



Police Federation of Australia

Western Australia Police Branch
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My Ref: C 0386

19 March 2015

Ms Bernadette O'Neill
The General Manager
Fair Work Commission
PO Box 1994
MELBOURNE VIC 3001

Dear Ms O'Neill

POLICE FEDERATION OF AUSTRALIA – CONSTITUTION (Ref 200v) – AMENDMENT
PART CA – WESTERN AUSTRALIA POLICE BRANCH

As provided for in Rule 52AZ – Making or Alteration of Branch Rules – of the above mentioned Constitution, I seek your certification of amendments to the rules as explained below. Changes sought are in bold text.

The current Rule 52AA – Branch Office Bearers: at sub rule (1) provides:

- (1) The Branch Office Bearers shall consist of the President (who shall be the Chief Executive Officer), the **Vice President**, the **Deputy Vice President** and the Treasurer.

The amendment to the Rule sought is -

- (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.

The reason for the amendment sought is -

This change (re)aligns the State and Federal Rules. WAPU Rules are currently in the process of amendment before the WAIRC to alter the titles of Vice President and Deputy Vice President to Senior Vice President and Vice President, respectively. There is no change to eligibility, duties or responsibilities, this is a titular alteration only.

As a consequence of alterations at Rule 52AA (1), further alterations to these titles are required throughout the Rules. These are identified in the marked up version of the Rule set.

Specifically, alteration will be made to the following Rules:

Rule 52AB – Casual Vacancies

Sub-rule (1)

Rule 52AG – Duties of the President

Sub-rule (11)

Rule 52AH – Duties of the Vice President and the Deputy Vice President

Title and Sub-rules (1), (2) and (3)

Rule 52AP – Elections for Branch Office Bearers and Federal Council Delegates

Sub-rule (2)

Rule 52AY – Minutes of Executive Meetings

Sub-rule (1)

The current Rule 52AA – Branch Office Bearers: at sub rule (2) provides:

- (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. **Subject to rule 52AZA 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 North (Kimberley/Pilbara), Central (Midwest/Gascoyne), East (Goldfields/Esperance), South (Peel/Southwest/Wheatbelt/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.

The amendment to the Rule sought is -

- (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 North (Kimberley/Pilbara), Central (Midwest/Gascoyne), East (Goldfields/Esperance), South (Peel/Southwest/Wheatbelt/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.

The reason for the amendment sought is -

Transitional Rule (52AZA) is now redundant due to Executive elections conducted in April 2012 and taking office on dissolution of the 2012 Annual Conference. Reference is removed from this clause as it is no longer necessary.

The current Rule 52AA – Branch Office Bearers: at sub rule (3) provides:

- (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 **April** immediately following the date for close of lodging of nominations.

The amendment to the Rule sought is -

- (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.

The reason for the amendment sought is -

This change (re)aligns the State and Federal Rules.

WA Police Union elections changed to October as part of a number of consequential rule changes on 19 December 2013, precipitated by changing the Financial Year from 1 April to 1 July. Changing the Financial Year requires a change to Annual Conference dates to enable sufficient time to audit accounts. Changing Annual Conference dates necessitates a change to election dates to minimise the caretaker/joint sitting period of Directors and Directors Elect (Executive Members and Executive Members Elect).

The current Rule 52AB – Casual Vacancies: at sub rule (1) provides:

- (1) Any casual vacancy in the positions of President, Vice President, Deputy 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 **shall** be filled as soon as practicable by way of an appointment of an eligible person to the position by the Executive.

The amendment to the Rule sought is -

- (1) Any casual vacancy in the positions of President, Vice President, Deputy 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.

The reason for the amendment sought is -

Replacing the word '**shall**' with '**may**' in one position of this sub-rule overcomes the need to make appointments where casual vacancies arise outside of the timeframes stipulated in this clause. This issue came to prominence as a result of five (5) Casual Vacancies arising in December 2013 and January 2014, which under current rules necessitated appointments. Those vacancies arose half way through a current term and it is unacceptable that a democratic election to install suitable replacements is not at the Executives' disposal. This change, confirmed by legal opinion, will enable the Executive to undertake an election in line with Branch rules for all casual vacancies.

The current Rule 52AQ – Annual Conference: at sub rule (2) provides:

- (2) The Annual Conference shall be held each year in the **months of May or June**, with the date and other arrangements being determined by the Executive.

The amendment to the Rule sought is -

- (2) The Annual Conference shall be held each year in **November**, with the date and other arrangements being determined by the Executive.

The reason for the amendment sought is -

This change (re)aligns the State and Federal Rules.

WA Police Union changed the Financial Year from 1 April to 1 July as part of a number of rule changes on 19 December 2013. Changing the Financial Year requires a consequential change to Annual Conference dates to enable sufficient time to audit accounts.

The current Rule 52AW – Auditor: at sub rule (2) provides:

- (2) For the purposes of conducting the Annual Audit the financial year shall commence on the 1st of **April** every year.

The amendment to the Rule sought is -

- (2) For the purposes of conducting the Annual Audit the financial year shall commence on the 1st of **July** every year.

The reason for the amendment sought is -

This change (re)aligns the State and Federal Rules.

WA Police Union changed the Financial Year from 1 April to 1 July as part of a number of rule changes on 19 December 2013.

The current Rule 52AZA – Transitional Rule provides:

- (1) Upon the certification of the alteration to rule 52AA (2) -**
 - (a) The Executive elected to office in the ordinary election held in 2006 will continue to hold office as provided in rule 52AA (4) until the dissolution of the Annual Conference in 2009. Any casual vacancy during this period shall be filled from the regions in existence prior to the alteration to rule 52AA (2) in accordance with Rule 52AB (2).**
 - (b) The persons elected to office, as provided in rule 52AA as amended, from the elections due to be held in 2009 in accordance with rule 52AA (3) will take office upon dissolution of the Annual Conference in 2009 in accordance with rule 52AA (4).**

The amendment to the Rule sought is -

DELETE

The reason for the amendment sought is -

This existing Transitional Rule is now redundant due to Executive elections conducted in April 2012 and taking office on dissolution of the 2012 Annual Conference.

Consequential to the forgoing alterations to Rule 52AA sub rule (3) and Rule 52AQ sub rule (2) a new Rule 52AZB – Transitional Rule is proposed as follows:

The new Rule sought is -

Rule 52AZB sub-rule (1)

(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.**

The reason for the amendment sought is -

This change (re)aligns the State and Federal Rules.

WA Police Union elections changed to October as part of a number of consequential rule changes on 19 December 2013, precipitated by changing the Financial Year from 1 April to 1 July. Changing the Financial Year requires a change to Annual Conference dates to enable sufficient time to audit accounts. Changing Annual Conference dates necessitates a change to election dates to minimise the caretaker/joint sitting period of Directors and Directors Elect (Executive Members and Executive Members Elect). As a consequence, the Term of the current Executive will extend by five (5) months

due to the movement of Annual Conference to November 2015. This Transitional Rule will enable that extension to occur.

Further amendment is sought consequential to the alteration of Rule 52AW sub rule(2) and Rule 52AQ sub rule (2) a new Rule 52AZB – Transitional Rule is proposed as follows:

The new Rule sought is -

(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**

The reason for the amendment sought is -

This change (re)aligns the State and Federal Rules.

WA Police Union changed the Financial Year from 1 April to 1 July as part of a number of rule changes on 19 December 2013. ***As a consequence, the period 1 April 2015 to 30 June 2015 will form a separate Financial Year.*** This Transitional Rule will enable the new financial year to commence 1 July 2015.

Rule 52AZ – Making or Alteration of Rules provides at sub rule (1) the capacity to amend the rules. The Branch Executive in the exercise of its powers wishes to give effect to the forgoing amendments subject of course to the approval of the Registrar as prescribed.

These alterations have been made in accordance with the Rules of the Organisation as outlined in the Declaration dated 20 June 2014 (ATTACHMENT 1).

Submitted for your consideration please.

Yours sincerely



George Tilbury
PRESIDENT

Police Federation of Australia – WA Police Branch