.
- 2) In addition to the provisions of Rule 10 of the Federation Rules, an unfinancial member shall not be entitled to attend or speak or vote at any meeting of the Association.
- 3) Any member exempted pursuant to Rule 61(5) of these Rules from payment either in whole or in part of any subscription, fee or levy shall, for the purposes of these Rules, retain continuity of membership and be deemed financial but shall not, during the period of exemption, be eligible to nominate for or hold any office in or participate in any ballot or election in any Zone.
- 4) Without limiting the foregoing provisions of this Rule, and subject to those provisions, a member who is unfinancial shall not be entitled to any of the benefits of membership, or services of the Association during the period of unfinanciality, unless otherwise determined by the Executive.

Rule 64 - ALLOCATION AND TRANSFER OF MEMBERS

- 1) An Association member shall be attached to a Zone, the composition, constitution and boundaries of which are to be determined from time to time by the Executive, in accordance with these Rules, in a manner determined from time to time by the Executive.
- 2) All members must be attached to the Zone that they could most conveniently belong to ensure fair and equal representation. Where possible a member will first be attached to a Zone that best represents their operational/functional role within the workforce, or geographical location. The Secretary/Treasurer shall allocate all members in accordance with Executive resolutions as adopted from time to time in accordance with these Rules.
- 3) A member, once attached to a Zone, must remain a voting member of that Zone. A member may be transferred to another Zone only in accordance with Executive resolutions.
- 4) The Executive must regularly review the constitution, membership and boundaries of all Zones to ensure fair and equal geographical, skills and role based representation. Should it be necessary the Executive will from time to time establish Zones to ensure maximum and equal representation of all members.

NB: See also Rule 85 (4) in connection with elections of Workplace Delegates.

Rule 65 - TERMINATION OF MEMBERSHIP

- 1) In addition to the provisions of Rule 11 of the Federation Rules:
 - a) A member may resign from membership by notice in writing addressed and delivered to the Secretary/Treasurer or the office of the Association;
 - b) A notice delivered in accordance with Rule 65(1) shall be taken to have been received by the Association when it was delivered;
 - c) A Zone Convenor in receipt of a notice of resignation from a member shall forward that notice to the Secretary/Treasurer forthwith.
- 2) Notwithstanding any other provisions of these Rules, if a member has failed to pay the subscriptions required by these Rules to be paid by them to the Association for a continuous period of 24 months from the date such amount becomes due for payment, then the Association shall as soon as possible after the expiry of that 24 month period, and in any event within a further 12 months of that latter date, remove the name of that person from the register of the Association's members. That person shall cease to be a member of the Association on the date that their name is removed pursuant to this sub Rule.

Rule 66 - READMISSION TO MEMBERSHIP

Subject to the provisions of the RO Act, the readmission of a person to membership who has resigned from or been expelled from the Association shall be conditional on the payment of any moneys owing by such persons to the Association in respect of their earlier membership and subject to the approval of the application by the Executive, provided that the Executive may in its discretion resolve to wholly or partially waive any such outstanding monies.

Rule 67 - RECOVERY OF SUBSCRIPTIONS ETC FROM ANY MEMBER

See Rule 10(e) of the Federation Rules.

Rule 68 - MISCONDUCT OF MEMBERS

- 1) Any financial member of the Association may report another member in writing, in respect of any of the following matters:
 - a) Knowingly refusing to obey any of the Rules of the Federation or the Association;
 - b) Refusing to abide by a resolution carried at any meeting of the Association;
 - c) Defrauding or attempting to defraud the funds of the Association;
 - d) Making a false and malicious report against another member;
 - e) Violating or attempting to violate the terms of any industrial award or agreement;

- f) Entering or attempting to enter into any agreement with any employer contrary to the provisions of any award or agreement secured by the Association and applicable to them;
 - g) Obstructing the National Council or other lawful committee or body of the Association in any way in the performance of any of its functions;
 - h) Obstructing any officer of the Association in the course of their duties;
 - i) wrongfully holding themselves out as occupying any office or position in the Association in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that the member was entitled to so act);
 - j) Behaving in a disorderly manner at any meeting held under these Rules or in the office of the Association;
 - k) Aiding or encouraging any other member or members in any offence under this Rule.
- 2) Any report shall be made in writing to the Secretary/Treasurer and shall be accompanied by a deposit equivalent to one month's subscription. The Secretary/Treasurer shall summon the member reported before a meeting of the Executive, or require the member reported to participate in a meeting of the Executive by means of a telephone conference. Such summons shall be in writing and shall set out the time and place of the meeting or the time of the telephone conference (as the case may be), the name of the person making the report and the substance of the report. The person reported shall be given such notice of the meeting or telephone conference as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from their address as shown in the books of the Association shall be given their return fare. The member shall, on request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is reported.
- 3) The Executive shall have power to hear and determine reports under this Rule, subject to an appeal to National Council being open to the member reported.
- 4) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the person reported is notified) the report may be investigated, whether or not the person reported is present, unless a satisfactory explanation of their absence has been received.
- 5) If the member reported attends they shall be informed of the substance and source of any information adverse to them on which the Executive relies. The member shall be given a reasonable opportunity to defend themselves and may, if they wish, tender written submissions.
- 6) If the Executive finds the member proved guilty it may do one or more of the following, keeping in mind the seriousness of the offence:
- a) Impose no penalty;
 - b) Suspend the member from membership or deprive them of any right or benefits of membership for any specified period or until the happening of any specified event or until the performance of any specified act. Suspension from membership shall deprive a member

of the benefits of membership but shall not relieve them of the obligations of membership and shall not exceed six months for any offence. If the specified event had not occurred or the specified act had not been done at the expiration of six months from the date of suspension, the suspension shall then lapse;

- c) Expel them from the Association.
- 7) Upon completion of any hearing, the deposit shall be refunded to the member making report, provided that if upon investigation the report is found to be frivolous by unanimous decision of the Executive, the deposit shall be forfeited by the member who made the report and shall be paid into the funds of the Association.
- 8) An appeal shall lie at the instance of the member reported from any decision under this Rule from the Executive to the National Council. Notice of appeal shall be given in writing within two weeks of any decision being communicated to the member and shall set forth in full all matters that the appellant desires to be considered. The appeal may be dealt with in meeting or by postal vote. The notice of appeal shall be given to the Secretary/Treasurer.
- 9) No member against whom a report has been made pursuant to this Rule shall be entitled to commence or prosecute any action or legal proceedings for defamation against the person making the report or any person who gave evidence (either orally or in writing) or any person who exercised any power or duty in respect to the hearing of the report, it being a condition of membership of the Association that all complaints, notices, letters, evidence or other matter arising under or incidental to any report and the hearing and determination thereof and all proceedings and utterances at the hearing and determination thereof should be privileged and protected accordingly and should any action or legal proceedings be taken as aforesaid, this Rule shall be pleaded as an absolute bar thereto, provided that this Rule shall not protect any person against any legal liability for making, with express malice, a statement false to the knowledge of such person.

CHAPTER 3 – GOVERNANCE

Rule 69 – OVERVIEW

The governance structure of the Association consists of:

- 1) General meetings of member and plebiscites;
- 2) National Council;
- 3) Executive; and
- 4) Zone Committees.

The following seven (7) Divisions of this Chapter deal with each of these various parts of the structure and related matters.

Division 1 – GENERAL MEETINGS AND PLEBISCITES

Rule 70 – ASSOCIATION GENERAL MEETINGS

- 1) A General Meeting of the Association may be convened in accordance with the requirements of this Rule to deal with either a Member's matter or for the specific purpose of considering the Financial Reports.
- 2) A General Meeting of the Association may be called at any time on a resolution of the National Council being carried that such a meeting be held.
- 3) A General Meeting of the Association shall be called by the Secretary/Treasurer upon receipt by them of:
 - a) a direction to do so from the National Council; or
 - b) a petition signed:
 - i. by not less than five per cent of the financial members of the Association if the meeting is being convened to deal with a Members' matter; or
 - ii. by not less than five per cent of the members of the Association if the meeting is being convened for the purpose of considering the Financial Reports.

Such petition shall state the business to be discussed at the meeting and shall contain the signature and name written in block letters of each petitioner and shall also contain a statement that the petitioner has read and understood the request prior to attaching their signature.
- 4) Not less than seven (7) days' notice of the time, place and agenda of a General Meeting shall be given, provided that when a matter requires immediate attention such lesser notice of a General Meeting as may be determined by the Executive may be given. Such notice to members shall be in writing and posted or delivered to each member's place or employment, or by email communication to a member's email address provided to the Association, or by notice published on the Association website.
- 5) A General Meeting shall not be competent to deal with any Members' Matter other than the reason set out by the petition of members or the notification of such meeting as has been given by the Secretary/Treasurer.
- 6) A General Meeting shall be held at such time and place as shall be determined by the Executive and shall be held not later than twenty-eight (28) days following the receipt of the petition by the Secretary/Treasurer.
- 7) A quorum for any General Meeting shall be at least five (5) percent of the financial members of the Association.
- 8) If no quorum be present at the expiration of thirty (30) minutes after the time stated for the commencement of a General Meeting, the meeting shall lapse but without prejudice to the calling

of another General Meeting in accordance with the requirements of this Rule to deal with the same business, provided that no such further meeting may be convened without the approval of the Executive given by way of a special resolution.

- 9) Voting at all general meetings shall be by show of hands or by such other method as the meeting may decide. The Chair shall have a deliberative vote only and in the event of a tie the question shall lapse. Proxy voting shall not be permitted.
- 10) Notwithstanding any other provisions of these Rules a General Meeting may be conducted either:
 - a) by way of one meeting of the members at one location, or by way of a series of meetings at different locations, with the General Meeting being taken to have occurred, and the requirements for a quorum being determined, at the time of the last of the meetings in the series; or
 - b) by way of one meeting of the members where electronic facilities allow a reasonable opportunity for members present at the meeting to see and hear each other, including in relation to their voting intentions, although those members are at different locations during the meeting.

Rule 71 – PLEBISCITE OF ASSOCIATION MEMBERS

- 1) A plebiscite of all financial members of the Association in relation to any Members' Matter:
 - a) May be held at the discretion of the National Council or the Executive; and
 - b) Shall be held if required by a requisition in writing and signed by not less than five (5) per cent of the financial members of the Association.
- 2) The Executive shall approve for issue with the ballot paper a fair summary of the arguments for and against the question to be voted upon in the plebiscite and, for this purpose, the Secretary/Treasurer, after consultation with the parties in contention, shall submit to the Executive a draft of such summary.
- 3) Any such plebiscite shall be conducted by secret postal ballot and shall be under the absolute control and direction of the Returning Officer appointed pursuant to Rule 94(6) who shall:
 - a) Prepare ballot papers which shall contain the question to be voted on;
 - b) Cause to be posted to each member entitled to vote in the plebiscite a ballot paper, initialled by the Returning Officer, together with a reply paid envelope addressed to the Returning Officer, the summary approved by the Association Executive and such directions and instructions as the Returning Officer may deem necessary for the conduct of the plebiscite;
 - c) Determine the time and date for the closure of the ballot, having consideration for the convenience of the voters;
 - d) Take such steps as are necessary to ensure that a result is correctly ascertained;

- e) Report the result of the plebiscite to the first meeting of the Executive held after the conclusion of the counting of the votes cast.
- 4) A simple majority decision of the members voting shall be final and shall prevail over any contrary decision of the National Council or the Executive.

Division 2 – OFFICERS AND WORKPLACE DELEGATES

Rule 72 - OFFICERS OF THE ASSOCIATION AND WORKPLACE DELEGATES/DELEGATES TO NATIONAL COUNCIL

- 1) The Association Executive Officers shall be:
 - a) the President;
 - b) the Vice President;
 - c) the Secretary/Treasurer;
 - d) Six Executive Members.

- 2) In addition to the Association Executive Officers there shall be Workplace Delegates for each Zone whose duties and responsibilities shall be:
 - a) to represent the members of the Association in their workplace to the best of their ability and to keep their Zone informed on all matters of importance occurring within their workplace;
 - b) to keep the members in the workplace informed about the business of the Association;
 - c) to endeavour to resolve all issues referred to them by members in their workplace by discussion with representatives of the AFP relevant to their workplace and in the event that an issue cannot be resolved by discussion, the Workplace Delegate shall refer the matter to the Zone Convenor, together with such other information as is necessary;
 - d) to diligently attend and participate in meetings of the National Council; and
 - e) to perform such other duties and responsibilities as are imposed on them by these Rules.

- 3) Workplace Delegates shall be elected to each Zone in accordance with the following formula in all such elections conducted after the certification of this Rule:
 - (i) 1 to 100 members: one delegate;
 - (ii) 101 to 200 members: two delegates;
 - (iii) 201 to 300 members: three delegates;
 - (iv) 301 to 400 members: four delegates;

- (v) 401 to 500 members: five delegates;
- (vi) 501 to 600 members: six delegates;
- (vii) 601 to 700 members: seven delegates;
- (viii) 701 members and above eight delegates

PROVIDED THAT the above formula shall be reviewed by the Executive and the National Council every two (2) years following the certification of this Rule to determine whether any alteration is then required to continue to ensure fair representation of each Zone.

- 4) The term of office of a Workplace Delegate elected pursuant to these Rules shall be two (2) years from the date of such election, provided that they shall continue in that office until their successor takes up office. Any such person elected to such office is entitled to seek re-election for that office, if otherwise eligible in accordance with these Rules.
- 5) Any financial member of the Association is entitled to nominate and vote for the office of Workplace Delegate in the Zone to which they are allocated as at the date of calling of nominations for such office pursuant to Rule 95(5)(a)..
- 6) Elections for Workplace Delegates will be conducted in each Zone in accordance with Rule 95(5).
- 7) Any casual vacancy for the office of Workplace delegate shall be filled in accordance with Rule 95 (7).
- 8) Assistant Workplace Delegates may be co-opted by the Zone Convenor as they see fit in order to enable the Zone Committee and its members to carry out their duties under these Rules. The names of such Assistant Workplace Delegates shall be forwarded to the Secretary/Treasurer and one such Assistant Workplace Delegate shall act on behalf of any Workplace Delegate when they are on leave or not available.
- 9) Zone Convenors, Workplace Delegates, or Zones, except as provided in these Rules, shall not commit the Association to a course of action, either formally or informally, and shall not incur any expense or liability on behalf of the Association unless expressly authorised by the Executive.
- 10) For the purposes of this Rule a Zone Convenor shall be deemed to be a Workplace Delegate where there is no such position elected within the Zone in accordance with Sub Rule (3) of this Rule.
- 11) All of the offices referred to in this Rule (including that of Workplace Delegate) shall be honorary unless the Executive resolves that the offices of President and/or Vice President shall be paid positions.

Rule 73 – DUTIES OF OFFICERS (INCLUDING WORKPLACE DELEGATES)

- 1) All Association Executive Officers and Workplace Delegates are required to give due and diligent attention to their duties to the Association, whether prescribed by these Rules, the RO Act or any other law.

- 2) Without limiting the foregoing, an Association Executive Officer or Workplace Delegate is under a duty to the Association to comply with the provisions of the Association's "Code of Conduct" as such Code provides from time to time.
- 3) Without limiting the effect of the preceding provisions of this Rule, Association Executive Officers shall also comply with financial accountability obligations prescribed by Part B1 of the Federation Rules.

Division 3 – NATIONAL COUNCIL

Rule 74 – CONSTITUTION OF NATIONAL COUNCIL

- 1) The National Council shall consist of:
 - a) The Executive Officers of the Association; and
 - b) Subject to Rules 72(3) and 74(2) Workplace Delegates from each Zone, elected by and from the financial members of each Zone;
 - c) Each Zone Convenor as elected in accordance with these Rules, by and from financial members in each Zone.
- 2) The Zone Convenor shall, ex officio, be the first of the Zone's delegates to the National Council and shall be counted in the number of delegates eligible to be elected.
- 3) Where a Zone Convenor or Workplace Delegate of a Zone becomes an Executive Officer of the Association, they shall cease to be and act as a delegate of that Zone and that Zone shall be entitled to elect or appoint a delegate in their place in accordance with Rule 95(7) of these Rules.

Rule 75 – POWERS AND DUTIES OF NATIONAL COUNCIL

The National Council shall, subject to these Rules and the control by the members as hereinbefore mentioned, be the supreme governing body of the Association in relation to the following matters, and those matters only:

- 1) To determine and direct the general policy of the Association in all matters affecting the National Council;
- 2) To make, add to, amend, rescind and/or otherwise alter these Rules;
- 3) To approve guidelines for the granting of legal assistance to members pursuant to Rule 105;
- 4) To resolve that the Association affiliate with any other organisation or body that has industrial or political objects consistent with those of the Association;
- 5) To elect, in an election year, by and from its number, the Executive Officers of the Association as identified in Rule 72(1);

- 6) To remove any Officer of the Association from office as specified in Rule 92;
- 7) To confer Life Membership on any person in recognition of long or exemplary service rendered to the Association;
- 8) To nominate for award or national recognition any person in recognition of exemplary service rendered to the Association and/or law enforcement profession and/or welfare of law enforcement officers and victims of crime and/or the community; and
- 9) To exercise any other power specifically conferred on it by these Rules.

Rule 76 – MEETINGS OF NATIONAL COUNCIL

- 1) The National Council shall meet biennially in the months of March or April or at such other time as is determined by the Executive.
- 2) Special meetings of the National Council shall be held by resolution of the National Council or Executive.
- 3) The Secretary/Treasurer shall give each member of the National Council at least thirty (30) days' notice of the biennial meeting of National Council and seven (7) days' notice of any special meeting thereof.
- 4) The quorum for meetings of the National Council shall be one half of the persons entitled to attend and vote. If no quorum be present at the expiration of thirty (30) minutes after the time stated for the commencement of the meeting such meeting shall lapse but without prejudice to another such meeting being called for the same purpose as such meeting was called, at such other time and place as may be thought fit, upon seven (7) days' notice to all members by the Secretary/Treasurer provided that no such meeting may be convened without the approval of the Executive given by way of a special resolution.
- 5) Voting at all meetings of the National Council shall be by show of hands unless the National Council decides on another method. At all such meetings the Chair shall have a deliberative vote only and in the event of a tie the question shall lapse. Proxy voting shall not be permitted.

Rule 77 – AGENDA FOR NATIONAL COUNCIL

- 1) Not less than sixty (60) days prior to a biennial meeting of the National Council, the Secretary/Treasurer shall invite each member of the National Council to submit items for the agenda, such items to be forwarded to the Secretary/Treasurer not more than thirty (30) days after such invitation.
- 2) The Secretary/Treasurer shall, upon receipt of such items, prepare and forward to each member of the National Council a copy of the agenda paper at least fourteen (14) days prior to the biennial meeting of National Council.
- 3) The Executive shall have power to submit items for consideration by National Council and such items shall be included on the agenda paper referred to in Sub Rule (2) of this Rule.

- 4) The agenda paper for a special meeting of National Council shall be forwarded with the notice of such meeting.
- 5) National Council may, at any of its meetings, deal with any matter, pursuant to Rule 75, whether or not that matter has appeared or appears on the agenda paper, provided that a majority of the members of National Council present and voting, vote in favour of the particular item being considered.

Rule 78 – FARES AND EXPENSES

The Executive shall determine from time to time the fares and expenses to be paid to or on behalf of members of the National Council and when attending meetings of the same or when attending to the business of the Association. Such fares and expenses shall be paid out of the funds of the Association.

Rule 79 – MATTERS REQUIRING DECISION BETWEEN NATIONAL COUNCIL MEETINGS

- 1) The Executive may determine that any matter requires a decision of the National Council between biennial meetings of the National Council and that such matter be submitted to the National Council for decision in accordance with either of the procedures prescribed in Sub Rules (2) and (3) of this Rule.
- 2)
 - a) Where it is determined that the matter be submitted to the National Council for decision by ballot of the members of the National Council, such matter may be forwarded by post, email or facsimile to each of the members of the National Council in such form as is determined by the Executive.
 - b) The members of the National Council shall record their vote on the matter so submitted by post, email or facsimile addressed to the Secretary/Treasurer and the decision of the majority shall be binding as if such decision were obtained by vote at a regularly constituted meeting of the National Council.
 - c) All votes or their confirmation shall be signed by members of National Council recording the same.
- 3)
 - a) Where it is determined that the matter be submitted to the National Council for decision by a meeting of members of the National Council conducted by such telephonic or electronic means as may from time to time be available, the Secretary/Treasurer shall as soon as is practicable arrange such a meeting.
 - b) The members of the National Council shall participate in such a meeting and the decision of the majority shall be binding as if such decision were obtained at a regularly constituted meeting of the National Council.
- 4) If:
 - a) In the course of a ballot conducted pursuant to Sub Rule (2) of this Rule, a majority of members of the National Council notify the Secretary/Treasurer; or

- b) In the course of a meeting conducted pursuant to Sub Rule (3) of this Rule, a majority of members of the National Council resolve, that the matter as submitted to them is of such importance as to require a special meeting of the National Council then such special meeting of the National Council shall be convened forthwith by the Secretary/Treasurer to meet at such time and place as the Executive shall determine.
- 5) At any special National Council meeting held pursuant to Sub Rule (4)(b) of this Rule the Executive may submit for consideration such other matters as it should determine, provided that written notice of not less than seven (7) days is given to all members of the National Council.

Division 4 – NATIONAL EXECUTIVE

Rule 80 - EXECUTIVE – COMPOSITION, POWERS AND DUTIES

- 1) The Executive shall consist of the Executive Officers of the Association and shall be the committee of management of the Association for the purposes of the RO Act. Subject to these Rules and the decisions of the National Council and the members in general meeting or by plebiscite, the Executive shall have full power to conduct and manage the affairs of the Association.
- 2) Without limiting the effect of Sub Rule (1), the Executive shall have the following powers:
 - a) Such powers as are specifically conferred on the Executive by any other provisions of these Rules;
 - b) The power to appoint an Association auditor, and to fix their fees or remuneration;
 - c) To remove an association auditor in accordance with Rule 100;
 - d) To fix the remuneration and benefits of Association Executive Officers;
 - e) To fix the remuneration of the Association Returning Officer;
 - f) Subject to the requirements of Rule 107 in the case of the General Manager, fix the terms and conditions of employment of employees of the Association;
 - g) Delegate the powers and responsibilities of the Secretary/Treasurer to the General Manager;
 - h) To appoint any person to represent the Association before any court, commission, board, tribunal or other authority;
 - i) To establish any committee or subcommittees as it may determine provided that any such committee or subcommittee shall be advisory only;

- j) To enter the association into an affiliation with any other organisation or body other than those with industrial or political objectives;
- k) Subject to the RO Act, to interpret these Rules;
- l) To direct the investment of the funds of the Association;
- m) To dispose of or transfer any of the funds of the Association or any securities in which the funds of the Association have been invested;
- n) To establish such companies, agencies and bodies as are necessary to further the interests of the members;
- o) To take such action or exercise such powers as are incidental to those specifically identified in these Rules.

Rule 81 – MEETINGS OF EXECUTIVE

- 1) The Executive shall meet at such times and in such places as it shall determine by resolution, and may meet as many times in a calendar year as it should so determine, provided that it shall meet no less than five (5) times in any one calendar year.
- 2) A meeting of the Executive may also be convened at the written request of the President or at least three (3) Members of the Executive, submitted to the Secretary/Treasurer. To avoid doubt, there is no limit on the number of such meetings that may be conducted in any one calendar year.
- 3) The Secretary/Treasurer shall give written notice of each meeting of the Executive as follows:
 - a) In the case of a meeting convened pursuant to Sub Rule (1) of this Rule, at least seven (7) days' notice of the time of the meeting; and
 - b) In the case of a meeting convened pursuant to Sub Rule (2) of this Rule, not less than forty-eight (48) hours' notice of the meeting, where practicable;

provided that where the Executive resolves to schedule more than one meeting pursuant to Sub Rule (1), the Secretary/Treasurer may notify the members of those dates by one communication listing all dates so fixed.
- 4) The quorum for meetings of the Executive shall be one half of the persons entitled to attend and vote. If no quorum be present at the expiration of thirty (30) minutes after the time stated for the commencement of the meeting such meeting shall lapse but without prejudice to another such meeting being called for the same purpose as such meeting was called, at such other time and place as may be though fit, upon seven (7) days' notice to all members by the Secretary/Treasurer.
- 5) Notwithstanding any other provision of these Rules, any meeting of the Executive may be conducted in person, by telephone or videoconference, or by a combination of these forms of meeting or communication. Where any such Meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:

- (a) Any such meeting is otherwise convened and conducted in accordance with the requirements of the Rules, including (without limitation) the preceding provisions of this Sub Rule; and
 - (b) Each of the members participating in the meeting must be able to hear each of the other members present at the meeting.
- 6) Where in the opinion of the President a matter requires the ~~urgent~~ consideration of the Executive before its next scheduled meeting, the Executive may be consulted in writing (including electronic means) by circular proposed resolution. Such a proposed resolution shall become a resolution of the Executive as at the date set for return of responses, provided that the proposed resolution is supported by at least fifty (50) percent of the total number of Executive members then holding office, plus one. A resolution passed by way of such circular resolution shall be reported to the next Executive meeting.
 - 7) To avoid doubt, in this Rule, communication by way of email to a person at that person's email address notified to the Association shall be deemed sufficient to constitute written communication to that person.
 - 8) It shall be the duty of each Association Executive Officer to attend every meeting of the Executive unless granted leave by the Executive.
 - 9) At all meetings of the Executive voting shall be by show of hands unless the meeting decides on another method. The Chair shall have a deliberative vote only and in the case of a tie the question shall lapse. Proxy voting shall not be permitted.

Rule 82 – PRESIDENT

- 1) The President shall preside at all meetings of the National Council and the Executive and any meeting of the Association held by decision of the National Council. They shall preserve order so that the business may be conducted in due form and with propriety and upon the minutes being confirmed shall sign those minutes in the presence of the meeting.
- 2) The President shall have the authority to act for and on behalf of the Executive in any matter of such urgency that the Executive cannot reasonably be convened or consulted under these Rules, but shall report the full circumstances of such action to the Executive at the first available opportunity.

Rule 83 – VICE-PRESIDENT AND EXECUTIVE MEMBERS

- 1) The Vice President shall assume the duties of the President in the absence of that Officer for any reason, and shall otherwise perform such duties and functions as may from time be allocated to them by resolution of the Executive. Provided that if both the President and the Vice President are not available for any reason, the Executive shall appoint one of the Executive members to act as Vice President until either that Officer or the President becomes available.
- 2) Each Executive Member shall at all times assist the President in the execution of their duties and provide oversight, direction and assistance to Convenors and Workplace Delegates. The Executive

will determine which Convenors and Workplace Delegates are to be allocated to each of the Executive Members for oversight, direction and assistance.

Rule 84 – SECRETARY/TREASURER

- 1) The Secretary/Treasurer shall:
 - a) Summon by notice in writing to each member thereof and attend, unless excused, all meetings of the National Council and the Executive and keep or cause to be kept correct minutes of the same, which minutes when confirmed are to be electronically stored in the Association's records;
 - b) Have the right to speak at any general or special meeting of any Association or Zone Committee, but not to vote unless they are a member of such Zone Committee;
 - c) Initiate or respond to all correspondence as appropriate to these Rules;
 - d) Keep or cause to be kept the records required to be kept by an organisation pursuant to the provisions of the RO Act;
 - e) Lodge and file with and furnish to the General Manager of the Fair Work Commission and the Registered Organisations Commissioner all such documents as are required to be lodged, filed or furnished under the RO Act at the prescribed times and in the prescribed manner;
 - f) Keep an up to date register of members showing their names, their postal address and email address where notified, and their allocated Zone under the Rules and provide the Returning Officer with such assistance as is necessary to enable them to conduct any election;
 - g) Receive all monies on behalf of the Association and pay the same within seven days of receipt into such financial institution or institutions as the Executive may direct to the credit of the Association;
 - h) Issue or cause to be issued proper receipts for all moneys received by or on behalf of the Association;
 - i) Be responsible for but not hold in their name, the books, records, property and moneys of the Association and, within 48 hours of receiving a request from the Executive to do so, deliver to the Executive such books, records, property and moneys;
 - j) Submit their books, accounts and receipts annually or as often as may be required by the Executive or to the auditors and to give them such assistance as they may require in the audit;
 - k) Draw up a report and balance sheet each financial year and forward a copy of same to each member of the Executive within three months of the end of the financial year to which it relates;

- l) Prepare and submit to each meeting of the Executive an up-to-date financial statement and, when called upon so to do by the President, or the Executive, produce all relevant books in support of the same;
 - m) Subject to Rule 98(2), submit to the Executive all accounts for payment with their recommendations and make all authorised payments from the funds of the Association, such payments to be approved by any two of the Association Executive Officers appointed by the Executive;
 - n) At the direction of the Executive, carry out other duties as required.
- 2) The Secretary/Treasurer may deputise a member of a recognised Institute of Accountants approved by the Executive to keep the books of the Association, in which event they shall remain responsible for the supervision of their preparation and their accuracy.
 - 3) The duties prescribed in this Rule are to be carried out under the direction and control of the Executive which may from time to time delegate some of those duties by resolution to other Association Executive Officers or to the General Manager pursuant to Rule 107.
 - 4) To avoid doubt, the Secretary /Treasurer may be assisted in the performance of any of their duties under the Rules by the General Manager or any other employees so authorised by resolution of the Executive.

DIVISION 5 – ZONE GOVERNANCE

Rule 85 – ZONES

- 1) The Association may establish such Zones as the Executive may from time to time decide. The Executive shall ensure that each Zone is operationally viable and represents a geographical, operational or other community of interest. The Executive must ensure that no inherent or contrived bias shall prejudice the reasonable application of the principle ‘one vote - one value’ for members through the establishment of a Zone. To ensure ongoing viability of a Zone, the Executive may appoint as many Assistant Workplace Delegates to a Zone as are required to allow proper representation of the Zone members.
- 2) Where a new Zone is established the new positions of Zone Convenor and Workplace Delegates will be filled in accordance with Rule 95.
- 3) The Association may disband such Zones as the Executive may from time to time decide. Where an existing Zone is disbanded the existing positions of Zone Convenor and Workplace Delegates held within the Zone will cease to exist at the completion of their current term or upon vacation of the office before that time.
- 4) Notwithstanding any of the previous provisions of this Rule, the Executive may not establish a new Zone, or disband or alter the coverage of any existing Zone, any later than 31 March in any year in which a biennial election for Workplace delegates is due to be conducted pursuant to Rule 95.

Rule 86 – ZONE MANAGEMENT

The government, management and control of the affairs of each Zone shall, subject to these Rules and any direction of the Executive be vested in a Zone Committee constituted by the elected Workplace Delegates, any assistant workplace delegates appointed, and the Zone Convenor of that Zone.

Rule 87 - ZONE CONVENORS

The Zone Convenor shall, ex officio, be a member of all Committees and Sub-Committees of the Zone.

- 1) The Zone Convenor shall:
 - a) Preside at all meetings of the Zone's Committee and preserve order thereat so that business may be conducted in due form with propriety and in conformity with standing orders;
 - b) Sign all documents requiring their signature as official head of the Zone and shall sign all minutes of the Zone duly confirmed in the presence of the meeting confirming the same;
 - c) Call meetings of the Zone committee when necessary;
 - d) Generally, ensure the well-being of the Zone and its members and the carrying out of the objects of the Association within the area administered by their Zone;

Rule 88 - ZONE COMMITTEE

A Zone Committee shall consist of the Zone Convenor, such Workplace Delegates in number as elected in accordance with Rule 72(3) and Rule 95 and any Assistant Workplace Delegates if appointed.

Rule 89 - POWERS AND DUTIES OF ZONE COMMITTEE

A Zone Committee shall, subject to these Rules and to the control of the Zone members as hereinafter mentioned, have power:

- 1) To take any action which in its opinion is in the interests of the Zone, provided that such action does not conflict with the policies of the Association or any decision or direction of the National Council or the Executive; and
- 2) To exercise any other powers conferred upon it by these Rules.

Rule 90 - MEETINGS OF ZONE COMMITTEE

A Zone Committee shall meet at such times as it may determine provided that the President or the Secretary/Treasurer may, by notice in writing either by post or electronic means, call a meeting of the Zone Committee and shall call such a meeting if requested to do so by not less than one-third of the members of such Committee. The Zone Convenor shall cause accurate minutes of all Zone meetings to be kept and maintained.

Rule 91 – GUARANTEE OF FAIR REPRESENTATION

The Executive, when establishing the composition of any Zone will ensure as far as practicable that all Association members shall receive fair representation of their professional and industrial interests on the National Council. The Executive shall ensure that Zone compositions will preclude any institutional gerrymander which defeats the representation of members' interest.

Division 6 – ELECTION OF ASSOCIATION EXECUTIVE OFFICERS AND WORKPLACE DELEGATES

See Chapter 4

Division 7 – REMOVAL OF ASSOCIATION EXECUTIVE OFFICERS AND WORKPLACE DELEGATES

Rules 92 – MISCONDUCT OF ASSOCIATION EXECUTIVE OFFICERS

- 1) An Association Executive Officer may be removed from their office if the National Council by majority resolution of members voting finds them guilty, in accordance with these Rules, of misappropriation of the funds of the Association, a substantial breach of the Rules of the Federation or the Association, gross misbehaviour or gross neglect of duty or finds that they have ceased, according to these Rules, to be eligible to hold their office.

[Note: See Rule 73(1) and Rule 81(8) – failure by an Association Executive Officer to attend three consecutive meetings of the Executive without leave may constitute a serious breach of the Rules or gross neglect of duty.]

- 2) Any member suspecting an officer to be liable to removal pursuant to Sub Rule (1) may report such officer under this Rule. Any report shall be in writing and shall be forwarded to the President or the Secretary/Treasurer, who shall notify the person reported of the details of the report.
- 3) The person reported shall be given not less than fourteen days' notice in writing of the time and place of the meeting at which the report is to be heard and determined and shall be entitled to attend such meetings and to be heard but not to vote thereat.
- 4) Notwithstanding the foregoing, the Executive by majority resolution may, in their discretion, suspend from office or Association membership a person reported under this Rule pending determination of the report but in no event shall a person remain suspended for a period exceeding twenty-eight (28) days.
- 5) A person shall be ineligible to hold office under this Rule if they cease to be a financial member of the Association.

Rules 93 - REMOVAL OF ZONE CONVENORS AND WORKPLACE DELEGATES

- 1) A Zone Convenor or Workplace Delegate may be removed from their office if the Executive by a majority resolution of members voting finds them guilty, in accordance with these Rules, of misappropriation of the funds of the Association, a substantial breach of the Rules of the Federation

or the Association, gross misbehaviour or gross neglect of duty or finds that they have ceased, according to these Rules, to be eligible to hold their office.

- 2) Any member suspecting such an Officer to be liable to removal pursuant to Sub Rule (1) may report that officer under this Rule. Any report shall be in writing and shall be forwarded to the Secretary/Treasurer, who shall notify the person reported of the details of the report.
- 3) The person reported shall be given not less than fourteen (14) days' notice in writing of the time and place of the meeting at which the report is to be heard and determined and shall be entitled to attend such meeting and to be heard but not to vote thereat.
- 4) A member so removed by the Executive shall have the right of appeal to the National Council provided that the member gives to the Secretary/Treasurer notice of their intention to appeal within seven days of the member being notified in writing of their removal, but the giving of such notice shall not operate to stay the decision of the Executive.
- 5) Notwithstanding the foregoing, the Executive may, in its discretion, suspend from office a person reported under this Rule pending determination of the report but in no event shall a person remain suspended for a period exceeding twenty-eight (28) days.
- 6) A person shall be ineligible to hold office under this rule if they cease to be a financial member of the Association.

CHAPTER 4 – ELECTIONS

Rule 94 - ELECTION OF ASSOCIATION EXECUTIVE OFFICERS

- 1) Election and Tenure of Office
 - a) The President shall be elected by secret ballot by and from the National Council and shall take office from the declaration of their election, and shall hold office for a period of four years or until a successor thereto has been elected and taken office. Such an election shall be conducted at every second biennial meeting of National Council, occurring thereafter.
 - b) The Vice President shall be elected by secret ballot by and from the National Council at its first biennial meeting to be conducted after 23 December 2016. The person so elected shall take office from the declaration of their election, and shall hold office for a period of four years or until a successor thereto has been elected and taken office. Such an election shall be conducted at every second biennial meeting of the National Council, occurring thereafter.
 - c) The Secretary/Treasurer and the six Executive members other than the President and the Vice President shall be elected by secret ballot by and from the National Council and shall take office from the declaration of their election and shall hold office for a period of two years or until successors to them have been elected and taken office. Such an election shall be conducted at every biennial meeting of National Council, occurring thereafter.

~~The Executive members other than the President and the Vice President shall be elected by secret ballot by and from the National Council and shall take office from the declaration of their~~

~~election, and shall hold office for a period of two years or until a successor thereto has been elected and taken office. Such an election shall be conducted at every biennial meeting of National Council, occurring thereafter.~~

2) Qualifications for Office

- a) A nominee for the office of President, Vice President, Secretary/Treasurer or Executive member shall be a financial member of the Association at the date of their nomination and:
 - (i) Shall be a member of the National Council; and
 - (ii) Nominated by two members of the National Council.

3) Manner of Election

- a) The Returning Officer shall call for nominations for the office of President, Vice President, Secretary/Treasurer and Executive members sixty (60) days prior to the meeting of National Council, in an election year, provided that nominations for the said offices shall close seven (7) days prior to such meeting. The roll of voters for these elections shall close no later than seven (7) days prior to the date upon which nominations are to be called.
- b) Nominations shall be in writing, signed by the nominee and two (2) nominators (who shall be members of the National Council) and shall be delivered to the Returning Officer in a form and by a means nominated by the Returning Officer.
- c) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply, provided that in the event of the Returning Officer finding a defect in any nomination, 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 nominee the opportunity of remedying the defect where practicable within a reasonable period of the nominee having been so notified.
- d) The election of the Association Executive Officers shall commence immediately upon the initiation of the afternoon session of the second day of the National Council Meeting occurring in an election year.
- e) If only one nomination for a position is received by the Returning Officer, the nominee shall be declared elected. If two or more nominations are received the Returning Officer shall forthwith conduct a ballot of National Council members in accordance with this Rule and declare the result as soon as it becomes available.
- f) If more nominations are received than there are vacancies for a position, the Returning Officer shall have ballot papers prepared containing the names of the candidates for each position in order determined by lot, indicating the number to be elected to each position, the manner in which votes shall be recorded, and the date and the time of closing of the ballot.
- g) The Returning Officer shall be responsible for the safe custody of the ballot papers and shall initial every ballot paper prior to distribution.

- h) The Returning Officer shall provide a ballot paper to each member of the National Council in attendance at the meeting who is eligible to vote, and shall arrange for the use of a receptacle to which ballot papers shall be returned to. After the closing of the ballot, the Returning Officer shall collect the ballot papers from such receptacle.
 - i) Upon collecting the same the Returning Officer shall, in the presence of the scrutineers (if so requested), count all the votes cast and, subject to paragraph (j) of this Sub Rule, declare the result of the ballot.
 - j) In the event of a tie occurring, the result shall be determined by the Returning Officer drawing lots in the presence of the tied candidates.
 - k) Upon declaration of the ballot, the Returning Officer shall seal and retain all ballot papers for a period of twelve (12) months after the conduct of the ballot.
- 4) Casual Vacancy
- a) Where a casual vacancy (howsoever occurring) arises in the office of President, Vice President, Secretary/Treasurer or any of the Executive members then the Secretary/Treasurer or in the case of casual vacancy in the office of Secretary/Treasurer, the President, shall take immediate action to have such vacancy filled provided that:
 - (i) Where the unexpired portion of the term of office in which the vacancy occurs does not exceed three quarters of the term, the Executive may fill such vacancy by appointment of an eligible member of the National Council; and
 - (ii) Where the unexpired portion of the term of office in which the vacancy occurs exceeds three quarters of the term, the Executive may fill such vacancy by appointment of an eligible member of the Association until an election is held, provided that no person so appointed shall hold office for a period exceeding three months.
 - b) Such election shall be conducted by secret postal ballot of the members of the National Council by the Returning Officer appointed pursuant to Rule 94(6), and the Returning Officer so appointed shall determine the dates for the opening and closing of nominations and the ballot. The Returning Officer shall report the result of the election to the next following meeting of the Executive.
 - c) Any person so elected shall take office from the date of the declaration of their election and shall hold office until the expiration of the term of the person they replaced.
 - d) In all other respects such election shall be conducted in accordance with the provisions of this Rule.
- 5) System of Voting
- a) The system of voting in any election conducted pursuant to this Rule shall be the first-past the post system.

- b) A voter shall record their votes by marking sequential numbers on the ballot paper, commencing with the number 1, in the squares opposite the names of the candidates so as to indicate the order of the voter's preference for each candidate, provided that failure by a voter to mark a preference beyond the number of candidates to be elected shall not invalidate the vote of that voter.

6) Returning Officer

Subject to the requirements of the *Fair Work (Registered Organisations) Act 1999*.

- a) At its first meeting after the certification of these Rules, the Executive shall appoint a Returning Officer for the conduct of any elections, ballots or plebiscites as may be necessary throughout the ensuing period provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed.
- b) A Returning Officer:
 - (i) Need not be a member of the Association; and
 - (ii) In any event, shall not be the holder of any office in or an employee of the Federation, Association or any Zone of the Association.
- c) In the event of a duly appointed Returning Officer being unable or unwilling to act as and when required, whether during the conduct of any election ballot or plebiscite or not, the Executive shall appoint another person to act as Returning Officer for that election, ballot or plebiscite.
- d) The Returning Officer shall have power to appoint such assistants as deemed necessary provided that such assistants shall at all times be subject to the absolute control and direction of the Returning Officer.

7) Scrutineers

Any candidate may if they so desire appoint a scrutineer who is a financial member of the Association, to represent them at the ballot. The candidate appointing the scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer, who:

- a) Shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any votes or queries;
- b) Shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election;
- c) Shall not interfere with or attempt to influence any member at the time such member is casting their vote.

8) Absent Voting

A member who is entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer, prior to the National Council meeting, a written request for an absent vote, together with an address at which they can receive communications. The Returning Officer shall forward a ballot paper to the address so specified and shall notify the member of the closing date for the absent vote to be lodged.

Rule 95 - ZONE ELECTION RULE

1) General

The provisions of this Rule shall apply to all elections for the following offices in a Zone:

- a) Zone Convenor; and
- b) Workplace Delegate

2) Tenure of Office and number of offices

- a) Where an established Zone exists, Zone Convenors and Workplace Delegates, who are Delegates to National Council in accordance with Rule 72 (3), shall be elected by secret postal ballot of all financial members within their respective Zones. They shall take office from the declaration of their election, and shall hold office for a period of two years or until a successor thereto has been elected and taken office.
- b) Where a new Zone is established under Rule 85(2), Zone Convenors and Workplace Delegates, who are Delegates to National Council in accordance with Rule 72(3), shall be elected by secret postal ballot of all financial members within the new Zone. They shall take office from the declaration of their election and shall hold office for a period pre-determined by the Executive which ensures that the expiry date of the term of office is synchronised with the majority of the established Zones of the Association.
- c) The number of Workplace Delegates to be elected for each Zone shall be determined in accordance with the formula in Rule 72 (3) as at the date of the close of the roll of voters for each election for those offices.

3) Qualifications for Office

A nominee for any office in a Zone shall be a financial member of the Association and allocated to that Zone as at the date of their nomination.

3A) A member may not vote, nominate candidates for election or nominate for election in any Zone other than the one to which that member has been allocated by the Secretary/Treasurer pursuant to Rule 64 prior to the close of the roll ("the closure") unless the Secretary/Treasurer declares in writing to the Returning Officer before the calling of nominations that:

- (i) the allocation of that member to that Zone prior to the closure of the roll did not conform to the requirements of the applicable National Executive resolution ("the relevant Resolution") in effect at the time that the Secretary/Treasurer made the allocation; or

(ii) subsequent to the allocation and prior to the closure the employment circumstances of the member had altered to such an extent that compliance with the relevant Resolution required the allocation of that member to another Zone

- in which case the member shall be reallocated to the correct Zone and may vote, nominate candidates for election and stand for election in that Zone.

4) Returning Officer

The Returning Officer is appointed in accordance with Rule 94(6).

5) Conduct of Elections

The Call for Nominations

a) Not later than the 1st day of June in the year of an election, the Returning Officer shall call for nominations by circular (which may be by electronic means) to all eligible members of the Zone under this Rule, or by advertisement in a daily newspaper and/or Union Journal circulating throughout the State or Territory in which the Zone has members, and shall publish nomination forms on the Association's website and issue nominations forms to any financial member requesting the same.

b) Nominations shall be in writing, signed by the nominee and the nominator (who shall be a financial member of the Zone) and shall be delivered to the Returning Officer at the address or in the manner (including electronic form) specified in the circular calling for nominations not later than 5pm on the 1st day of July in the year of the election.

Nominations Close

c) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of finding a defect in any nomination ~~they~~ the Returning Officer shall before rejecting the nomination notify the person concerned of the defect, and, where practicable, give them the opportunity of remedying the defect ~~where practicable in being~~ not less than seven days after the person is notified.

d) If there ~~be are no~~ more nominations than there are vacancies for a position, they shall declare the nominated person or persons elected to the position.

Preparation for an Election: the Preparation of Ballot Papers

e) If more nominations are received than there are vacancies for a position, they shall have ballot papers printed and delivered to them containing the names of the candidates for each position in order determined by lot, indicating the number to be elected to each position, the manner in which votes shall be recorded, and the date and time of closing of the ballot such date being not later than the 31st day of August immediately following the closing of

nominations. The roll of voters for the ballot is to be closed ~~twenty-one seven (217)~~ days before the day on which nominations for the election open.

- f) The Returning Officer shall be responsible for the safe custody of the ballot papers.
- g) They shall obtain from the printer a certificate of the number of ballot papers printed.
- h) They shall initial every ballot paper prior to its distribution.

Arrangements for the Receipt of Ballot Material

~~i) i) —~~ The returning officer shall, for the purposes of receiving ballot material in respect of a ballot, use a private box or other secure postal facility at a post office or mail centre. Access to the private box mentioned in this rule shall be limited to:

- Persons authorised by Australia Post,
- The returning officer, and
- Persons authorized in writing by the returning officer.

The Delivery of Ballot Papers to Eligible Voters

~~They shall forward by prepaid post a ballot paper together with a declaration envelope and a prepaid envelope, both in the form prescribed by the RO Act, addressed to the Returning Officer for the return of the vote to each member entitled to receive a ballot paper.~~

~~j) On or before the opening day of the ballot the returning officer shall forward ballot material in a sealed envelope by prepaid post to each person on the roll of voters at the address shown on the roll of voters.~~

~~They shall arrange for the use of a post office box or other receptacle to which ballot papers may be returned to them and after the closing of the ballot they shall collect the ballot papers from such box or receptacle.~~

~~k) Ballot material shall include:~~

- ~~a) one or more ballot papers showing the time and date of the close of the ballot~~
- ~~b) a Reply Paid envelope addressed to the private box referred to in the rule, being an envelope that may be posted without expense to the voter,~~
- ~~c) an inner 'Declaration Envelope' as prescribed by the Act, suitable for containing the ballot papers~~
- ~~d) a copy of each statement submitted by candidates under rule 15.~~

Lost, Destroyed or Spoilt Ballot Papers

~~Upon collecting the same, they shall, in the presence of the scrutineers (if so requested) count all the votes cast and, subject to paragraph (l) of this Sub Rule, declare the result of the ballot.~~

l) Where a member whose name is on the roll of voters claims that the ballot material has not been received or has been lost, -destroyed or spoiled, the member may make an application to the Returning Officer for the issue of replacement ballot material.

~~In the event of a tie occurring the result shall be determined by the Returning Officer drawing lots in the presence of the tied candidates provided that if one of the tied candidates is a retiring office holder from the position subject of the ballot then they shall be declared elected.~~

m) The application shall

- be in writing
- set out the applicant's full name and postal address
- set out the grounds on which the application is made
- contain a declaration that the applicant has not voted in the ballot
- be accompanied, if practicable, by any evidence that is available of the loss, destruction or spoiling of the ballot material.

~~Returning Officer will provide a report of the result of the election for the next Executive Meeting and shall submit to that meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed and the number on hand and any other relevant matters.~~

n) If the returning officer is satisfied that the information contained in the application is true and correct, the returning officer shall issue replacement ballot material to the applicant.

The Safe Custody of Ballot Papers that are Returned

o) During the course of the ballot the returning officer may collect returned envelopes from the private post box and keep them in safe custody until the commencement of the scrutiny. The returning officer shall make a final clearance of returned envelopes so that all envelopes received by the returning officer prior to the closing time for the ballot are admitted to the scrutiny. No envelopes returned after the close of the ballot shall be admitted to the scrutiny.

The Scrutiny of Ballot Papers

p) The returning officer shall conduct a preliminary scrutiny of returned declaration envelopes to ensure that only one returned envelope from each eligible voter is admitted to the count. The returning officer may commence the preliminary scrutiny prior to the close of the ballot.

q) Before proceeding to count the votes to ascertain the result of the ballot, the returning officer shall:

- remove the 'Declaration Envelope' from the Reply Paid envelopes, and

- examine the voter's declaration attached to each 'Declaration Envelope' and mark off the voter's name against a copy of the roll of voters.
- r) A voter's returned ballot material shall be rejected and set aside if:
- the 'Declaration Envelope' has not be returned, or
 - the voter has not completed the declaration on the 'Declaration Envelope' to satisfy the returning officer,
 - the voter is ineligible to vote, or
 - the returning officer is unable to identify the voter on the roll of voters.
- s) Where a voter returns more than one set of ballot material, only one set of ballot material shall be admitted into the count. The returning officer shall decide which set of ballot material is to be rejected.
- t) The returning officer note shall on the ballot material that it has been rejected and the reason for rejection and set it aside for separate custody.
- u) When the returning officer has determined which declaration envelopes are accepted for the count, the declaration section of each envelope is detached and removed so that the envelope can no longer be identified. Each envelope shall then be opened and the ballot papers extracted to be counted.
- v) The returning officer shall reject as informal a ballot paper that:
- Does not bear the initials or other authenticating mark of the returning officer, and/or
 - Has upon it any mark or writing by which the voter, can be identified, and/or
 - Is not marked substantially in accordance with the instructions included on the ballot paper, and/or
 - The marking is such that the intention of the voter is not clear, and/or
 - Is not returned inside the declaration envelope.
- w) Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a returned envelope or a ballot paper being accepted or rejected, the returning officer shall decide whether the returned envelope or ballot paper is to be admitted all rejected and endorse the decision on the envelope or ballot paper. The decision of the returning officer is to be final.

Tied Vote

(x) If at the conclusion of the count of the ballot papers, two or more of the candidates have the same number of votes (a tie), the result shall be determined by the Returning Officer as follows.

(A) If one of the candidates held the affected office immediately prior to the calling of nominations for the election that produces the tied vote, that candidate shall be declared to be elected.

(B) If (A) does not apply, the Returning Officer will determine the result by drawing lots amongst the candidates.

(C) If (B) applies, the Returning Officer will give written invitations to the tied candidates to attend the draw. The draw will take place at the location and time nominated in the invitations. The draw will proceed at the specified place and time, whether or not any of the invited candidates are present. The Returning Officer will declare the result of the election determined pursuant to this paragraph immediately following the completion of the draw.~~x) The returning officer who will invite in writing the tied candidates to the draw. The draw will take place at the location and time nominated in the invitations whether or not the invited candidates or any one of them are present.~~

~~y) In the event of a tie occurring the result shall be determined by the Returning Officer drawing lots in the presence of the tied candidates, whether or not they are present, provided that if one of the tied candidates is a retiring officer holder from the position subject of the ballot then they shall be declared elected.~~

The Returning Officer's Report to the Executive Meeting

yz) The Returning Officer will provide a report of the result of the election for the next Executive Meeting and shall submit to that meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed and the number on hand and any other relevant matter.

Eligible members

zaa) Eligible members under this Rule shall be the financial members of the Zone.

~~Eligible members under this Rule shall be the financial members of the Zone.~~

6) Scrutineers

Any candidate may if they so desire appoint a scrutineer who is a financial member of the Association to represent the candidate at the ballot. The candidate appointing the scrutineer shall notify the Returning Officer in writing of the name of such scrutineer, who:

a) Shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any votes so queried;

- b) Shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election; and
 - c) Shall not interfere with or attempt to influence any member at the time such member is casting their vote.
- 7) Casual Vacancies
- a) Where a casual vacancy, howsoever occurring in the office of
 - (i) Zone Convenor; and
 - (ii) Workplace Delegate
 - b) The Executive shall take immediate action to have such vacancy filled by secret postal ballot of all financial members of the Zone provided that:
 - (i) Where the unexpired portion of the term of office in which the vacancy occurs does not exceed one year, the Executive may fill such vacancy by appointment of a financial member of the zone; and
 - (ii) Where the unexpired portion of the term of office in which the vacancy occurs exceeds one year, the Executive may fill such vacancy by appointment of a financial member of the zone until an election is held, provided that no person so appointed shall hold office for a period exceeding three months.
 - c) Such election shall be conducted by the Returning Officer appointed pursuant to this Rule and the Returning Officer so appointed shall determine the dates for the closing of nominations and the closing of the ballot and shall report the result of the ballot to the next following meeting of the Executive.
 - d) Any person so elected shall take office from the date of the declaration of their election and shall hold office until the expiration of the term of the person they replace.
 - e) In all other respects, the election shall be conducted in accordance with the foregoing provisions of this Rule.
- 8) System of Voting
- a) The system of voting in any election conducted pursuant to this Rule shall be the first-past-the post system.
 - b) A voter shall record their vote by marking sequential numbers on the ballot paper, commencing with the number 1, in the squares opposite the names of the candidates so as to indicate the order of the voter's preference for each candidate, provided that failure by a voter to mark a preference beyond the number of candidates to be elected shall not invalidate the vote of that voter.

9) Absent Voting

A member who is entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer prior to the distribution of ballot papers a written request for an absent vote together with an address at which they can receive communications. The Returning Officer shall forward a ballot paper to the address so specified and shall notify the member of the closing date for an absent vote to be lodged.

Rule 96 – DUAL OFFICES

- 1) In the event of a candidate being elected pursuant to Rule 94 to more than one office as defined in Rule 72 or in the event of a candidate being elected to more than one office pursuant to Rule 95, that candidate shall be declared elected to the higher or highest of such offices.
- 2) For the purposes of this Rule, the order of precedence shall be:
 - a) In the case of the offices referred to in Rule 72:

President
Vice-President

Secretary/Treasurer
Executive member
 - b) In the case of the offices referred to in Rule 95:

Zone Convenor
Workplace Delegate
- 3) If a candidate declared elected to a higher office is a candidate for election to a lower office, the Returning Officer shall disregard any primary vote cast for that candidate in the election for the lower office and shall allocate, according to the order (if any) expressed by the voter, the vote of the voter to the next candidate indicated who has not been declared elected to a higher office. A vote so allocated shall be counted as a primary vote for the candidate to whom it is so allocated.
- 4) Where more than one vacancy for a position is to be filled, the preferences marked to the number of vacancies to be filled shall be primary votes and shall have equal value and shall be allocated to the candidates for whom they are cast.
- 5) No member shall simultaneously hold office as an Association Executive Officer, Zone Convenor, or Workplace Delegate provided that in respect of any Zone falling within paragraph (i) of Rule 72 (3), the delegate shall also be the Zone Convenor.

Rule 97 - ELECTION OF ASSOCIATION DELEGATES TO FEDERAL COUNCIL

- 1) The delegates to Federal Council representing the Association shall be the President and, depending on the application of the formula set out in Rule 14 of the Federation Rules, the other Association Executive Officers.
- 2) The order of Association Executive Officers for the purpose of Rule 97(1) shall be:
 - a) the President;
 - b) the Vice President;
 - c) the Secretary/Treasurer
 - d) Executive members in order of election.

CHAPTER 5 – ASSETS AND FINANCE

Rule 98 - ASSOCIATION FUNDS AND PROPERTY

- 1) The funds and property of the Association shall consist of:
 - a) Any real or personal property of which the Association by these Rules or by any established practice not inconsistent with these Rules, has, or, in the absence of any limited term lease bailment or arrangement, would have, the right of custody, control, or management;
 - b) The amounts of fees, subscriptions and levies payable to the Association pursuant to these Rules; less so much of the amounts as is payable by the Association to the Federal funds as defined;
 - c) Any interest, rents, dividends, or other income derived from the investment or use of such funds and property;
 - d) Any superannuation or long service leave or other funds operated or controlled by the Association as a whole in accordance with these Rules for the benefit of its officers or employees;
 - e) Any sick pay funds, accident pay funds, funeral fund or like funds operated by the Association as a whole in accordance with these Rules for the benefit of its members;
 - f) Any property acquired wholly or mainly by expenditure of the moneys of such funds and property or derived from other assets of such funds and property; and
 - g) The proceeds of any disposal of parts of such funds and property.
- 2) The funds and property of the Association shall be controlled by the Executive which shall have power to expend the funds of the Association for the purposes of carrying out the objects of the Association. For the expenditure of the funds of the Association on the general administration of the Association and for purposes reasonably incidental to the general administration of the

Association, the prior authority of the Executive shall not be necessary before cheques are signed or accounts paid.

- 3) Fees, subscriptions and levies shall be paid to the General Manager.
- 4) ~~Prior to the commencement of the AFPA Financial Year~~ ~~At the first meeting of the Executive in each calendar year~~, the General Manager shall submit for consideration and determination ~~by the Executive at that meeting~~ a proposed budget for the forthcoming financial year. The Executive shall be responsible for the allocation of Association funds.
- 5) The financial year of the Association shall end on the 30th Day of June in each year.
- 6) The Executive will develop and approve policies in relation to the expenditure of the Association's funds and management of its property, including policies to ensure fiduciary prudence in these matters.

Rule 99 – LOANS, GRANTS AND DONATIONS

Notwithstanding any other provisions of these Rules, the following shall apply in relation to the Association giving any loans, grants and donations:

- 1) No loan, grant or donation of an amount exceeding \$1,000 shall be made unless the Executive is satisfied:
 - a) That the making of the loan grant or donation would be in accordance with the other Rules of the Association; and
 - b) In the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.
- 2) Notwithstanding Sub Rule (1), the President may authorise the making of a loan, grant or donation of an amount not exceeding \$3,000 to a member of the Association if the loan, grant or donation:
 - a) Is for the purpose of relieving the member or any of the member's dependants from severe financial hardship; and
 - b) Is subject to a condition to the effect that, if the Executive at its next meeting does not approve the loan, grant or donation, it shall be repaid as determined by the Executive.
- 3) In considering whether to approve a loan, grant or donation under Sub Rule (2), the Executive shall have regard to:
 - a) Whether the loan, grant or donation was made under the Rules of the Association; and
 - b) In the case of a loan:
 - (i) The security (if any) given for the repayment of the loan is adequate; and

- (ii) The arrangements for the repayment of the loan are satisfactory.
- 4) Nothing in this Rule is intended to apply to or prevent the reimbursement of out-of-pocket expenses incurred by persons for the benefit of the Association.

Rule 100 – ASSOCIATION AUDITOR

The Association Auditor shall:

- 1) Be appointed annually by the Executive, and may only be removed by the Executive during their term of appointment by a special resolution of the Executive;
- 2) Perform such functions and duties as are prescribed by the RO Act including the yearly audit of the Association’s accounts and such other functions and duties not inconsistent with the RO Act as are required by the Executive;
- 3) Have access to examine if desired all books, papers, deeds, documents and accounts of the Association and be empowered to question any office bearer or officer or employee of the Association with regard to the same and to obtain from any financial or other institution at which the funds of the Association are deposited or invested, such information as they may require; and
- 4) Have power to place before the Executive any suggestion they may desire to make concerning financial affairs of the Association.

CHAPTER 6 – ALTERATIONS OF RULES

Rule 101 – MAKING OR ALTERATION OF ASSOCIATION RULES

Subject to Rule 34(b) of the Federation Rules:

- 1) The National Council shall have power to make new Rules or to add to, amend, rescind or otherwise alter these Rules by resolution carried by a majority of members voting at a meeting of the National Council or by postal ballot of the members of the National Council conducted pursuant to these Rules.
- 2) Notice of any proposal for the making of a new Rule or for the adding to, amendment, rescission or other alteration of any of these Rules shall be given in writing to each member of the National Council at least one month prior to the relevant meeting of the National Council or to the commencement of the postal ballot (as the case may be) provided that any such proposal may itself be amended when being considered by the relevant meeting of the National Council.
- 2) The President shall within thirty-five (35) days of the making, addition to, amendment or rescission of these Rules file with the Fair Work Commission full particulars of the alteration in such form and manner that the Commission’s representative is able to form an opinion whether or not the alteration can be certified.
- 4) The President shall as soon as practicable, but not later than seven (7) days after filing particulars with the Fair Work Commission pursuant to Sub Rule (3) of this Rule, forward to the Executive a

true copy of the said particulars and a copy of all correspondence and documents with respect to the FWC General Manager's dealing with the alteration.

CHAPTER 7 – OTHER MATTERS

Rule 102 – ARBITRATION PROCEEDINGS AND INDUSTRIAL AGREEMENTS

Without affecting the operation of Rules 15 and 28 of the Federation Rules:

- 1) The Executive shall have the power and authority to lodge or file any claims, demands, disputes or other matter with the Fair Work Commission or such other court or authority as it may deem necessary in the interests of the Association or any member or group of members.
- 2) The Executive may authorise the Secretary/Treasurer, any Association Officer or an Association employee to lodge any such claim, demand, dispute or other matter and to authorise that Officer or employee, or any other person, to represent the Association in the conduct of proceedings arising from such lodgement.
- 3) The Executive shall have power and authority to negotiate and enter into industrial agreements for the members of the Association. Any such agreement shall be signed either by the President as authorised by the Executive to do so.

Rule 103 – INSPECTION OF BOOKS & CONSIDERATION OF FINANCIAL REPORTS

Any financial member of the Association may at a reasonable time during normal office hours inspect the audited financial returns and membership records of the Association upon giving the Secretary/Treasurer seventy-two (72) hours' notice of their wish to do so.

Rule 104 – MEMBERS ENGAGED ON ASSOCIATION BUSINESS

- 1) Should any member of the Association lose any part of their salary or wages or be required to work extra time in consequence of their having been engaged on the business of the Association or their Zone under instructions from the Executive or their Zone Committee as the case may be, the Association shall make good all such loss or shall remunerate the member at their rate of salary for the time occupied by them whilst so engaged. Reasonable out-of-pocket expenses shall be allowed for members engaged on Association or Zone business.
- 2) Any Officer or member transacting business on behalf of the Association or any Zone thereof shall report on such business to the body which appointed them to carry out such business. Any such Officer or member neglecting to make such report may forfeit all claims for any time lost and expenses incurred whilst so engaged in such business.

Rule 105 – LEGAL ASSISTANCE

- 1) The Association may provide legal assistance to a member for any matter directly or indirectly connected with or having an impact or effect upon the performance of duty by the member in the AFP, or for any other matter affecting the member.

- 2) The National Council shall determine, and when necessary amend the scheme for the provision of legal assistance to members, and such scheme as it provides from time to time will be published by the Association on its website.

Rule 106 – STANDING ORDERS AND RULES OF DEBATE

The Executive shall determine from time to time the standing orders and Rules of debate to apply to meetings of the Association. A copy of such standing orders and Rules of debate as determined from time to time shall be supplied free of charge by the Secretary/Treasurer or by a Zone Convenor to any financial member of the Association requesting the same.

Rule 107 – GENERAL MANAGER

- 1) The Executive shall appoint a suitably qualified person (who need not be a member of the Association) to be employed full time as General Manager of the Association, on terms and conditions determined by the Executive, but subject to the subsequent provisions of this Rule.
- 2) The maximum term of appointment to the position of General Manager must not exceed three (3) years, although a further contract or contracts not exceeding such a term may be offered to such an employee if that person's performance, in the opinion of the Executive, justifies such further contract or contracts; however, no one person may be continuously employed by the Association as General Manager, or in any other position of similar character and rank for more than ten years, unless the Executive decides to do so by a special resolution.
- 3) The Executive must retain the right to terminate the employment of the General Manager:
 - a) Summarily for cause; or
 - b) On notice without cause, such notice not to exceed three (3) months, or payment in lieu thereof.
- 4) The full list of the duties of the position of General Manager will be determined by the Executive from time to time, but without limiting the duties that may be so assigned shall include the responsibility of managing and administering the National Office and the Association's employees, and may include any of the duties of the Secretary/Treasurer under these Rules (including that of being a signatory to any Association account).
- 5) Provided that:
 - a) Any of the duties of the Secretary/Treasurer delegated to the General Manager shall be performed by the latter under the supervision or at the direction of the Executive for the purpose of carrying out the policies of the Association or the decisions of the Executive;
 - b) Any delegation of any of the duties of the Secretary/Treasurer to the General Manager may be subject to exceptions, either generally or for particular occasions, or may be wholly or partially revoked by resolution of the Executive at any time;

- c) Responsibility for all acts and omissions done pursuant to any such delegation shall remain that of the Executive or the Secretary/Treasurer, as the case may be; and
- d) The Secretary/Treasurer shall be and remain the prescribed officer of the Association responsible for the keeping of all registers and the filing and furnishing of documents required by the RO Act.

Rule 108 – TRANSITIONAL – ASSOCIATE MEMBERS

- 1) There shall be no associate member category of membership of the Association as and from the date of certification of this Rule.
- 2) Any person who was an associate member of the Association as at the date of certification of this Rule may remain such a member until the Association, pursuant to resolution of the Executive, or the associate member concerned, give notice to the other party of termination or resignation, as the case may be, on not less than twenty eight (28) days' notice



AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 4A: Amend Rule 81(5)

RESOLUTION: This National Council amends Rule 81 (5) of the AFPA Police Federation of Australia Branch Rules by deleting the word “urgent”.

Moved:

Seconded:

Carried/Rejected

Rationale:

The proposed change will allow the President to manage the Executive effectively without requiring meetings to determine administrative and other non-urgent matters. The proposed rule change reflects current practice.



AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 4B: Amend Rule 94(1)(c)

RESOLUTION: This National Council amends Rule 94(1)(c) of the AFPA Police Federation of Australia Branch Rules by deleting in its entirety 94(1)(c) and inserting the following:

94(1)(c) The Secretary/Treasurer and the six Executive members other than the President and the Vice President shall be elected by secret ballot by and from the National Council and shall take office from the declaration of their election and shall hold office for a period of two years or until successors to them have been elected and taken office. Such an election shall be conducted at every biennial meeting of National Council, occurring thereafter.

Moved:

Seconded:

Carried/Rejected

Rationale:

Amendment recommended by the AEC to clarify the office Secretary/Treasurer is included in this Rule



AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 4C: Amend Rule 94(6)

Resolution: This National Council amends Rule 94(6) of the AFPA Police Federation of Australia Branch Rules by inserting the words “*Subject to the requirements of the Fair Work (Registered Organisations) Act 1999:*” immediately after the words “Returning Officer”

Moved:

Seconded:

Carried/Rejected

Rationale:

Amendment requested by AEC to clarify process for appointment of returning officer for election purposes. The Association will continue to be able to appoint returning officers for matters such as member plebiscites.



AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 4D: New Rule 95(3A)

Resolution: This National Council amends the AFPA Police Federation of Australia Branch Rules by inserting new Rule 95(3A):

- 3A *A member may not vote, nominate candidates for election or nominate for election in any Zone other than the one to which that member has been allocated by the Secretary/Treasurer pursuant to Rule 64 prior to the close of the roll (“the closure”) unless the Secretary/Treasurer declares in writing to the Returning Officer before the calling of nominations that:*
- (i) the allocation of that member to that Zone prior to the closure of the roll did not conform to the requirements of the applicable National Executive resolution (“the relevant Resolution”) in effect at the time that the Secretary/Treasurer made the allocation; or*
 - (ii) subsequent to the allocation and prior to the closure the employment circumstances of the member had altered to such an extent that compliance with the relevant Resolution required the allocation of that member to another Zone*

in which case the member shall be reallocated to the correct Zone and may vote, nominate candidates for election and stand for election in that Zone.

Moved:

Seconded:

Carried/Rejected

Rationale:

The AEC requested clarification within the rules on the process for allocating members to zones, including those on “temporary” duties.



AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 4E: Delete and Replace Rule 95(5)

Resolution: This National Council Amends Rule 95(5) of the AFPA Police Federation of Australia Branch Rules by deleting Rule 95(5) in its entirety and replacing as follows:

5) Conduct of Elections

The Call for Nominations

- a) Not later than the 1st day of June in the year of an election, the Returning Officer shall call for nominations by circular (which may be by electronic means) to all eligible members of the Zone under this Rule, or by advertisement in a daily newspaper and/or Union Journal circulating throughout the State or Territory in which the Zone has members, and shall publish nomination forms on the Association's website and issue nomination forms to any financial member requesting the same.
- b) Nominations shall be in writing, signed by the nominee and the nominator (who shall be a financial member of the Zone) and shall be delivered to the Returning Officer at the address or in the manner (including electronic form) specified in the circular calling for nominations not later than 5pm on the 1st day of July in the year of the election.

Nominations Close

- c) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of finding a defect in any nomination the Returning Officer shall before rejecting the nomination notify the person concerned of the defect and, where practicable, give them the opportunity of remedying the defect in not less than seven days after the person is notified.
- d) If there are not more nominations than there are vacancies for a position, they shall declare the nominated person or persons elected to the position.

Preparation for an Election: The Preparation of Ballot Papers

- e) If more nominations are received than there are vacancies for a position, they shall have ballot papers printed and delivered to them containing the names of the candidates for each position in order determined by lot, indicating the number to be elected to each position, the manner in which votes shall be recorded, and the date and time of closing of the ballot such date being not later than the 31st day of August immediately following the closing of nominations. The roll of voters for the ballot is to be closed twenty-one (21) days before the day on which nominations for the election open.

- f) The Returning Officer shall be responsible for the safe custody of the ballot papers.
- g) They shall obtain from the printer a certificate of the number of ballot papers printed.
- h) They shall initial every ballot paper prior to its distribution.

Arrangements for the Receipt of Ballot Material

i) The returning officer shall, for the purposes of receiving ballot material in respect of a ballot, use a private box or other secure postal facility at a post office or mail centre. Access to the private box mentioned in this rule shall be limited to:

- Persons authorised by Australia Post,
- The returning officer, and
- Persons authorised in writing by the returning officer.

The Delivery of Ballot Papers to Eligible Voters

j) On or before the opening day of the ballot the returning officer shall forward ballot material in a sealed envelope by prepaid post to each person on the roll of voters at the address shown on the roll of voters.

k) Ballot material shall include:

- a) one or more ballot papers showing the time and date of the close of the ballot
- b) a Reply-Paid envelope addressed to the private box referred to in the rule, being an envelope that may be posted without expense to the voter,
- c) an inner 'Declaration Envelope' as prescribed by the Act, suitable for containing the ballot papers
- d) a copy of each statement submitted by candidates under rule 15.

Lost, Destroyed or Spoilt Ballot Papers

l) Where a member whose name is on the roll of voters claims that the ballot material has not been received or has been lost, destroyed or spoilt, the member may make an application to the Returning Officer for the issue of replacement ballot material.

m) The application shall

- be in writing
- set out the applicant's full name and postal address
- set out the grounds on which the application is made
- contain a declaration that the applicant has not voted in the ballot
- be accompanied, if practicable, by any evidence that is available of the loss, destruction or spoiling of the ballot material.

n) If the returning officer is satisfied that the information contained in the application is true and correct, the returning officer shall issue replacement ballot material to the applicant.

The Safe Custody of Ballot Papers that are Returned

o) During the course of the ballot the returning officer may collect returned envelopes from the private post box and keep them in safe custody until the commencement of the scrutiny. The returning officer shall make a final clearance of returned envelopes so that all envelopes received by the returning officer prior to the closing time for the ballot are admitted to the scrutiny. No envelopes returned after the close of the ballot shall be admitted to the scrutiny.

The Scrutiny of Ballot Papers

- p) The returning officer shall conduct a preliminary scrutiny of returned declaration envelopes to ensure that only one returned envelope from each eligible voter is admitted to the count. The returning officer may commence the preliminary scrutiny prior to the close of the ballot.
- q) Before proceeding to count the votes to ascertain the result of the ballot, the returning officer shall:
- remove the 'Declaration Envelope' from the Reply-Paid envelopes, and
 - examine the voter's declaration attached to each 'Declaration Envelope' and mark off the voter's name against a copy of the roll of voters.
- r) A voter's returned ballot material shall be rejected and set aside if:
- the 'Declaration Envelope' has not be returned, or
 - the voter has not completed the declaration on the 'Declaration Envelope' to satisfy the returning officer,
 - the voter is ineligible to vote, or
 - the returning officer is unable to identify the voter on the roll of voters.
- s) Where a voter returns more than one set of ballot material, only one set of ballot material shall be admitted into the count. The returning officer shall decide which set of ballot material is to be rejected.
- t) The returning officer note shall on the ballot material that it has been rejected and the reason for rejection and set it aside for separate custody.
- u) When the returning officer has determined which declaration, envelopes are accepted for the count, the declaration section of each envelope is detached and removed so that the envelope can no longer be identified. Each envelope shall then be opened, and the ballot papers extracted to be counted.
- v) The returning officer shall reject as informal a ballot paper that:
- Does not bear the initials or other authenticating mark of the returning officer, and/or
 - Has upon it any mark or writing by which the voter, can be identified, and/or
 - Is not marked substantially in accordance with the instructions included on the ballot paper, and/or
 - The marking is such that the intention of the voter is not clear, and/or
 - Is not returned inside the declaration envelope.

w) Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a returned envelope or a ballot paper being accepted or rejected, the returning officer shall decide whether the returned envelope or ballot paper is to be admitted all rejected and endorse the decision on the envelope or ballot paper. The decision of the returning officer is to be final.

Tied Vote

(x) If at the end of the count of the ballot papers, two or more of the candidates have the same number of votes (a tie), the result shall be determined by the Returning Officer as follows.

(A) If one of the candidates held the affected office immediately prior to the calling of nominations for the election that produces the tied vote, that candidate shall be declared to be elected.

(B) If (A) does not apply, the Returning Officer will determine the result by drawing lots amongst the candidates.

(C) If (B) applies, the Returning Officer will give written invitations to the tied candidates to attend the draw. The draw will take place at the location and time nominated in the invitations. The draw will proceed at the specified place and time, whether any of the invited candidates are present. The Returning Officer will declare the result of the election determined pursuant to this paragraph immediately following the completion of the draw

The Returning Officer's Report to the Executive Meeting

y) The Returning Officer will provide a report of the result of the election for the next Executive Meeting and shall submit to that meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed and the number on hand and any other relevant matter.

Eligible members

z) Eligible members under this Rule shall be the financial members of the Zone.

Moved:

Seconded:

Carried/Rejected

Rationale: The AEC requested a number of provisions be reworded to allow for better administration of the electoral process. This has resulted in the inclusion of Clause "titles' and some renumbering of existing provisions. There is no change to underlying process, other than

95(5)(e) increase tie frame for ballot close from 7 to 21 days – this will allow for efficient administration of new Rule 95(3A)

95 (x) – procedures for dealing with tied vote.



AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 4F: Delete and Replace Rule 98(4)

Resolution: This National Council Amends Rule 98(4) of the AFPA Police Federation of Australia Branch Rules by deleting Rule 98(4) in its entirety and replacing as follows:

Prior to the commencement of the financial year, the General Manager shall submit for consideration and determination by the Executive a proposed budget for the forthcoming financial year. The Executive shall be responsible for the allocation of Association funds.

Moved:

Seconded:

Carried/Rejected

Rationale

This proposal better reflects current practice and allows the General Manager and Executive to assess current expenditure based on more up to date information. Previously a budget was required to be finalised by January and was subject to regular amendment.

AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 5

2021 EA Negotiations Discussion Paper



TO: National Council
FROM: General Manager
SUBJECT: 2021 EA Negotiations
DATE: 20 & 21 March 2019

BACKGROUND

The 2017 National Council endorsed the establishment of an Enterprise Agreement Advisory Committee, which included NC Delegates and Executive members under the leadership of the Vice President.

The Executive subsequently established a committee comprising:

Executive Representatives

1. Graeme Cooper (Chair)
2. Adrian Smith
3. Scott Henderson

NC Representatives

1. Ellanor Pavlovich
2. Luke Read
3. Troy Gordon

AFPA staff members Vince Kelly, Michael Chilcott and Matthew Peterson were invited to participate in the committee by the chair.

As the National Council is aware that the Vice President position is currently vacant and elections for National Executive are underway. The elections for NC delegates will also be conducted in June/July 2019.

The make-up of this committee will be reviewed at the conclusion of these electoral processes.

CURRENT SITUATION

The committee reported to the Executive on 15 November 2018 and the Executive subsequently adopted the following broad strategy and time frames for the 2021 Enterprise Agreement negotiations:

1. Correspondence to Commissioner Colvin seeking full details in relation to AFP Industrial Framework Review (immediate)
2. Survey of Members (January/February 2019) – General Manager to obtain costings/quotes immediately
3. Survey report for consideration of National Council (March 2019)
4. Focus Group Surveys if required/recommended (May/June 2019) – General Manager to obtain costings/quotes immediately

5. Final Survey Report (July 2019)
6. Development of AFPA “Log of Claims” (August to November 2019)
7. Development of Campaign and Media Strategy (January/February 2020)
8. Appointment of Negotiating Team (March 2020)
9. Negotiations/Implementation of campaign strategy (March 2020 until complete)

The Executive and committee also acknowledged at that time matters raised in correspondence from a group of members in Victoria zone. Noting that the demographics and structure of our membership and workforce dictate that all negotiations must seek to establish a balance between perceived competing interests of different work areas/functions within the AFP. This approach has been a guiding principle of the current leadership of the AFPA and our negotiating team. Where possible, matters raised in this document will be incorporated into a final negotiating platform.

A meeting was conducted with the Melbourne zone on Thursday 8 November 2018 attended by then Vice President, Graeme Cooper. The President has subsequently had a number of discussions with Melbourne delegates and members prior to this National Council meeting.

The Executive and committee also considered a proposal in relation to a broad locality allowance and determined that a locality allowance should, if possible be included as an industrial goal of the AFPA in the 2021 EA negotiations.

The membership survey commenced on 15 February 2019 and is the subject of a report and workshop at this National Council.

As indicated above further work is to be undertaken prior to the finalisation of a negotiating position by August 2019.

RECOMMENDATIONS

The National Council note the results of the AFPA survey and endorse the broad EA Strategy as tabled and presented to the 2019 National Council.



AFPA

Australian Federal
Police Association

AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 5

EA 2021 Resolution

Resolution: The National Council notes the results of the AFPA survey and endorses the broad EA Strategy as tabled and presented.

Moved:

Seconded:

Carried/Rejected



AFPA
Australian Federal
Police Association

AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 6

Compensation and rehabilitation coverage-Australian Peace Keeping Police

Discussion Paper

TO: National Council
FROM: Martin Hess, Canberra Zone Workplace Delegate
SUBJECT: Compensation and Rehabilitation Coverage - Australian Peace Keeping Police
DATE: 20 & 21 March 2019

BACKGROUND

Until July 2004 all 'veterans' including police peacekeepers were entitled to coverage under the Veteran's Entitlements Act (VEA). In July 2004, this Act covering 'veterans' was changed to include only Australian Defence Force (ADF) Veterans returning from difficult and dangerous missions overseas. The new Act, the Military Rehabilitation and Compensation Act (MRCA) 2004, excluded all others who are not members of the ADF. AFP peacekeepers are not covered under the MRCA but come under the Safety Rehabilitation Compensation Act (SRCA), and its subsidiary Comcare, a system designed to address injury and illness arising from normal workplace environments and normal workplace practices.

On 27 February 2006, the then Minister for Justice and Customs, Senator Chris Ellison, announced that AFP officers serving overseas would soon benefit from the support of a police-specific compensation and rehabilitation scheme relating to dangerous foreign missions.

In late 2007 the Rudd Government was elected. During the 2007 election campaign the Police Federation of Australia (PFA) sought a commitment from each political party to introduce such arrangements through stand-alone legislation for the AFP, administered by the Department of Veterans' Affairs (DVA), and providing benefits equivalent to the Military Rehabilitation and Compensation Act 2004.

In response, the Rudd Government made the following commitment:

Labor understands that the strategic environment is changing, and that consequently personnel from the AFP, namely the International Deployment Group (IDG), will be increasingly required to serve overseas.

In recognition of these changing circumstances Labor will consider options to have AFP officers who serve overseas represented under the current legislative schemes for Military Compensation administered by the Department of Veterans' Affairs.

Labor believes that any moves to have AFP officers represented under the Military Compensation Scheme must not dilute the fundamental principle of 'qualifying service', and that any scheme should be based on graded benefits dependent on the level of danger to which officers are exposed.

Therefore any review would focus on the roles played by AFP officers overseas and their proximity to dangerous threats and their appropriate representation under the military compensation legislative schemes.

As a general rule Labor would seek to implement any new compensation system for future deployments and would not seek to retrospectively apply that system unless there are exceptional circumstances.

In 2008 a Senate Committee on Australian Peacekeeping heard submissions from a number of interested parties including the AFP, the PFA the United Nations Overseas Police Association of Australia (UNOPAA). [Ref: https://www.aph.gov.au/binaries/senate/committee/fadt_ctte/peacekeeping/report/report.pdf]

The AFP informed the Committee on peacekeeping that a package of enhanced benefits was being developed by the Department of Employment and Workplace Relations (DEWR) in consultation with the AFP and DVA. DEWR had held discussions with the Office of Parliamentary Counsel on a preliminary draft bill which involves 'complex drafting issues and requires extensive consultation with a number of stakeholders'. The AFP stated that the new provisions would 'ensure AFP members receive benefits comparable to those provided to ADF members on like overseas missions' and that the scheme would be backdated to 1 July 2004'. This was basically an extension of Comcare.

The Police Federation of Australia (PFA) with the support of the UNOPAA argued that any legislation to cover police should be a stand-alone act owned and controlled by the Justice Minister in an identical fashion to the Military Rehabilitation and Compensation Act being owned and controlled by the Minister for Defence. The PFA also suggested that the Department of Veterans' Affairs have responsibility for administering it.

The Senate Committee expressed a clear view through the following relevant recommendations:

*The committee recognises **the importance of having specific legislation** that would establish a rehabilitation and compensation scheme for AFP officers who serve in overseas deployments. It notes the concerns of both the PFA and the UNPAA. **The committee urges the government to resolve the issue as a matter of priority.***

The committee recommends that the Australian Government release a policy paper outlining the options and its views on a rehabilitation and compensation scheme for the AFP, invite public comment and thereafter release a draft bill for inquiry and report by a parliamentary committee.

In June 2009 the Police Federation of Australia on behalf of all Australian Police Officers made an extensive submission to a Department of Veteran's Affairs Committee undertaking a review of military compensation arrangements, (Attachment A refers).

The following observation is important to note that in its submission to the DVA Committee that the PFA:

*...understand(s) that senior **officials of ComCare are also of the view that its scheme is not particularly suitable for policing.** It is essentially a scheme for peaceful, domestic circumstances. **It certainly does not provide anywhere near benefits comparable with the military compensation arrangements nor does it have the legislative requirement for claims to be interpreted in a beneficial manner.***

It is also worth noting that the PFA submission to that Committee states:

The PFA's strong preference is for a stand-alone rehabilitation and compensation scheme covering Australian Federal Police personnel serving overseas, administered by the DVA and providing benefits comparable to those provided through the MRCA.

*It is deplorable that from 2004, and still in 2009, we have AFP and seconded State and Territory police officers serving overseas in hostile and dangerous environments, providing law and order services in sometimes 'failing States', without the very best in effective workers' safety, rehabilitation and compensation arrangements. **Many of the deployments these personnel are engaged in are high-risk operations comparable with those in which ADF personnel are engaged. In some cases, the ADF and AFP personnel are operating side-by-side in the same hostile environment and experiencing similar work-related injuries and illnesses.***

Since that time, a decade has elapsed and no progress has been made on this matter, either as an extension of Comcare or as a stand-alone Act for police, commensurate with the military Act the MRCA. In this decade, AFP members have deployed to challenging and dangerous environments often alongside their ADF colleagues, in places such as Afghanistan, Sudan, South Sudan and Eastern Ukraine, and yet this disparity between the treatment of returned AFP members and returned ADF members continues and the obvious gap remains. This is unacceptable particularly in light of recent AFP initiatives related to organisational health, specifically mental health.

It is worth recalling the words of former AFP Commissioner in his 2018 Report 'When Helping Hurts':

"Anything which can be done to increase the personal wellbeing and safety of field officers and improve their self-confidence is to be supported and applauded. The public has an expectation that police will run towards danger and police and other first responders will almost always do exactly that. Indeed we need them to do so.

As a consequence, it is our responsibility to do all that is reasonably possible to ensure that the safest possible environment is created and maintained to accommodate this reality." Former AFP Commissioner Mick Palmer 31

"Police and other first responder business is tough. It is unpredictable, stressful and very frequently urgent. Expectations are high from all quarters. The challenge for leaders is to ensure they understand the risks and, as far as humanly possible, do not meet public demand at the expense of the health and wellbeing of their own people." Former AFP Commissioner Mick Palmer 49

[<http://australia21.org.au/wp-content/uploads/2018/06/When-Helping-Hurts-PTSD-in-First-Responders-WEB.pdf>]

These words, although stated in the context of domestic responders, particularly police, they are equally applicable to police deployed internationally to dangerous environments, particularly active conflict zones, to help people and governments restore hope to their populations and facilitate justice based outcomes, among a range of other activities. This type of service comes at a similar cost to domestic policing.

While this matter remains a focus for the Police Federation of Australia it is AFP members who are most likely to be impacted by this decade long legislative failure now and into the future, and it is through the AFPA that support from the AFP is sought for this matter to be re-considered on a bi-lateral basis at the federal political level.

RECOMMENDATIONS

The AFPA lobby the Minister for Veterans Affairs, Shadow Minister and other relevant elected officials to obtain bi-partisan political support at the federal level for the acknowledgement, recognition and compensation of AFP and other police members who have served in hazardous or dangerous international missions commensurate to the treatment provided to ADF members and furthermore seeks that any such acknowledgment, recognition and compensation be retrospective to July 2004, when the MRCA was enacted.

The AFPA seek support from the AFP to achieve this outcome for members.

**Agenda Item 6 - Attachment A
PFA Submission**



**Police Federation
of Australia**
The National Voice of Policing

ABN 31 384 184 778

Level 1, 21 Murray Crescent
GRIFFITH ACT 2603

Tel: (02) 6239 8900
Fax: (02) 6239 8999

24 June 2009

Military Compensation Review
PO Box 895
WODEN ACT 2606

milcomp.review@dva.gov.au

Dear Steering Committee members

**POLICE FEDERATION OF AUSTRALIA: SUBMISSION TO THE REVIEW
OF MILITARY COMPENSATION ARRANGEMENTS**

The Police Federation of Australia (PFA) represents Australia's 52,000 police officers serving in the Australian Federal Police and the police forces of each State and Territory. This includes members of the AFP, and officers seconded from State and Territory police forces to the AFP, who serve overseas, including in high-risk overseas operations.

We note that the Terms of Reference of the Review of Military Compensation Arrangements include the following (referred to here as Term of Reference 5):

5. *'Consider the suitability of access to military compensation schemes for members of the Australian Federal Police who have been deployed overseas*
 - Consider whether the current arrangement to develop an 'enhanced' scheme under the SRCA remains appropriate.
 - Consider whether it is appropriate for members of the Australian Federal Police who have been deployed on high-risk overseas operations to have access to the MRCA.
 - Consider whether it is appropriate to develop a stand-alone compensation scheme for members of the Australian Federal Police who have been deployed on high-risk overseas operations.'

The PFA has for nine years been pressing for effective and adequate statutory rehabilitation and compensation arrangements for police who serve overseas.

Most recently, prior to the 2007 Federal election, the PFA sought a commitment from each political party to introduce such arrangements through stand-alone legislation for the AFP, administered by the Department of Veterans' Affairs, and providing benefits equivalent to the *Military Rehabilitation and Compensation Act 2004*. Attachment 1, **Briefing Paper** sets out the background and our proposal in more detail.

In response, the Rudd Government made the following commitment:

Labor understands that the strategic environment is changing, and that consequently personnel from the AFP, namely the International Deployment Group (IDG), will be increasingly required to serve overseas.

In recognition of these changing circumstances Labor will consider options to have AFP officers who serve overseas represented under the current legislative schemes for Military Compensation administered by the Department of Veterans' Affairs.

Labor believes that any moves to have AFP officers represented under the Military Compensation Scheme must not dilute the fundamental principle of 'qualifying service', and that any scheme should be based on graded benefits dependent on the level of danger to which officers are exposed.

Therefore any review would focus on the roles played by AFP officers overseas and their proximity to dangerous threats and their appropriate representation under the military compensation legislative schemes.

As a general rule Labor would seek to implement any new compensation system for future deployments and would not seek to retrospectively apply that system unless there are exceptional circumstances.

In addressing your Terms of Reference, the PFA considers that the question of whether the AFP should be covered under the military scheme (MRCA) is a threshold question which should be settled at the beginning of your Review. We say this because we consider it would be inappropriate for the PFA to find the Review recommending in March 2010, or later, that the AFP should not be covered by the MRCA and to have lost nearly twelve months during which alternative measures through a stand-alone scheme could have been developed for the AFP.

In this connection we note that the former Minister's announcement of your Review made it clear that your 'timetable is subject to the need for a flexible approach which allows **priority issues to be addressed in a timely way** as required' (our emphasis).

Therefore, we propose that your Review addresses this question at the outset and fast-tracks the matter.

To put our position on Term of Reference 5 succinctly, we set out below our view of the three options.

1. The PFA is totally opposed to AFP officers being covered by the SRCA scheme (ComCare).

As a result of the *Veterans Entitlement Act (VEA)* being closed to Australian Federal Police (AFP) members from 2004, the only Commonwealth legislation available to AFP and state and territory police seconded to the AFP serving overseas in the event of work-related injuries or illness has been the *Safety Rehabilitation & Compensation Act 1988* (SRCA or ComCare). This is inadequate legislation for the overseas policing operational environment.

The SRCA scheme was never developed to take into account the types of service and operations undertaken by police in overseas service environments.

Because the previous government agreed to continue to provide the same level of compensation for injuries and fatalities as the VEA using ex-gratia arrangements on a case by case basis until new legislation could be introduced, AFP and seconded Police Officers suffering injury or illness are currently being dealt with in an ad hoc way. This is creating unacceptable anomalies.

We understand that senior officials of ComCare are also of the view that its scheme is not particularly suitable for policing. It is essentially a scheme for peaceful, domestic circumstances. It certainly does not provide anywhere near benefits comparable with the military compensation arrangements nor does it have the legislative requirement for claims to be interpreted in a beneficial manner.

As a consequence, the PFA considers that the current arrangement to develop an 'enhanced' scheme under the SRCA is inappropriate (see Term of Reference 5).

We are sure you will agree that ADF members would not accept this as providing effectively for their rehabilitation and compensation needs - neither will the AFP members.

2. The PFA does not believe that the MRCA meets the needs of AFP officers serving overseas.

The Military scheme has been specifically designed for the needs and circumstances of military service which is entirely appropriate. The military need and warrant an effective rehabilitation and compensation scheme tailored to their operational circumstances.

We are also of the view that the Australian Defence Force and military personnel and stakeholders are unlikely to support the military scheme being extended to non-military personnel, namely police officers serving overseas. It would be quite natural and understandable for the military to want to retain a scheme covering their needs exclusively.

We also believe that extending the MRCA to cover AFP personnel would create 'a pimple on a pumpkin' situation. Decisions made in relation to the scheme covering thousands of military personnel would likely have little or no regard for the needs of several hundred AFP personnel serving overseas. The circumstances of AFP deployed are likely to be overlooked.

3. The PFA's strong preference is for a stand-alone rehabilitation and compensation scheme covering Australian Federal Police personnel serving overseas, administered by the DVA and providing benefits comparable to those provided through the MRCA.

It is deplorable that from 2004, and still in 2009, we have AFP and seconded State and Territory police officers serving overseas in hostile and dangerous environments, providing law and order services in sometimes 'failing States', without the very best in effective workers' safety, rehabilitation and compensation arrangements. Many of the deployments these personnel are engaged in are high-risk operations comparable with those in which ADF personnel are engaged. In some cases, the ADF and AFP personnel are operating side-by-side in the same hostile environment and experiencing similar work-related injuries and illnesses.

It should be noted that the Rudd Government has committed to a significant expansion of the AFP International Deployment Group (IDG) as part of its international obligations. The IDG numbers some 700 officers, and at any time some 350 officers are deployed overseas, including in places like Iraq, Afghanistan, Pakistan, Sudan, Cyprus, Timor Leste and the Solomon Islands.

In addition to the International Deployment Group commitments, the AFP is increasingly deployed overseas at short notice for transnational crime investigations, counter terrorism intelligence and investigations, forensics, surveillance, protective security and for other Commonwealth international commitments. AFP operatives are now subject to multiple international and domestic deployments as part of their duties.

The situation police serving overseas face are comparable to those faced by the ADF. Four have been killed, some others wounded, and many others are suffering from the effects of their duties, performed while generally unarmed, under circumstances of extreme danger, in

locations of squalor and non-existent hygiene, and operating without the benefit of the ancillary services that accompany military units.

Police officers have been subjected to civil war, air attack, minefields, snipers, and crossfire; been taken hostage, threatened with death, taken 'prisoner of war', stoned, spat upon, assaulted and insulted. They have witnessed and investigated horrendous crimes against humanity.

A stand-alone scheme covering AFP personnel would be far more readily adapted to contemporary policing issues and circumstances which are not always the same as defence-related issues. We propose that the scheme be:

- modeled on the MRCA;
- the responsibility of the Minister for Home Affairs; and
- administered by DVA, well versed in the processes and issues involved, which would avoid the need to create an entirely separate administration to operate the scheme.

The Steering Committee should note that the Deputy Prime Minister, The Hon Julia Gillard MP, as Minister for Employment and Workplace Relations, and the Australian Federal Police support the proposal for 'a stand-alone compensation and rehabilitation scheme for police appointees in high risk missions overseas' (see Attachment 2: letter dated 4 June 2009 from the AFP).

I can also advise that Mr Bill Crews of the Returned and Services League (RSL) has informed me that the RSL strongly supports the PFA's proposal for a stand-alone scheme for AFP members serving overseas.

We would be pleased to meet with the Steering Committee and the Military Rehabilitation and Compensation Commission at the earliest opportunity to discuss the issues and options you are asked to consider and our proposal. We would be pleased to have our submission published on the DVA website.

Yours sincerely

Mark Burgess
Chief Executive Officer

Cc: The Hon Brendan O'Connor MP, Minister for Home Affairs

BRIEFING PAPER

Workers' compensation and rehabilitation

In 2000, the Senate Foreign Affairs, Defence and Trade references committee, in its inquiry into the East Timor situation of 1999, identified (in Chapter 3 of their Report under the sub-heading of "AUSCIVPOL¹" at paragraph 3.48) the committee's assessment of the duties, difficulties and dangers experienced by AUSCIVPOL and even goes as far as to compare them with, and find they were greater than, those experienced by the ADF.

On 27 February 2006, the then Minister for Justice and Customs, Senator Chris Ellison announced that AFP officers serving overseas would soon benefit from the support of a police-specific compensation and rehabilitation scheme relating to dangerous foreign missions. He said the scheme is intended to recognize 'the increased role of police at the front line in a time of heightened risk and will ensure AFP compensation entitlements remain consistent with those currently provided to Australian Defence Force members in similar mission circumstances'². In October 2006 the Minister advised that the legislation would shortly be available. The legislation has yet to be introduced.

The PFA has expressed concern at the delay in settling this important matter. Given the hazardous missions in which IDG members and a number of AFP Liaison Officers are engaged, it is vital that the police-specific workers' compensation and rehabilitation scheme be enacted at the earliest opportunity.

Historically, Australia's police serving in overseas peacekeeping deployments have been covered by the *Veterans' Entitlements' Act 1986* as "peacekeepers" entitling them to the same disability benefits as defence force personnel. That situation changed with the commencement of the *Military Rehabilitation Compensation Act 2004*, an Act from which police, as peacekeepers, have been excluded. No compensating legislation was provided to fill this vacuum.

It is proposed that this vacuum be filled by providing "compensation and rehabilitation benefits commensurate to those provided to Defence Force personnel". However we have grave concerns about this proposed legislation being simply an "amendment" to the *Safety Rehabilitation Compensation Act 1988*. This Act was never designed to meet such operational circumstances as it is primarily a Workers' Compensation and Rehabilitation regime for domestic purposes.

¹ Australian Civilian Police attached to a UN Mission.

² Senator Ellison Media Release, *Government supports AFP on dangerous missions*, 27 February 2006.

For some time the PFA argued that any Act to cover police should be a stand-alone Act, managed and controlled by the Justice Minister yet administered by the Department of Veterans' Affairs in an identical fashion to the *Military Rehabilitation Compensation Act 2004* being managed and controlled by the Minister for Defence. Deployed defence and police forces carry out similar but not identical functions in an overseas environment which carries with it a significantly increased element of danger.

The problem of appropriate workers' compensation and rehabilitation arrangements for AFP Liaison Officers has also been an ongoing issue. The recent Garuda Airlines plane crash in Jogjakarta which killed two AFP officers has highlighted the inequities between workers' compensation and rehabilitation entitlements for them as opposed to defence force personnel.

We are advised that the proposed police overseas workers' compensation and rehabilitation legislation will only cover IDG personnel.

The development of a stand-alone Act specific to police will allow other AFP personnel, such as AFP Liaison Officers working offshore, who would normally be covered by the *Safety Rehabilitation Compensation Act 1988*, to be covered by this new piece of legislation.

Veterans' Entitlements Act 1986 (VEA) issues

As at 2002, when the PFA made a submission to the *Commission of Review of Veterans' Entitlements* (the Clark Report), there were 1,871 police officers who had volunteered and served in a total of 2,453 tours of duty in 11 separate missions throughout the world entitled to coverage under the VEA. Since that report, police involvement in overseas deployments has increased dramatically as the Brahimi Report forecast and all such officers should be entitled to coverage under the Act.

Four have been killed, some others wounded, and many others are suffering from the effects of their duties, performed while generally unarmed, under circumstances of extreme danger, in locations of squalor and non-existent hygiene, and operating without the benefit of the ancillary services that accompany military units.

Police officers have been subjected to civil war, air attack, minefields, snipers, and crossfire; been taken hostage, threatened with death, taken 'prisoner of war', stoned, spat upon, assaulted and insulted. They have witnessed and investigated horrendous crimes against humanity.

The PFA proposes a review of all previous overseas deployments that are currently covered by the VEA to reassess whether certain deployments should be upgraded to 'warlike' or, in the case of police, termed 'extraordinary overseas policing', to ensure parity with the ADF. This would require some form of retrospective legislative change to the VEA. In support of this call, in 1990 during the first Gulf War, RAAF personnel temporarily attached for duty on Cyprus were classified as being in a warlike situation under the VEA, while

Australian police serving on Cyprus were not afforded like coverage. Other similar situations exist.

Proposed policy

14. The PFA seeks your commitment that:

- *the proposed compensation and rehabilitation benefits for police serving overseas be in a stand-alone piece of legislation and not an amendment to the Safety, Rehabilitation and Compensation Act 1988;*
- *the proposed compensation and rehabilitation Act for police working overseas be administered by the Department of Veterans' Affairs;*
- *the proposed compensation and rehabilitation Act for police working overseas cover all Australian police who work offshore including but not limited to IDG members and AFP Liaison Officers;*
- *the entitlements under the proposed compensation and rehabilitation Act for police be commensurate to those provided to Defence Force personnel under the Military Rehabilitation and Compensation Act and the Veterans' Entitlements Act;*
- *the proposed compensation and rehabilitation Act for police contain, as a minimum, the following provisions:*
 - *a special definition of 'extraordinary overseas policing' be included in the Act. The inclusion of such a definition is to give equality to the provisions of the Military Rehabilitation Compensation Act 2004;*
 - *a special definition of 'overseas policing' be included in the Act where the policing circumstances are of a lesser degree than 'extraordinary' for the same reasons as outlined above;*
 - *that the Commissioner, Australian Federal Police, have responsibility for recommending to the Minister for Justice and Customs (now Minister for Home Affairs), being the Minister responsible for the Act, any overseas deployment that meets the definition of 'extraordinary overseas policing' or 'overseas policing' deployment;*

- *that any member of such a declared deployment be entitled to full coverage and benefits under the Act which should mirror the Military Rehabilitation Compensation Act 2004;*
- *that the onus of proof should be identical to that currently required under the Veterans' Entitlements Act 1986;*
- *that an appeals system be included in the Act that is no less than that provided under the VEA;*
- *a review of all previous overseas deployments will be undertaken with a view to determining which if any deployments should be upgraded to 'warlike' in a policing context;*

ALP Response: *Labor understands that the strategic environment is changing, and that consequently personnel from the AFP, namely the International Deployment Group (IDG), will be increasingly required to serve overseas.*

In recognition of these changing circumstances Labor will consider options to have AFP officers who serve overseas represented under the current legislative schemes for Military Compensation administered by the Department of Veterans' Affairs.

Labor believes that any moves to have AFP officers represented under the Military Compensation Scheme must not dilute the fundamental principle of 'qualifying service', and that any scheme should be based on graded benefits dependent on the level of danger to which officers are exposed.

Therefore any review would focus on the roles played by AFP officers overseas and their proximity to dangerous threats and their appropriate representation under the military compensation legislative schemes.

As a general rule Labor would seek to implement any new compensation system for future deployments and would not seek to retrospectively apply that system unless there are exceptional circumstances.

Mark Burgess
Chief Executive Officer
Police Federation of Australia

November 2007

ATTACHMENT 2: AFP letter dated 4 June 2009



HUMAN RESOURCES

GPO Box 401 Canberra City ACT 2601
Email paul.jevtovic@afp.gov.au
www.afp.gov.au
ACN 17 157 301 143

04 June 2009

Mr Mark Burgess
Chief Executive officer
Police Federation of Australia
21 Murray Crescent
GRIFFITH ACT 2603

Dear Mr Burgess *Mark*

WORKERS' COMPENSATION AND REHABILITATION FOR POLICE OFFICERS SERVING OVERSEAS

Thank you for your letter of 20 May 2009 to Commissioner Keely and the opportunity to update the Police Federation of Australia (PFA) on workers' compensation and rehabilitation provisions for Australian Police deployed on high risk overseas missions.

You will be aware that new access to the Veterans Entitlement Act 1986 was closed to both Australian police and Australian Defence Force personnel from 1 July 2004, with the introduction of the Military Rehabilitation and Compensation Act 2004 (MRCA). The MRCA provides for a military specific compensation and rehabilitation scheme that covers domestic and offshore (including war-like) situations. On 1 July 2009, the Government will commence a review of the military compensation arrangements, which is expected to be finalised by 31 March 2010. The Terms of Reference for that review acknowledge the issue of compensation coverage for Australian Federal Police personnel deployed overseas.

I can confirm the Deputy Prime Minister, consistent with the Government's pre-election commitment, has asked the AFP and the Department of Education, Employment and Workplace Relations to bring forward a separate submission for a stand alone compensation and rehabilitation scheme for police appointees in high risk missions overseas. The submission will ideally be available for Government consideration early in the new financial year. Consistent with the previous endeavour, it is anticipated that the compensation, rehabilitation and health care benefits framework will be comparable to the military arrangements that apply for like overseas deployments.

I trust this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Jevtovic', written over a circular stamp or seal.

Assistant Commissioner Paul Jevtovic APM
National Manager
Human Resources

AUSTRALIAN FEDERAL POLICE ASSOCIATION

Agenda Item 6

Compensation and rehabilitation coverage-Australian Peace Keeping Police

Resolution: The AFPA lobby the Minister for Veterans Affairs, Shadow Minister and other relevant elected officials to obtain bi-partisan political support at the federal level for the acknowledgement, recognition and compensation of AFP and other police members who have served in hazardous or dangerous international missions commensurate to the treatment provided to ADF members and such acknowledgment, recognition and compensation be retrospective to July 2004, when the MRCA was enacted.

And Further

The AFPA seek support from the AFP to achieve this outcome for members.

Moved:

Seconded:

Carried/Rejected



AFPA

Australian Federal
Police Association

BIENNIAL NATIONAL COUNCIL MINUTES 2019

BRANCH OF THE POLICE FEDERATION OF AUSTRALIA

Wednesday, 20 March 2019

Thursday, 21 March 2019

CBR 1 & 2, Vibe Hotel Canberra Airport

1 Rogan Street Canberra ACT 2609

BIENNIAL NATIONAL COUNCIL MEETING 2019

Wednesday 20 March 2019 & Thursday 21 March 2019



Attendees

Chair: Angela Smith, President, Australian Federal Police Association

AFPA National Council Delegates

Community Policing Zone

Jane Thompson	Zone Convenor	ACT Policing - Traffic
Adrian Craft	Workplace Delegate	ACT Policing – City Station
Troy Gordon	Workplace Delegate	ACT Policing – Tuggeranong
Bridget O’Sullivan	Workplace Delegate	ACT Policing - Traffic

Canberra Zone

Martin Hess	Workplace Delegate	Bungendore - HQJOC
Luke Houlihan	Workplace Delegate	Canberra - Protection
Paul Gurn	Workplace Delegate	Crime Operations
Matthew Tonge	Workplace Delegate	Organised Crime and Cyber
Kane Johnson	Workplace Delegate	Canberra - Protection
Eric Davies	Observer	Canberra

Forensic Zone

Joshua Schwartz	Zone Convenor	Majura - Forensic
Jodie Green	Workplace Delegate	Majura - Forensic

Protective Service Officers Zone

Gary Dean	Zone Convenor	Canberra
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Specialist Response Group Zone

Robert Griffith	Workplace Delegate	Canberra – SRG Majura
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Executive and International Zone

Michael Travers (attended day 2 only)	Workplace Delegate	Canberra-Recognition & Ceremonial
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Intelligence Canberra Zone

Ellanor Pavlovich	Zone Convenor	Canberra - Intel
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NSW Zone

David Gale	Workplace Delegate	Sydney – Crime Ops
Alex King	Workplace Delegate	Sydney – Crime Ops
Aaron Nathan De Silva	Workplace Delegate	Sydney
Luke Read	Workplace Delegate	Sydney - CT

VIC/TAS Zone

Nicholas Bryce	Workplace Delegate	Melbourne – Org. C&C
Rab Seip	Workplace Delegate	Melbourne – Support Cap.

Queensland Zone

Tim Murphy	Zone Convenor	Brisbane – Crime Ops
Peter Slater	Workplace Delegate	Brisbane - Aviation
Tom Smith	Workplace Delegate	Brisbane – Crime Ops

South Australia Zone

David Clark	Zone Convenor	Adelaide - Aviation
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Western Australia Zone

Scott Caulfield	Zone Convenor	Aviation
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AFPA Executive

Angela Smith	President	AFPA Office
Adrian Smith	Treasurer/Secretary	Brisbane – Crime Ops
Alex Caruana	National Executive Member	Majura – Forensic
John Hawkins	National Executive Member	Canberra - Tuggeranong
Scott Henderson	National Executive Member	Sydney – Crime Ops
Clare Fitzpatrick	National Executive Member	Sydney

Apologies

Nathan Thompson	Workplace Delegate	Canberra – Protection
Julian Laycock	Zone Convenor	Darwin - Aviation
Nathan Nallo	Workplace Delegate	ACT Policing - Traffic
Matt Warren	Zone Convenor	Melbourne - CT
Ian Quirk	Workplace Delegate	International – SLO Belgrade
James Taylor	Workplace Delegate	Alice Springs – Pine Gap
Geoff Byron	Workplace Delegate	Melbourne - CT
Malcolm Westhead	Workplace Delegate	Perth - Protection
Stephen Booth	Workplace Delegate	ACT Policing - Traffic
David Fleming	Workplace Delegate	ACT Policing - Winchester
Pamela Damokas	Zone Convenor	Melbourne - PSS
James Cheshire	National Executive Member	Melbourne – Crime Ops
Vince Pannell	National Executive	Canberra
Rod Higgins	Workplace Delegate	Melbourne - Org. C&C
Joshua Kinghorn	Zone Convenor	Canberra – SRG Majura

AFPA Staff

Vince Kelly APM	General Manager
Vicki Linabury	Manager Industrial & Legal
Michael Chilcott	Legal Consultant
Troy Roberts	Media & Government Relations Manager
Matthew Peterson	Industrial Lawyer
Sam Delaney	Industrial Officer
Chris Chilcott	Industrial Support Officer
Anish Prasad	Industrial Officer
Wendy Black	Industrial Officer
Sharon Wright	Industrial Officer
Angela Lowe	Business Support Officer
Bob Muir	Membership Services Officer
Kendall Searle	Receptionist

Interstate Police Association/Union Observers

Mark Turner	Northern Territory Police Association
Paddy Carson	Northern Territory Police Association
Michael Kent	Police Association of South Australia
Tony King	Police Association of New South Wales
Pat Gooley	Police Association of New South Wales
Kevin Morton	Police Association of New South Wales
George Tilbury	WA Police Union
Jason Gentili	WA Police Union
Gavin White	Police Association of Tasmania
Col Muller	QLD Police Union
Grant Wilcox	QLD Police Union
John Laird	Police Association Victoria
Mark Sims	Police Association Victoria
Michael Lamb	Police Association Victoria

AUSTRALIAN FEDERAL POLICE ASSOCIATION BIENNIAL NATIONAL COUNCIL MEETING 2019



Minutes

Wednesday 20 March 2019

The National Council meeting opened at 9.07am

The opening address was given by Angela Smith, President. This was followed with remarks from:

- Clare O'Neil, MP – Shadow Minister for Justice
- Andrew Colvin, Commissioner, Australian Federal Police

AFPA Election Policy Platform and Strategy Update

Presentation by Stefanee Lovett, Managing Director, and Kathryn Conroy, Principal Consultant, Nexus Public Affairs to the National Council on the AFPA election policy platform and strategy.

Previous Minutes from 2017 Biennial National Council

Resolution: The minutes of the National Council Meeting of 21 & 22 March 2017 be accepted as tabled

Moved: Alex Caruana
Second: Ellanor Pavlovich
Carried: Unanimously

Business Arising from 2017 Biennial National Council

Agenda Item 6 – Submission was made to Commissioner Colvin, however, has not been progressed. It is unlikely matter will be progressed further by Commissioner at this time due to establishment of a People Taskforce.

Rules of Debate

Resolution: The National Council, in accordance with Rule 106 of the Rules, endorses the Rules of Debate as tabled.

Moved: Scott Henderson
Second: John Hawkins
Carried: Unanimously

Member Wellbeing Panel Workshop

The session opened with Carla Duncan, ACT Policing who was savagely attacked by a dog while on duty. She shared her story with delegates.

The workshop panellists consisted of:

Facilitator: Cath McGrath, Director, Catherine McGrath Media
Darren Black, Chief Executive Officer, OzHelp
Dr Katrina Sanders, Chief Medical Officer, Australian Federal Police
Kate Carnell AO, Beyond Blue
Prof Sandy McFarlane AO, Director, Centre for Traumatic Stress Studies University of Adelaide

Legal & Industrial Report

Resolution: The National Council note the Legal & Industrial report as tabled.

Moved: John Hawkins

Second: Troy Gordon

Carried: Unanimously

Agenda Item 1-AFPA Election Policy Platform and Strategy

Resolution: The National Council endorses the AFPA Election Policy Platform and Strategy document as tabled and presented.

Moved: Jane Thompson

Seconded: Peter Slater

Carried: Unanimously

Agenda Item 2-AFPA Member Wellbeing Strategy

Resolution: The National Council notes the AFPA Member Wellbeing strategy and endorses the joint AFPA/OzHelp Policy Position as tabled and presented.

Moved: Nick Bryce

Seconded: Jodie Green

Carried: Unanimously

Agenda Item 3 – AFPA Legal Assistance Scheme

Resolution: The National Council, in accordance with Rule 105 of the AFPA Branch Rules, adopts the amended Legal Assistance Scheme as tabled.

Moved: David Gale

Seconded: Clare Fitzpatrick

Carried: Unanimously

The National Council Meeting adjourned at 4.20pm.

Thursday 21 March 2019

The National Council meeting resumed at 9.05am

EA 2021 Panel Workshop

The panel consisted of the following speakers:

Facilitator: Cath McGrath, Director, Catherine McGrath Media

Peter Lewis, Director, Essential Media

Peter Crozier, Assistant Commissioner, National Manager People Safety and Security

Adrian Smith, Secretary/Treasurer, AFPA

AFPA National Council Elections

National Council elections were conducted by Martha Gray and Brian Lindsay, Returning Officers, Australian Electoral Commission.

Adrian Smith was declared elected unopposed to the position of Secretary/Treasurer.

Six Executive positions to be declared on 4 April 2019.

Agenda Item 4A-Amend Rule 81(5)

Resolution: This National Council amends Rule 81(5) of the AFPA Branch Rules of the Police Federation of Australia Branch Rules by deleting the word “urgent”.

Moved: Clare Fitzpatrick

Seconded: Scott Henderson

Carried: Unanimously

Rationale: The proposed change will allow the President to manage the Executive effectively without requiring meetings to determine administrative and other non-urgent matters. The proposed rule change reflects current practice.

Agenda Item 4B-Amend Rule 94(1)(c)

Resolution: This National Council amends Rule 94(1)(c) of the AFPA Branch Rules of the Police Federation of Australia Branch Rules by deleting in its entirety 94(1)(c) and inserting the following:

94(1)(c) The Secretary/Treasurer and the six Executive members other than the President and the Vice President shall be elected by secret ballot by and from the National Council and shall take office from the declaration of their election and shall hold office for a period of two years or until successors to them have been elected and taken office. Such an election shall be conducted at every biennial meeting of National Council, occurring thereafter.

Moved: Clare Fitzpatrick

Seconded: Scott Henderson

Carried: Unanimously

Rationale: Amendment recommended by the AEC to clarify the office Secretary/Treasurer is included in this Rule

Agenda Item 4C-Amend Rule 94(6)

Resolution: This National Council amends Rule 94(6) of the AFPA Branch Rules of the Police Federation of Australia Branch Rules by inserting the words “Subject to the requirements of the Fair Work (Registered Organisations) Act 1999:” immediately after the words “Returning Officer”

Moved: Clare Fitzpatrick

Seconded: Scott Henderson

Carried: Unanimously

Rationale: Amendment requested by AEC to clarify process for appointment of returning officer for election purposes. The Association will continue to be able to appoint returning officers for matters such as member plebiscites.

Agenda Item 4D: New Rule 95(3A)

Resolution: This National Council amends the AFPA Branch Rules of the Police Federation of Australia Branch Rules by inserting new Rule 95(3A):

- 3A *A member may not vote, nominate candidates for election or nominate for election in any Zone other than the one to which that member has been allocated by the Secretary/Treasurer pursuant to Rule 64 prior to the close of the roll ("the closure") unless the Secretary/Treasurer declares in writing to the Returning Officer before the calling of nominations that:*
- (i) the allocation of that member to that Zone prior to the closure of the roll did not conform to the requirements of the applicable National Executive resolution ("the relevant Resolution") in effect at the time that the Secretary/Treasurer made the allocation; or*
 - (ii) subsequent to the allocation and prior to the closure the employment circumstances of the member had altered to such an extent that compliance with the relevant Resolution required the allocation of that member to another Zone*

in which case the member shall be reallocated to the correct Zone and may vote, nominate candidates for election and stand for election in that Zone.

Moved: Clare Fitzpatrick

Seconded: Scott Henderson

Carried: Unanimously

Rationale: The AEC requested clarification within the rules on the process for allocating members to zones, including those on "temporary" duties.

Agenda Item 4E: Delete and Replace Rule 95(5)

Resolution: This National Council Amends Rule 95(5) of the AFPA Branch Rules of the Police Federation of Australia Branch Rules by deleting Rule 95(5) in its entirety and replacing as follows:

5) Conduct of Elections

The Call for Nominations

- a) Not later than the 1st day of June in the year of an election, the Returning Officer shall call for nominations by circular (which may be by electronic means) to all eligible members of the Zone under this Rule, or by advertisement in a daily newspaper and/or Union Journal circulating throughout the State or Territory in which the Zone has members, and shall publish nomination forms on the Association's website and issue nomination forms to any financial member requesting the same.
- b) Nominations shall be in writing, signed by the nominee and the nominator (who shall be a financial member of the Zone) and shall be delivered to the Returning Officer at the address or in the manner (including electronic form) specified in the circular calling for nominations not later than 5pm on the 1st day of July in the year of the election.

Nominations Close

- c) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of finding a defect in any nomination the Returning Officer shall before rejecting the nomination notify the person concerned of the defect and, where practicable, give them the opportunity of remedying the defect in not less than seven days after the person is notified.

d) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of finding a defect in any nomination the Returning Officer shall before rejecting the nomination notify the person concerned of the defect and, where practicable, give them the opportunity of remedying the defect in not less than seven days after the person is notified.

e) If there are not more nominations than there are vacancies for a position, they shall declare the nominated person or persons elected to the position.

Preparation for an Election: The Preparation of Ballot Papers

If more nominations are received than there are vacancies for a position, they shall have ballot papers printed and delivered to them containing the names of the candidates for each position in order determined by lot, indicating the number to be elected to each position, the manner in which votes shall be recorded, and the date and time of closing of the ballot such date being not later than the 31st day of August immediately following the closing of nominations. The roll of voters for the ballot is to be closed twenty-one (21) days before the day on which nominations for the election open. The Returning Officer shall be responsible for the safe custody of the ballot papers.

They shall obtain from the printer a certificate of the number of ballot papers printed.

They shall initial every ballot paper prior to its distribution.

Arrangements for the Receipt of Ballot Material

The returning officer shall, for the purposes of receiving ballot material in respect of a ballot, use a private box or other secure postal facility at a post office or mail centre. Access to the private box mentioned in this rule shall be limited to:

Persons authorised by Australia Post,

The returning officer, and

Persons authorised in writing by the returning officer.

The Delivery of Ballot Papers to Eligible Voters

On or before the opening day of the ballot the returning officer shall forward ballot material in a sealed envelope by prepaid post to each person on the roll of voters at the address shown on the roll of voters.

Ballot material shall include:

one or more ballot papers showing the time and date of the close of the ballot

a Reply-Paid envelope addressed to the private box referred to in the rule, being an envelope that may be posted without expense to the voter,

an inner 'Declaration Envelope' as prescribed by the Act, suitable for containing the ballot papers

a copy of each statement submitted by candidates under rule 15.

Lost, Destroyed or Spoilt Ballot Papers

l) Where a member whose name is on the roll of voters claims that the ballot material has not been received or has been lost, destroyed or spoilt, the member may make an application to the Returning Officer for the issue of replacement ballot material. The application shall:

- be in writing
- set out the applicant's full name and postal address

- set out the grounds on which the application is made
- contain a declaration that the applicant has not voted in the ballot
- be accompanied, if practicable, by any evidence that is available of the loss, destruction or spoiling of the ballot material.

m) If the returning officer is satisfied that the information contained in the application is true and correct, the returning officer shall issue replacement ballot material to the applicant.

The Safe Custody of Ballot Papers that are Returned

n) During the course of the ballot the returning officer may collect returned envelopes from the private post box and keep them in safe custody until the commencement of the scrutiny. The returning officer shall make a final clearance of returned envelopes so that all envelopes received by the returning officer prior to the closing time for the ballot are admitted to the scrutiny. No envelopes returned after the close of the ballot shall be admitted to the scrutiny.

The Scrutiny of Ballot Papers

o) The returning officer shall conduct a preliminary scrutiny of returned declaration envelopes to ensure that only one returned envelope from each eligible voter is admitted to the count. The returning officer may commence the preliminary scrutiny prior to the close of the ballot.

p) Before proceeding to count the votes to ascertain the result of the ballot, the returning officer shall:

- remove the 'Declaration Envelope' from the Reply-Paid envelopes, and
- examine the voter's declaration attached to each 'Declaration Envelope' and mark off the voter's name against a copy of the roll of voters.

q) A voter's returned ballot material shall be rejected and set aside if:

- the 'Declaration Envelope' has not be returned, or
- the voter has not completed the declaration on the 'Declaration Envelope' to satisfy the returning officer,
- the voter is ineligible to vote, or
- the returning officer is unable to identify the voter on the roll of voters.

r) Where a voter returns more than one set of ballot material, only one set of ballot material shall be admitted into the count. The returning officer shall decide which set of ballot material is to be rejected.

s) The returning officer note shall on the ballot material that it has been rejected and the reason for rejection and set it aside for separate custody.

t) When the returning officer has determined which declaration, envelopes are accepted for the count, the declaration section of each envelope is detached and removed so that the envelope can no longer be identified. Each envelope shall then be opened, and the ballot papers extracted to be counted.

u) The returning officer shall reject as informal a ballot paper that:

- Does not bear the initials or other authenticating mark of the returning officer, and/or
- Has upon it any mark or writing by which the voter, can be identified, and/or
- Is not marked substantially in accordance with the instructions included on the ballot paper, and/or
- The marking is such that the intention of the voter is not clear, and/or

v) Is not returned inside the declaration envelope. Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a returned envelope or a ballot paper being accepted or rejected, the returning officer shall decide whether the returned envelope or ballot paper is to be admitted all rejected and endorse the decision on the envelope or ballot paper. The decision of the returning officer is to be final.

Tied Vote

(x) If at the end of the count of the ballot papers, two or more of the candidates have the same number of votes (a tie), the result shall be determined by the Returning Officer as follows.

(A) If one of the candidates held the affected office immediately prior to the calling of nominations for the election that produces the tied vote, that candidate shall be declared to be elected.

(B) If (A) does not apply, the Returning Officer will determine the result by drawing lots amongst the candidates.

(C) If (B) applies, the Returning Officer will give written invitations to the tied candidates to attend the draw. The draw will take place at the location and time nominated in the invitations. The draw will proceed at the specified place and time, whether any of the invited candidates are present. The Returning Officer will declare the result of the election determined pursuant to this paragraph immediately following the completion of the draw

The Returning Officer's Report to the Executive Meeting

y) The Returning Officer will provide a report of the result of the election for the next Executive Meeting and shall submit to that meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed and the number on hand and any other relevant matter.

Eligible members

z) Eligible members under this Rule shall be the financial members of the Zone.

Moved: Clare Fitzpatrick

Seconded: Scott Henderson

Carried Unanimously

Rationale: The AEC requested a number of provisions be reworded to allow for better administration of the electoral process. This has resulted in the inclusion of Clause "titles" and some renumbering of existing provisions. There is no change to underlying process, other than

95(5)(e) increase tie frame for ballot close from 7 to 21 days – this will allow for efficient administration of new Rule 95(3A)

95(l) – procedures for dealing with tied vote.

Agenda Item 4F-Delete and Replace Rule 98(4)

Resolution: This National Council Amends Rule 98(4) of the AFPA Branch Rules of the Police Federation of Australia Branch Rules by deleting Rule 98(4) in its entirety and replacing as follows:

Prior to the commencement of the financial year, the General Manager shall submit for consideration and determination by the Executive a proposed budget for the forthcoming financial year. The Executive shall be responsible for the allocation of Association funds.

Moved: Clare Fitzpatrick

Seconded: Scott Henderson

Carried: Unanimously

Rationale: This proposal better reflects current practice and allows the General Manager and Executive to assess current expenditure based on more up to date information. Previously a budget was required to be finalised by January and was subject to regular amendment.

Agenda Item 5-EA 2021

Resolution: The National Council notes the results of the AFPA Survey and endorses the broad EA Strategy as tabled and presented, and noting the following amendments to the list of numbered items in the EA Strategy:

6 By 30 November 2019:

- a) develop and serve on the Commissioner of the Australian Federal Police the AFPA's Log of Claims
- b) develop a Campaign and Media Strategy
- c) appoint the AFPA Negotiating Team
- d) implement the AFPA campaign strategy.

Moved: Tom Smith

Seconded: Peter Slater

Carried: Unanimously

Agenda Item 6-Compensation and rehabilitation coverage-Australian Peacekeeping Police

Resolution: The AFPA lobby the Minister for Veterans Affairs, Shadow Minister and other relevant elected officials to obtain bi-partisan political support at the federal level for the acknowledgement, recognition and compensation of AFP and other police members who have served in hazardous or dangerous international missions commensurate to the treatment provided to ADF members and such acknowledgment, recognition and compensation be retrospective to July 2004, when the MRCA was enacted.

And Further

The AFPA seeks support from the AFP to achieve this outcome for members.

Moved: Martin Hess

Seconded: Jane Thompson

Carried: Unanimously

Angela Smith, President, made closing remarks and thanked National Council members and the outgoing National Executive members for their contribution.

Being no further business, the meeting concluded at 2.35pm