

**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, **Ian Leavers** of 217 North Quay, Brisbane in the State of Queensland, Branch President of the Queensland Police Branch of the Police Federation of Australia (**PFA**) am authorised to give this notice of particulars of alterations to the rules 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 PFA.
2. The particulars of the rule alterations are attached to this declaration marked and annexed '**IL1**'.
3. The actions taken under the rules to make this alteration are set out below.
4. Rule 34 of the PFA's rules relevantly provides with respect to branches:

**34 - BRANCHES**

(a) *The Federation shall consist of members throughout Australia, and the following shall be the Branches of The Federation:*

- *Australian Federal Police Association Branch*
- *New South Wales Police Branch*
- *Northern Territory Police Branch*
- *Queensland Police Branch*
- *South Australia Police Branch*
- *Tasmania Police Branch*
- *Victoria Police Branch*
- *Western Australia Police Branch*

*The boundaries and composition of each of the aforementioned branches are specified in sub-Rules (e) and (f) hereof.*

(b) *Branches may from time to time make Rules not inconsistent with these Rules, the Workplace Relations Act, or regulations made thereunder.*

(c) *The South Australian Police Branch shall operate in accordance with Part C of these Rules, the Western Australia Police Branch in accordance with Part CA, the Tasmania Police Branch in accordance with Part CB, the Victoria Police Branch shall operate in accordance with Part CC, the Northern Territory Police Branch in accordance with Part CD, the New South Wales Police Branch shall operate in accordance with Part CE, the Queensland Police Branch shall operate in accordance with Part CF and the Australian Federal Police Association Branch in accordance with Part D of these Rules.*

(emphasis added)

5. Rule 85 of Part CF1 of the PFA's rules, which Part provides for the QLD Police Branch, provides for the process for alteration to the Queensland Police Branch rules:

**85 - MAKING OR ALTERATION OF BRANCH RULES**

- (a) *Any amendment to the rules of the Branch must be in accordance with the Federation's rules.*
- (b) *The Branch Council may amend these rules either at the Branch Conference or at a special meeting of the Branch Council called for that purpose, provided that a special meeting for that purpose may be held in conjunction with any other meeting of the Branch Council.*
- (c) *Any resolution requiring the Branch Council to consider amendment of the Branch rules must be given to the Branch Secretary at least 60 days prior to the meeting of the Branch Council.*

- (d) *The Branch Secretary must ensure that any resolutions provided in accordance with sub-rule (c), are clearly set out in the agenda for the meeting and that members of the Branch Council are provided with:*
- (i) *the present rule; and*
  - (ii) *the proposed amended rule,*  
*at the time the agenda is provided.*
- (e) *The Branch Executive may amend these rules by resolution carried by a two-thirds majority of the Branch Executive.*
- (f) *Any officer of the Branch Executive seeking to amend the rules of the Branch, pursuant to sub-rule (e), must notify the Branch President of the proposed amendment, and the Branch President will cause the Branch Secretary to call a special meeting of the Branch Executive giving the members of the Branch Executive 7 days' notice of the special meeting and the proposed amendments to the Branch rules.*
- (g) *The Branch Secretary will promptly, following any resolution to amend the Branch rules being approved:*
- (i) *take all steps necessary to have the amendments certified;*
  - (ii) *place the proposed amendment on the Branch's website;*
  - (iii) *forward to the Federal President a copy of the:*
    - (1) *proposed amendment to the Branch rules; and*
    - (2) *a copy of the application made to the Fair Work Commission for certification of the proposed amendments to the Branch rules; and*
  - (iv) *request the Federal President to place a copy of the proposed amendment on the Federation's website.*
- (emphasis added)

### **Request for Branch Executive Meeting**

6. As an officer of the Branch Executive, I proposed to amend the rules of the Queensland Police Branch in relation to Part CF1 rule 76 and rule 78.
7. I caused the Branch Secretary to call a special meeting of the Branch Executive for the purpose of considering the proposed change to the Queensland Police Branch rules.

### **Notice of Branch Executive Meeting**

8. On 20 July 2021, the Branch Secretary forwarded a notice to each member of the Branch Executive which was relevantly in the following terms:

*Dear Branch Executive Member,*

*I write to inform you that I have received proposed amendments to the Branch rules from the Branch President, who as an officer of the Branch Executive in accordance with Branch rule 85(f) seeks to amend the Branch rules pursuant to Branch rule 85(e), and a request from Branch President that I call a special meeting of the Branch Executive to consider the proposed amendments to the Branch rules.*

*I give notice of a special meeting of the Branch Executive to occur on Wednesday 28 July at the QPUE Office commencing at 10 am.*

*The business of the special meeting is to consider proposed amendments to the Branch rules, which amendments are set out below in resolutions 1 and 2.*

*The current rules 76 and 78 are attached as 'A'.*

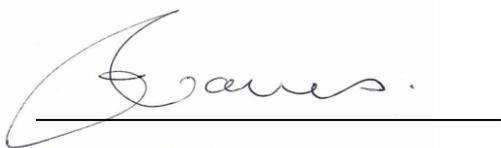
9. Marked and annexed as 'IL2' is a copy of the notice to Branch Executive members.
10. The members of the Branch Executive were provided with more than seven (7) days' notice of the special meeting and the proposed amendments to the Branch rules.

### **Special meeting of the Branch Executive**

11. Pursuant to rule 22 of the Part CF1 rules a special meeting of the Branch Executive was held on 28 July at the principal office of the Branch.
12. The special meeting was quorate.
13. At the special meeting, the resolutions marked and annexed as 'IL3' (**Resolutions**) were passed unanimously.
14. The Resolutions were passed in accordance with the rules which require a two-thirds majority of the Branch Executive.
15. The proposed rule changes, the subject of the Resolutions, are not inconsistent with the Rules of the PFA, the Fair Work (Registered Organisations) Act 2009 or regulations made under the Fair Work (Registered Organisations) Act.

### **Publication on PFA's website**

16. In compliance with regulation 126(1) of the *Fair Work (Registered Organisations) Regulations 2009*, the Branch Secretary has caused to be prepared a notice to be published on the website of the PFA, that a notice setting out the particulars of an alteration of the rules (other than the eligibility rules) of the PFA has been lodged with the Fair Work Commission.
17. I am informed by the Branch Secretary and believe that the notice will be published on the PFA website promptly following the lodgement of the notice setting out the particulars of an alteration of the rules (other than the eligibility rules).
18. Marked and annexed as 'IL4' is a copy of the notice to be placed on the PFA website.
19. The particulars set out in this notice are true and correct to the best of my knowledge and belief.



Ian Leavers  
Branch President  
11 August 2021

*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within **35 days** of the changes being transacted by the organisation. It must be accompanied by the 'particulars', which are the details of the rule changes. It can be submitted to [ros@fwc.gov.au](mailto:ros@fwc.gov.au) If the organisation has a website, a notice must be put up on the website that this application has been lodged with the Fair Work Commission and this should be mentioned in the email.]*

**76 - DISCIPLINARY PROCEEDINGS**

(a) For the purpose of this rule, the words in column A have the meaning assigned apposite in column B:

<b>A</b>	<b>B</b>
Agent	an agent appointed by the Branch
Branch Employee	a person employed by the Branch or working for the Branch in accordance with a service agreement entered into by the Federation on behalf of the Branch with the QPUE and includes the Branch Secretary and Branch Assistant Secretary
Charge	a charge made under sub-rule (e)
Charged Member	a Member of Branch Official charged under sub-rule (e)
Competitor Organisation	a body, an association, organisation or corporation which the Branch President has determined and given notice to the Members to be in competition with the Branch
Governance Body	Branch Executive; or a Branch Officer
Member	has, for the purposes of this rule, the meaning provided by these part CG rules together with the: Branch Secretary; and Branch Assistant Secretary
Notice	a notice that is in writing and sets out the: Charge; Particulars; name of the person Charging; and Process
Panel	severally a panel of no less than three (3) members appointed under this rule
Particulars	sufficient particulars so that the matters and circumstances of the Charge are clear
Process	the process made under sub-rule (h)

(b) A Member of Branch Officer must not:

- (i) knowingly fail to comply with these rules;
- (ii) knowingly fail to comply with a resolution or direction of a Governance Body binding on the Member or Branch Officer;
- (iii) fail to carry out and comply with, or act in contravention of, an Industrial Instrument binding on a Member;
- (iv) grossly misbehave as a Member or Branch Officer;
- (v) substantially breach these rules;
- (vi) act in a disorderly and/or offensive manner at a meeting held under these rules;

- (vii) obstruct a Governance Body, a Branch Employee, an Agent or other lawful representative of the Branch in the performance of the functions of the Branch;
  - (viii) give false or misleading information to a Governance Body, a Branch Employee, an Agent or other lawful representative of the Branch on a matter;
  - (ix) obstruct, insult or behave in an offensive manner towards a Branch Officer in the course of the officer's duties;
  - (x) obstruct, insult or behave in an offensive manner towards a Branch Employee in the course of the employee's duties;
  - (xi) wrongfully holding themselves out as occupying a Branch Officer, or as being entitled to represent the Branch;
  - (xii) aid or encourage a Member to breach these rules;
  - (xiii) encourage a Member to resign from the Branch or Federation;
  - (xiv) knowingly encourage a Member to join a body, an association, organisation or corporation which is in competition with the Branch or the Federation;
  - (xv) encourage a Member to join a Competitor Organisation;
  - (xvi) join a Competitor Organisation;
  - (xvii) wrongfully cause injury to the reputation of the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member;
  - (xviii) knowingly make a false allegation against the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member;
  - (xix) knowingly conduct themselves in a way that is calculated to bring the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member into disrepute;
  - (xx) distribute to Members a statement concerning the activities of the Branch or Branch Officer or a Member, knowing the statement to be false;
  - (xxi) engage in conduct which has the effect of harassing or victimising a Member because that member engages in lawful union activities;
  - (xxii) after, having been reasonable requested to assist, fail to assist a Governance Body, a Branch Officer, a Branch Employee, Agent or other lawful representative of the Branch in the performance of the functions of the Branch;
  - (xxiii) after, having been reasonably requested to assist, fail to assist a Branch Officer or Branch Employee in the course of the officer's or employee's duties;
  - (xxiv) refuse to comply with the directions of a Governance Body to show cause to a meeting of the Governance body why the respective member should not be suspended from membership or expelled from the Branch; and/or
  - (xxv) breaching the Branch Code of Conduct.
- (c) The Branch Executive is responsible, on becoming aware of a matter that may be conduct in breach of sub-rule (b) by a Member or a Branch Officer, for the investigation of the breach.
- (d) The Branch Executive may, in relation to an investigation under sub-rule (c), engage a member of the Panel to conduct the investigation and to report, following the investigation, on:
- (i) whether a charge could be made, and if so the terms of the Charge; and
  - (ii) the Particulars of a Charge under paragraph (i); and
  - (iii) the likelihood of the Charge being sustained.

- (e) Once the Branch Executive has received a report under sub-rule (d), and the report recommends the bringing of a Charge, then the Branch Secretary will in writing provide the Member of Branch Officer with the:
  - (i) Charge; and
  - (ii) Particulars,provided that nothing prevents a majority of the Branch Executive from making a Charge.
- (f) The Branch Secretary must, within 60 days, notify the Branch Executive of the Charge.
- (g) The Branch Executive must as soon as practicable hear and determine the Charge.
- (h) Having regard to the circumstances, the Branch Executive will determine the process to apply for it to discharge its obligation under sub-rule (g) to ensure the Charged Member is provided with natural justice and will consider matters including:
  - (i) whether to conduct an oral hearing or receive written submissions;
  - (ii) if an oral hearing is to be conducted, whether this is to be in person or by telephone and/or videolink or any combination of these;
  - (iii) when, and where, any hearing is to occur;
  - (iv) whether there are interim matters to be determined and if so whether by written submissions or at an oral hearing;
  - (v) whether it will consider evidence from persons, whether Members or not, and if so, how, and when, it will receive and consider such evidence; and
  - (vi) how, and when, it will receive material relevant to the Charge.
- (i) The Branch Executive will, having regard to its determinations under sub-rule (h), issue directions for the conduct of the hearing and determination of the Charge.
- (j) The Branch Executive will provide the Charged Member with a Notice.
- (k) In the hearing of the Charge, the Branch Secretary will be the prosecutor but will not otherwise participate in determining the Charge.
- (l) A Charge may, subject to any determination under sub-rule (h), be determined in the absence of the Charged Member.
- (m) If the Branch Executive determines that the Charged Member is guilty of a Charge, then the Branch Executive will give the member an appropriate opportunity to make submission on penalty, and the Branch Executive may determine to receive such submissions orally at a hearing or in writing.
- (n) The Branch Executive may, where it finds the Charged Member guilty of a Charge, determine to:
  - (i) impose no penalty;
  - (ii) give the Member a written warning;
  - (iii) fine the Member a sum not exceeding \$1000.00;
  - (iv) subject to this rule, if the Member is a Branch Officer or holds a position, suspend the Member from office or position in the Branch, as the case may be, for a specified period or until the happening of a specified event or until the performance of a specified act, providing that a suspension will not exceed six (6) months;
  - (v) subject to this rule, if the Member is a Branch Official or holds a position, dismiss the Member from an officer or a position in the Branch;

- (vi) remove the Member to the suspension list, provided that the Member may only remain on the suspension list for a period of up to 12 months, at which time they must either be reinstated to membership or have the circumstances of their suspension reviewed by the Branch Executive for the purposes of continuing the suspension for further periods of up to 12 months or reinstatement to membership; or
  - (vii) expel the Member from the Branch.
- (o) A Charged Member may, in relation to any oral hearing of a Charge, including submissions on penalty, be represented by a Member, but by no other person.
  - (p) The Branch Executive must provide the Charged Member with its determination, whether as to guilt, or penalty, or both, in writing.
  - (q) If it is the Branch Secretary that is charged, the Branch Assistant Secretary, will act in the Branch Secretary's place for the purpose of this rule.
  - (r) Where a member is fined under this rule, the Member is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine.
  - (s) The provisions of this rule do not enable the dismissal from office of a Branch Officer of the Branch unless the officer;
    - (i) has been charged with, and found guilty of, in accordance with these rules, of:
      - a. a substantial breach of these rules or the Federation's rules; or
      - b. gross misbehavior; or
      - c. gross neglect of duty; or
    - (ii) has ceased, according to these rules, to be eligible to hold the office.
  - (t) For the purposes of sub-rule (s) 'office' includes the position of:
    - (i) Branch Secretary; and
    - (ii) Branch Assistant Secretary.
  - (u) If the Branch Executive is satisfied that the allegation is not substantiated, that will be recorded in the minutes of the meeting of the Branch Executive and a copy of the relevant part of the minutes will be provided to the member concerned.
  - (v) Where a Member is fined in accordance with this rule:
    - (i) the Member is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine, unless the Member has appealed pursuant to these rules; and
    - (ii) despite part (i) a person having to pay a fine may request that the Branch Executive provide a period of greater than 14 days to pay the fine, and the Branch Executive will grant that request when there are reasonable grounds to do so.
  - (w) Upon an investigation being commenced under sub-rule (c) or a Charge being made by the Branch Secretary or a majority of the Branch Executive, the Branch President may suspend the Charged Member until the hearing and final determination of the Charge under this rule, and remove the Member to the suspension list provided that:
    - (i) a Member removed to the suspension list under this sub-rule is, despite rule 79 (c), not liable for the payment of the Annual Fee and Levies prior to the hearing and final determination of the Charge; and
    - (ii) a Member cannot remain on the suspension list under paragraph (i) for more than six (6) months at which time they must either be reinstated to membership or have the circumstances of their suspension reviewed by the Branch Executive for the purposes of the Branch Executive determining whether the Member is to remain on the

suspension list for a further period to permit the investigation or determination of the Charge to be concluded; and

- (iii) in making a determination under paragraph (ii) the Branch Executive must take into account the:
  - a. reasons for delay in the investigation or the determination of a Charge; and
  - b. reasonableness of the Member remaining on the suspension list.
- (x) The Branch Executive, with the Branch President's consent, will:
  - (i) appoint a retired Judge and/or Queen's Counsel as a member and chair of the Panel; and
  - (ii) appoint such other members to the Panel as are necessary, being:
    - A. a barrister or solicitor who has been admitted to practice for a period of greater than five (5) years; and/or
    - B. a retired member of Parliament who has served as a parliamentary member for a period of greater than ten (10) years; and /or
    - C. a retired member of the Queensland Police Service; and/or
    - D. other member of the community in good standing; and
  - (iii) remunerate a member of the Panel for work performed in discharging the requirements of this rule.

**'78 -RULE NOT USED'**

**QPUE Executive Meeting – 28 July 2021****3.1 Police Federation of Australia**

9.00am Open the special meeting of the Queensland Branch of the Police Federation of Australia.

The business of the special meeting is to consider proposed amendments to the Branch rules, which amendments are set out below in resolutions 1 and 2.

**Preamble to the Resolution**

The Branch President, noting the Branch Executive has discussed issues around the security of the Branch and the need to ensure it is placed in the best position to protect the members from external attacks, recommends replacing the current Branch rule (CFI Rules) in relation to Disciplinary Proceedings (misconduct) with a contemporary rule.

The Branch President also recommends that it is appropriate, given the introduction of the expert panel as a pre-step in the process of actioning misconduct which assists in ensuring natural justice, to remove the appeal process in rule 78 as that process overly complicates and unnecessarily lengthens the process.

**Resolution 1**

The Branch Executive determines that rule 76 be deleted and the following rule be inserted in lieu.

**76 - DISCIPLINARY PROCEEDINGS**

(a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Agent	an agent appointed by the Branch
Branch Employee	a person employed by the Branch or working for the Branch in accordance with a service agreement entered into by the Federation on behalf of the Branch with the QPUE and includes the Branch Secretary and Branch Assistant Secretary
Charge	a charge made under sub-rule (e)
Charged Member	a Member of Branch Official charged under sub-rule (e)
Competitor Organisation	a body, an association, organisation or corporation which the Branch President has determined and given notice to the Members to be in competition with the Branch
Governance Body	Branch Executive; or a Branch Officer

Member	has, for the purposes of this rule, the meaning provided by these part CG rules together with the: Branch Secretary; and Branch Assistant Secretary
Notice	a notice that is in writing and sets out the: Charge; Particulars; name of the person Charging; and Process
Panel	severally a panel of no less than three (3) members appointed under this rule
Particulars	sufficient particulars so that the matters and circumstances of the Charge are clear
Process	the process made under sub-rule (h)

(b) A Member of Branch Officer must not:

- (i) knowingly fail to comply with these rules;
- (ii) knowingly fail to comply with a resolution or direction of a Governance Body binding on the Member or Branch Officer;
- (iii) fail to carry out and comply with, or act in contravention of, an Industrial Instrument binding on a Member;
- (iv) grossly misbehave as a Member or Branch Officer;
- (v) substantially breach these rules;
- (vi) act in a disorderly and/or offensive manner at a meeting held under these rules;
- (vii) obstruct a Governance Body, a Branch Employee, an Agent or other lawful representative of the Branch in the performance of the functions of the Branch;
- (viii) give false or misleading information to a Governance Body, a Branch Employee, an Agent or other lawful representative of the Branch on a matter;
- (ix) obstruct, insult or behave in an offensive manner towards a Branch Officer in the course of the officer's duties;
- (x) obstruct, insult or behave in an offensive manner towards a Branch Employee in the course of the employee's duties;
- (xi) wrongfully holding themselves out as occupying a Branch Officer, or as being entitled to represent the Branch;
- (xii) aid or encourage a Member to breach these rules;
- (xiii) encourage a Member to resign from the Branch or Federation;
- (xiv) knowingly encourage a Member to join a body, an association, organisation or corporation which is in competition with the Branch or the Federation;
- (xv) encourage a Member to join a Competitor Organisation;
- (xvi) join a Competitor Organisation;
- (xvii) wrongfully cause injury to the reputation of the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member;
- (xviii) knowingly make a false allegation against the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member;

- (xix) knowingly conduct themselves in a way that is calculated to bring the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member into disrepute;
  - (xx) distribute to Members a statement concerning the activities of the Branch or Branch Officer or a Member, knowing the statement to be false;
  - (xxi) engage in conduct which has the effect of harassing or victimising a Member because that member engages in lawful union activities;
  - (xxii) after, having been reasonable requested to assist, fail to assist a Governance Body, a Branch Officer, a Branch Employee, Agent or other lawful representative of the Branch in the performance of the functions of the Branch;
  - (xxiii) after, having been reasonably requested to assist, fail to assist a Branch Officer or Branch Employee in the course of the officer's or employee's duties;
  - (xxiv) refuse to comply with the directions of a Governance Body to show cause to a meeting of the Governance body why the respective member should not be suspended from membership or expelled from the Branch; and/or
  - (xxv) breaching the Branch Code of Conduct.
- (c) The Branch Executive is responsible, on becoming aware of a matter that may be conduct in breach of sub-rule (b) by a Member or a Branch Officer, for the investigation of the breach.
- (d) The Branch Executive may, in relation to an investigation under sub-rule (c), engage a member of the Panel to conduct the investigation and to report, following the investigation, on:
- (i) whether a charge could be made, and if so the terms of the Charge; and
  - (ii) the Particulars of a Charge under paragraph (i); and
  - (iii) the likelihood of the Charge being sustained.
- (e) Once the Branch Executive has received a report under sub-rule (d), and the report recommends the bringing of a Charge, then the Branch Secretary will in writing provide the Member of Branch Officer with the:
- (i) Charge; and
  - (ii) Particulars,
- provided that nothing prevents a majority of the Branch Executive from making a Charge.
- (f) The Branch Secretary must, within 60 days, notify the Branch Executive of the Charge.
- (g) The Branch Executive must as soon as practicable hear and determine the Charge.
- (h) Having regard to the circumstances, the Branch Executive will determine the process to apply for it to discharge its obligation under sub-rule (g) to ensure the Charged Member is provided with natural justice and will consider matters including:
- (i) whether to conduct an oral hearing or receive written submissions;
  - (ii) if an oral hearing is to be conducted, whether this is to be in person or by telephone and/or videolink or any combination of these;
  - (iii) when, and where, any hearing is to occur;
  - (iv) whether there are interim matters to be determined and if so whether by written submissions or at an oral hearing;
  - (v) whether it will consider evidence from persons, whether Members or not, and if so, how, and when, it will receive and consider such evidence; and
  - (vi) how, and when, it will receive material relevant to the Charge.

- (i) The Branch Executive will, having regard to its determinations under sub-rule (h), issue directions for the conduct of the hearing and determination of the Charge.
- (j) The Branch Executive will provide the Charged Member with a Notice.
- (k) In the hearing of the Charge, the Branch Secretary will be the prosecutor but will not otherwise participate in determining the Charge.
- (l) A Charge may, subject to any determination under sub-rule (h), be determined in the absence of the Charged Member.
- (m) If the Branch Executive determines that the Charged Member is guilty of a Charge, then the Branch Executive will give the member an appropriate opportunity to make submission on penalty, and the Branch Executive may determine to receive such submissions orally at a hearing or in writing.
- (n) The Branch Executive may, where it finds the Charged Member guilty of a Charge, determine to:
  - (i) impose no penalty;
  - (ii) give the Member a written warning;
  - (iii) fine the Member a sum not exceeding \$1000.00;
  - (iv) subject to this rule, if the Member is a Branch Officer or holds a position, suspend the Member from office or position in the Branch, as the case may be, for a specified period or until the happening of a specified event or until the performance of a specified act, providing that a suspension will not exceed six (6) months;
  - (v) subject to this rule, if the Member is a Branch Official or holds a position, dismiss the Member from an officer or a position in the Branch;
  - (vi) remove the Member to the suspension list, provided that the Member may only remain on the suspension list for a period of up to 12 months, at which time they must either be reinstated to membership or have the circumstances of their suspension reviewed by the Branch Executive for the purposes of continuing the suspension for further periods of up to 12 months or reinstatement to membership; or
  - (vii) expel the Member from the Branch.
- (o) A Charged Member may, in relation to any oral hearing of a Charge, including submissions on penalty, be represented by a Member, but by no other person.
- (p) The Branch Executive must provide the Charged Member with its determination, whether as to guilt, or penalty, or both, in writing.
- (q) If it is the Branch Secretary that is charged, the Branch Assistant Secretary, will act in the Branch Secretary's place for the purpose of this rule.
- (r) Where a member is fined under this rule, the Member is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine.
- (s) The provisions of this rule do not enable the dismissal from office of a Branch Officer of the Branch unless the officer;
  - (i) has been charged with, and found guilty of, in accordance with these rules, of:
    - a. a substantial breach of these rules or the Federation's rules; or
    - b. gross misbehavior; or
    - c. gross neglect of duty; or
  - (ii) has ceased, according to these rules, to be eligible to hold the office.
- (t) For the purposes of sub-rule (s) 'office' includes the position of:
  - (i) Branch Secretary; and
  - (ii) Branch Assistant Secretary.

- (u) If the Branch Executive is satisfied that the allegation is not substantiated, that will be recorded in the minutes of the meeting of the Branch Executive and a copy of the relevant part of the minutes will be provided to the member concerned.
- (v) Where a Member is fined in accordance with this rule:
  - (i) the Member is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine, unless the Member has appealed pursuant to these rules; and
  - (ii) despite part (i) a person having to pay a fine may request that the Branch Executive provide a period of greater than 14 days to pay the fine, and the Branch Executive will grant that request when there are reasonable grounds to do so.
- (w) Upon an investigation being commenced under sub-rule (c) or a Charge being made by the Branch Secretary or a majority of the Branch Executive, the Branch President may suspend the Charged Member until the hearing and final determination of the Charge under this rule, and remove the Member to the suspension list provided that:
  - (i) a Member removed to the suspension list under this sub-rule is, despite rule 79 (c), not liable for the payment of the Annual Fee and Levies prior to the hearing and final determination of the Charge; and
  - (ii) a Member cannot remain on the suspension list under paragraph (i) for more than six (6) months at which time they must either be reinstated to membership or have the circumstances of their suspension reviewed by the Branch Executive for the purposes of the Branch Executive determining whether the Member is to remain on the suspension list for a further period to permit the investigation or determination of the Charge to be concluded; and
  - (iii) in making a determination under paragraph (ii) the Branch Executive must take into account the:
    - a. reasons for delay in the investigation or the determination of a Charge; and
    - b. reasonableness of the Member remaining on the suspension list.
- (x) The Branch Executive, with the Branch President's consent, will:
  - (i) appoint a retired Judge and/or Queen's Counsel as a member and chair of the Panel; and
  - (ii) appoint such other members to the Panel as are necessary, being:
    - A. a barrister or solicitor who has been admitted to practice for a period of greater than five (5) years; and/or
    - B. a retired member of Parliament who has served as a parliamentary member for a period of greater than ten (10) years; and /or
    - C. a retired member of the Queensland Police Service; and/or
    - D. other member of the community in good standing; and
  - (iii) remunerate a member of the Panel for work performed in discharging the requirements of this rule.

**Moved:** K. Groth  
**Seconded:** A. Williams  
**Carried:** Unanimous  
**Date:** 28 July 2021

## Resolution 2

The Branch Executive determines that rule 78 be deleted and the following rule be inserted in lieu:

'78 -RULE NOT USED'

**Moved:** G. Wilcox

**Seconded:** S. Prior  
**Carried:** Unanimous  
**Date:** 28 July 2021

**NOTICE TO BRANCH EXECUTIVE**

Dear Branch Executive Member,

I write to inform you that I have received proposed amendments to the Branch rules from the Branch President, who as an officer of the Branch Executive in accordance with Branch rule 85(f) seeks to amend the Branch rules pursuant to Branch rule 85(e), and a request from Branch President that I call a special meeting of the Branch Executive to consider the proposed amendments to the Branch rules.

I give notice of a special meeting of the Branch Executive to occur on Wednesday 28 July at the QPUE Office commencing at 10 am.

The business of the special meeting is to consider proposed amendments to the Branch rules, which amendments are set out below in resolutions 1 and 2.

The current rules 76 and 79 are attached as 'A'.

**Preamble to the Resolution**

The Branch President, noting the Branch Executive has discussed issues around the security of the Branch and the need to ensure it is placed in the best position to protect the members from external attacks, recommends replacing the current Branch rule (CF1 Rules) in relation to Disciplinary Proceedings (misconduct) with a contemporary rule.

The Branch President also recommends that it is appropriate, given the introduction of the expert panel as a pre-step in the process of actioning misconduct which assists in ensuring natural justice, to remove the appeal process in rule 79 as that process overly complicates and unnecessarily lengthens the process.

**Resolution 1**

The Branch Executive determines that rule 76 be deleted and the following rule be inserted in lieu.

**76 – DISCIPLINARY PROCEEDINGS**

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Agent	an agent appointed by the Branch
Branch Employee	a person employed by the Branch or working for the Branch in accordance with a service agreement entered into by the Federation on behalf of the Branch with the QPUE and includes the Branch Secretary and Branch Assistant Secretary
Charge	a charge made under sub-rule (e)
Charged Member	a Member or Branch Officer charged under sub-rule (e)
Competitor Organisation	a body, an association, organisation or corporation which the Branch President has

	determined and given notice to the Members to be in competition with the Branch
Governance Body	Branch Executive; or a Branch Officer
Member	has, for the purposes of this rule, the meaning provided by these part CF rules together with the: Branch Secretary; and Branch Assistant Secretary
Notice	a notice that is in writing and sets out the: Charge; Particulars; name of the person Charging; and Process
Panel	severally a panel of no less than three (3) members appointed under this rule
Particulars	sufficient particulars so that the matters and circumstances of the Charge are clear
Process	the process made under sub-rule (h)

(b) A Member or Branch Officer must not:

- (i) knowingly fail to comply with these rules;
- (ii) knowingly fail to comply with a resolution or direction of a Governance Body binding on the Member or Branch Officer;
- (iii) fail to carry out and comply with, or act in contravention of, an Industrial Instrument binding on a Member;
- (iv) grossly misbehave as a Member or Branch Officer;
- (v) substantially breach these rules;
- (vi) act in a disorderly and/or offensive manner at a meeting held under these rules;
- (vii) obstruct a Governance Body, a Branch Employee, an Agent or other lawful representative of the Branch in the performance of the functions of the Branch;
- (viii) give false or misleading information to a Governance Body, a Branch Employee, an Agent or other lawful representative of the Branch on a matter;
- (ix) obstruct, insult or behave in an offensive manner towards a Branch Officer in the course of the officer's duties;
- (x) obstruct, insult or behave in an offensive manner towards a Branch Employee in the course of the employee's duties;
- (xi) wrongfully holding themselves out as occupying a Branch Office, or as being entitled to represent the Branch,
- (xii) aid or encourage a Member to breach these rules;
- (xiii) encourage a Member to resign from the Branch or the Federation;
- (xiv) knowingly encourage a Member to join a body, an association, organisation or corporation which is in competition with the Branch or the Federation;
- (xv) encourage a Member to join a Competitor Organisation;
- (xvi) join a Competitor Organisation;

- (xvii) wrongfully cause injury to the reputation of the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member;
  - (xviii) knowingly make a false allegation against the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member;
  - (xix) knowingly conduct themselves in a way that is calculated to bring the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member into disrepute;
  - (xx) distribute to Members a statement concerning the activities of the Branch or Branch Officer or a Member, knowing the statement to be false;
  - (xxi) engage in conduct which has the effect of harassing or victimising a Member because that member engages in lawful union activities;
  - (xxii) after, having been reasonably requested to assist, fail to assist a Governance Body, a Branch Officer, a Branch Employee, Agent or other lawful representative of the Branch in the performance of the functions of the Branch;
  - (xxiii) after, having been reasonably requested to assist, fail to assist a Branch Officer or Branch Employee in the course of the officer's or employee's duties;
  - (xxiv) refuse to comply with the directions of a Governance Body to show cause to a meeting of the Governance Body why the respective member should not be suspended from membership or expelled from the Branch; and/or
  - (xxv) breaching the Branch Code of Conduct.
- (c) The Branch Executive is responsible, on becoming aware of a matter that may be conduct in breach of sub-rule (b) by a Member or a Branch Officer, for the investigation of the breach.
- (d) The Branch Executive may, in relation to an investigation under sub-rule (c), engage a member of the Panel to conduct the investigation and to report, following the investigation, on:
- (i) whether a charge could be made, and if so the terms of the Charge; and
  - (ii) the Particulars of a Charge under paragraph (i); and
  - (iii) the likelihood of the Charge being sustained.
- (e) Once the Branch Executive has received a report under sub-rule (d), and the report recommends the bringing of a Charge, then the Branch Secretary will in writing provide the Member or Branch Officer with the:
- (i) Charge; and
  - (ii) Particulars,
- provided that nothing prevents a majority of the Branch Executive from making a Charge.
- (f) The Branch Secretary must, within 60 days, notify the Branch Executive of the Charge.
- (g) The Branch Executive must as soon as practicable hear and determine the Charge.
- (h) Having regard to the circumstances, the Branch Executive will determine the process to apply for it to discharge its obligation under sub-rule (g) to ensure the Charged Member is provided with natural justice and will consider matters including:
- (i) whether to conduct an oral hearing or receive written submissions;
  - (ii) if an oral hearing is to be conducted, whether this is to be in person or by telephone and/or videolink or any combination of these;
  - (iii) when, and where, any hearing is to occur;

- (iv) whether there are interim matters to be determined and if so whether by written submissions or at an oral hearing;
  - (v) whether it will consider evidence from persons, whether Members or not, and if so, how, and when, it will receive and consider such evidence; and
  - (vi) how, and when, it will receive material relevant to the Charge.
- (i) The Branch Executive will, having regard to its determinations under sub-rule (h), issue directions for the conduct of the hearing and determination of the Charge.
  - (j) The Branch Executive will provide the Charged Member with a Notice.
  - (k) In the hearing of the Charge, the Branch Secretary will be the prosecutor but will not otherwise participate in determining the Charge.
  - (l) A Charge may, subject to any determination under sub-rule (h), be determined in the absence of the Charged Member.
  - (m) If the Branch Executive determines that the Charged Member is guilty of a Charge, then the Branch Executive will give the member an appropriate opportunity to make submission on penalty, and the Branch Executive may determine to receive such submissions orally at a hearing or in writing.
  - (n) The Branch Executive may, where it finds the Charged Member guilty of a Charge, determine to:
    - (i) impose no penalty;
    - (ii) give the Member a written warning;
    - (iii) fine the Member a sum not exceeding \$1000.00;
    - (iv) subject to this rule, if the Member is a Branch Officer or holds a position, suspend the Member from office or position in the Branch, as the case may be, for a specified period or until the happening of a specified event or until the performance of a specified act, providing that a suspension will not exceed six (6) months;
    - (v) subject to this rule, if the Member is a Branch Officer or holds a position, dismiss the Member from an office or a position in the Branch;
    - (vi) remove the Member to the suspension list, provided that the Member may only remain on the suspension list for a period of up to 12 months, at which time they must either be reinstated to membership or have the circumstances of their suspension reviewed by the Branch Executive for the purposes of continuing the suspension for further periods of up to 12 months or reinstatement to membership; or
    - (vii) expel the Member from the Branch.
  - (o) A Charged Member may, in relation to any oral hearing of a Charge, including submissions on penalty, be represented by a Member, but by no other person.
  - (p) The Branch Executive must provide the Charged Member with its determination, whether as to guilt, or penalty, or both, in writing.
  - (q) If it is the Branch Secretary that is charged, the Branch Assistant Secretary, will act in the Branch Secretary's place for the purpose of this rule.
  - (r) Where a Member is fined under this rule, the Member is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine.
  - (s) The provisions of this rule do not enable the dismissal from office of a Branch Officer of the Branch unless the officer:
    - (i) has been charged with, and found guilty of, in accordance with these rules, of:

- a. a substantial breach of these rules or the Federation's rules; or
  - b. gross misbehavior; or
  - c. gross neglect of duty; or
- (ii) has ceased, according to these rules, to be eligible to hold the office.
- (t) For the purposes of sub-rule (s) 'office' includes the position of:
  - (i) Branch Secretary; and
  - (ii) Branch Assistant Secretary.
- (u) If the Branch Executive is satisfied that the allegation is not substantiated, that will be recorded in the minutes of the meeting of the Branch Executive and a copy of the relevant part of the minutes will be provided to the member concerned.
- (v) Where a Member is fined in accordance with this rule:
  - (i) the Member is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine, unless the Member has appealed pursuant to these rules; and
  - (ii) despite part (i) a person having to pay a fine may request that the Branch Executive provide a period of greater than 14 days to pay the fine, and the Branch Executive will grant that request when there are reasonable grounds to do so.
- (w) Upon an investigation being commenced under sub-rule (c) or a Charge being made by the Branch Secretary or a majority of the Branch Executive, the Branch President may suspend the Charged Member until the hearing and final determination of the Charge under this rule, and remove the Member to the suspension list provided that:
  - (i) a Member removed to the suspension list under this sub-rule is, despite rule 79 (c), not liable for the payment of the Annual Fee and Levies prior to the hearing and final determination of the Charge; and
  - (ii) a Member cannot remain on the suspension list under paragraph (i) for more than six (6) months at which time they must either be reinstated to membership or have the circumstances of their suspension reviewed by the Branch Executive for the purposes of the Branch Executive determining whether the Member is to remain on the suspension list for a further period to permit the investigation or determination of the Charge to be concluded; and
  - (iii) in making a determination under paragraph (ii) the Branch Executive must take into account the:
    - a. reasons for delay in the investigation or the determination of a Charge; and
    - b. reasonableness of the Member remaining on the suspension list.
- (x) The Branch Executive, with the Branch President's consent, will:
  - (i) appoint a retired Judge and/or Queen's Counsel as a member and chair of the Panel; and
  - (ii) appoint such other members to the Panel as are necessary, being:
    - A. a barrister or solicitor who has been admitted to practice for a period of greater than five (5) years; and/or
    - B. a retired member of Parliament who has served as a parliamentary member for a period of greater than ten (10) years; and/or

- C. a retired member of the Queensland Police Service; and/or
  - D. other member of the community in good standing; and
- (iii) remunerate a member of the Panel for work performed in discharging the requirements of this rule.

Moved: Ian Leavers  
Seconded  
Carried  
Date

### **Resolution 2**

The Branch Executive determines that rule 79 be deleted and the following rule be inserted in lieu:

'79 -RULE NOT USED'

Moved: Ian Leavers  
Seconded  
Carried  
Date

### **Resolution 3**

The Branch Executive directs the Branch Secretary to:

- a. cause the application for rule amendment be actioned as soon as is practicable and within 35 days of the date of resolution;
- b. notify the Federation Secretary of the application;
- c. place a copy of proposed rule changes on the Branch's website (if required);
- d. request the Federation Secretary place a copy of proposed rule changes on the Federation's website; and
- e. liaise with the FWC Delegate to have the rule certified.

Moved: Ian Leavers  
Seconded  
Carried  
Date

### **Resolution 4**

The Branch Executive authorises the Branch President to make changes to proposed rule 76 as are necessary to ensure it is grammatical, consistent with the Branch rules, lawful and able to be certified, provided that the Branch President must not make a change to proposed rule 76 that has, or will likely have, the effect of altering the purpose of the proposed rule.

Moved: Ian Leavers  
Seconded  
Carried  
Date

Mick Barnes  
Branch Secretary  
Date 2/7/21

## Notice

### QUEENSLAND POLICE BRANCH MEMBERS

The Branch Executive of the Queensland Police Branch has on 9 November 2018 determined to change the Branch rule as follows:

#### New Rule 76

The Branch Executive determines that rule 76 be deleted and the following rule be inserted in lieu.

#### **76 – DISCIPLINARY PROCEEDINGS**

(a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
<i>Agent</i>	<i>an agent appointed by the Branch</i>
<i>Branch Employee</i>	<i>a person employed by the Branch or working for the Branch in accordance with a service agreement entered into by the Federation on behalf of the Branch with the QPUE and includes the Branch Secretary and Branch Assistant Secretary</i>
<i>Charge</i>	<i>a charge made under sub-rule (e)</i>
<i>Charged Member</i>	<i>a Member or Branch Officer charged under sub-rule (e)</i>
<i>Competitor Organisation</i>	<i>a body, an association, organisation or corporation which the Branch President has determined and given notice to the Members to be in competition with the Branch</i>
<i>Governance Body</i>	<i>Branch Executive; or a Branch Officer</i>
<i>Member</i>	<i>has, for the purposes of this rule, the meaning provided by these part CF rules together with the: Branch Secretary; and Branch Assistant Secretary</i>
<i>Notice</i>	<i>a notice that is in writing and sets out the: Charge; Particulars; name of the person Charging; and Process</i>
<i>Panel</i>	<i>severally a panel of no less than three (3) members appointed under this rule</i>
<i>Particulars</i>	<i>sufficient particulars so that the matters and circumstances of the Charge are clear</i>
<i>Process</i>	<i>the process made under sub-rule (h)</i>

(b) A Member or Branch Officer must not:

- (i) knowingly fail to comply with these rules;
- (ii) knowingly fail to comply with a resolution or direction of a Governance Body binding on the Member or Branch Officer;
- (iii) fail to carry out and comply with, or act in contravention of, an Industrial Instrument binding on a Member;
- (iv) grossly misbehave as a Member or Branch Officer;
- (v) substantially breach these rules;
- (vi) act in a disorderly and/or offensive manner at a meeting held under these rules;
- (vii) obstruct a Governance Body, a Branch Employee, an Agent or other lawful representative of the Branch in the performance of the functions of the Branch;

- (viii) *give false or misleading information to a Governance Body, a Branch Employee, an Agent or other lawful representative of the Branch on a matter;*
  - (ix) *obstruct, insult or behave in an offensive manner towards a Branch Officer in the course of the officer's duties;*
  - (x) *obstruct, insult or behave in an offensive manner towards a Branch Employee in the course of the employee's duties;*
  - (xi) *wrongfully holding themselves out as occupying a Branch Office, or as being entitled to represent the Branch,*
  - (xii) *aid or encourage a Member to breach these rules;*
  - (xiii) *encourage a Member to resign from the Branch or the Federation;*
  - (xiv) *knowingly encourage a Member to join a body, an association, organisation or corporation which is in competition with the Branch or the Federation;*
  - (xv) *encourage a Member to join a Competitor Organisation;*
  - (xvi) *join a Competitor Organisation;*
  - (xvii) *wrongfully cause injury to the reputation of the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member;*
  - (xviii) *knowingly make a false allegation against the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member;*
  - (xix) *knowingly conduct themselves in a way that is calculated to bring the Branch, a Branch Officer, a Branch Employee, Agent, other lawful representative of the Branch or a Member into disrepute;*
  - (xx) *distribute to Members a statement concerning the activities of the Branch or Branch Officer or a Member, knowing the statement to be false;*
  - (xxi) *engage in conduct which has the effect of harassing or victimising a Member because that member engages in lawful union activities;*
  - (xxii) *after, having been reasonably requested to assist, fail to assist a Governance Body, a Branch Officer, a Branch Employee, Agent or other lawful representative of the Branch in the performance of the functions of the Branch;*
  - (xxiii) *after, having been reasonably requested to assist, fail to assist a Branch Officer or Branch Employee in the course of the officer's or employee's duties;*
  - (xxiv) *refuse to comply with the directions of a Governance Body to show cause to a meeting of the Governance Body why the respective member should not be suspended from membership or expelled from the Branch; and/or*
  - (xxv) *breaching the Branch Code of Conduct.*
- (c) *The Branch Executive is responsible, on becoming aware of a matter that may be conduct in breach of sub-rule (b) by a Member or a Branch Officer, for the investigation of the breach.*
- (d) *The Branch Executive may, in relation to an investigation under sub-rule (c), engage a member of the Panel to conduct the investigation and to report, following the investigation, on:*
- (i) *whether a charge could be made, and if so the terms of the Charge; and*
  - (ii) *the Particulars of a Charge under paragraph (i); and*
  - (iii) *the likelihood of the Charge being sustained.*
- (e) *Once the Branch Executive has received a report under sub-rule (d), and the report recommends the bringing of a Charge, then the Branch Secretary will in writing provide the Member or Branch Officer with the:*
- (i) *Charge; and*
  - (ii) *Particulars,*
- provided that nothing prevents a majority of the Branch Executive from making a Charge.*
- (f) *The Branch Secretary must, within 60 days, notify the Branch Executive of the Charge.*
- (g) *The Branch Executive must as soon as practicable hear and determine the Charge.*

- (h) *Having regard to the circumstances, the Branch Executive will determine the process to apply for it to discharge its obligation under sub-rule (g) to ensure the Charged Member is provided with natural justice and will consider matters including:*
- (i) *whether to conduct an oral hearing or receive written submissions;*
  - (ii) *if an oral hearing is to be conducted, whether this is to be in person or by telephone and/or videolink or any combination of these;*
  - (iii) *when, and where, any hearing is to occur;*
  - (iv) *whether there are interim matters to be determined and if so whether by written submissions or at an oral hearing;*
  - (v) *whether it will consider evidence from persons, whether Members or not, and if so, how, and when, it will receive and consider such evidence; and*
  - (vi) *how, and when, it will receive material relevant to the Charge.*
- (i) *The Branch Executive will, having regard to its determinations under sub-rule (h), issue directions for the conduct of the hearing and determination of the Charge.*
- (j) *The Branch Executive will provide the Charged Member with a Notice.*
- (k) *In the hearing of the Charge, the Branch Secretary will be the prosecutor but will not otherwise participate in determining the Charge.*
- (l) *A Charge may, subject to any determination under sub-rule (h), be determined in the absence of the Charged Member.*
- (m) *If the Branch Executive determines that the Charged Member is guilty of a Charge, then the Branch Executive will give the member an appropriate opportunity to make submission on penalty, and the Branch Executive may determine to receive such submissions orally at a hearing or in writing.*
- (n) *The Branch Executive may, where it finds the Charged Member guilty of a Charge, determine to:*
- (i) *impose no penalty;*
  - (ii) *give the Member a written warning;*
  - (iii) *fine the Member a sum not exceeding \$1000.00;*
  - (iv) *subject to this rule, if the Member is a Branch Officer or holds a position, suspend the Member from office or position in the Branch, as the case may be, for a specified period or until the happening of a specified event or until the performance of a specified act, providing that a suspension will not exceed six (6) months;*
  - (v) *subject to this rule, if the Member is a Branch Officer or holds a position, dismiss the Member from an office or a position in the Branch;*
  - (vi) *remove the Member to the suspension list, provided that the Member may only remain on the suspension list for a period of up to 12 months, at which time they must either be reinstated to membership or have the circumstances of their suspension reviewed by the Branch Executive for the purposes of continuing the suspension for further periods of up to 12 months or reinstatement to membership; or*
  - (vii) *expel the Member from the Branch.*
- (o) *A Charged Member may, in relation to any oral hearing of a Charge, including submissions on penalty, be represented by a Member, but by no other person.*
- (p) *The Branch Executive must provide the Charged Member with its determination, whether as to guilt, or penalty, or both, in writing.*
- (q) *If it is the Branch Secretary that is charged, the Branch Assistant Secretary, will act in the Branch Secretary's place for the purpose of this rule.*
- (r) *Where a Member is fined under this rule, the Member is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine.*
- (s) *The provisions of this rule do not enable the dismissal from office of a Branch Officer of the Branch unless the officer:*
- (i) *has been charged with, and found guilty of, in accordance with these rules, of:*

- a. a substantial breach of these rules or the Federation's rules; or
  - b. gross misbehavior; or
  - c. gross neglect of duty; or
- (ii) has ceased, according to these rules, to be eligible to hold the office.
- (t) For the purposes of sub-rule (s) 'office' includes the position of:
  - (i) Branch Secretary; and
  - (ii) Branch Assistant Secretary.
- (u) If the Branch Executive is satisfied that the allegation is not substantiated, that will be recorded in the minutes of the meeting of the Branch Executive and a copy of the relevant part of the minutes will be provided to the member concerned.
- (v) Where a Member is fined in accordance with this rule:
  - (i) the Member is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine, unless the Member has appealed pursuant to these rules; and
  - (ii) despite part (i) a person having to pay a fine may request that the Branch Executive provide a period of greater than 14 days to pay the fine, and the Branch Executive will grant that request when there are reasonable grounds to do so.
- (w) Upon an investigation being commenced under sub-rule (c) or a Charge being made by the Branch Secretary or a majority of the Branch Executive, the Branch President may suspend the Charged Member until the hearing and final determination of the Charge under this rule, and remove the Member to the suspension list provided that:
  - (i) a Member removed to the suspension list under this sub-rule is, despite rule 79 (c), not liable for the payment of the Annual Fee and Levies prior to the hearing and final determination of the Charge; and
  - (ii) a Member cannot remain on the suspension list under paragraph (i) for more than six (6) months at which time they must either be reinstated to membership or have the circumstances of their suspension reviewed by the Branch Executive for the purposes of the Branch Executive determining whether the Member is to remain on the suspension list for a further period to permit the investigation or determination of the Charge to be concluded; and
  - (iii) in making a determination under paragraph (ii) the Branch Executive must take into account the:
    - a. reasons for delay in the investigation or the determination of a Charge; and
    - b. reasonableness of the Member remaining on the suspension list.
- (x) The Branch Executive, with the Branch President's consent, will:
  - (i) appoint a retired Judge and/or Queen's Counsel as a member and chair of the Panel; and
  - (ii) appoint such other members to the Panel as are necessary, being:
    - A. a barrister or solicitor who has been admitted to practice for a period of greater than five (5) years; and/or
    - B. a retired member of Parliament who has served as a parliamentary member for a period of greater than ten (10) years; and/or
    - C. a retired member of the Queensland Police Service; and/or
    - D. other member of the community in good standing; and
  - (iii) remunerate a member of the Panel for work performed in discharging the requirements of this rule.

**New Rule 78**

The Branch Executive determines that rule 78 be deleted and the following rule be inserted in lieu:

'78 -RULE NOT USED'

This proposed change has been lodged with the Fair Work Commission for certification.  
Date: