

PART CA - WESTERN AUSTRALIA POLICE BRANCH**52AA - BRANCH OFFICE BEARERS**

- (1) The Branch Office Bearers shall consist of the President (who shall be the Chief Executive Officer), the Senior Vice President, the Vice President and the Treasurer.
- (2)
 - (a) The management of the Branch shall be vested in the Branch Executive.
 - (b) The Executive shall be elected by and from the financial membership of the Branch. The Executive shall comprise 15 members, of which 11 who hold office shall be from the Metropolitan Region and one each respectively who hold office shall be from the Northern (Kimberley/Pilbara), Central (Mid West-Gascoyne/Wheatbelt), Eastern (Goldfields/Esperance), Southern (South ~~w~~West/Great Southern) Regions. The Branch Executive - Elect shall meet within 10 working days of election to office and shall elect from within itself the Branch Office Bearers.
- (3) The general election of Executive Members shall be held every three years and the elections when they become due shall be arranged and conducted so as to allow the Returning Officer to declare the result of the election for members of the Executive not later than the 15th of October immediately following the date for close of lodging of nominations.
- (4) The Executive shall hold office until the dissolution of the third Annual Conference following the date of its election. At the dissolution of that Conference the Executive Members - Elect shall then commence their office.
- (5) No contracts shall be entered into by the outgoing Executive or any member thereof, after the declaration of the election results without the knowledge and consent of the incoming Executive - Elect.
- (6) Sitting members of the Executive are eligible for re-election.
- (7) To be eligible as a candidate for a position on the Executive a member must meet the following requirements:
 - (a) be a financial member of the Branch;
 - (b) be free of any debts or arrears to the Branch;
 - (c) in the preceding 12 months have attended at least four branch meetings of the state organisation "Western Australian Police Union of Workers", where the person was a member of that state association throughout the period;
 - (d) be stationed in the Region for which they nominate at the time of their nomination.
 - (e) not to have been found in Breach of the Rules on grounds of misappropriation of funds of the Branch, a substantial breach of the Rules of the Federation, gross misbehaviour or gross neglect of duty, in the 3 years preceding an election.

- (8) An Executive Member shall be deemed to have vacated his or her office if such Member:
- (a) resigns; or
 - (b) ceases to be a financial member of the Branch; or
 - (c) being transferred from the Region in which the Executive Member is based.
- (9) A Region for the purpose of this Rule shall be as determined by Annual Conference and the Regions so established shall be published in the next following Police News.

52AB - CASUAL VACANCIES

- (1) Any casual vacancy in the positions of President, Senior Vice President, Vice President, Treasurer, Executive Member, and Delegate to Federal Council, shall be filled as soon as practicable by an ordinary election for so much of the unexpired part of the term as exceeds:
- (a) 12 months; or
 - (b) three-quarters of the term of the office;
- whichever is the greater. Otherwise, any such casual vacancy may be filled as soon as practicable by way of an appointment of an eligible person to the position by the Executive.
- (2) Any person elected to fill such a casual vacancy shall hold office for the balance of term of the office-holder in whose place he or she has been elected or appointed (as the case may be).
- (3) The powers and duties of the Executive shall not be invalidated by reason of a vacancy or vacancies occurring on the Executive.

52AC - DUTIES AND RESPONSIBILITIES OF THE BRANCH EXECUTIVE

The Executive shall:

- (1) contribute to the good management and performance of the Branch, initiate discussion and research papers, formulate projects identify the core functions of the Branch, determine policy and act as membership liaison;
- (2) protect the funds and assets of the Branch from mismanagement and misappropriation;
- (3) direct the labours of the President and require him or her to present to them an annual audited financial statement consistent with that required in accordance with Duties of the Treasurer sub rule;
- (4) inquire into, report upon and make recommendations to the Annual Conference in all matters considered of interest relevant to the conduct of the business of the Branch;

- (5) fully investigate all grievances and disputes of members that are placed before them;
- (6) instruct the President to institute legal proceedings on behalf of the Branch; and
- (7) interpret any doubtful Rules, and determine in all matters where the Rules are silent.
- (8) maintain a co-operative relationship with the state body "Western Australian Police Union of Workers", including attendance at Western Australian Police Union of Workers Branch meetings, where the member of Branch Executive is also a member of the Western Australian Police Union of Workers.

52AD - POWERS OF THE BRANCH EXECUTIVE

The Executive shall have power:

- (1) to establish the policies, including industrial relations, and strategic activities of the Branch, but may delegate the implementation and management of those policies and activities to the President;
- (2) to consider all matters or questions affecting the rights, welfare and interests of members and take such action as may be deemed necessary in regard thereto;
- (3) to appoint such committees as may be deemed necessary;
- (4) to authorise the payment of any charges or expenses preliminary and incidental to the function and promotion of the Branch;
- (5) to make loans, grants and donations, provided they are made in accordance with rule 52AE;
- (6) to invest funds and to acquire, sell, lease, mortgage or otherwise dispose of any freehold or leasehold property for the purposes of the Branch; any transaction specified in the preceding paragraph, including any investment of funds, shall be decided at an ordinary monthly meeting of the Executive, or at a Special Executive meeting called for the purpose; provided all Executive Members are notified of the proposal in writing by registered mail or by personal delivery, at least 48 hours before the commencement of the meeting, and provided that no such transaction or investment shall be made unless two-thirds ($\frac{2}{3}$) of the Executive Members present agree.
- (7) other than as provided for in sub rule (6) above, to purchase, hire or otherwise acquire any property necessary and to dispose of by sale, lease or otherwise, any property of whatsoever description for the purpose of the Branch;
- (8) to strike levies in order to provide for the Death Benefit and other contingencies;
- (9) to appoint an Auditor;
- (10) to institute legal proceedings against any person or persons misappropriating, withholding or receiving by imposition any part of the funds, property or assets of the Branch;

- (11) to determine the conditions of employment and remuneration to be paid to the person elected to the position of President should that person take up full time duties in the position;
- (12) to employ such personnel as are necessary to carry out the administration of the Branch, provided that this power may be delegated to the President . Such appointments shall be according to the tenure, conditions of employment and remuneration agreed by the Executive;
- (13) to grant leave of absence to any of its members or its officers or employees for a period not exceeding three months at any one time;
- (14) to appoint any organisation or organisations or agent or agents whose services may be deemed necessary for the carrying out of the objectives of the Branch; provided that this power may be delegated to the President ;
- (15) to call a Special Conference Meeting should extraordinary circumstances exist;
- (16) to call a Special General Meeting at any time should extraordinary circumstances exist;
- (17) to hold referendums of members of the Branch on any question which in the opinion of the Executive is of more than ordinary importance. Such referendums shall be conducted by secret ballot;
- (18) to discipline a member of the Branch should extraordinary circumstances exist;
- (19) to make Standing Orders consistent with these Rules for the conduct of meetings of the Annual Conference and Committees; and
- (20) to delegate its authority to the Office Bearers of the Branch, and to allocate duties to employees of the Branch, as may be deemed necessary.

52AE - LOANS, GRANTS AND DONATIONS

- (1) No loan, grant or donation of an amount exceeding \$1,000 shall be made unless the Executive:
 - (a) has satisfied itself:
 - (i) that the making of the loan grant or donation would be in accordance with the other rules of the Branch; and
 - (ii) 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; and
 - (b) has approved the making of the loan, grant or donation.

- (2) Notwithstanding sub rule (2), the President may authorise the making of a loan, grant or donation of an amount not exceeding \$3,000 to a member of the Branch 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 Branch; and
 - (b) in the case of a loan:
 - (i) whether the security (if any) given for the repayment of the loan is adequate; and
 - (ii) whether 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 Branch.

52AF - DELEGATES TO FEDERAL COUNCIL

- (1) The Branch's delegates to Federal Council shall be elected by and from the Executive in accordance with the provisions of rule 52AP.
- (2) After each election for positions on the Executive, the Executive - Elect shall meet within 10 working days of election to office and shall elect from within itself the delegates to Federal Council.
- (3) The Branch's Federal Council delegates, once elected, shall remain in office for the following three years.

52AG - DUTIES OF THE PRESIDENT

The President shall:

- (1) be the Chief Executive Officer of the Branch and ex officio member of all Committees;
- (2) preside at all meetings of the Executive or of the Branch to maintain order and administer the Rules impartially, and upon the minutes being confirmed to sign the Minute Book in the presence of the meeting;

- (3) manage the business and affairs of the Branch in accordance with these Rules including, but not limited to, policy matters, liaison between the Executive and employees, and media liaison;
- (4) sign all Industrial Agreements, deeds or other instruments made on behalf of the Branch by the Executive ;
- (5) arrange the preparation of an annual budget for approval by the Executive and monitor and control the budget so approved;
- (6) ensure that all expenditure is authorised by the Executive ;
- (7) as required authorise any extraordinary expenditure up to a level as predetermined by the Executive each year;
- (8) present a report to each Annual Conference;
- (9) be the appropriate officer to notify the Commission (in writing) of any industrial disputes involving the Branch or its members only of which he or she becomes aware, consistent with rule 28 (d);
- (10) have the power to summon either a Special Executive or a Special Conference Meeting by reason of extraordinary circumstances existing, and shall state the special business requiring attention. Where such meetings have been called the business upon which such meetings were called must be dealt with; and
- (11) delegate to the Senior Vice President, Vice President, Treasurer or an Executive Member all such tasks and duties as may be necessary to properly conduct the affairs, financial and otherwise, of the Branch and to pursue its Objects.

52AH - DUTIES OF THE SENIOR VICE PRESIDENT AND THE VICE PRESIDENT

- (1) During any absence or incapacity of the President the Senior Vice President has the authority to act for, and on behalf of the President when so acting, and shall have all the rights, powers, duties and responsibilities of the President, whether implied or expressed under the Rules.
- (2) In the absence or incapacity of both the President and the Senior Vice President from any meeting the Vice President shall take the chair and shall have all the rights and responsibilities specified in sub rule (1) of this rule.
- (3) The Senior Vice President and the Vice President shall be members, ex officio, of each Committee established by the Executive.

52AI - DUTIES OF THE TREASURER

The Treasurer shall:

- (1) keep a general oversight of the financial position of the Branch and exercise proper control over the management of its funds and ensure accounting records are kept in accordance

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with proper accounting principles and truly record and explain the financial transactions and financial position of the Branch;

- (2) present to each meeting of the Executive appropriate accounting reports indicating the status of the funds and financial position of the Branch, or other relevant reports as required by the Executive for the preceding period;
- (3) present to each Annual Conference an audited balance sheet of the assets and liabilities, a statement of the receipts and expenditure and a statement of the sources and application of funds of the Branch;
- (4) be entitled to inspect the books of the Branch at any time and in the event of any irregularity shall immediately make a report to the President;
- (5) be an ex officio member of each Committee established by the Executive;
- (6) in conjunction with the President prepare an annual report;
- (7) assist the President in the preparation of an annual budget as well as the monitoring and control of the approved budget; and
- (8) be entitled to call for a full audit at any given time.

52AJ - DELETED

52AK - MEETINGS OF THE BRANCH EXECUTIVE

- (1) The Executive shall meet at least once each month at such time and place the Executive may determine.
- (2) The President or in his or her absence the Vice Presidents may call a special meeting of the Executive to deal with any business which requires attention whenever such meetings are deemed necessary.
- (3) Eight members of the Executive shall form a quorum. In the absence of a quorum the meeting shall lapse.
- (4) If at any time during the meeting of the Executive it becomes apparent that a quorum is not present, the Chairperson shall then suspend the proceedings of the meeting, and if a quorum is not present at the expiration of a reasonable period, the meeting shall be deemed to have lapsed and the Chairperson shall adjourn it.
- (5) At all meetings of the Executive the names of the Executive Members present shall be recorded in the Minute Book, and when a meeting lapses because of the lack of a quorum, the names of the Executive Members then present shall be recorded.
- (6) The Executive may determine to treat any matter before it as strictly confidential until the Executive determines otherwise.
- (7) Special meetings of the Executive may be convened by the President:

- (a) whenever considered necessary;
- (b) within seven days of a requisition signed by at least five members of the Executive setting out the object of the meeting; provided that in the event of the non-compliance by the President with the provisions of this Rule, the signatories to the requisition may themselves convene the meeting ; and
- (c) where a meeting is called in accordance with paragraph (a) or (b) of this sub rule no other business shall be transacted than that set out in the notice of meeting.

52AL – DELETED

52AM - DISCIPLINARY MATTERS

- (1) Any officer may be removed from office if the Branch Executive by majority resolution of members voting finds him/her guilty, in accordance with these rules, of misappropriation of funds of the Branch, a substantial breach of the Rules of the Federation, gross misbehaviour or gross neglect of duty, or finds that he/she has ceased, according to these Rules, to be eligible to hold office.
 - (a) For the purposes of this Rule gross misbehaviour and gross neglect of duty includes, but is not limited to:
 - (i) being absent or partially absent, from three scheduled monthly Executive meetings within a twelve month period (July 1 to June 30) unless that Executive Member;
 - a. Is on Annual or Long Service Leave and is travelling outside of their normal residential area,
 - b. Is on Sick Leave,
 - c. Has urgent family or personal matters,
 - d. Has been officially summonsed to a Court or other place, or
 - e. Is absent, because he/she is officially representing the Western Australia Police Branch at an event;
 - (ii) being absent or partially absent from three special meetings unless that Executive Member forwards an apology to the Western Australia Police Branch.
- (2) The Branch Executive shall not take action against a member in accordance with the previous sub-rule unless:
 - (a) a member of the Federation has charged the person in writing and forwarded the charge to the Branch President;

- (b) on receipt of a charge in accordance with the previous paragraph, the Branch President shall notify the person charged of the details of the charges;
 - (c) the person charged shall be given not less than 14 days notice in writing of the time and place of the Branch Executive meeting at which the charge will be heard and determined; and
 - (d) a person who is charged is entitled to attend the meeting of the Branch Executive considering the charge and be heard but not entitled to vote at the meeting.
- (3) The Branch Executive may suspend from office a person charged under this Rule pending the determination of the charges for a period not exceeding 28 days.
- (4) A person shall be ineligible to continue to hold a position elected by members of the Branch if that person becomes of unsound mind or ceases to be a financial member of the Federation.

52AN - RETURNING OFFICER

Each election for an officer of the Branch shall be conducted by the Australian Electoral Commission in accordance with the Act and Regulations (unless an exemption is granted in accordance with the Act and Regulations), and the electoral official of the Australian Electoral Commission who has responsibility for the conduct of the election shall act as the Branch's Returning Officer for the purpose of these rules.

52AO - EXECUTIVE ELECTIONS

- (1) Secret Postal Ballot:

Elections to the Executive shall be conducted by a secret postal ballot of all financial members of the Branch, in accordance with this rule.

- (2) Notice Inviting Nominations:

- (a) The Returning Officer shall not less than 14 days and not more than 21 days before the date of commencement of the period for lodging nominations of candidates for an election for an office, cause to be published in either a newspaper circulating widely within the State, the "Police News" or Newsletter a notice stating that he or she is about to conduct elections for positions on the Executive of the Western Australia Police Branch of the Police Federation of Australia. The roll of voters shall close on the date of publication by the Returning Officer.
- (b) The notice shall state the title of the office, the form in which nominations are to be made, the place of lodging nominations and the times and dates of the commencement and close of the period for lodging nominations, which shall be a period of not less than 14 days. The notice shall invite nominations from eligible financial members listed in the notice.

(c) Candidates for election to the Branch Executive are entitled to lodge with their nominations a statement in support of their election not exceeding 250 words together with a photograph not exceeding 6 cm x 4 cm in size.

(3) Times for Nomination:

- (a) The Returning Officer shall determine the times and dates of the commencement and close of the period for lodging nominations from eligible financial members having regard to:-
- (i) the date of expiration of the term of office of the holder of the office;
 - (ii) the time required to lodge nominations;
 - (iii) the time required to complete the election.
- (b) The Returning Officer shall determine the place for lodging nominations of candidates for election.

(4) Signing of Nomination:

- (a) A member is not eligible for election for an office unless the nomination is signed by that member signifying their willingness to accept the office if elected and shall be nominated by two other financial members of the Branch. A nominee for a position of Branch Executive Member shall be attached to the Region from which the nominee seeks to be elected.
- (b) Where the Returning Officer finds that a nomination of a person as a candidate for an election for an office is defective, the Returning Officer shall, before rejecting the nomination, notify that person of the defect by facsimile or electronic mail, and where it is practicable to do so, give him or her the opportunity of remedying the defect no later than seven days from being given notice of the defect.
- (c) A member nominated as a candidate may, by notice signed by him or her, witnessed by an elector and addressed to and lodged with the Returning Officer before the time fixed for the expiry of the period for lodging nominations, withdraw his or her consent to the nomination and that member shall thereupon be deemed not to have been nominated.

(5) Declaration of Election where One Candidate or less than Required Number Nominated.

- (a) Where, on the expiry of the period for lodging the nomination of a candidate or candidates for election to office, the number of candidates nominated is equal to or less than the number of vacant positions to be filled by election, the Returning Officer shall declare in accordance with these Rules that the candidate or candidates as the case may be has been elected to office.
- (b) Where, on the expiry of the period for lodging the nomination of a candidate for election for an office, no nomination for that office has been received, the Returning

Officer shall, as soon as practicable after the expiry of that period, so advise the President.

(6) Electoral Roll:

- (a) The full names and addresses of financial members of the Branch shall form the electoral roll for the election.
- (b) The Returning Officer shall be provided by the Branch with a roll of the persons who are entitled to vote in the election, and that roll shall:
 - (i) be so provided in accordance with sub-rule (2)(a) of this rule;
 - (ii) be certified as correct by the President; and
 - (iii) show the full names in alphabetical order of family name, and where the family names are identical in alphabetical order of first or given names, (the family name being, in each case, given before the first or given names relating thereto) with a consecutive number against each name in a margin at the left hand side of the family name.
- (c) All the positions shall be elected from and by all the members of the Union at the close of the roll.
- (d) The Returning Officer shall, at the place where he carries out his functions as Returning Officer, make the electoral roll, applicable to an election for an office, available for inspection by members of the Union, or by any person authorised by the Returning Officer, during the ordinary hours of business in the period that commences on the day determined in accordance with sub rule (2)(a) of this rule and ends on the day on which the result of the election is declared.

(7) Receipt of Ballot Papers:

The Returning Officer shall determine the place at and the manner in which ballot papers shall be received.

(8) Commencement and Close of Ballot:

Where more candidates are nominated for election than the number of positions to be filled, the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot, having regard to:

- (a) the date of expiration of the term of office of the holder of the office;
- (b) the time required to send and return ballot papers by post;
- (c) the time required to complete the election.

(9) Issue of Ballot Papers:

- (a) As soon as practicable after the date determined under sub rule (8) of this rule for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue, by posting by pre-paid post, to each **person whose** name is on the roll and at the address shown on the roll, a ballot paper and the other ballot material in a sealed envelope.
- (b) The envelope shall contain:
 - (i) a ballot paper initialled by the Returning Officer or bearing a facsimile of those initials;
 - (ii) any statements and photographs provided by candidates under sub-rule (2)(c);**
 - (iii) a declaration envelope, and another envelope in the form prescribed by the ~~Workplace Relations (Registration and Accountability of Organisations) Regulations~~ **Fair Work (Registered Organisations) Regulations**, and
 - ~~(iiiiv)~~ (iv) facility for the return of the completed ballot paper by post by the voter without ~~expense~~ **expense** to the voter.

(10) Form of Ballot Paper:

- (a) The ballot paper for an election for an office shall be in a form that is determined by the Returning Officer.
- (b) The full names of candidates, for election for an office shall appear on the ballot paper for that election, shall have been drawn by Ballot, at the close of the nominations or, in relation to candidates whose family names are identical, in the alphabetical order of their first or given names.
- (c) The Returning Officer shall include on the ballot paper information and instructions to the voter that is substantially in accordance with the following form:
 - (i) the title of the offices to which the election relates;
 - (ii) the time and date of the close of the ballot;
 - (iii) how to mark the ballot paper in order to record a formal vote;

- (iv) not to put on the ballot paper any mark or writing by which the voter can be identified;
- (v) to place the ballot paper, when completed, in the declaration envelope and then to seal that envelope;
- (vi) to complete the details on the declaration envelope; and
- (vii) to place the declaration envelope in the envelope addressed to the Returning Officer, and then to seal the envelope addressed to the Returning Officer and post it to reach the Returning Officer before the time of the close of the ballot.

(d) The Returning Officer shall obtain from the printer of the ballot papers a certificate stating the number of ballot papers printed in respect of the election.

(11) Issue of Duplicate Ballot Paper or Return Envelope:

- (a) Where on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper or return envelope issued to a person whose name is on the electoral roll, has not been received or has been lost, destroyed or spoiled, the Returning Officer shall issue to that person a duplicate ballot paper, or return envelope, as the case may be.
- (b) An application by a person for a duplicate ballot paper, or return envelope, for an election, shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the election and shall, if practicable, be accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.

(12) Ballot Boxes:

At the time of the close of the ballot, but not before, and in the presence of the scrutineers, or where a scrutineer has been informed in accordance with this rule but is not present at the appointed time in their absence, the Returning Officer shall:

- (a) collect all envelopes from the address nominated for the purpose of receiving ballot papers;
- (b) take all the envelopes so collected to the place of count and proceed to make the count; and
- (c) keep all those envelopes in safe custody until the count is complete.

(13) Preservation of Ballot Papers:

The Returning Officer shall make provision for the preservation of all election material for a period of not less than one year after the date of the election.

(14) Duties of Returning Officer:

- (a) The Returning Officer, before proceeding to count the number of votes to ascertain which candidate is successful in the election, shall:
 - (i) remove the declaration envelope from the envelope addressed to the Returning Officer;
 - (ii) check each declaration against the member's name on the electoral roll and, if the voting papers are in order, mark the roll; and
 - (iii) when all the declarations are checked and cleared, open the declaration envelopes containing the ballot paper and proceed with the count.
- (b) The Returning Officer shall reject as informal a ballot paper that:
 - (i) does not bear the initials of the Returning Officer or the facsimile of those initials;
 - (ii) has upon it a mark or writing by which the voter can be identified; or
 - (iii) is not marked substantially in accordance with the instructions; or
 - (iv) does not indicate the member's vote.
- (c) Where, during the scrutiny, the Returning Officer is informed by a scrutineer appointed under this rule that the scrutineer objects to a ballot paper being admitted as formal, or rejected as informal, as the case may be, the Returning Officer shall decide the matter and endorse their decision on the ballot paper.
- (d) Voting by proxy shall not be permitted.
- (e) Voting for an office shall be by means of first-past-the-post ballot:
 - (i) When only one candidate is to be elected and there are two or more candidates, the elector shall mark their vote on the ballot paper by placing cross (x) or tick opposite the name of the candidate for whom they vote, and the candidate with the highest number of votes shall be elected.
 - (ii) When two or more candidates are to be elected for an office, the elector shall record their vote on the ballot paper by placing a cross (x) or tick on the ballot paper in the square opposite the name of the candidate or candidates for whom they wish to be elected but is not to mark votes for more candidates than the number of offices to be filled, and the candidates with the highest number of votes shall be elected.
- (f) The Returning Officer may, from time to time, adjourn the scrutiny and count to a day and hour to be fixed by the Returning Officer and notified to the scrutineers.

- (15) A ballot paper shall not be informal for any reason other than the reasons stated in this rule but shall be given effect to the voter's intention so far as their intention is clear and, in particular, when only one candidate is to be elected and there are only two candidates a ballot paper shall not be informal by reason only for the voter having indicated their vote by a numeral 1 instead of a cross (x) or tick.
- (16) Scrutineers:
- (a) Each candidate nominated for election may, by written notice given to the Returning Officer, not less than seven days prior to the close of the ballot, appoint a member of the Branch to be a scrutineer in respect of that election, being a member other than a candidate, and may by notice in like manner appoint another such member to carry out the functions of scrutineer where the first mentioned does not carry out those functions.
- (b) Subject to sub rule (16) (c) of this rule, a scrutineer appointed under these Rules may:
- (i) be present while the Returning Officer carries out the duties provided under this Rule;
- (ii) direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of the votes;
- (iii) where any scrutineer objects to the inclusion of or exclusion of a ballot paper, the Returning Officer shall mark the ballot paper "admitted" or "rejected" according to the Returning Officer's decision on the objection and initial such marking, and such decision shall be final;
- (c) Where a scrutineer:
- (i) interrupts the scrutiny otherwise than in accordance with sub rule (16) (b) of this rule, or
- (ii) fails to carry out a lawful request by the Returning Officer,
- the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted
- (17) Declaration of Results:
- (a) The Returning Officer, on completion of a count, shall forthwith declare the result of an election in the presence of any scrutineers and candidates who may be present at the time.
- (b) The Returning Officer shall also declare the result of the election by giving notice of the result in writing to the President of the Branch at its Registered Office.

- (c) The Returning Officer shall, in the manner and at the time of declaring the result of an election, declare in respect of the election:
- (i) the number of ballot papers, other than duplicate ballot papers, issued;
 - (ii) the number of duplicate ballot papers issued;
 - (iii) the number of ballot papers admitted as formal;
 - (iv) the number of ballot papers rejected as informal;
 - (v) the number of unused ballot papers;
 - (vi) the number of ballot papers certified by the printer;
 - (vii) the number of votes admitted as recorded in favour of each candidate for an office.

(18) Powers of the Returning Officer:

The Returning Officer may take such action and give such directions as are considered necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that arises in the application of the rules of the Branch to the conduct of an election for an office.

52AP - ELECTIONS FOR BRANCH OFFICE BEARERS AND FEDERAL COUNCIL DELEGATES

- (1) The election of Branch Office Bearers and Federal Council Delegates shall occur immediately upon the commencement of the meeting of the Executive - Elect to be held within 10 working days of election to office in the year of election.
- (2) The elections will be conducted in the following order:
- President
 - Senior Vice President
 - Vice President
 - Treasurer
 - Federal Council Delegates
- (3) Each election will commence with the Returning Officer calling for nominations. Nominations shall be in writing, signed by the nominee and two nominators and shall be handed to the Returning Officer.
- (4) No person who has been elected to an Officer Bearer's position may be nominated as a candidate for any other Officer Bearer's position except in respect to Federal Council Delegates. The office of President shall be exofficio a delegate to the Federal Council. Where the Branch is entitled to more than a single delegate, there shall be an election for such additional positions in accordance with this rule.

- (5) Where the Returning Officer finds that a nomination of a person as a candidate for an election for an office is defective, the Returning Officer shall, before rejecting the nomination, notify that person of the defect and where it is practicable to do so, give him or her the opportunity of remedying the defect within a reasonable period as determined by the Returning Officer.
- (6) 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 and the date and the time of the closing of the ballot. If no more nominations are received than there are vacancies for a position, the Returning Officer shall declare the nominee(s) elected.
- (7) The Returning Officer shall be responsible for the safe custody of the ballot papers and shall initial every ballot paper prior to distribution.
- (8) The Returning Officer shall provide a ballot paper to each member of the Executive in attendance at the meeting and shall arrange for the use of a receptacle to which ballot papers shall be returned to him/her and after the closing of the ballot the Returning Officer shall collect the ballot papers from such receptacle.
- (9) The Returning Officer shall take such steps as are necessary to ensure that the ballot is a secret ballot.
- (10) Voting shall be on a "first past the post" basis. A voter shall record his/her vote by placing a mark on the ballot paper in the square opposite the name of as many candidates as there are vacancies to be filled.
- (11) A member of the Executive - Elect 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 he/she can receive communications. The Returning Officer shall forward a ballot paper to the address so specified and shall notify the member of the closing time and date for absent votes to be lodged.
- (12) Upon collecting the completed ballot papers from the receptacle. the Returning Officer shall count all the votes cast and, and declare the result of the ballot. 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.
- (13) Any candidate may if he/she so desires appoint a scrutineer who is a member of the Branch to represent him/her at the ballot. Any candidate appointing a 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 the final determination of any vote 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; and

- (c) shall not attempt to influence any member at the time such member is casting his/her vote.
- (14) Upon declaration of the ballot, the Returning Officer shall seal and retain all ballot papers for a period of twelve months after the conduct of the ballot.
- (15) The Returning Officer may take such action and give such directions as are considered necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that arises in the application of the rules of the Branch to the conduct of an election for an office.

52AQ - ANNUAL CONFERENCE

- (1) The Annual Conference of the Branch shall be the supreme authority over all matters affecting the general management and policies of the Branch.
- (2) The Annual Conference shall be held each year in November, with the date and other arrangements being determined by the Executive.
- (3) The following persons shall comprise the members of an Annual Conference:
 - (a) the members of the Executive, each of whom shall have one vote in respect to any question before the Conference; and
 - (b) members of the Executive - Elect attending Conference (if any), shall be entitled to vote, by virtue of that position alone, in respect to any question before the Conference;
- (4) At the Annual Conference 8 members shall form a quorum.
- (5) In any year in which there has been an election for members of the Executive, the office of the members of the Executive-Elect shall commence.
- (6) At each Annual Conference an Auditor's Report and an audited balance sheet of the assets and liabilities, a statement of the receipts and expenditure and a statement of the sources and application of funds of the Branch are to be presented.
- (7) The President shall give at least three months notice to the Executive of the date for the Annual Conference. Agenda items submitted by members of the Executive for Conference shall be forwarded to the President 60 clear days before such date.
- (8) The President through the Executive shall prepare the Agenda for Conference, and the Agenda shall be forwarded to each member of the Executive at least 30 days before Conference.

52AR – DELETED

52AS - SPECIAL GENERAL MEETINGS

- (1) Members may, jointly or individually, make a request in writing to the President for the holding of a Special General Meeting of the members of the Branch in order to discuss a specific matter or matters of concern that are such importance that the matter or matters cannot be held over to be dealt with at an Annual Conference. Such matter or matters of concern shall be specified in the written request.
- (2) The Officer Bearers of the Branch (President, Vice Presidents and the Treasurer) are empowered to call a Special General Meeting of the members of the Branch if, in their opinion, such a meeting is warranted and in the best interests of the Branch, provided that they shall be required to call such a meeting where the request for the meeting is made by not less than 10% of the total membership of the Branch. Where a Special General Meeting is required to be called, it shall be held within 21 days of the request being made to the President.
- (3) The only agenda item for a Special General Meeting shall be the matter or matters of concern specified in the request for the meeting.
- (4) The quorum for a Special General Meeting shall be no less than 5% of the total number of financial members of the Branch.
- (5) Notice of a Special General Meeting shall be given to members generally in the manner the Executive believe appropriate.
- (6) Any decision made at a Special General Meeting shall be binding upon the Executive.

52AT - REFERENDUMS

- (1) In addition to the Executive, an Annual Conference, Special Conference or Special General Meeting shall have power to remit any question, which in its opinion is of more than ordinary importance, for determination by secret ballot of all the members.
- (2) The Returning Officer, appointed pursuant the Rules for Elections, shall forward a referendum ballot paper to each financial member of the Branch. Such referendum ballot paper shall contain full particulars regarding the matter upon which a decision is asked and shall clearly state the date of the closing of the ballot. The system of distribution, voting instructions and return of referendum ballot papers shall be determined by the Returning Officer.
- (3) The Returning Officer shall certify to the Executive the result of the referendum which shall be binding upon all members of the Branch.
- (4) In the event of any referendum the 65% of the returned vote shall be accepted as a true representation of the majority.

52AU - MONIES

- (1) All monies and other valuables subscribed by and obtained on behalf of the members of the Branch shall be the property of the Branch as a whole and not the individual members; provided that for legal purposes connected with the Branch, all monies, valuables, assets and property of the Branch shall be deemed to be that of the President.
- (2) The Executive shall have the control of all property of the Branch.

52AV - MISAPPROPRIATION OF FUNDS

- (1) The Executive may institute legal proceedings against any person or persons misappropriating, withholding or receiving by imposition any part of the funds, property or assets of the Branch. The Executive shall seek to recover the monies so misappropriated, withheld or received by imposition.
- (2) Should the Executive misappropriate or withhold the monies, property or assets of the Branch, they shall severally and jointly be held liable to make good the full amount so misappropriated.

52AW - AUDITOR

- (1) The Executive shall appoint an approved Auditor in accordance with section 256 of Schedule 1B of the Act, and such Auditor shall:
 - (a) conduct an annual audit of the accounts of the Branch, including the:
 - (i) balance sheet of the assets and liabilities of the Branch;
 - (ii) statement of the receipts and expenditure of the Branch; and
 - (iii) sources and application of funds statement;
 - (b) at all reasonable times have full and free access to and examine all books, papers, deeds, records, documents and accounts relating to the receipt or expenditure of moneys, or the acquisition, use or disposal of assets or the incurring of liabilities by the Branch;
 - (c) be entitled to require any officer or employee of the Branch to provide any information or explanation sought;
 - (d) be authorised to obtain from any bank or financial institution in which the funds of the Branch are invested or deposited, a written statement from the manager or managers thereof as to the balance of the account or accounts;
 - (e) be satisfied as to the number or numbers or other identifying details of any banking accounts used by the Branch;

- (f) report to the President any inaccuracy, irregularity or breach of these Rules relating to the finances of the Branch;
 - (g) furnish a written statement that all documents certified to are in accordance with law and the Constitution of the Branch or if unable to certify to the correctness of the statements or any of them placed before them, report to the President in what respect they are incorrect; and
 - (h) in addition to the annual audit, make such audits as may from time to time be directed by the Executive.
- (2) For the purposes of conducting the Annual Audit the financial year shall commence on the 1st of July every year.
 - (3) Should the appointed Auditor, for any reason, cease to be available, another Auditor shall be selected by the Executive at its next succeeding meeting and the Auditor so selected shall hold the appointment for the remainder of the term of the previous Auditor.

52AX - LEVIES

- (1) If in the opinion of the Executive it is at any time necessary or expedient to augment the funds of the Branch or to provide funds to meet extraordinary expenditure lawfully incurred, or for any special purpose consistent with the objects of the Branch, the Executive may impose a levy or levies upon members. Upon deciding to impose a levy or levies upon the members, the Executive shall arrange for a notice to be published in the "Police News", or a newsletter or circular stating the amount of the levy, the purpose for which the levy is to be applied and the date upon which the payment is due.
- (2) The publication of the notice as prescribed in sub rule (1) above shall be deemed to be sufficient notice to all members of the imposition of any levy, and the Executive shall thereupon proceed to collect any such levy without further notice.

52AY - MINUTES OF EXECUTIVE MEETINGS

- (1) The official minutes of any preceding Executive meeting, whether ordinary or special, not previously confirmed shall be tabled at all meetings of the Executive and shall be submitted as the second item of business in order to obtain their confirmation; and no discussions shall be permitted thereon except as to their accuracy as a record of the proceedings, and the said minutes shall then be signed by the Chairperson (being the President, or in his/her absence, the Senior Vice President or the Vice President) . Provided that the Executive may require that the full statement of any particular item in the Minutes be read before the minutes are confirmed.
- (2) A copy of the official Minutes made on the authority of the President and omitting only amendments and resolutions confidential to the Executive Board shall be circulated to all Executive Members
- (3) Each motion or amendment as stated by the mover shall be reported verbatim in the official minutes.

- (4) Any Executive Member may move, as a point of order, that the report of any item or business shall be omitted from the published minutes of the present meeting, or stricken from the published Minutes (being confirmed) of a preceding meeting, for a good and sufficient reason.

52AZ - MAKING OR ALTERATION OF BRANCH RULES

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

- (1) The Branch shall have power to make new Branch Rules, add to, amend, rescind, or otherwise alter Branch Rules by resolution carried by a two-thirds majority of the Branch Executive.
- (2) Notice of any proposal for the making of a new Branch Rule or for the adding to, amendment, rescission or other alteration of any Branch Rules shall be given in writing to each member of the Branch Executive at least one month prior to the relevant meeting of the Branch Executive or to the commencement of the postal ballot of the Executive in accordance with rule 52AT, mutatis mutandis, as the case may be, provided that any such proposal may itself be amended when being considered by the relevant meeting.
- (3) The President shall within 35 days of the amendment thereof file with the Registrar of the Australian Industrial Registry full particulars of the alteration (signed by the President) in such form and manner so that the Registrar is able to form an opinion whether or not the alteration complies with and is not contrary to the provisions of the Act and Regulations and is not otherwise contrary to law and has been made in accordance with the relevant procedures laid down by the Rules of the Branch.
- (4) The President shall file particulars with the Registrar pursuant to sub rule (3) of this Rule and shall as soon as practicable but not later than 7 days forward to the President of the Federation a true copy of the said particulars and shall thereafter forward to the President of the Federation a copy of all correspondence and documents with respect to the Registrar's dealings with the alteration.

52AZA - TRANSITIONAL RULE - DELETED

52 AZB - TRANSITIONAL RULE

- (1) Upon the certification of the alteration to rule 52AA(3) and 52AQ(2)–
 - (a) The Executive elected to office in the ordinary election held in 2012 and casual vacancies filled in accordance with rule 52AB since that time will continue to hold office as provided in rule 52AA(4) until the dissolution of the Annual Conference in 2015.
- (2) Upon the certification of the alteration to rule 52AW(2) and 52AQ(2)
 - (a) To facilitate a changed Financial Year commencement date to 1 July each year under rule 52AW(2) the financial year for the period 1 April 2015 to 30 June 2015 will be a separate financial year. This transitional provision will cease to have effect beyond 1 July 2015 following the commencement of the new Financial Year.

