

200V: Incorporates alterations of 23 December 2024 [R2024/147]  
(replaces rulebook dated 20 November 2023 [R2023/84])

## **Police Federation of Australia**

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 274 both inclusive contain a true and correct copy of the registered rules of the Police Federation of Australia.

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK COMMISSION

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# Rules of the Police Federation of Australia

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## PART A - NAME, OBJECTS AND MEMBERSHIP

### 1 - NAME

The name of the organisation shall be the Police Federation of Australia (hereinafter referred to as The Federation).

#### 1A - DEFINITIONS

- (a) In these Rules, unless the contrary intention appears:
- (i) the singular shall include the plural, and vice versa;
  - (ii) a reference to one gender shall include a reference to all other genders;
  - (iii) headings are for convenience and do not affect meaning;
  - (iv) a reference to a communication "in writing" or "written" includes email or any other form of electronic communication;
  - (v) any schedule to these Rules shall form part of these Rules;
  - (vi) the word "shall" is a word meaning mandatory requirement;
  - (vii) a reference to a statute shall include any amendment to that statute and any statutory instruments made pursuant to that statute, and shall also include any successors to such statute, whether in whole or part; and
  - (viii) a reference to the Australian Industrial Relations Commission shall include any successor to that tribunal, by whatever name.

#### Association

"Association" wherever appearing in these Rules shall be a reference to the Australian Federal Police Association Branch with the exception of the reference to Association appearing in rule 3(iv) where the word Association shall be taken to be a reference to the Federation.

#### Branch Executive

"Branch Executive" wherever appearing in these Rules shall also be a reference to Branch Committee in the South Australian Police Branch.

#### Branch Rules

"Branch Rules" means Rules pursuant to Part C, CB, CC, CD, CE, CF and D.

#### Branch Secretary

"Branch Secretary" includes and means a Branch Chief Executive Officer and/or an Administrative Officer where referred to as such in these Rules, and should be read as a reference to the Branch Chief Executive Officer in Victoria Police Branch, Tasmania Police Branch, Secretary Treasurer of the Australian Federal Police Association and Northern Territory Police Branch and Administrative Officer in the New South Wales Police Branch.

#### Capitation Fee

"Capitation fee" means the fee fixed by the Federal Council for the purposes of determining the payment (other than levies) to be made by Branches to the Federation.

### 3 - ELIGIBILITY FOR MEMBERSHIP

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Committee of Management

“Committee of Management” bears the same meaning as is assigned to it by the *Fair Work (Registered Organisations) Act 2009 (Cth)*.

Federal Rules

"Federal Rules" means the Rules of the Federation including the Branch Rules.

Federation

"Federation" wherever appearing in these Rules shall be a reference to the Police Federation of Australia, an organisation of employees registered under the Act and governed by these Rules.

General Manager

Means the “General Manager” of the Fair Work Commission.

Office

“Office” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.

Officer

“Officer” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*

Regulations

"Regulations" means Regulations made pursuant to the Act.

The Act

"Act" means the Fair Work (Registered Organisations) Act 2009 (Cth).

## 2 - INDUSTRY

The industry in connection with which the Federation is registered is the industry of the Police Force or Service of any State, Territory or Commonwealth Government of Australia.

## 3 - ELIGIBILITY FOR MEMBERSHIP

The Federation shall consist of an unlimited number of persons who are:

- (i) employees, appointees or secondees engaged by the Australian Federal Police, which includes:
  - (a) all persons designated Commercial, Community Operations, Federal Operations, or Operational Support;
  - (b) all persons declared, engaged or appointed as Members, Special Members or Officers of the Australian Federal Police (including Police Officers, Commissioned Officers, Non-Commissioned Officers, Air Security Officers, Protective Service Officers, Special Protective Service Officers, Protection Officers and Commonwealth Law Enforcement Officers).

## 4 - OBJECTS

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provided that:

- (c) persons eligible for membership of the CPSU, or persons who were members of the CPSU as at 30 June 2004, shall not be eligible for membership of the Federation unless those persons are Protective Service Officers or Special Protective Service Officers in the Australian Federal Police.
  - 1. For the purpose of this rule, “Australian Federal Police” means the Australian Federal Police constituted under the Australian Federal Police Act 1979 as amended from time to time.
  - 2. For the purpose of this rule “Commercial, Community Operations, Federal Operations, or Operational Support” means all Australian Federal Police work structures, functional areas and roles, and any subsequent work structures, functional areas or roles as amended from time to time.
- (ii) persons appointed to any rank, grade, classification or designation of police officer of any Police Force or Service of any State, Territory or Commonwealth Government of Australia; and/or
- (iii) Persons in Western Australia who are either appointed under the *Police Act 1892 (WA)* and employed by the Commissioner of Police of Western Australia or employed as police recruits provided nothing in this sub rule will render persons employed under the *Public Sector Management Act 1994 (WA)* as eligible for membership of the Union.
- (iv) persons undertaking training (including those persons designated or described as cadets) designed or intended to lead to service in any rank, grade, classification or designation of the positions specified above in 3(i) and 3(ii); and/or
- (v) elected or appointed officers or employees of the Association or any Branch thereof, whether or not employees in the industry
- (vi) except as provided in 3(i), any person engaged as staff members or civilian employees in an administrative, clerical, professional, technical or support capacity, (other than in any rank, grade, classification or designation of police officer, by a Police Force, Service or Department) shall not be eligible for membership of the Association.

## 4 - OBJECTS

The objects of the Federation shall be:

- (a) to uphold the rights and to foster, protect and improve the rights and interests of members industrially and otherwise;
- (b) to obtain and secure for its members, the best possible conditions and proper and sufficient remuneration, and to guard them against any hardship, oppression or injustice in connection with their employment;
- (c) to raise funds by fees, contributions, levies and other forms of income and investment for the purposes of advancing the best interests of the members;
- (d) to regulate and protect the employment terms and the conditions of labour and relations between members and employers, whether in Awards or otherwise;

#### 4 - OBJECTS

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- (e) to uphold the rights and to improve, protect and foster the best interests of the members;
- (f) to take all necessary steps for the protection and safety of the members in the course of their occupation;
- (g) to take the necessary steps and actions under any industrial or other legislation, or otherwise, for the purpose of securing satisfactory industrial conditions in respect of the remuneration of labour, the hours of labour, the age of employees and other conditions in or about their employment;
- (h) to promote industrial peace by all amicable means, such as conciliation, arbitration, or by the establishment of permanent boards, or to assist in the settlement of disputes or grievances by just and equitable methods;
- (i) to foster co-operation and harmonious relations between its members and affiliates throughout Australia;
- (j) to form a Benevolent and Welfare Fund for the promotion of welfare and benevolent assistance for members;
- (k) to establish and maintain such publications as may be in the interest of The Federation and/or its members;
- (l) to provide legal and other assistance to financial members whenever and wherever considered necessary;
- (m) to amalgamate with, or absorb or affiliate with any organisation or association which has objects similar to the objects of the Federation;
- (n) to assist financially or by other lawful means and/or to co-operate with any other organisation or association;
- (o) to establish or arrange for the establishment of a fund or funds for long service leave and superannuation for full-time officers and employees in the Federation and its Branches;
- (p) to purchase, take on lease, hold, sell, lease, mortgage, exchange and otherwise own, possess and deal with any real or personal property and in particular any land, buildings or easements for any purposes connected with the conduct of the Federation and its Branches;
- (q) to borrow or raise or secure the payment of money in such a manner as the Federation or a Branch may think fit, to secure the same, or the repayment or performance of any debt liability, contract, guarantee or other engagement incurred, or to be entered into by the Federation or a Branch in any way and to redeem or pay off such securities;
- (r) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account, or otherwise deal with all or any part of the property and rights of the Federal Council;
- (s) to do all such things as the Federation may from time to time deem incidental or conducive to the attainment of the above objects or any of them;
- (t) to establish Branches and Sub-Branches throughout Australia;
- (u) to encourage and foster improvement of the status, training and qualifications of all members;

## 6 - ADMISSION TO MEMBERSHIP

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- (v) to ensure that its members enjoy the same civil rights as are enjoyed by other citizens;
- (w) to secure the participation of, and influence of members in the administration, development and planning of policing;
- (x) to secure improvements in policing methods and the standard of policing;
- (y) to co-operate with and assist other organisations, associations, institutions and groups in the pursuit of these Objects;
- (z) to provide the absolute autonomy of a Branch in matters affecting members of the Branch only; and
- (aa) to foster the professional standing of members of the Federation and the enhancement of the community standing of the industry.

## 5 - REGISTERED OFFICE

The registered office of the Federation shall be at such place as the Federal Council may from time to time decide.

## 6 - ADMISSION TO MEMBERSHIP

- (a) An applicant for membership shall complete an application form for membership in a form approved by the Committee of Management of the applicable Branch.
- (b) Subject to Rule 6A an application for membership of the Federation shall be held by the applicable Branch. In the case of the Australian Federal Police Association Branch the application form shall be forwarded to the Branch Secretary / Treasurer of that Branch. In the case of a person who is a member of either the Western Australian or Queensland Police Service and where there is no Branch having coverage for such a person that person shall make an application to join the Federation by forwarding that application to the Chief Executive Officer who shall process that application in accordance with sub rule (e) hereof.
- (c) Subject always to paragraphs (d) and (e) of this Rule, as from the date of receipt of such application, the applicant shall become and be a member of the Federation. The Branch Secretary, Branch Chief Executive Officer or Zone Secretary, as defined in the Australian Federal Police Association Branch Rules, shall advise applicants for membership in writing of (i) the financial obligations arising from membership and (ii) the circumstances and the manner in which a member may resign from the organisation.
- (d) This paragraph shall apply to an applicant for membership who is eligible to become a member of a Branch the boundaries of which are referred to in Rule 34. Subject always to paragraph (f) of this Rule, as from the date of the receipt of such application, the applicant shall become and be a member of the Federation. The Branch Secretary, Branch Chief Executive Officer or Zone Co-ordinator, as defined in the Australian Federal Police Association Branch Rules, shall advise applicants for membership in writing of (i) the financial obligations arising from membership and (ii) the circumstances and the manner in which a member may resign from the organisation.

- (e) This paragraph shall apply to an applicant for membership who is eligible to become a member of a Branch the boundaries of which are referred to in Rule 34. The Branch Secretary or Branch Chief Executive Officer (as the case may be) or Zone Co-ordinator, as defined in the Australian Federal Police Association Branch Rules, shall have the power to refer any application for membership to the Branch Executive for consideration and decision, in which case such applicant shall not become a member until notified in writing by the Branch Executive of his or her admission to membership of the Federation. Where the Branch Executive refuses such an application for admission, the applicant shall have the right of appeal to the Federal Council. Such an appeal shall be in writing, addressed to the Chief Executive Officer and must be lodged within twenty-one days of such refusal. The date of the decision of the Federal Council, where favourable to the applicant, shall be deemed to be the date of admission to membership of the Federation.
- (f) An applicant whose application is refused, shall have refunded to him/her any amount or amounts paid by him/her by way of fees or subscriptions.
- (g) Life Members may be elected to the Police Federation of Australia. Members so elected shall be governed by the Rules of the Federation and unless a duly elected delegate, shall not have right and/or power to:
  - (a) Move, second or vote upon any matter before any meeting of the Federation; or
  - (b) Be eligible for nomination or election or to vote in an election for any position of office in the Federation, unless they are a duly elected delegate.

Nominations for Life Membership may be made by a Branch or the Executive. Notwithstanding the AFPA Branch of the PFA can determine Life Membership within its own Branch. Any such nomination must be received at the registered office of the Federation not less than sixty days prior to the subsequent Federal Council meeting for voting on at that meeting.

The Chief Executive Officer will present to the Council the nominated person's history within the Federation and a secret ballot shall be conducted. Such ballot will require a two-third (2/3) majority vote of the Council of the Federation whose decision shall be final and binding.

### **6B - ARRANGEMENTS BETWEEN THE FEDERATION AND STATE/TERRITORY UNIONS**

The National Executive of the Federation may enter into an agreement with each State/Territory Union regarding arrangements between the Federation and the State/Territory Unions.

## **7 - SUBSCRIPTIONS**

- (a) Annual subscriptions shall be collected by the Committee of the Branch to which the Member is attached, or if he/she be not attached to a Branch, collected by and paid to the Chief Executive Officer.
- (b) Annual subscriptions paid by members shall be paid in accordance with the relevant Branch Rules.
- (c) Subject to Rule 7(e), on and from 31 December 1999 each Branch shall remit in monthly instalments to the Chief Executive Officer of the Federation for Federation purposes an amount calculated by multiplying the number of financial members of the Branch as at 31 December in the previous year by the capitation fee fixed by Federal Council in accordance with Rule 15(o). That capitation fee fixed by the Federal Council shall be the same fee for each and every member of the Federation excepting where a Branch agrees that a higher capitation fee shall apply for each member in the Branch.

- (d) All monies payable to the Federation shall be paid to the Chief Executive Officer who shall, within seven days of their receipt, place them, or cause them to be placed to the credit of the Federation at such financial institutions as the Federal Executive or Federal Council may from time to time determine.
- (e) From the certification of Rules 7(e) and 7(f), payment of the amount calculated under Rule 7(c) by the State or Territory Union shall constitute payment in full of that amount by the respective Branch for all purposes of the Federal Rules.
- (f) For the purposes of Rule 7, “the State or Territory Union” shall mean any of the following: the Queensland Police Union, the Police Association of New South Wales, the Police Association Victoria, the Police Association of Tasmania, the Police Association of South Australia, the Northern Territory Police Association and the Western Australia Police Union of Workers.

### **7A - SPECIAL RULE FOR SUBSCRIPTIONS**

Notwithstanding the provisions of Rule 7 the payment by an eligible person to a State/Territory Union of the prescribed membership contribution or subscription under the rules of the respective State/Territory Union shall during the continuation of payments under Rule 7(c) constitute payment in full of the membership contributions and fees to the Federation.

### **7B - SPECIAL RULE FOR UNFINANCIAL MEMBERSHIP**

An eligible person who is unfinancial under the rules of the respective State/Territory Union shall be an unfinancial member of the Federation unless such contributions or subscriptions referred to in Rule 7A or levies have been paid to the State/Territory Union or payment is made in full of the subscriptions required by the Federation.

## **8 - LEVIES**

- (a)
  - (i) The Federal Council shall have power to impose levies upon the Branches provided that such levies may only be imposed by a resolution passed by a two-thirds majority of the Federal Council delegates, and a resolution passed by a two-thirds majority of each of the Branch Executives.
  - (ii) Subject to Rule 8(e), levies under Rule 8 shall be collected by, and paid by the Committee of the Branch. Each Branch shall cause the amount of such levies collected by it to be paid to the Chief Executive Officer within three months of such levy becoming due, and thereafter shall pay to the Chief Executive Officer, the amount of such levies monthly.
- (b) Nothing in this rule shall empower the Federal Council to impose a levy upon a Branch which would have the effect of requiring the Branch to pay moneys to the Federal Council greater than those moneys received from the appropriate State/Territory Union in accordance with the Deed of Agreement between the Federation and State and Territory Unions executed on 9 October 1997.
- (c) Nothing in this rule shall permit the Federal Council to impose a levy on individual members.
- (d) For the purposes of this rule, a levy shall be the requirement to pay monies in addition to membership subscriptions and fees.

- (e) From the certification of Rules 8(e) and 8(f), payment of an amount under Rule 8(a) by the State or Territory Union shall constitute payment in full of that amount by the respective Branch.
- (f) For the purposes of Rule 8, “the State or Territory Union” shall mean any of the following: the Queensland Police Union, the Police Association of New South Wales, the Police Association Victoria, the Police Association of Tasmania, the Police Association of South Australia, the Northern Territory Police Association and the Western Australia Police Union of Workers.

### **9 - UNFINANCIAL BRANCHES**

Where a Branch fails to remit its capitation fees within one month of demand of same by the Federal Council, the Federal Council may remove the voting rights of that Branch.

### **10 - UNFINANCIAL MEMBERS**

- (a) Subject to Rule 35 and any relevant Branch Rules and Clause (d) of this rule, a member shall be deemed to be unfinancial by the Branch Secretary or Branch Chief Executive Officer, in accordance with Clause (b).
- (b) A member owing subscriptions or fees for a period of three months after they first become due shall, subject to notification of the proposed action, be deemed to be unfinancial.
- (c) An unfinancial member shall not be entitled:
  - (i) to any of the rights and privileges of membership;
  - (ii) to nominate for or hold any office or in any way participate in any ballot or election in the Federation or any Branch of the Federation;
  - (ii) to attend or speak or vote at any meeting of the Federation or Branch of the Federation; or
  - (iv) shall not accrue any liabilities in the name of the Federation, nor shall the Federation be liable for any claim arising from or connected with the activities of an unfinancial member.
- (d) The Federal Council, Branch Secretary, or as provided in Rule 57 Clause (e), may exempt a member from payment either in whole or in part of any subscription or fee. For the purposes of these Rules, such exempt member shall retain continuity of membership, but shall not, during the period of the exemption, be eligible to nominate for or hold any office or in any way participate in any ballot or election in the Federation or any branch of the Federation.
- (e) The Federal Council or Branch Committee shall have the power to proceed in the name of the Federation against any member for recovery of any arrears of subscriptions, fees or levies imposed by the Federation.
- (f) In the event of a member being deemed to be an unfinancial member in accordance with this rule, that member shall have the right of appeal to the Federal Council. Such appeal shall be in writing, addressed to the Chief Executive Officer and must be lodged within 21 days of the member being deemed to be unfinancial.



## 11 - TERMINATION OF MEMBERSHIP

- (a) Membership of the Federation shall be terminated:
- (i) by resignation in accordance with these Rules, or;
  - (ii) by expulsion in accordance with these Rules, or;
  - (iii) by death of the member, or;
  - (iv) by the member ceasing to be eligible to become a member of the Federation; in accordance with Rule 3.
- (b) A member may resign from membership of the Federation by notice in writing addressed and delivered to the Secretary of the member's Branch, Zone Secretary or the Chief Executive Officer.
- (c) A notice of the resignation from membership of the Federation shall take effect:
- (i) where the member ceases to be eligible to become a member of the Federation;
    - (a) on the day upon which the notice is received by the Federation; or
    - (b) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
  - (ii) in any other case:
    - (a) at the end of two weeks after the notice is received by the Federation; or
    - (b) on the day specified in the notice;whichever is later.
- (d) A notice delivered to the Secretary of the member's Branch, Zone Secretary or the Chief Executive Officer shall be taken to have been received by the Federation when it was delivered.
- (e) A notice of resignation that has been received by the Federation shall not be invalid because it was not addressed and delivered in accordance with Clause (b) of this Rule.
- (f) A resignation from membership of the Federation shall be valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Federation that the resignation has been accepted.
- (g) Any subscriptions fees or levies payable but not paid by the former member in relation to a period before the member's resignation from the Federation took effect, may be sued for and recovered in the name of the Federation, in a Court of competent jurisdiction, as a debt due to the Federation subject to section 264(A) of the Act.

## 12 - RULE BOOK

Each member shall be supplied with a copy of the registered Rules of the Federation upon application to the Chief Executive Officer or to a Branch Secretary.

## **PART B - FEDERAL ORGANISATION**

### **13 - EXECUTIVE OFFICERS OF THE FEDERATION**

The Officers of the Federation shall be honorary and shall comprise the Federal President, two Federal Vice-Presidents, a Federal Treasurer and Executive Members. The Federal President, the two Federal Vice-Presidents and the Federal Treasurer shall be members of Federal Council and Federal Executive and have full voting rights and shall be included in the number of Delegates from their respective Branches but shall not constitute additional Delegates from those Branches. And further, there be nothing in these rules to prevent a person holding the position of Vice-President and Treasurer.

### **14 - FEDERAL COUNCIL**

- (a) The Federal Council shall consist of delegates elected by the respective Branches from the financial members in each Branch in accordance with the Rules of the Branches in Parts, C, CA, CB, CC, CD, CE, CF, CG and D thereof.
- (b) The number of delegates in each Branch shall be determined on the basis of one delegate for the first one thousand (1,000) financial members or part thereof, and one additional delegate for each succeeding two thousand five hundred (2,500) financial members or part thereof.
- (c) The Delegates to Federal Council shall be elected and subject to Rule 27(f), hold office in accordance with their respective Branch Rules.
- (d) For the purposes of this Rule, the financial membership of the Federation and within each Branch shall be that membership as at 31 December in the immediately preceding year. Where between elections the membership of a Branch is increased such that the Branch would be entitled to an additional delegate, then such additional position shall be created and filled as if it were a casual vacancy in accordance with the rules of the Branch concerned and the delegate shall hold office until the next regular election for such delegates of the Branch.
- (e) Voting entitlements at meetings of Federal Council shall be in accordance with Rule 14, Clause (b) and attendance at meetings of Federal Council in accordance with Rule 14, Clause (c).
- (f) The Chief Executive Officer of the Federation shall be entitled to attend and speak at meetings and participate in his/her capacity as Chief Executive Officer at meetings of Federal Executive and Federal Council but shall not be entitled to move any motion, resolution, or vote.

### **15 - POWERS AND DUTIES OF FEDERAL COUNCIL**

The Federal Council shall, subject to these Rules and the control by the members as hereinafter mentioned, be the supreme governing body of the Federation and have the management and control of the affairs of the Federation and, without limiting the generality of the foregoing, shall in particular have power:

- (a) to determine and direct the policy of the Federation in all matters affecting the Federal Council or the Federation as a whole, except matters affecting the members of only one Branch;
- (b) to make, add to, amend, rescind and/or otherwise alter these Rules, but not Rules made by Branches under Rule 51A (South Australia); 52BQ (Tasmania); 52CA (Western Australia); 52CT (Victoria); 52DK (Northern Territory); 52ET (NSW); 85 (Queensland); and 111 (the Association).

- (c) to determine, prior to the conduct of elections, those Officers to be designated Full Time Officers, to fix the remuneration and terms and conditions of Full Time Officers of the Federation and to fix the remuneration and terms and conditions of appointment of a Chief Executive Officer and to appoint or terminate the appointment of the Chief Executive Officer or other officers appointed by the Federal Council or Federal Executive. The Council may terminate the appointment of the Chief Executive Officer or any elected officer if he/she is found guilty of:
- misappropriation of the funds of the Federation;
  - a substantial breach of the Rules of the Federation;
  - gross misbehaviour;
  - gross neglect of duty.
- Such a termination must be effected within 28 days of a decision to suspend in accordance with Rule 20 (f).
- (d) to at least annually fix the remuneration to be paid to any Federal Returning Officer;
- (e) to resolve that the Federation affiliate with, or amalgamate with, or absorb any other organisation or body;
- (f) to appoint a Federal Auditor and to fix the remuneration to be paid to the same;
- (g) to delegate its authority on any matter it determines to the Federal Executive, other than alteration of Rules pursuant to Rule 33;
- (h) to establish any committees or subcommittees as it may from time to time determine provided that any such committee or subcommittee shall not exercise any executive powers but shall have and exercise only advisory powers;
- (i) to interpret these Rules;
- (j) to direct the investment of the federal funds, other than the funds of a Branch;
- (k) to dispose of or transfer any of the federal funds or any securities in which the funds of the Federation has been invested other than the funds or securities of a Branch;
- (l) to determine from time to time the standing orders and Rules of debate to apply to meetings of the Federal Council, Federal Executive, Branch Committees and general meetings of members of the Federation or any Branch thereof. A copy of such standing orders and Rules of debate as determined from time to time shall be supplied free of charge by the Branch to any financial member of the Branch requesting the same;
- (m) to determine policy for exemption of members from payment of subscriptions, fees or levies;
- (n) to purchase, take on lease, hold, sell, lease, mortgage, exchange or otherwise own, possess and deal with any real or personal property.
- (o) to fix the capitation fee for the purposes of sub-rule 7(c).

All decisions of the Federal Council shall be final and shall remain in force unless and until varied, amended or rescinded by it or by a plebiscite of members of the Federation.

### **16 - MEETINGS OF FEDERAL COUNCIL**

- (a) The Federal Council shall meet at least once per financial year, in the month of October or at such other times as are determined by the Federal Council or the Federal Executive.
- (b) Special meetings of the Federal Council shall be held by resolution of the Federal Council or Federal Executive or by decisions of the Federal President in conjunction with the Chief Executive Officer.
- (c) The Chief Executive Officer shall give each member of the Federal Council and each Branch at least one month's notice of the annual meeting of Federal Council and seven days' notice of any special meeting thereof.
- (d) Upon request in writing, made by any three Branches or a simple majority of delegates specifying the business to be dealt with, a special meeting shall be called within one month of receipt of the request by the Chief Executive Officer.

### **17 - AGENDA FOR FEDERAL COUNCIL**

- (a) Not less than 60 days prior to an annual meeting of the Federal Council, the Chief Executive Officer shall invite each Branch to submit items for the Agenda, such items to be forwarded to the Chief Executive Officer not more than 30 days after such invitation.
- (b) The Chief Executive Officer shall, upon receipt of such items, prepare and forward to each member of the Federal Council and to each Branch a copy of the agenda paper at least 14 days prior to the annual meeting of Federal Council.
- (c) Federal Executive shall have power to submit items for consideration by Federal Council and such items shall be included on the agenda paper referred to in Clause (b) of this Rule.
- (d) The agenda paper for a special meeting of Federal Council shall be forwarded with the notice of such meeting. Such special meeting of Federal Council shall only consider matters placed upon the agenda and notified to delegates in accordance with these Rules.
- (e) Federal Council may, at any of its meetings, other than special meetings, deal with any matter whether or not that matter has appeared or appears on the agenda paper, provided that a 2/3 majority of the members of Federal Council present and voting vote in favour of the particular item being considered that such matter is raised under general business.

### **18 - FARES AND EXPENSES**

Federal Council may determine from time to time the fares and expenses to be paid to or on behalf of members of the Federal Council and Federal Executive when attending meetings of the same or when attending to the business of the Federation.

### **19 - MATTERS REQUIRING DECISION BETWEEN FEDERAL COUNCIL MEETINGS**

- (a) The Federal Executive, or the Federal President in conjunction with the Chief Executive Officer may determine that any matter requires a decision of the Federal Council between annual meetings of the Federal Council and that such matter be submitted to the Federal Council for decision in accordance with either of the procedures prescribed in clauses (b) and (c) of this Rule.

- (b)
  - (i) Where it is determined that the matter be submitted to the Federal Council for decision by ballot of the members of the Federal Council, such matter may be forwarded by post, facsimile or other electronic means, to each of the members of the Federal Council.
  - (ii) The members of the Federal Council shall record their vote of the matter so submitted by post, facsimile or other electronic means, addressed to the Chief Executive Officer and the decision in accordance with these Rules shall be binding as if such decision was obtained by vote at a regularly constituted meeting of the Federal Council.
  - (iii) All votes shall be confirmed by members of Federal Council recording the same. If any vote be recorded by means other than letter then such vote shall be confirmed by letter signed by the member of the Federal Council.
- (c) Where it is determined that the matter be submitted to the Federal Council for decision by a meeting of members of the Federal Council conducted by post, facsimile or electronic means as may from time to time be available, the Chief Executive Officer shall within 72 hours arrange such a meeting.
- (d) If:
  - (i) in the course of a ballot conducted pursuant to Clause (b) of this Rule, a majority of members of the Federal Council notify the Chief Executive Officer; or
  - (ii) in the course of a meeting conducted pursuant to clause (c) of this Rule, a majority of members of the Federal Council resolve that the matter as submitted to them is of such importance as to require a special meeting of the Federal Council, then such meeting of the Federal Council be convened forthwith by the Chief Executive Officer to meet at such time and place as the Federal Executive shall determine.
- (e) If a special Federal Council Meeting be held for the purposes of the immediately preceding clause such other matters as the Federal Executive or Federal Council shall determine may be submitted to the meeting.
- (f) Any ballot conducted in accordance with Rule 19, Clause (b) shall take place over a minimum period of 72 hours and a maximum period of 14 days.
- (g) For the purposes of this rule, a majority shall be no less than 50% plus one vote of those who are eligible to vote by post, facsimile, or electronic means.

## **20 - FEDERAL EXECUTIVE COMPOSITION, POWERS AND DUTIES**

- (a)
  - (i) The Federal Executive shall consist of no more than one Federal Council Delegate drawn from each Branch of the Federation, Federal Executive members shall be elected by Federal Council Delegates from amongst their number.
  - (ii) The Federal Executive shall elect by and from their number, a President, two Vice-Presidents and a Treasurer. The President, two Vice-Presidents and Treasurer will not constitute additional members of the Executive in accordance with Rule 13.
  - (iii) The Federal Executive shall, subject to these Rules and the decisions of the Federal Council, have power to conduct and manage the affairs of the Federation between meetings of the Federal Council;
  - (iv) Voting entitlements at meetings of the Federal Executive shall be on the basis of one vote for each Branch subject to Rule 20(h).

## 20 - FEDERAL EXECUTIVE COMPOSITION, POWERS AND DUTIES

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- (b) Between meetings of the Federal Council, the Federal Executive shall have and may exercise all the powers of the Federal Council except (subject to any power being delegated to it by the Federal Council) the powers referred to in Rule 15 paragraphs (a), (b), (c), (e), (g), and (j).
- (c) The Federal Executive shall meet at such times, dates and places as it resolves or as shall be fixed by the Federal President in conjunction with the Chief Executive Officer.
- (d) The Chief Executive Officer shall give each member of the Federal Executive at least 7 days' notice of meetings of the Federal Executive and 72 hours' notice of any special meeting thereof.
- (e) Where in the interests of the Federation it is necessary that there be a meeting of the Federal Executive, but it is not practicable for the Federal Executive to assemble, the Federal President after consultation with the Chief Executive Officer may determine that the business of any such Federal Executive meeting convened pursuant to Clause (c) of this Rule shall be conducted by telephone conference or other electronic means by which members of the Federal Executive are able to communicate orally with each other without being physically present at the meeting. The minutes of such meetings shall be taken and a copy thereof shall forthwith be forwarded by mail or facsimile to each member of the Federal Executive.
- (f) The Federal Executive shall appoint and remove such Federal Staff, other than the Chief Executive Officer, as the Executive deems necessary. The Federal Executive may suspend such Federal Staff, including the Chief Executive Officer on full pay if they determine on reasonable grounds that he/she is guilty of:
- misappropriation of funds of the Federation;
  - a substantial breach of the Rules of the Federation;
  - gross misbehaviour;
  - gross neglect of duty.
- (g) The Chief Executive Officer shall be entitled to attend and speak only at and participate in meetings of the Federal Executive, but shall not be entitled to move any motion, resolution, or vote.
- (h) Any 3 Executive Members may request that a matter for decision of Executive be made in accordance with the "weighted voting procedures". When such a request is made the decision of Executive shall be determined accordingly. For the purposes of this rule, the "weighted voting procedure" shall mean that each Executive Member shall be entitled to cast as many votes as there are representatives to Council from their respective Branches in accordance with Rule 14(a). A simple majority of all votes cast shall decide the issue the subject of the vote.
- (i) Between meetings of the Federal Executive, the CEO will consult, where possible, and advise the President, Vice-Presidents and Treasurer on all matters that would normally be considered by the Executive.

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**21 - ELECTIONS, BALLOTS AND PLEBISCITES**

Each election for an officer of the Federation 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.

(a) Tenure of Office

- (i) Where Federal Council has determined in accordance with Rule 15, Clause (c) to designate an Officer as a Full Time Officer such a Full Time Officer shall be elected by secret postal ballot of all members of the Federation, in accordance with Rule 21, Clause (h) and shall take office from the declaration of their election, and shall hold office for a period of 4 years or until a successor thereto has been elected and taken office.
- (ii) In respect of the election of Honorary Officers of the Federation as identified in Rule 13, but subject to any prevailing determination of the Federal Council pursuant to paragraph (i) of this sub rule, such officers shall:
  - A. be elected by secret ballot by and from the appropriate electorate as prescribed by Rule 20 and this Rule;
  - B. take office from the declaration of their election and hold office for the term of their office or until a successor thereto has been elected and taken office, but subject to any other provision of these Rules affecting office holding;
  - C. have a term of office of one year where election to that office occurs prior to 2019; and
  - D. have a term of office of two years commencing with elections to be conducted in 2019, and biennially thereafter.
- (iii) In respect of the election of the offices of President, Vice Presidents (two) and the Treasurer, but subject to any prevailing determination of the Federal Council pursuant to paragraph (i) of this sub rule, such officers shall:
  - A. be elected by secret ballot by and from the Federal Executive;
  - B. take office from the declaration of their election and hold office for the term of their office or until a successor thereto has been elected and taken office, but subject to any other provision of these Rules affecting office holding;
  - C. have a term of office of one year where election to that office occurs prior to 2019; and
  - D. have a term of office of two years commencing with elections to be conducted in 2019, and biennially thereafter.

(b) Qualifications for Officer

A nominee for any Honorary Officer or Full Time Officer position of the Federation shall be a financial member of the Federation as at the date of his/her nomination and;

- (i) in the case of Honorary Officer positions, a member of the Federal Council; or
- (ii) in the case of Full-time Officer positions, nominated by two members of the Federation.

(c) Election of Honorary Officers of the Federation

- (i) The election of Honorary Officers shall be held during the Annual Federal Council Meeting conducted in each year that elections are required by these Rules. At that time the elections are to be held, the Returning Officer shall call for nominations for the positions of Executive Members in accordance with the provisions of Rules 20 and 21 and conduct the elections in a manner consistent with the provisions of Rules 20 and 21. Successful candidate will take up their positions upon the close of that Federal Council meeting and shall hold office until the close of the next Annual Federal Council at which elections are required to be conducted. Such elections are to be conducted biennially as and from the elections to be conducted in 2019 (see sub Rules (ii) and (iii) of this Rule).
- (ii) The Executive shall elect, by and from their number, a President, two Vice-Presidents and a Treasurer, unless Federal Council has determined in accordance with Rule 15(c) that any or all of these positions are Full Time Officer Positions. In the case of an Executive position or the office of President, Vice-President or Treasurer being determined to be a Full Time Officer, then that position shall be elected by a secret postal ballot of the members of the Federation in accordance with Rule 21 Clause (g).
- (iii) Nominations for the positions of President, Vice-Presidents and Treasurer shall be called for by the Returning Officer immediately after the election of the Executive Members has been concluded, if these positions have not already been filled by virtue of Rule 21, Clause (c)(ii). If nominations for any position do not exceed the number to be elected, the nominee shall be declared elected. If two or more nominations are received the Returning Officer shall forthwith conduct a ballot of Executive Members in accordance with Rule 21 and declare the result as soon as it becomes available.
- (iv) Nominations for the positions of Vice-Presidents shall be called for by the Returning Officer immediately after the election of the President has been concluded. If more nominations are received than there are vacancies, the Returning Officer shall forthwith conduct a ballot of Executive Members and declare the result as soon as it becomes available.
- (v) Nominations shall be in writing, signed by the nominee and two nominators (who shall be members of the Federation) and shall be delivered to the Returning Officer, provided that a nominee shall not be eligible to hold more than one position (no one person may hold more than one position of Federal Executive Member (refer to Rule 20(a)(i)), however, any one Executive Member may nominate for the positions of Vice President and Treasurer (refer to Rule 13)).
- (vi) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply, provided that in the event of the Returning Officer finding a defect in any nomination, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the nominee the opportunity of remedying the defect where practicable within a reasonable period of the nominee having been so notified.
- (vii) If more nominations are received than there are vacancies for a position the Returning Officer shall have ballot papers prepared containing the names of the candidates for each position in order determined by lot indicating the number to be elected to each position, the manner in which votes shall be recorded and the date and the time of closing of the ballot.
- (viii) The Returning Officer shall be responsible for the safe custody of the ballot papers and shall initial every ballot paper prior to distribution.
- (ix) The Returning Officer shall provide a ballot paper to each member of the appropriate electorate in attendance at the meeting who is eligible to vote and shall arrange for the use of a receptacle to which ballot papers shall be returned to him/her and after the closing of the ballot the Returning Officer shall collect the ballot papers from such receptacle.



- (x) Upon collecting the same the Returning Officer shall, in the presence of the scrutineers (if so requested) count all the votes cast and, subject to Clause (c)(xi) of this Rule, declare the result of the ballot.
- (xi) 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.
- (xii) 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.

The following sub-rules shall apply to all elections for Federal Offices;

(d) Returning Officer

- (i) At the first annual meetings of the Federal Council and the Federal Executive, following certification of these Rules, and each annual meeting thereafter, each body shall appoint a Returning Officer and set his/her remuneration for the conduct of any elections, ballots or plebiscites as may be necessary throughout the ensuing year provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed.
- (ii) A Returning Officer
  - (a) need not be a member of the Federation; and
  - (b) in any event, shall not be the holder of any office in or an employee of the Federation or any Branch or SubBranch of the Federation.
- (iii) In the event of a duly appointed Returning Officer being unable or unwilling to act as and when required whether during the conduct of any election ballot or plebiscite or not, the relevant body shall appoint another person to act as Returning Officer for that election, ballot or plebiscite.
- (iv) Returning Officer so appointed shall have power to appoint such assistants as he/she deems necessary provided that such assistants shall at all times be subject to the absolute control and direction of the Returning Officer.

(e) System of Voting

- (i) The system of voting in any election for an Officer of the Federation shall be the first past the post system.
- (ii) 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.

(f) Absent Voting

A member who is entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer prior to the distribution of ballot papers a written request for an absent vote together with an address at which 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 date for absent vote to be lodged.

(g) Scrutineers

Any candidate or Branch of the Federation (in the case of a plebiscite) may if he/she or it so desires appoint a scrutineer who is a member of the Federation to represent them at the ballot. Any party appointing a scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer, who;

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

(h) Election of Full Time Officers

Where the Federal Council has determined in accordance with Rule 15, Clause (c) to designate an Officer as a Full Time Officer position, such officer or officers shall be elected in accordance with the following procedure;

- (i) The Election of Full Time Officers shall commence not later than the 1st day of June in the year of an election when the Returning Officer shall call for nominations by advertisement in a daily newspaper circulating throughout the States and Territories in which the Federation has members and shall issue nomination forms to any financial member requesting the same.
- (ii) Nominations shall be in writing signed by the nominee and two nominators (who shall be members of the Federation) and shall be delivered to the Returning Officer not later than 5.00 pm on the 1st day of July in the year of the election.
- (iii) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of his/her finding a defect in any nomination he/she shall before rejecting the nomination notify the person concerned of the defect, and, where it is practicable to do so, give him/her the opportunity of remedying the defect within, where practicable, not less than seven days of his/her having been so notified.
- (iv) If there be no more nominations than there are vacancies for a position, he/she shall declare the nominated person or persons elected to the position.
- (v) If more nominations are received than there are vacancies for a position, he/she shall have ballot papers printed and delivered to him/her containing the names of the candidates for each position in order determined by lot, indicating the number to be elected to each position, the manner in which votes shall be recorded and the date and time of closing of the ballot such date being not later than the 15th day of August immediately following the closing of nominations.
- (vi) The conduct of the ballot shall be conducted in a manner consistent with the provisions contained in sub-rule (j) of Rule 21, with the necessary changes.

(i) Extraordinary Vacancies

- (i) Where an extraordinary or casual vacancy (howsoever occurring) arises in any Office of the Federation, the Federal President or Chief Executive Officer shall take immediate action to have such vacancy filled provided that:
  - (a) where the unexpired portion of the term of office in which the vacancy occurs does not exceed three quarters of the term, the Federal Council may fill such vacancy by appointment of an eligible member of the Federation; and
  - (b) where the unexpired portion of the term of office in which the vacancy occurs exceeds three quarters of the term, the Federal Council may fill such vacancy by appointment of an eligible member of the Federation until an election is held, provided that no person so appointed shall hold office for a period exceeding three months.
- (ii) Such election shall be conducted by the Returning Officer appointed pursuant to this Rule and the Returning Officer so appointed shall determine the dates for the opening and closing of nominations and the ballot and shall report the result of the election to the next following meeting of the Federal Council and the Federal Executive.
- (iii) Any person so elected shall take office from the date of the declaration of his/her election and shall hold office until the expiration of the term of the person he/she replaced.
- (iv) In all other aspects, the election shall be conducted in accordance with these Rules provided that the Federal President may decide that in the case of an Honorary Officer Position to fill the vacancy by secret postal ballot if appropriate, in lieu of a ballot conducted at a meeting.

(j) Conduct of Plebiscites

Where the conduct of a plebiscite has been called in accordance with the Rules, the following procedures shall apply;

- (i) The matter to be determined shall be referred by the Chief Executive Officer to the Returning Officer for the purpose of conducting the plebiscite.
  - (ii) The Federal Executive shall approve for issue with the ballot paper a fair summary of the arguments for and against the question to be voted upon in the plebiscite and, for this purpose, the Chief Executive Officer, after consultation with the parties in contention, shall submit to the Federal Executive a draft of such summary.
  - (iii) Any such plebiscite shall be conducted by secret postal ballot and shall be under the absolute control and direction of the Returning Officer appointed pursuant to Rule 21, Clause (d) who shall;
    - (a) prepare ballot papers which shall contain the question to be voted on;
    - (b) obtain from each Branch Secretary/Branch Chief Executive Officer, a list, including sufficient details to facilitate the conduct of a postal ballot, of Federation members, eligible to vote as at the date of the calling of the plebiscite;
    - (c) cause to be posted by prepaid post to each member entitled to vote in the plebiscite a ballot paper, initialled by the Returning Officer, together with a reply paid envelope addressed to the Returning Officer, the summary approved by the Federal Executive and such directions and instructions as he/she may deem necessary for the conduct of the plebiscite;
    - (d) determine the time and date for the closure of the ballot, having consideration for the convenience of the voters;

- (e) he/she shall arrange for the use of a post office box or other receptacle to which ballot papers may be returned to him/her and after the closing of the ballot he/she shall collect the ballot papers from such box or receptacle;
  - (f) upon collecting the returned ballots, he/she shall, in the presence of the scrutineers (if so requested) count all the votes cast and, subject to sub paragraph (i) of this paragraph, declare the result of the ballot;
  - (g) take such steps as are necessary to ensure that a result is correctly ascertained;
  - (h) report the result of the plebiscite to the first meeting of the Federal Executive held after the conclusion of the counting of the votes cast; and
  - (i) make a declaration of the result of the plebiscite to the Federal Executive and shall submit to that Executive a full report of the ballot indicating the number of ballot papers printed, the number distributed and the number returned and any other relevant matters.
- (iv) A member who is entitled to vote and who will be absent during the conduct of the plebiscite 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 date for absent vote to be lodged.

## **22 - FEDERAL PRESIDENT**

- (a) The Federal President shall, unless he/she delegates under Rule 23, attend all meetings of the Federal Council and the Federal Executive and any meeting in the Federation held by decision of the Federal Council or Federal Executive and preside at these meetings, and may, if he/she desires, and if requested, preside over any other meeting of the Federation at which he/she is present. He/she shall preserve order so that the business may be conducted in due form and with propriety and upon the minutes being confirmed shall sign the Minute Book in the presence of the meeting. He/she shall be impartial in all transactions and shall see that these Rules are rigidly adhered to;
- (b) The Federal President shall be the prescribed officer responsible for keeping the registers prescribed by the Act and shall lodge and file with, and furnish to the General Manager of Fair Work Australia all such documents as are required to be lodged, filed or furnished under the Act at the prescribed times and in the prescribed manner.

## **23 - FEDERAL VICE PRESIDENTS**

The Federal Vice Presidents shall at all times assist the Federal President in the execution of his/her duties and shall carry out the functions of the Federal President in his/her absence.

## **23A - TREASURER**

The Federal Treasurer shall assist the Chief Executive Officer in their role of administering the financial accounts of the Federation. The Treasurer, together with the Chief Executive Officer, will report to all Executive and Council meetings of the Federation, an up to date account of the financial position of the Federation. The Treasurer shall assist the Chief Executive Officer in submitting books, accounts and receipts as required by the Federal Council or Federal Executive to the auditors and give them such assistance as they may require in the audit. In conjunction with the Chief Executive Officer, submit a Report and Balance Sheet each year to the Federal Council. The Treasurer shall be a member, ex officio, of any Committee of the Executive, or Council, appointed to deal with the financial affairs of the Federation.

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**24 - FEDERATION CHIEF EXECUTIVE OFFICER**

The Federation Chief Executive Officer shall be appointed by the Federal Council and shall act in accordance with directions given to him/her by the Federal Council or the Federal Executive or the Federal President:

- (a) summon by notice in accordance with Rule 16 Clause (c) and/or Rule 19 Clause (c) each member thereof and attend, unless excused, all meetings of the Federal Council, and the Federal Executive, may speak but not move resolutions and shall not vote and shall keep or cause to be kept correct minutes of the same;
- (b) have the right to speak at any general or special meeting of any Branch or Branch Committee, but not to move any motions/resolutions or vote unless he/she is a member of such Branch or Branch Committee;
- (c) keep, cause to be kept, or have access to records required to be kept by an organisation pursuant to the provisions of the Act;
- (d) receive and deposit all monies forming part of the federal funds;
- (e) submit books, accounts and receipts annually or as often as may be required by the Federal Council or Federal Executive to the auditors and to give them such assistance as they may require in the audit, and submit a Report and balance sheet each financial year to the Federal Council;
- (f) be responsible for, but shall not hold in his/her name, the books, records, property and moneys of the federal funds and, within 7 days of receiving a request from the Federal Council to do so, deliver to the Federal Council such books, records, property and moneys;
- (g) take all reasonable steps to increase the membership of the Federation;
- (h) be exofficio a member of all advisory Committees of the Federal Council;
- (i) provide the Returning Officer with such assistance as is necessary to enable him/her to conduct any election or plebiscite;
- (j) carry out such other duties as the Federal Council or the Federal Executive may from time to time assign;
- (k) between meetings of the Federal Executive control and conduct the business of the Federation;
- (l) appoint any person to represent the Federation before any court, Commission, Board, Tribunal or other authority, in accordance with the provisions of Rule 28; and
- (m) carry out the functions referred to in Rule 28.

**25 - FEDERAL AUDITOR**

The Federal Auditor shall:

- (a) be appointed annually by the Federal Council;
- (b) be a competent person within the meaning of the Act and the Regulations;
- (c) perform such functions and duties as are prescribed by the Act and the Regulations and such other functions and duties not inconsistent with the Act and the Regulations as are required by the Federal Council or the Federal Executive;

## 26 - FEDERAL FUNDS AND PROPERTY

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- (d) have access to examine if desired all books, papers, deeds, documents and accounts of the Federal Council, the Federal Executive and each Branch and be empowered to question any office bearer or officer or employee of the Federation or any Branch thereof with regard to the same and to obtain from any financial or other institution at which the funds of the Federation or any Branch thereof are deposited or invested, such information as he/she may require; and
- (e) have power to place before the Federal Executive or Federal Council any suggestion he/she may desire to make concerning the financial affairs of the Federation or its Branches and before the Committee of a Branch any suggestion he/she may desire to make concerning the financial affairs of that Branch.

### **25A - SPECIAL GENERAL MEETING TO CONSIDER FINANCIAL REPORTS**

- (a) Where no less than 5 percent of members of the Police Federation of Australia petition the Chief Executive Officer for a special general meeting of the Federation for the specific purpose of considering the:
  - i) Auditor's report
  - ii) General purpose financial report and
  - iii) Operating report,

The Chief Executive Officer shall give notice of any meeting to be conducted pursuant to this Rule by written notice sent or delivered to and posted on a conspicuous place at each members place of employment or by email communication to each member or by notice published on the Federation website to all members who have immediate access to that website.

- (b) A General meeting of the members of the Federation called pursuant to this Rule may be conducted as a series of meetings held at different locations. A meeting conducted pursuant to this Rule is taken to have been completed at the time of the last of the meetings in any series of meetings.

## **26 - FEDERAL FUNDS AND PROPERTY**

- (a) Subject to Rule 33, Clause (d), Rule 35 and the Transitional Rules, the funds and property of the Federation shall consist of:-
  - (i) Any real or personal property of which the Federal Council or Federal Executive by these Rules or by any established practice not inconsistent with these Rules, has, or, in the absence of any limited term lease bailment or arrangement, would have, the right of custody, control or management;
  - (ii) The amounts of fees, contributions and levies payable to the Federal Council pursuant to these Rules;
  - (iii) Any interest, rents, dividends, or other income derived from the investment or use of such funds and property;
  - (iv) Any superannuation or long service leave or other fund operated or controlled by the Federation as a whole in accordance with these Rules for the benefits of its officers or employees;
  - (v) Any sick pay fund, accident pay fund, funeral fund or like fund operated by the Federation as a whole in accordance with these Rules for the benefit of its members;
  - (vi) Any property acquired wholly or mainly by expenditure of the moneys of such funds and property or derived from other assets of such funds and property;
  - (vii) The proceeds of any disposal of parts of such funds and property; and

- (viii) Any gifts, donations, or bequests, whether real or personal property, which from time to time may be vested in the Federation.

Accumulating from the date of registration of the Federation.

- (b) Any property or funds owned, maintained, managed or controlled by or under the care and custody of each State/Territory Union, whether expressed to be held in the name of each State/Territory Union or by any other name, and whether held as real property or other property (including investments, shares and cash in any form including bank bills and interest bearing deposits) shall be and shall remain the property and funds of each State/Territory Union.
- (c) The federal funds and property of the Federation shall be controlled by the Federal Council and the Federal Executive both of which shall have power to expend the funds of the Federation for the purposes of carrying out the objects of the Federation. For the expenditure of the funds of the Federation on the general administration of the Federation and for purposes reasonably incidental to the general administration of the Federation, the prior authority of the Federal Council or the Federal Executive shall not be necessary before cheques are signed or accounts paid.
- (d) The financial year of the Federation shall end on the 30th day of June in each year.
- (e) Subject always to paragraph (e) of this Rule, but notwithstanding anything elsewhere contained in these Rules, the Federation shall not make any loan, grant or donation of an amount exceeding \$1,000 unless the Federal Council or the Federal Executive of the Federation, or the Branch Committees of Management in the case of a Branch;
  - (i) has satisfied itself:
    - (a) that the making of the loan, grant or donation would be in accordance with the other Rules of the Federation; and
    - (b) in relation to 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
  - (ii) has approved the making of the loan, grant or donation.
- (f) The provisions of paragraph (d) of this Rule shall not apply to or in relation to payments made by the Federation by way of provision for, or reimbursement of, out-of-pocket expenses incurred by persons for the benefit of the Federation.
- (g) Funds or property of the Police Association of South Australia vesting in the Federation as a result of the operation of State law shall not be deemed to be Federal funds or property. But will be deemed to be South Australian Branch funds and property at the time of the certification of this Rule for the purposes of these Rules.
- (h) Funds or property of the Australian Federal Police Association Branch vesting in the Federation as a result of the operation of these Rules shall not be deemed to be Federal funds or property, but will be deemed to be Australian Federal Police Association Branch funds and property for the purposes of these Rules.

## 26A - INDEMNITY

All Executive Officers of the Federation as per rule 13 and employees of the National Office who may by authority of the Federal Executive accept or incur any pecuniary liability or any costs in defending any civil proceedings taken against them directly attributable to such liability or cost of the bona fide conduct of their office shall be indemnified for any such liability or cost.

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**27 - MISCONDUCT AND REMOVAL OF FEDERAL OFFICERS ETC.**

- (a) An Officer of the Federation or a delegate to Federal Council or member of the Federal Executive may be removed from his/her office if the Federal Council by majority resolution of members voting finds him/her guilty, in accordance with these Rules, of misappropriation of the funds of the Federation or any Branch thereof, 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 retain his/her office.
- (b) Such person may be reported by any member under this Rule. Any charge shall be in writing and shall be forwarded to the Federal President or the Chief Executive Officer, who shall notify the person reported of the details of the report. Such a charge shall be referred immediately to all Federal Executive members for consideration of suspension, or a declaration of ineligibility to seek elected office, in accordance with Clause (d) of this rule at the next Federal Executive meeting.
- (c) The person reported shall be given not less than fourteen days' notice in writing of the time and place of the Federal Executive meeting at which the report is to be heard and considered and shall be entitled to attend such meetings and to be heard, but not to vote thereat.
- (d) The Federal Executive by majority may, in their discretion, suspend from office a person reported under this Rule pending determination of the report by Federal Council but in no event shall a person remain suspended for a period exceeding twenty eight days. Upon the Federal Executive exercising its discretion to suspend a person reported under this rule, the Federal Executive shall convene a meeting of Federal Council in accordance with Rule 19, so that Federal Council may hear and determine the matter.
- (e) A person shall be ineligible to nominate for office as an Officer of the Federation or member of the Federal Council if:
  - (i) he/she becomes of unsound mind; or
  - (ii) he/she ceases to be a financial member of the Federation; or
  - (iii) he/she is an undischarged bankrupt; or
  - (iv) in the case of an Honorary Officer if he/she ceases to hold the office of Branch Delegate to Federal Council.
- (f) A person shall be ineligible to retain office as an officer of the Federation (including, without limitation, membership of the Federal Council or the Federal Executive) if that person:
  - (i) Ceases to be a financial member of the Federation; or
  - (ii) In the case of an Honorary Officer, ceases to hold the office of Branch Delegate to Federal Council,

and to avoid doubt in the latter case, if a person acquired the office of Branch delegate to the Federal Council by virtue only of holding another office in the relevant Branch (“the primary office”) then, subject to any rule of that Branch to the contrary, that person shall cease to hold office as a Branch delegate forthwith upon ceasing to hold the primary office.



## 28 - ARBITRATION PROCEEDINGS AND INDUSTRIAL AGREEMENTS

- (a) The Federal Council or the Federal Executive shall, not without the agreement of the affected Branch, have power and authority to lodge or file any claims, demands, disputes, enter into Industrial Agreements or deal with other matters with the Australian Industrial Relations Commission or such other court or body as it may be necessary to file or lodge the same for determination.
- (b) The Chief Executive Officer shall not, without the agreement of any affected Branch, have the power and authority to lodge or file any claims, demands, disputes or other matters with the Australian Industrial Relations Commission or such other court or body but upon such agreement the Chief Executive Officer may take all steps necessary to lodge or file any claims or demands, disputes or other matters, provided that where the Chief Executive Officer exercises such authority, the Chief Executive Officer shall report that matter to the next meeting of the Federal Council or Federal Executive.
- (c) The Federation may be represented at the hearing of any such claim, demand, dispute, or matter, by the Chief Executive Officer or National President or by such other officers or persons as the Chief Executive Officer or National President, in conjunction with any affected Branch or Branches may decide.
- (d) Notwithstanding Clauses (a), (b) and (c) of this Rule, Branches shall have authority to lodge or file any claims, demands, disputes or other matters in relation to or affecting that Branch only and/or its members in accordance with Rules 34 and 35.
- (e)
  - (i) In accordance with Rules 34 and 35, any industrial proceedings which affect the members of only one Branch, the Federal Council or Federal Executive shall not control the proceedings, nor appoint agents, solicitors or counsel unless requested by that Branch to do so; and
  - (ii) The Federal Council or Federal Executive shall not seek or agree to an award, order or determination nor any provision in an award or industrial agreement to have operation in relation to or affecting a Branch or Branches and/or its members unless requested by the relevant Branch only or Branches to do so.

## 29 - SEAL

- (a) The Federation shall have a common seal which shall be kept in the exclusive custody of the Chief Executive Officer.
- (b) Any document required by law to be under seal shall have the seal of the Federation affixed thereto pursuant to a resolution of the Federal Executive and shall be executed by:
  - (i) the Federal President, a Vice President or the Treasurer; or
  - (ii) in the absence of all the officers referred to in (i), either another member of the Federal Executive or, where authorised by the Federal Council, the Chief Executive Officer.

## 29A - AGREEMENTS AND BANKING ARRANGEMENTS

- (a) Industrial agreements and any other documents may be executed by or on behalf of the Federal Council by the Chief Executive Officer with the authority of two members of the Federal Executive at least one of whom shall be the Federal President or his/her delegate.
- (b) All financial transactions outside the approved budget on behalf of the Federal Council shall be executed by or on behalf of the Federal Council by the Chief Executive Officer with the authority of two members of the Federal Executive, one of whom to be the Treasurer.

### **30 - FEDERAL VOTING**

- (a) Voting at meetings of Federal Council and the Federal Executive shall be by show of hands except as otherwise determined by the relevant meeting.
- (b) At meetings of the Federal Council or the Federal Executive the Chair shall have a deliberative vote only.
- (c) In the event of a member of the Federal Council or Federal Executive being for any reason or at any time unable to be present at any meeting of the same or unable to exercise his/her vote or votes as a delegate or Executive member under these Rules;
  - (i) he/she may appoint in writing another member of the Federal Council or Federal Executive as the case may be as his/her proxy to exercise his/her vote or votes at such meeting; or
  - (ii) failing such appointment of a member of the Federal Council, his/her vote or votes may be exercised on his/her behalf by a proxy delegate representing the same Branch members of the Federation, as provided for in the Rules of the Branch affected.

### **31 - FEDERAL QUORUMS**

The quorum at any meeting of Federal Council, or the Federal Executive shall be one half of the persons entitled to attend and vote, or vote by proxy pursuant to clause (c)(i) of Rule 30, provided that there shall be at least one quarter of the members then holding office on the body concerned present in person at all times during the meeting.

### **32 - FEDERAL CALLING OF A PLEBISCITE**

- (a) Notwithstanding anything contained in these Rules, a plebiscite of all financial members of the Federation;
  - (i) may be held for any purpose at the discretion of a majority of the Federal Council or the Federal Executive; or
  - (ii) shall be held if required by a requisition in writing and signed by not less than 10 per cent of the financial members of the Federation; provided that such requisition comprises of at least 40 financial members from each of at least 3 Branches of the Federation.
- (b) Any such plebiscite shall be conducted by secret postal ballot in accordance with Rule 21, clause (g) and shall be under the absolute control and direction of the Returning Officer appointed, pursuant to Rule 21, Clause (c).
- (c) A simple majority decision of the members voting and a majority in at least 3 of the Branches, shall be final and shall prevail over any contrary decision of the Federal Council or the Federal Executive, except as otherwise provided in these Rules.

### 33 - MAKING OR ALTERATION OF FEDERAL RULES

- (a) The Federal Council shall have power to make new Rules or to add to, amend, rescind or otherwise alter these Rules by resolution carried by a two-thirds majority of members of the Federal Council who are eligible to vote and a simple majority of Branches at that meeting of the Federal Council or by postal ballot of the members of the Federal Council conducted pursuant to these Rules. In the event of a tied vote within a Branch, such a vote shall be taken to be in the negative.
- (b) Notice of any proposal for the making of a new rule or for the adding to, amendment, rescissions or other alteration of any of these Rules shall be given in writing to each member of the Federal Council at least one month prior to the relevant meeting of the Federal Council or to the commencement of the postal ballot (as the case may be) provided that any such proposal may itself be amended when being considered by the relevant meeting.
- (c) Notwithstanding the provisions of Clause (a) and (b) of this Rule, the Federal Council shall not have the power to dissolve or vary the composition or State or Territory boundaries of a Branch of the Federation, or alter any Rules of a Branch without a two-thirds majority vote of financial members of that Branch Executive in favour of such amendment dissolution or variation. Nothing in this sub-Rule shall prevent the Federal Council or the Federal Executive from establishing branches by the exercise of powers conferred on it by Rule 15A hereof.
- (d) Rules 9, 14(b), 26(g), 26(h), 33(d), 34, 35 and Part E-Transitional Provisions, Rules 9, 9A and 9B of these Rules cannot be varied except by a resolution carried by plebiscite of the membership in each and every Branch of the Federation. Such resolution will only have effect if passed by a simple majority of financial members eligible and voting in each of the Branches of the Federation.
- (e) Notwithstanding any other provisions of these rules nothing in rules 6, 6A, 6B, 7(c), 7A, 7B, 8(b), 8(c), 8(d), 15(o), 15A, 26(b), 28(a), 28(b) and 33(e) or this rule shall be added to, amended, rescinded or otherwise altered until such addition, amendment, rescission or alteration is first approved by a majority decision of the Committee of Management of all 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.

### 35 - BRANCH AUTONOMY

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- (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.
- (d) For the purposes of this rule a reference to a "State Branch" shall be taken to be a reference to all branches listed in Rule 34(a), with the exception of the Australian Federal Police Association Branch.
- (e) No State Branch shall include any employees of the Australian Federal Police or the Commonwealth as members of their branch. A State Branch shall have as its members those members serving with the respective State Police Service.
- (f) The Australian Federal Police Association Branch shall include any employees of the Australian Federal Police, the Commonwealth and any member of a police service, with the exception of temporary secondees, providing a policing service to the Australian Capital Territory Government as members of its Branch.

### 35 - BRANCH AUTONOMY

- (a) Any Branch so established shall be completely and absolutely autonomous in matters affecting members of that Branch or its property and funds and shall be responsible for its own government and administration. It shall possess full and adequate powers to conduct its own affairs and to seek its objectives under the Rules. The control of the Branch shall reside exclusively in the members of the Branch. This clause can never be altered except by a ballot of all financial members of the Federation conducted under Rule 33, Clause (d).
- (b) The office of each Branch shall be at such place as the Branch Committee or Branch Executive (as the case may be) may from time to time decide.
- (c) Each Branch of the Federation shall maintain responsibility for determining policy in areas exclusively relating to their members and the jurisdiction of the Branch.
- (d) For the purpose of this rule, and without limiting the generality of the foregoing matters affecting the members of that branch only shall be taken to mean the power of the Branch to determine all matters of branch policy, branch industrial activity and branch day-to-day administration. This autonomy will include full and exclusive autonomy over:
  - (i) the funds of the branch held in accordance with these Rules.
  - (ii) the manner in which the Rules or the composition of a branch are varied in accordance with the Rules of the Federation (and especially Rule 33), and
  - (iii) the election of holders of each office in a branch in accordance with these Rules.

## **PART B1 - FEDERAL ACCOUNTABILITY**

### **35A - SPECIAL NOTE re STATUTORY AMENDMENTS**

The contents of this Part, save for Rule 35B and the inclusion of new Rule 35C, have been rescinded with effect from the date of certification of such rescission.

The equivalent subject matters of the rescinded Rules previously contained in this Part are now to be found as statutory obligations on officers of the Federation (National and State) in the *Fair Work (Registered Organisations) Act 2009 (Cth)* (“the Principal Act”) as amended with effect from 1 May 2017 by the *Fair Work (Registered Organisations) Amendment Act 2016 (Cth)* (“the Amending Act”). The Amending Act also repealed those provisions of the Principal Act that required organisations to include in their Rules the provisions that previously constituted the contents of this Part, except for the contents of Rule 35B.

### **35B - FEDERATION/BRANCH POLICIES AND PROCEDURES**

- (a) The Federation and each branch of the Federation shall develop and implement policies and procedures relating to the expenditure of the Federation or branch (as the case may be).
- (b) By way of guidance, the policies and procedures, developed under sub rule a), may relate to:
  - (i) procurement processes including in respect to tenders, orders, authorisations and payments
  - (ii) property management
  - (iii) credit cards
  - (iv) expense reimbursement
  - (v) recruitment, employment and remuneration and payroll processes
  - (vi) accounting functions including recording processes, reconciliations and review of general ledger and expense allocation.
  - (vii) cash controls including bank reconciliations, profit budgets, cash forecasts.
  - (viii) setting a capital expenditure budget
  - (ix) management reporting framework
  - (x) records retention
  - (xi) business continuity and disaster recovery
  - (xii) segregation of duties and responsibilities in all aspects of operations to underpin the effectiveness of internal control system
  - (xiii) membership (recruitment, billings, services, registers)
  - (xiv) asset protection including maintaining registers, inventory control and insurance
  - (xv) such other matters as the National Executive and/or a Branch Executive (as the case may be) determines should be included in the policy.

**35C - KEEPING OF MINUTE BOOKS**

The Federation and each of its Branches shall keep minute books for all meetings of their respective committees of management, by whatever name, which books shall record the proceedings and resolutions of the respective committees.

## **PART C - SOUTH AUSTRALIA POLICE BRANCH**

### **36 - BRANCH OFFICERS**

The Officers of the Branch shall be the Branch President, Branch Deputy President, Branch Vice-President, Branch Secretary and any other officers of the Branch as the Branch Committee so determines.

### **37 - BRANCH COMMITTEE**

The Branch Committee shall consist of the Officers of the Branch and not less than eight ordinary members as the Branch may determine.

### **38 - POWERS AND DUTIES OF BRANCH COMMITTEE**

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

- (a) Secure the observance of the Rules of the Branch
- (b) Safeguard the interests of the members of the Branch
- (c) Decide questions on which the Rules or any agreement are silent or doubtful.
- (d) Decide questions of differences between the Branch and any other organisation, union or association.
- (e) Enter into negotiations for the making of Agreements and Awards.
- (f) Submit to members a report or progress reports on the work of the SA Branch.
- (g) To submit industrial matters to the appropriate State or Federal Tribunals.
- (h) Authorise two of its members to sign Awards and Agreements.
- (i) Determine the number of Delegates and their electorates having due regard to the efficiency, effectiveness and equality of representation of member's interests.
- (j) Determine the powers and duties of delegates and workplace representatives.
- (k) In the event of an urgent matter with political or industrial ramifications, the Executive may convene an extraordinary meeting and act on the matter. The due notice shall not be required to be given to members, but an attempt shall be made to notify as many members as possible prior to the meeting by any means at the Branch Committee's disposal.
- (l) The Branch Committee shall also have the rights and powers to summon a Special Meeting of members of the Branch.
- (m) Such other powers or functions as are required to give effect to the autonomous operation of the South Australian Branch.

### 39 - MEETINGS OF BRANCH COMMITTEE

- (a) A Branch Committee shall meet at least once each three months and at such other times as it may determine provided that the Branch President or the Branch Secretary may, by notice in writing either by post, facsimile or other electronic means call a meeting of the Branch Committee and shall call such a meeting if requested to do so by not less than one third of the members of such Branch Committee.
- (b) The Branch Secretary shall give each member of the Branch Committee at least 21 days notice of meetings of the Branch Committee and seven days notice of any special meeting thereof.
- (c) The quorum of any meeting of the branch committee shall be seven (7).
- (d) Standing Orders

At any meeting of the Branch Committee, the following shall apply:-

- (i) All members of Branch Committee shall have a deliberative vote.
- (ii) The Branch President shall have a casting vote.

The Branch President may exercise the casting vote.

The Branch President may use a casting vote in any matter where a tied vote has occurred during a Branch Committee meeting.

In the event of a tied vote and no casting vote being exercised by the Branch President, then the motion is lost.

- (iii) Unless otherwise specified in these Rules, a simple majority shall be required for a motion to be carried.

Voting shall be by a show of hands unless a motion to the contrary is received and carried.

- (iv) In proposing a motion the mover may only speak on that motion after it has been seconded. The mover of any motion shall have the right of reply at the end of any debate.
- (v) When debating a motion there must be alternative speakers - one for, one against, to ensure a balanced debate. In the event of no speaker wishing to speak in opposition to the last speaker, the mover must have right of reply and the motion then put.
- (vi) No member can speak more than once on any motion, other than to obtain "point of clarification".
- (vii) Any "Point of Order" raised by a Branch Committee person must be settled by the Branch President before any other debate on the motion continues.
- (viii) A motion "That the motion be put" shall be put to Branch Committee immediately it has been moved and seconded and without debate.



- (ix) Any other matters pertaining to conduct at meetings shall be settled by reference to "Joskes' Law and Procedure at Meetings in Australia' and branch committee decision in accordance with the provisions set out in Rule 39(d)(iii).
- (x) A person acting in the capacity of Branch President is entitled to exercise only the powers of the Branch President.

### **39A - ANNUAL GENERAL MEETING OF THE BRANCH**

- (a) The Annual General Meeting of the Branch shall be held once in each fiscal year for the following purposes:
  - (i) To receive the general yearly report of the Branch Committee.
  - (ii) To receive a report showing the financial position of the Branch.
  - (iii) To consider motions by members, notice of which has been given in writing to the Branch Secretary at least 28 days prior to the date of such Annual General Meeting.
- (b) The Annual General Meeting of the SA Branch may confer Life Membership upon any member or former member of the SA Branch in recognition of long and distinguished service or special service to the SA Branch.
  - (i) A motion seeking to confer life membership upon a member or former member must be proposed by way of notice of motion signed by two members.
  - (ii) The notice of motion shall be considered by the Branch Committee and it shall be introduced to the Annual General Meeting by its proposers.
  - (iii) If the majority of the members present and entitled to vote support the motion, life membership shall be conferred forthwith.
  - (iv) Any serving member of the Police Force of South Australia upon whom life membership has already been conferred shall continue to retain membership.
- (c) The quorum at any such meeting shall be twenty (20) members.

### **39B - THE CONTROL OF THE BRANCH COMMITTEE BY THE MEMBERS**

- (a) The decisions of the Branch Committee shall have full force and effect unless rescinded at a subsequent meeting of the Branch Committee or unless rescinded by a Special Meeting of members as hereinafter provided, or by the Branch Secretary receiving a notice in writing signed by not less than 2/3rds of Delegates.
- (b) Upon the Branch Secretary receiving notice in writing signed by not less than 100 financial members within 28 days of the day that the decision in question was communicated to all Delegates, the Branch Committee shall take no further action on the decision in question until the result of the Special Meeting is known.

### **39C - VOTE OF NO CONFIDENCE**

Not certified

**39D - SPECIAL MEETINGS**

- (a) A Special Meeting of the members of the Branch may be called by any of the following :-
  - (i) The Branch Committee .
  - (ii) The Branch Secretary on receipt of a requisition in writing stating the object of the desired meeting and signed by not less than 100 financial members of the Branch.
  - (iii) The Branch Secretary on receipt of a requisition in writing stating the object of the desired meeting and signed by not less than two thirds of the Delegates of the Branch.
- (b) Such a meeting shall be held at a suitable time and place within thirty days of the receipt of such requisition or decision by the Branch Secretary.
- (c) Due notice of such meeting shall be distributed to all Conference Delegates at least three days prior to such meeting by means of a Branch Newsletter.
- (d) No business shall be transacted at such meeting other than that stated in the notice convening the meeting.
- (e) The Branch Committee shall be bound by any decision taken by a majority of members at such meeting subject to the exclusions provided in Rule 39B.
- (f) The quorum for a Special Meeting shall not be less than one tenth of the total number of financial members of the Branch on the day.

**39E - BRANCH PLEBISCITES**

- (a) A plebiscite of all financial members of the Branch:-
  - (i) may be held for any purpose at the discretion of the Branch Committee; and
  - (ii) shall be held if required by a requisition in writing and signed by not less than 10 per cent of the financial members of the Branch.

**40 - POWERS TO REMOVE OFFICERS AND BRANCH COMMITTEE**

- (a) An Officer or member of Branch Committee may be removed from their office or position if they are found to have been guilty of :-
  - (i) Misappropriation of the funds of the Branch; or
  - (ii) A substantial breach of the Rules of the Branch; or
  - (iii) Gross misbehaviour; or
  - (iv) Gross neglect of duty.
- (b) Such person may be reported by any member under this Rule.
  - (i) Any charge shall be in writing and shall be forwarded to the Branch President or the Branch Secretary who shall notify the person reported of the details as alleged.
  - (ii) If the report concerns the Branch President and the Branch Secretary then the Branch Deputy President or Branch Vice President shall be so advised.

#### 41 - DUTIES OF THE ELECTED OFFICERS

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- (c) The person reported shall be given not less than fourteen (14) days notice in writing of the time and place of the Branch Committee meeting at which the report is to be heard and determined and shall be entitled to attend such meeting and be heard, but shall not be entitled to vote at such meeting.
- (d) The Branch Committee, by a simple majority, may at their discretion suspend from office any person reported under this rule pending determination of the report.
  - (i) Immediately such suspension takes place it shall be notified to all Delegates of the Branch at a meeting of Delegates called for this purpose and the actions of the Branch Committee must be endorsed by a simple majority of Delegates present.
  - (ii) Notwithstanding any motion or decision that emanates from such Delegates meeting and notwithstanding the decision of the Branch Committee, a permanent suspension from an Officers or Branch Committee members position shall not be confirmed until the result of a Secret ballot, to be conducted forthwith after the Delegates meeting, of all financial members of the Branch, approving or disapproving of the Branch Committee's action is known.
  - (iii) If the majority of members fail to endorse the removal or suspension by the Branch Committee, the removal or suspension shall be null and void.
  - (iv) If a Delegates meeting, so called under 40(d)(i) endorses the actions of the Branch Committee, the person so suspended shall not be reinstated or permanently removed until after the results of the secret ballot as mentioned in (ii) is known.
- (e) A Delegate of the Branch may be removed from their position if they are found to have been guilty of:-
  - (i) Misappropriation of the funds of the Branch or,
  - (ii) A substantial breach of the Rules of the Branch, or
  - (iii) Gross misbehaviour, or
  - (iv) Gross neglect of duty.
- (f) A Delegate so reported by any member under this rule shall be advised in writing. Notification shall be forwarded to the Branch President or Branch Secretary who shall notify the Delegate of the details as alleged.
- (g) The Delegate reported shall be given not less than fourteen (14) days notice in writing of the time and place of the Branch Committee meeting at which the report is to be heard and determined and shall be entitled to attend such meeting and be heard.
- (h) The Branch Committee by simple majority and at their discretion may dismiss the Delegate from the position they hold.

#### 41 - DUTIES OF THE ELECTED OFFICERS

- (a) The Branch President shall preside at all meetings of the Branch Committee and preserve order so that business may be conducted in due form and with propriety, and upon the minutes being confirmed, shall sign the Minute Book in the presence of the meeting.
- (b) The Branch Deputy-President shall preside in the absence of the Branch President, with full powers of the Branch President.
- (c) In the absence of the Branch Deputy President, the Branch Vice President shall so preside.

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- (d) The seniority of Branch Committee Members other than office bearers shall be determined as follows:
- (i) The Branch Committee member having the longest continuous period of service, or
  - (ii) Where two Branch Committee Members have the same length of continuous service the Branch Committee Member receiving the highest number of votes at the last election (other than an election to fill a casual vacancy), shall have seniority.
- (e) Duties of the Branch Secretary as a registered officer
- (i) The Branch Secretary shall be the registered officer of the Branch, and shall be the person to sue or be sued on behalf of the Branch.
  - (ii) The Branch Secretary shall give notice to the members of the Branch Committee of all meetings of the Branch Committee and shall attend whenever possible such meetings and cause Minutes of all proceedings to be taken.
  - (iii) The Branch Secretary shall keep a register of the names and addresses of the officers and members of the Branch. Such register shall be kept at the registered office of the Branch and shall be open at any time for inspection by the Industrial Registrar, or any person appointed by the Registrar or by any financial member of the Branch.
  - (iv) The Branch Secretary shall prepare and shall furnish to the Registered Organisations Commission or the applicable Federal agency all returns required by or under the Fair Work (Registered Organisations) Act 2009 (Cth).
  - (v) The Secretary shall receive and answer all correspondence and place the same before the Branch Committee, take copies of all important letters, and perform such other duties as may be necessary to carry out the objects and Rules of the Branch.
  - (vi) The Branch Secretary shall receive all monies from members and elsewhere and shall issue receipts therefore.
  - (vii) The Branch Secretary shall endorse all accounts for payment. The Branch Secretary shall not hold the funds of the Branch but shall bank same in the name of the Branch with such Financial Institutions as directed by the Branch Committee, except for an amount approved by the Branch Committee which shall be kept on hand for current expenses.
  - (viii) When requiring funds for the payment of accounts the Branch Secretary shall sign a cheque or order for the amount required and shall obtain any other necessary signature to the same.
  - (ix) The Branch Secretary shall keep a correct account of all income and expenditure and submit a properly audited balance sheet showing the receipts and expenditure of the Branch for the previous twelve months ending June.
  - (x) The Branch Secretary shall to the best of that officer's ability assist the Auditor in carrying out their duties.
  - (xi) The Branch Secretary shall produce all books, vouchers, or other documents and accounting records, no matter how stored, for inspection at Branch Committee meetings or to the Auditor when requested.

**42 – Deleted**

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**43A - APPOINTMENT AND DUTIES OF BRANCH TREASURER**

The Branch Committee shall appoint or elect one of its members to the position of Branch Treasurer. The Branch Treasurer shall assist the Branch Secretary in the financial administration of the Branch's affairs in accordance with the instructions of the Branch Committee.

**43B - BRANCH FUNDS**

- (a) The funds and property of the Branch shall consist of:-
- (i) any real or personal property of which the Branch Committee by these Rules or by any established practice not inconsistent with these Rules, has or, in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;
  - (ii) the amount of fees, subscriptions and levies payable to the Branch Committee pursuant to these Rules; less so much of the amounts as is payable by the Branch to the Federal funds as defined;
  - (iii) any interest, rents, dividends or other income derived from the investment or use of Branch funds or property;
  - (iv) any superannuation or long service leave or other funds operated or controlled by the Branch as a whole in accordance with these Rules for the benefit of its officers or employees;
  - (v) any sick pay funds, accident pay funds, funeral fund or like funds operated by the Branch as a whole in accordance with these Rules for the benefit of its members;
  - (vi) any property acquired wholly or mainly by expenditure of the monies of such funds and property or derived from other assets of such funds and property; and
  - (vii) the proceeds of any disposal of parts of such funds and property.
- (b) The Branch funds shall be held under the control of the Branch Committee consistent with the guidelines for trustee approved investments pursuant to the provisions of the Trustee Act (SA).
- (c) All payments made on behalf of the Branch, unless otherwise specifically authorised by the Branch Committee, shall be by cheque.
- (i) All cheques shall be signed by any two (2) of the following officers, the Branch Secretary, the Branch President, or any other person so authorised by the Branch Committee.
  - (ii) Cheques may only be drawn for the payment of ordinary expenses authorised by the Branch Committee or extra-ordinary expenses approved by a special meeting of members.
- (d) Each member of the Branch Committee shall have access to the accounts and financial records of the Branch.
- (e) Financial year - Accounts and Audit

The Branch's financial year shall end on June 30th each year and an audited balance sheet shall be presented to the Branch Committee by the Branch Secretary not later than September 30th each year.

## 44B - ELECTIONS

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(f) Duties of Auditors

The Branch shall engage the services of a Registered Company Auditor. It shall be their duty to check all books, accounting records and vouchers used in the financial management of the Branch and to submit a report to the Branch Committee.

(g) Property of the Branch

All property and monies belonging to the Branch defined by Rule 43B(a) as Branch funds shall be vested in the Branch. The Branch President and Branch Secretary shall act jointly on behalf of the Branch in acquiring, holding, maintaining and disbursing of such property and monies, under the direction of the Branch Committee.

(h) Access to Books of the Branch

The books of account of the Branch shall be kept at the Registered Office of the Branch and shall include a register of names and postal addresses of all the members of the Branch and the date upon which each member became a member and such books shall be open to inspection by members of the Branch during ordinary office hours.

(i) Indemnity of Officers

Every member of the Branch Committee, Staff, Elected Officials, Branch Officials and every other officer of the Branch shall to the full extent permitted by law be indemnified out of the funds of the Branch against all losses, charges, damages and expenses incurred by them in or about the discharge or purported discharge of their duties.

### 44A - QUALIFICATIONS FOR ELECTION TO OFFICE

A member nominating for a position within the Branch shall have been a financial member of the Branch at the date of signing the nomination form.

## 44B - ELECTIONS

Each election for a position referred to in Rule 44B(a)(i), (ii) and (iii) shall be conducted by the Australian Electoral Commission or State Electoral Commission in accordance with the Rules of the Branch.

(a) General

The provisions of this Rule shall apply to all elections for the positions of:

- (i) Officers of the Branch
- (ii) Ordinary members of Branch Committee.
- (iii) Delegates, with the exception of elections and appointments to fill any casual vacancy in the office of Delegate, which are governed by Rule 45C(d).

(b) Tenure of Office

- (i) All Officers of the Branch and ordinary members of Branch Committee shall be elected by secret postal ballot of all financial members of the Branch each four years and those elected shall take office from the completion of the election, shall hold office for a period of four years or until a successor thereto has been elected and taken office.
- (ii) Delegates shall be elected by secret postal ballot of all financial members allocated to a workplace within each branch every 2 years in accordance with Rule 45C.

(c) Returning Officer

- (i) At its first meeting after the completion of the election the Branch Committee shall appoint a Returning Officer for the conduct of any elections, ballots or plebiscites as may be necessary in the Branch throughout the ensuing 4 years provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed.
- (ii) A Returning Officer -
  - (A) need not be a member of the Branch; and
  - (B) in any event, shall not be the holder of any office in or an employee of the Branch.
- (iii) In the event of a duly appointed Returning Officer being unable or unwilling to act as and when required whether during the conduct of an election ballot or plebiscite or not, the Branch Committee shall appoint another person to act as Returning Officer for that election, ballot or plebiscite.
- (iv) The Returning Officer so appointed shall have power to appoint such assistants as is deemed necessary provided that such assistants shall at all times be subject to the absolute control and direction of the Returning Officer.

(d) Electoral Roll

The Branch Secretary shall maintain an electoral roll which shall be the roll of persons eligible to be nominated as candidates, to nominate candidates and to vote in the election.

- (i) The roll for elections referred to in Rule 44B(a)(i) and 44B(a)(ii) shall contain the names of all financial members of the Branch.
- (ii) The roll for elections referred to in Rule 44B(a)(iii) shall contain the names of all financial members allocated to a workplace within each Branch.
- (iii) Immediately following the close of the roll, the Branch Secretary shall certify its correctness and forward such certified copy to the Returning Officer.

(e) Election timetable

The Returning Officer, in consultation with the Branch Secretary, shall establish a timetable for:-

- (i) the close of the roll which will be seven (7) days before the day that nominations are declared open.
- (ii) the opening and closing of nominations
- (iii) the opening and closing of the ballot.

(f) Conduct of elections

- (i) All elections for positions mentioned in Rule 44B(a)(i) and 44B(a)(ii) shall be completed by the 1st April in the year of the election.
- (ii) All elections for positions mentioned in Rule 44B(a)(iii) shall be completed by 31st December in the year prior to the commencement of the elected term.

- (iii) The Returning Officer shall call for nominations by circular to all members of the Branch by distribution of a Branch Newsletter and shall issue nomination forms to any member requesting same. If the Returning Officer supplies an election notice to the Branch Secretary for distribution, it shall be presumed that the Returning Officer has fulfilled all obligations under this sub-clause.
  - (A) The election notice in the form supplied by the Australian Electoral Commission is to be circulated to all Members of the Branch by distribution of a Branch Newsletter.
  - (B) The Branch Returning Officer shall check all nominations received for compliance with the requirements of these rules and shall reject any that do not so comply provided that if the Branch Returning Officer finds a nomination to be defective such Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person the opportunity of remedying that defect within, where practicable, seven (7) days of having been notified of the defect.
- (iv) Nominations shall be in writing on the forms supplied by the Australian Electoral Commission and signed by the nominee and two nominators (who shall be financial members of the Branch) and shall be delivered to the Returning Officer no later than 5.00 p.m. on the day of close of nominations. The nominee may annex to the form supplied by the Australian Electoral Commission a personal profile of no more than 300 words together with one black and white photograph for distribution with the ballot papers.
- (v) Nominations may not be withdrawn after the date and time set for the close of nominations.
- (vi) A member may submit a nomination for one (1) of the four (4) officer bearer positions as mentioned in Rule 36 and for a position of an ordinary member of Branch Committee.
- (vii) If there be no more nominations than there are vacancies for a position the Returning Officer shall declare the nominated person or persons elected to the position(s).
- (viii) If a member is declared elected to an office bearer position as mentioned in Rule 36 and has also nominated for a position of an ordinary member of Branch Committee the nominated member will be removed from the ballot for ordinary member of Branch Committee.
- (ix) If more nominations are received than there are vacancies for a position, the Returning Officer shall have ballot papers printed and delivered, containing the names of the candidates for each position in order determined by lot, indicating the numbers to be elected to each position, the manner in which votes shall be recorded and the date and time of closing of the ballot, such date be subject to Rule 44B(f)(i). A member who is entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer prior to the distribution of ballot papers a written request for an absent vote together with an address at which 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 date for absent vote to be lodged.
- (x) If there is a ballot for any office bearer position(s) the member(s) declared elected shall not be included in any ballot count for the position(s) of ordinary member of the Branch Committee.
- (xi) The Returning Officer shall be responsible for the safe custody of the ballot papers.
- (xii) The Returning Officer shall obtain from the printer a certificate of the number of ballot papers printed.
- (xiii) The Returning Officer shall initial every ballot paper prior to distribution.
- (xiv) 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.



- (xv) The Returning Officer shall make a declaration of the result of the election to the Branch Committee and shall submit a full report of the ballot indicating the number of ballots printed, the number distributed, the number on hand and any other relevant matters.
  
- (xvi) Issue of Ballot Papers
  - (a) As soon as practicable after the date determined under subrule (e) 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) a declaration envelope, and another envelope in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations, and
  
    - (iii) facility for the return of the completed ballot paper by post by the voter without expense to the voter.
  
- (xvii) 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 completed 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.

(xviii) 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.

(g) Scrutineers

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

- (i) shall be entitled to be present throughout the ballot count and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any votes so queried;
- (ii) shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election; and
- (iii) shall not interfere with or attempt to influence any person at the time of the ballot count.

(h) Scrutiny

When the ballot box is opened, only those persons whose names appear on the roll and have completed the requirements of Rule 44B(j) shall have the envelopes containing their ballot-papers set aside for inclusion in the count. In performing that task, the Returning Officer shall not attempt to discover how individual electors have voted.

(i) Formality of ballot papers

- (i) A ballot-paper is informal if:-
  - (A) it is not authenticated by the initials of the Returning Officer or by a mark authorised by the Returning Officer.
  - (B) it has no vote indicated on it.
  - (C) a vote is not cast for as many candidates as there are vacancies to be filled.
  - (D) it has upon it any mark or writing by which the voter can be identified.
- (ii) A ballot-paper shall not be informal for any other reasons than the reasons specified but shall be given effect to according to the voter's intention so far as that intention is clear.
- (iii) On any question regarding the validity or formality of a vote, the Returning Officer's decision shall be final.

45A - MEMBERSHIP PARTICIPATION IN THE AFFAIRS OF THE BRANCH - WORK-GROUP REPRESENTATION

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- (j) System of Voting
- (i) The system of voting in any election conducted pursuant to this rule shall be the first-past-the-post-system.
  - (ii) A voter shall record their 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.
  - (iii) The marked ballot-paper shall then be placed in the declaration envelope provided. Seal and complete the details on the declaration envelope and place that envelope in the envelope addressed to the Returning Officer. 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.
- (k) Casual Vacancies
- (i) Where a casual vacancy occurs, the Branch Committee shall take immediate action to have such vacancy filled by secret postal ballot of all the applicable financial members of the Branch provided that:-
    - (A) where the unexpired portion of the term of office in which the vacancy occurs does not exceed one year, the Branch Committee may fill such vacancy by appointment of an eligible member of the Branch.
    - (B) Where the unexpired portion of the term of office in which the vacancy occurs exceeds one year, the Branch Committee may fill such vacancy by appointment of an eligible member of the Branch until an election is held, provided that no person so appointed shall hold office for a period exceeding three (3) months.
  - (ii) Such ballot shall be conducted by the Returning Officer appointed pursuant to this rule and the Returning Officer so appointed shall determine the dates for the opening and closing of nominations and the opening and closing of the ballot and shall report the result of the ballot to the following meeting of the Branch Committee.
  - (iii) Any person so elected shall take office from the date of the declaration of the election and shall hold office until the expiration of the term of the person replaced.
  - (iv) In all other aspects, the ballot shall be conducted in accordance with the foregoing provisions of this rule.

**45A - MEMBERSHIP PARTICIPATION IN THE AFFAIRS OF THE BRANCH - WORK-GROUP REPRESENTATION**

- (a) Branch Committee shall designate work-groups for the purposes of this Rule and assign to a work-group so designated any number of members of the Branch.
- (b) The Branch Committee shall have the power to form or abolish any work-group or vary those members of whom it is composed.
- (c) Every member of the Branch shall be allocated to a work-group.

**45B - BRANCH REPRESENTATION**

- (a) The Branch Committee may create sub-Branches for the purpose of these Rules as it sees fit.
- (b) Each sub-Branch shall consist of such work-groups as may be determined by the Branch Committee.
- (c) The Branch Committee may form or abolish any Sub-Branch or vary or alter its composition. If the Branch Committee proposes any step in accordance with this Rule, any Sub-Branch affected may, by resolution, refer the matter for consideration to the next Branch Annual Conference.
- (d) Each sub-Branch shall meet as required to carry out the duties of delegates.

**45C - ELECTION OF DELEGATES**

- (a) Each work-group shall be entitled to representation at the Branch Annual Conference on the basis of 1 delegate per 150 members (or part thereof). The delegate entitlement of each workgroup shall be determined by the Returning Officer after the close of the roll and before the calling of nominations for each biennial election for delegates pursuant to Rule 44B, and such determination will remain in place until the next occurring biennial election for such offices.
- (b) A Delegate shall be elected for a term of 2 years. All positions shall fall vacant on the 1st day of January, in each odd Calendar year.
- (c) Any member is entitled to nominate for the position of Delegate and to vote in the work-group to which their workplace has been allocated pursuant to Rule 45B(b).
- (d) If for any reason a Delegate ceases to hold office after being elected the casual vacancy thus arising is to be filled as follows:
  - (i) Where the casual vacancy occurs before the expiring of one quarter of the term of the office, the Branch committee will arrange for a further election to be conducted by and from the members of the workgroup concerned.
  - (ii) In any other case the Branch committee may by resolution appoint a member of the affected workgroup to fill the vacancy for the balance of the term of that office.

**45D - WOMEN POLICE SUB-BRANCH**

- (a) All female members of the Branch shall in addition be members of the Women Police Sub-Branch.
- (b) The business of the Women Police Sub-Branch shall be conducted in the same manner as any other Sub-Branch, but no Delegates are to be elected.

**45E - BRANCH ANNUAL CONFERENCE**

- (a) Elected officials shall meet at least once a year and at such other times as determined by the Branch Committee provided that the Branch Secretary shall give twenty-eight days notice in writing of the date, time and place of holding such a meeting. The quorum at a meeting of elected officials shall be half their elected number plus 1.
- (b) The Branch Secretary shall convene a Special Meeting of elected officials upon a request in writing signed by two-thirds of the elected officials or at the direction of the Branch Committee. Such a meeting shall be held within twenty-eight days of the receipt of the notice and the business of the meeting shall be confined to that contained in the notice.

## 45G - SUBMISSION OF MATTERS TO BRANCH ANNUAL CONFERENCE

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- (c) The Branch President, or in the absence of the Branch President, the Branch Deputy President or the Branch Vice-President, shall chair all meetings of elected officials referred to in this rule and Branch Committee members shall be entitled to attend and participate during the meeting. Branch Committee members will not have any voting rights at elected officials meetings.
- (d) All decisions and recommendations made by elected officials pursuant to this rule in relation to the general management or policies of the Branch shall be binding on the Branch Committee and referred to the next Meeting of Branch Committee for attention and a report on progress and any action taken shall be provided to elected officials within 3 months of the elected officials meeting at which the decision or recommendation was passed.
- (e) The Branch chair of the Women's Police Sub-Branch and the Branch chair of the Aboriginal Torres Strait Islander Sub-Branch shall be entitled to attend the Branch Annual Conference and may submit motions and amendments to motions for consideration by the Branch Annual Conference but shall have no vote.

### **45F - STANDING ORDERS FOR ELECTED OFFICIALS MEETINGS**

- (a) At any meeting of the elected officials the following shall apply:
- (b) Each elected official shall have one vote.
- (c) Voting shall be by simple majority only, for a motion to be carried.
- (d) At all Branch Annual Conferences there will be an agenda stating order of business and items to be discussed and no other matters other than on the agenda will be discussed or debated unless Rule 45F(e) applies.
- (e) Motions from the floor will not be accepted unless the matter to be discussed had arisen in the 28 days prior to the meeting, the circumstances which necessitated the motion was not known before the agenda was formulated and the meeting decides that it should be dealt with.
- (f) In proposing a motion the mover may only speak on that motion after it has been seconded. The mover of any motion shall have the right of reply at the end of any debate.
- (g) When debating a motion there must be alternate speakers (one for, one against) to ensure a balanced debate. In the event of no speakers wishing to speak in opposition to the last speaker, the mover must have the right of reply and the motion then be put.
- (h) No person can speak more than once on any motion other than to obtain "point of clarification".
- (i) Any 'Point of Order' raised by a person must be settled by the Branch President before any other debate on the motion continues.
- (j) A motion "that the motion be put" shall be put to the meeting immediately it has been moved, seconded and without debate.
- (k) Any other matter pertaining to conduct at meetings shall be settled by reference to "Joske's Law and Procedure at Meetings in Australia".
- (l) An elected official unable to attend a meeting of elected officials can be replaced with a 'proxy' elected official and that 'proxy' elected official shall have all rights of the elected official.

### **45G - SUBMISSION OF MATTERS TO BRANCH ANNUAL CONFERENCE**

Any elected official may submit motions and amendments to motions for consideration by the Branch Annual Conference.

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## 46 - DUTIES OF DELEGATES

- (a) Delegates shall represent the members in their work-group to the best of their ability and shall keep their work-group informed on all matters of importance occurring within their work-group. It shall also be incumbent on each delegate to keep the members in the work-group informed about the business of the Branch.
- (b) Delegates shall endeavour to resolve all issues referred to them by members in their work-group by discussion with representatives of the Department relevant to the work-group.
- (c) In the event that an issue cannot be resolved by discussion, the delegate shall refer the matter to the Branch Secretary, together with such other information as is necessary.
- (d) A delegate may appoint as many assistant delegates as they see fit in order to enable them to carry out their duties under these Rules. The names of such assistant delegates shall be forwarded to the Branch Secretary and one such assistant delegate shall act on behalf of the delegate when they are on leave or not available.
- (e) Delegates or Sub-Branches except as provided in these Rules, shall not commit the Branch to a course of action, either formally or informally, and shall not incur any expense or liability on behalf of the Branch unless expressly authorised by the Branch Committee.

## 47A - LEGAL ASSISTANCE

- (a) Legal assistance may be provided in accordance with guidelines as promulgated from time to time by the Branch Committee provided application is made by the person concerned before any expenses are incurred. Such legal assistance shall, however, only be provided at the discretion of the Branch Committee.
- (b) No member shall be entitled to make any agreement, contract or arrangement for legal assistance which will bind the Branch to defray the expense thereof unless the authority of the Branch Committee in writing has first been obtained.
- (c) In the event that any action is successful and costs are awarded to the applicant any monies advanced by the Branch shall to the extent to which they are recoverable by the applicant be refunded to the Branch.

## 48 - AUTHORITY OF BRANCH OFFICERS

The signature of the Branch Secretary when counter signed by the Branch President shall in the absence of clear evidence to the contrary be conclusive of the binding nature of any transaction, agreement or undertaking on behalf of the Branch.

## 50 - DUE NOTICE

Unless otherwise stated the words 'due notice' shall mean notice shall be given to members in the following manner:

- (a) a notice to be placed on the official South Australian Branch notice board not less than twenty-eight days prior to the meeting;
- (b) a notice by means of the Branch Newsletter to be sent to all delegates not less than twenty-eight days prior to the date of the meeting; and,
- (c) a notice to be published in the public notices section of a daily newspaper circulated within the State of South Australia not less than twenty-eight days prior to the date of the meeting.

**51A - ALTERATION OR RESCISSION OF RULES**

- (a) These Rules may be amended by a majority of members present at any meeting specially called for such purpose, provided 28 days' notice of the proposed amendments and meeting has been given to members by means of an Branch Newsletter sent to all Delegates.
- (b) The quorum at such a meeting, shall not be less than 30 financial members of the Branch.

**51C - DISSOLUTION OF THE BRANCH**

The Branch shall not be dissolved unless eighty-seven per centum (87%) of the total number of financial members of the Branch vote in a plebiscite in favour of such dissolution. Upon a vote in favour of the dissolution being cast, the Branch shall be dissolved and the assets and funds remaining after liabilities have been discharged shall be divided equally among the financial members of the Branch as at the date of dissolution.

**52A - DUAL OFFICERS**

In the event of a candidate being elected to more than one office, the candidate shall be declared elected to the higher or highest of such offices.

In the case of Officers referred to in Rules 36 and 37, the order of precedence shall be:

Branch President  
Branch Secretary  
Branch Vice-Presidents  
Ordinary Members of the Branch Committee

**52B - ORDER OF PRECEDENCE FOR FEDERAL COUNCIL DELEGATES**

The order of precedence for the election of Federal Council Delegates as provided in Rule 14 shall be:-

Branch President  
Branch Secretary  
Branch Vice-President(s) in order of election  
Branch Committee in order of election

**52C - INTERPRETATION**

- (a) The singular shall include the plural, and vice versa;
- (b) Headings are for convenience and do not affect meaning;
- (c) A reference to a communication "in writing" or "written" includes email or any other form of electronic communication;
- (d) The word "shall" is a word meaning mandatory requirement;
- (e) A reference to a statute shall include any amendments to that statute and any statutory instruments made pursuant to that statute, and shall also include any successors to such statute, whether whole or in part.

## **PART CA - WESTERN AUSTRALIA POLICE BRANCH**

### **52AA - BRANCH OFFICE BEARERS**

- (1) The Branch Office Bearers shall consist of the President, 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 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



## 52AC - DUTIES AND RESPONSIBILITIES OF THE BRANCH EXECUTIVE

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- (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 Chief Executive Officer 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.

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**52AD - POWERS OF THE BRANCH EXECUTIVE**

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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 Chief Executive Officer;
- (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 appoint a Chief Executive Officer and determine their tenure, conditions of employment and remuneration to be paid to that person.
- (13) to employ such personnel as are necessary to carry out the administration of the Branch, provided that this power may be delegated to the Chief Executive Officer who shall determine their tenure, conditions of employment and remuneration.
- (14) 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;
- (15) 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;
- (16) to call a Special Conference Meeting should extraordinary circumstances exist;
- (17) to call a Special General Meeting at any time should extraordinary circumstances exist;

- (18) 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;
- (19) to discipline a member of the Branch should extraordinary circumstances exist;
- (20) to make Standing Orders consistent with these Rules for the conduct of meetings of the Annual Conference and Committees; and
- (21) to delegate its authority to the Office Bearers of the Branch.

### **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.

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

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- (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 an 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) on behalf of the Executive, provide direction to the Chief Executive Officer on the business and affairs of the Branch in accordance with these Rules including, but not limited to, policy matters, liaison between the Executive and Chief Executive Officer, and media liaison;
- (4) sign all Industrial Agreements, deeds or other instruments made on behalf of the Branch by the Executive;
- (5) in conjunction with the Chief Executive Officer, contribute to the preparation of an annual budget for approval by the Executive.
- (6) present a report to each Annual Conference;
- (7) 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);
- (8) 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
- (9) delegate to the Chief Executive Officer, 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.
- (4) The Senior Vice President, if employed, shall comply with the conditions and obligations within their senior executive contracts.
- (5) In the absence or incapacity of the Treasurer from any meeting, the Vice President shall have all the rights, powers, duties and responsibilities of the Treasurer, whether implied or expressed under these Rules.

**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 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 Branch Executive;
- (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.
- (9) be responsible for senior executive contracts including:
  - (i) establishment of contracts on commencement; and
  - (ii) establishing a reporting, recording mechanism that enables the Board to adequately monitor, review and report on the performance of the President, the Chief Executive Officer, and Secretary against their positional descriptions and/or contractual obligations.

**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.

## 52AM - DISCIPLINARY MATTERS

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- (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 issued written or verbal corrective advice, or 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) when submitting a complaint, the member must provide sufficient context and/or evidence to support the complaint, the complaint must be specific, must provide sufficient detail, be linked to the grounds outlined in sub-rule (1)(a) and on the face of it warrant penalty, not being trivial or vexatious.

## 52AO - EXECUTIVE ELECTIONS

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- (c) 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;
  - (d) 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
  - (e) 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.
  - (f) all actions and decisions of the Branch Executive regarding any disciplinary matters is to be recorded and retained by the Branch.
- (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 Fair Work (Registered Organisations) Regulations; and

(iv) facility for the return of the completed ballot paper by post by the voter without 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 spoilt, 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 a 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 a 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 ex officio 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.

## 52AQ - ANNUAL CONFERENCE

- (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.

## 52AT - REFERENDUMS

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- (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) The result of any referendum will be determined upon the returned vote whereby sixty five percent (65%) or greater in favour will be deemed to be a majority result. Should 65% in favour not be reached the question put to vote will lapse.

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**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.



## 52AZ - MAKING OR ALTERATION OF BRANCH RULES

- (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.

## 52 AZB - TRANSITIONAL RULE

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- (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.

## **PART CB - TASMANIA POLICE BRANCH**

### **52BA - BRANCH OFFICE BEARERS**

- (1) The Branch Office Bearers shall be the Branch President, Branch Vice-President, Branch Deputy Vice-President and Branch Treasurer.
- (2) The Branch Office Bearers shall hold office for 3 years and cease to hold office on 31 December in the third year after their election.

### **52BB - BRANCH EXECUTIVE**

The Branch Executive shall consist of the Office Bearers, the Branch Trustees, whom shall be elected for a 3 year term, and the Sub-Branch Chairperson and Sub-Branch Secretary from each of the Sub-Branches of the Branch.

### **52BC - BRANCH CONFERENCE**

- (1) There shall be a Branch Conference which shall be comprised of the Office Bearers, Branch Trustees and each Sub-Branch Chairperson, Sub-Branch Secretary and 3 Delegates. The Chief Executive Officer and the Executive Officer may attend meetings of the Branch Conference and participate in debate but are not eligible to vote.
- (2) Any member of the Federation attached to the Tasmanian Branch may attend a Branch Conference but shall not be entitled to participate or vote in the proceedings.
- (3) There shall be an annual convening of the Branch Conference which shall be known as the Annual Branch Conference and Special Branch Conferences shall be conducted in accordance with sub-rule (11).
- (4) The Annual Branch Conference or a Special Branch Conference shall have power over all matters affecting the general management of the Branch and shall have the sole right and power of altering, repealing, adding to or amending the Rules of the Branch.
- (5) Branch Conference may remove from office any person holding an elected position within the Branch before the expiration of that person's period of tenure in accordance with Rule 52BX.
- (6)
  - (a) The Branch Conference shall be presided over by the Branch President, or in the absence of the Branch President, by the Branch Vice-President, or in the absence of the Branch Vice-President, by the Branch Deputy Vice-President.
  - (b) In the absence of the Branch President, Branch Vice-President or Branch Deputy-Vice President, 15 minutes after the time appointed for the commencement of the Branch Conference or any session thereof, the Branch Conference shall elect a chairperson for that session only.
- (7) A quorum for a meeting of the Branch Conference shall be one half of the total number of members of the Branch Conference.
- (8) The Annual Branch Conference shall be held between the months of January and March (inclusive in each year).

- (9) The Chief Executive Officer shall be responsible for preparing the Annual Branch Conference agenda which shall be distributed to all Branch Executive Members and all Delegates at least 30 days before the commencement of the Annual Branch Conference.
- (10) A rescission motion shall not be received in respect of any decision of the Annual Branch Conference unless notice in writing is given to the Branch Executive, which shall decide whether such a rescission motion should be determined by a Special Branch Conference or the next Annual Branch Conference.
- (11) (a) A Special Branch Conference shall be conducted in accordance with this sub-rule.
- (b) A Special Branch Conference may be called by:
- (i) the Branch Executive;
  - (ii) the Branch President; or
  - (iii) the Chief Executive Officer with the approval of the Branch President.
- (c) A Special Branch Conference shall be called by the Chief Executive Officer, the Branch President or a Vice-President in the absence of the Branch President, on receipt of resolutions carried by Sub-Branch meetings at a majority of Sub-Branches calling for a Special Branch Conference to deal with the business specified in the resolutions.
- (d) A Special Branch Conference called in accordance with the previous paragraph shall be held within 30 days of receiving resolutions passed by a majority of Sub-Branches meetings provided that all Sub-Branches shall receive at least 14 days' notice of the Special Conference.
- (e) In the case of an emergency, the Branch Executive may convene a Special Branch Conference to be held no sooner than 14 days after the notification of members by email and publishing on the Branch's website.
- (f) At least 7 days notice of business to be considered at a Special Branch Conference shall be given to all Sub-Branches and the details published on the Branch's website.
- (g) No business shall be transacted at a Special Branch Conference other than the business for which the Special Branch Conference was convened.
- (12) A Sub-Branch Chairperson, Secretary and/or Delegate may appoint in writing, a proxy representative from the same Sub-Branch to act for and on behalf of the person and exercise voting rights at Annual and Special Branch Conferences.

**52BD - POWERS AND DUTIES OF BRANCH EXECUTIVE**

- (1) The Branch Executive shall, subject to these Rules have power:
- (a) To transact all the business of the Branch;
  - (b) To supervise and pay all lawful debts of the Branch;
  - (c) To generally safeguard the interests of the Federation in the area in which the Branch is established;
  - (d) To fix the remuneration and terms and conditions of employment of any officer or employee of the Branch;
  - (e) To suspend or remove from office in accordance with these Rules any officer of the Branch;

- (f) To direct the Chief Executive Officer and Executive Officer in the performance of their duties;
  - (g) To appoint a Branch Auditor;
  - (h) To take any action which in its opinion is in the interests of the Branch, provided that such action does not conflict with the policies of the Federation or any decision or direction of the Federal Council or the Federal Executive;
  - (i) To exercise any other powers conferred upon it by these Rules;
  - (j) To direct the investment of the funds of the Branch, and to purchase, take on lease, hold, sell, lease, mortgage, exchange or otherwise own, possess and deal with any real or personal property; and
  - (k) To manage, dispose of, or transfer any of the funds of the Branch or any securities in which the funds of the Branch have been invested.
- (2) Notwithstanding anything elsewhere contained in these Rules, the Branch Executive shall not make any loan, grant or donation of any amount exceeding \$1,000.00 unless the Branch Executive
- (i) has satisfied itself:
    - (A) that the making of the loan, grant or donation would be in accordance with other Rules of the Federation and Branch; and
    - (B) in relation to 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
  - (ii) has approved the making of the loan, grant or donation.
- (3) The provisions of subrule (2) of this Rule shall not apply to or in relation to payments made by the Branch by way of provision for, or reimbursement of, out-of-pocket expenses incurred by persons for the benefit of the Branch.

### **52BE - MEETINGS OF BRANCH EXECUTIVE**

- (1) The Branch Executive shall meet at least once each 3 months and, at such other times as it may determine, provided that the Branch President or the Chief Executive Officer may, where a matter requires urgent determination, submit that matter to the members of the Branch Executive for decision in accordance with subrule (2) or (3). Meetings of the Branch Executive may be conducted by electronic means as determined by the Branch President.
- (2) A matter requiring urgent determination by the Branch Executive may be submitted for decision by a meeting convened by the Branch President for that purpose conducted by such telephone or electronic means as may be available. The members of the Branch Executive shall participate in such a meeting and the decision of the majority shall be binding as if such decision was obtained at a regularly constituted meeting of the Branch Executive.
- (3) A matter requiring urgent determination may (if an urgent meeting is unable to be convened) be submitted to members of the Branch Executive for decision by telephone, or email and the decision of the majority shall be binding as if such decision were obtained at a regularly constituted meeting of the Branch Executive.
- (4) Seven members of the Branch Executive shall constitute a quorum for a Branch Executive meeting.

## 52BH - ELECTION OF BRANCH OFFICE BEARERS AND BRANCH TRUSTEES

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- (5) The Branch Executive may grant leave of absence from its meetings to any member for a period not exceeding three months.
- (6) A Sub-Branch Chairperson and/or Secretary may appoint in writing, a proxy representative from the same Sub-Branch to act for and on behalf of the person and exercise voting rights at Branch Executive meetings.

### **52BF - BRANCH ELECTIONS**

- (1) The Australian Electoral Commission shall conduct elections for positions in the Branch provided that the Branch Executive may apply to the Registered Organisations Commission for exemption from the requirement that the Australian Electoral Commission conduct the election.
- (2) The Branch Executive shall from time to time appoint a Branch Returning Officer to conduct elections within the Branch if it has been granted an exemption from the requirement that the Australian Electoral Commission conduct elections. The Returning Officer shall not during the term of his/her office be an employee, or of the holder of an office in the Federation or the Branch or Sub-Branch of the Federation, or, a candidate for an office in the Federation or the Branch.

### **52BG - ELECTION OF BRANCH DELEGATES TO FEDERAL COUNCIL**

The delegates to Federal Council representing the Tasmania Police Branch shall be the Branch President and, depending on the application of the formula set out in Rule 14, the Branch Vice-President, the Branch Deputy Vice-President and the Branch Treasurer.

## **52BH - ELECTION OF BRANCH OFFICE BEARERS AND BRANCH TRUSTEES**

- (1) No later than 15 September in each year when an election is to be conducted, the Returning Officer shall call for nominations for the positions of Branch President, Branch Vice-President, Branch Deputy Vice-President, Branch Treasurer and 3 Branch Trustees. The term of office of these positions will be 3 years. Such nominations shall be called for in a notice published in the Police Association of Tasmania Newsletter. The electoral roll of members will close seven (7) days before the day that nominations are declared open.
- (2) Nominations shall be in the form prescribed by Schedule A to these Rules and shall be forwarded to the Returning Officer signed by the nominator and seconder with the written consent of the nominee by no later than 12 noon on 10 October in the year of election.
- (3) A person to be eligible to nominate for the positions of Office Bearer and Trustee must have attended at least 4 Sub-Branch meetings (at the Sub-Branch to which the member belongs at the time) in the 2 years prior to the election.
- (4) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of finding a defect in any nomination, the Returning Officer shall before rejecting the nomination notify the person concerned of the defect, and, where practicable to do so, give the person concerned the opportunity of remedying the defect where practicable, within not less than seven days of being notified.
- (5) If there are no more nominations than there are vacancies for a position, the Returning Officer shall declare the nominee or nominees elected to the position(s).
- (6) If more nominations are received than there are vacancies for a position, the Returning Officer shall have ballot papers printed which are in accordance with the ballot paper set out in Schedule B of these Rules.

- (7) (a) A ballot paper for a position of Branch Office Bearer or Trustee shall be marked in accordance with this sub-rule.
- (b) In the ballots for the positions of Branch President, Branch Vice-President, Branch Deputy Vice-President and Branch Treasurer, voters shall mark their ballot papers as follows:
- (i) they shall place the number 1 within, or substantially within, the square opposite the name of the candidate for whom they vote as their first preference and give contingent votes for at least 2 of the remaining candidates by placing within or substantially within the squares respectively opposite their names the numbers 2 and 3, so as to indicate the order of preference;
- (ii) they may, in addition, indicate the order of their preference for as many more of the other candidates, if any, as they please, by placing within or substantially within, the squares respectively opposite their names other numbers next in numerical order after those already used.
- (c) In the ballots for the positions of Trustees, voters shall mark their votes upon the voting papers in the manner following:
- (i) they shall place within, or substantially within, the squares respectively opposite the names of the candidates for the positions of Trustees - the numbers 1 to 3 inclusive so as to indicate the order of their preference, and they may, in addition, indicate the order of their preference for as many more candidates as they please, by placing within, or substantially within, the squares respectively opposite the candidates' names other numbers next in numerical order after those already used.
- (8) The Returning Officer shall be responsible for the safe custody of the ballot papers.
- (9) The Returning Officer shall obtain from the printer a certificate of the number of ballot papers printed.
- (10) (a) Issue of Ballot Papers:
- (i) As soon as practicable after the date determined under sub rule (1) 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.
- (ii) The envelope shall contain:
- (A) a ballot paper initialled by the Returning Officer or bearing a facsimile of those initials;
- (B) a declaration envelope, and another envelope in the form prescribed by the Fair Work (Registered Organisations) Regulations 2009, and
- (C) facility for the return of the completed ballot paper by post by the voter without expense to the voter.
- (b) Form of Ballot Papers:
- (i) The ballot paper for an election for a position shall be in a form that is determined by the Returning Officer and in accordance with this rule.
- (ii) The full names of candidates, for election for a position shall appear on the ballot paper for that election, as determined by lot following the close of nominations.

- (iii) The Returning Officer shall include on the ballot paper information and instructions to the voter that is substantially in accordance with the following form:
  - (A) the title of the positions to which the election relates;
  - (B) the time and date of the close of the ballot;
  - (C) how to mark the ballot paper in order to record a formal vote;
  - (D) not to put on the ballot paper any mark or writing by which the voter can be identified;
  - (E) to place the ballot paper, when completed, in the declaration envelope and then to seal that envelope;
  - (F) to complete the details on the declaration envelope; and
  - (G) to place the declaration envelope in the envelope addressed to the Returning Officer, and then to seal the envelope and post it to reach the Returning Officer before the time of the close of the ballot.
  
- (c) Issue of Duplicate Ballot Paper or Return Envelope:
  - (i) 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.
  - (ii) 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.
  
- (11) (a) The Returning Officer shall count the votes in accordance with this subrule.
- (b) The Returning Officer shall count the votes for the Branch President, Branch Vice-President, Branch Deputy Vice-President and Branch Treasurer by counting the first preference votes cast for each candidate and if any candidate has received an absolute majority of first preference votes that person shall be declared elected. If no candidate has received an absolute majority of first preference votes, the candidate with the lowest number of first preference votes shall be eliminated and the second preference votes of the eliminated candidate shall be allocated to the remaining candidates in accordance with the voters' preferences. If on a count of those votes, a candidate has an absolute majority of votes that person shall be declared elected. If no candidate then has an absolute majority of votes the process eliminating the candidate with the lowest number of votes at that stage and allocating the next preference votes of that candidate shall be repeated until one candidate has received an absolute majority of votes in which case that candidate shall be declared elected.
- (c) In the case of ballots for the positions of Branch Trustees the method of counting votes and allocating preferences shall be in accordance with Schedule 4 of the Electoral Act 2004 (Tasmania).
  
- (12) The Returning Officer shall, on determining the result of the election, declare the result by submitting to the Branch Executive a full report of the ballot indicating the number of ballot papers printed, the number distributed and the number returned, the number completed, the votes received by each candidate and any other relevant matters.



## 52BJ - BRANCH PRESIDENT

- (13) Any candidate may appoint a scrutineer who is a financial member of the Federation attached to the Branch to represent the person at the ballot. The candidate appointing the scrutineer shall notify the Returning Officer in writing of the name of the scrutineer, who:
- (a) shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any votes so queried;
  - (b) shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election and
  - (c) shall not interfere with or attempt to influence any member at the time the member is casting his/her vote.
- (14) Where a casual vacancy arises in the position of Branch Office Bearer or Branch Trustee, the Branch Executive shall within one month take action to fill the casual vacancy by a secret postal ballot of financial members of the Branch provided that:
- (a) Where the unexpired portion of the term of office in which the vacancy occurs does not exceed 6 months, the Branch Executive may fill the vacancy by appointment of an eligible member of the Federation; and
  - (b) Where the unexpired portion of the term of office in which the vacancy occurs exceeds 6 months, the Branch Executive may fill a vacancy by appointment of an eligible member of the Federation until an election is held, provided that no person so appointed shall hold office for a period exceeding three months.
- (15) The Returning Officer, in conducting a ballot pursuant to the previous subrule, shall determine the dates for the opening and closing of nominations and the opening and closing of the ballot.
- (16) Any persons elected to fill casual vacancies shall take office on the date of declaration of the elections and hold office until the expiration of the terms of office of the persons they replace.
- (17) In all other respects the election conducted to fill a casual vacancy shall be conducted in accordance with the provisions of this rule dealing with normal elections.
- (18) Members who are entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer prior to the distribution of ballot papers a written request for an absent vote together with an address at which the member can receive communications. The Returning Officer shall forward a ballot paper to the address so specified and shall notify the member of the closing date for absent vote to be lodged.

## 52BI - HOLDING OF ELECTED POSITIONS

Members holding elected positions are ineligible to hold more than one position simultaneously, unless they nominate for a vacant position and on successful election to the vacant position, immediately resign from the former position therefore only holding 2 positions for a brief time, to enable a transition from one position to another, as specified.

## 52BJ - BRANCH PRESIDENT

The Branch President shall-

- (a) preside at all meetings of the Branch;
- (b) give instructions to the Chief Executive Officer;
- (c) authorise expenditure and payments approved by the Branch;

## 52BL - BRANCH TREASURER

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- (d) be the chairperson of all permanent subcommittees appointed by the Branch Executive unless otherwise determined;
- (e) keep or caused to be kept such records and accounts and prepare and file such returns and other documents as may be required or prescribed by law;
- (f) Present a report to the Annual Branch Conference dealing generally with the position of the Branch and the actions of the Branch Executive for the previous 12 months.
- (g) represent the Branch in negotiations with government, Tasmania Police and interactions with other relevant parties; and
- (h) attend meetings of the Federal Council.

### **52BK - BRANCH VICE-PRESIDENTS**

- (1) The Branch Vice-Presidents shall at all times assist the Branch President in undertaking his/her duties and carry out the functions of the Branch President in his/her absence.
- (2) In the absence of the Branch President from any meeting of the Branch, the Branch Vice-President shall preside and exercise the full powers of the Branch President.
- (3) In the absence of the Branch President and the Branch Vice President from any meeting, the Branch Deputy Vice-President shall preside, with the full powers of the Branch President.
- (4) In the event of the Branch President and both Branch Vice-Presidents being absent from any meeting the members present shall appoint a person to preside over the meeting.
- (5) The Branch Vice-President shall, in the absence of the Branch President, exercise all the powers of the Branch President.
- (6) The Branch Deputy Vice-President shall, in the absence of the Branch President and the Branch Vice-President, exercise all the powers of the Branch President.

### **52BL - BRANCH TREASURER**

The Treasurer shall be responsible for -

- (a) the general oversight of all matters affecting the finance of the Branch and shall report thereon to each meeting of the Branch Executive and to Annual Conference and include in such reports any recommendations considered necessary or desirable in the interests of the financial viability and management of the Branch;
- (b) the preparation and submission of financial reports to each Branch Executive Meeting and Annual Conference;
- (c) ensuring that the Chief Executive Officer of the Branch deposits all income and makes lawful payments;
- (d) ensuring that the Branch Auditors are provided with all financial records that may be necessary for the annual audit to be carried out.

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**52BM - BRANCH TRUSTEES**

The Branch Trustees shall exercise general and special supervision over the Branch's financial affairs, property and assets and shall have a power to vote on all matters.

In the event that position of Treasurer becomes vacant or the Treasurer is absent due to personal leave for a period greater than one week the Branch Executive shall delegate a Trustee to act as Treasurer.

**52BN - CHIEF EXECUTIVE OFFICER**

- (1) The Secretary of the Police Association of Tasmania shall be the Chief Executive Officer of the Branch and shall administer the affairs of the Branch in accordance with the directions given by the Branch Executive and Branch President.
- (2) If the Chief Executive Officer is removed or suspended from the position of Secretary of the Police Association of Tasmania, the person shall be deemed to have been removed or suspended from the position of Chief Executive Officer of the Tasmania Police Branch.
- (3) The Chief Executive Officer shall, in accordance with directions given by the Branch Executive and Branch President:
  - (a) be the Chief Administrator of the Branch;
  - (b) be responsible for the administrative affairs of the Branch including, the administration and control of the office of the Branch and the direction and control of all persons employed by the Branch;
  - (c) attend, if possible, all general and Branch Executive meetings and keep or cause to be kept proper minutes of such meetings and attendance;
  - (d) provide to each meeting of the Branch Executive a full report on the activities of the Chief Executive Officer and the staff of the Branch;
  - (e) administer the financial affairs of the Branch by ensuring the depositing of all monies received, the remittance of all lawful debts and expenditure, and the keeping of detailed financial records;
  - (f) appoint, engage and dismiss such staff as may be necessary for the effective and efficient conduct of the business of the Branch, provided that any member of the administrative staff of the Branch who is dismissed by the Chief Executive Officer shall have a right of appeal against such a dismissal to the Branch Executive;
  - (g) keep or cause to be kept a register of the names of the officers, employees and members of the Branch in such form as the Branch Executive may from time to time require;
  - (h) be responsible for the possession and use of the seal of the Branch;
  - (i) have the right to attend and speak at any Branch Conference, Branch General Meeting, Branch Executive Meeting or Sub-Branch Meeting;
  - (j) edit and publish a Branch publication and cause it to be distributed to all members; and
  - (k) perform any other duties which may from time to time be determined by the Branch Executive.

**52BO - EXECUTIVE OFFICER**

- (1) Subject to endorsement by the Branch Executive, the Chief Executive Officer may appoint an Executive Officer who shall be the Assistant Secretary of The Police Association of Tasmania.
- (2) If the Executive Officer is removed or suspended from the position of Assistant Secretary of the Police Association, the person shall be deemed to have been removed or suspended from the position of Executive Officer of the Tasmania Police Branch.
- (3) The Executive Officer shall:
  - (a) assist the Chief Executive Officer at all times in the execution of his/her duties; and
  - (b) perform such duties as may from time to time be determined by the Branch Executive or the Chief Executive Officer or as may from time to time be delegated by the Chief Executive Officer.
- (4) The Executive Officer, when acting on the instructions of the Chief Executive Officer or performing duties delegated by the Chief Executive Officer shall have the same authority as the Chief Executive Officer.

**52BP - BRANCH AUDITOR**

The Branch Auditor, who may also be the Auditor for The Police Association of Tasmania, shall:

- (a) be appointed annually by the Branch Executive;
- (b) be registered by the Registered Organisations Commission;
- (c) perform such functions and duties as are prescribed by the Fair Work (Registered Organisations) Act 2009 and Regulations and such other functions and duties not inconsistent with the Act and Regulations as are required by the Branch Executive;
- (d) have access to and examine, at the Auditor's discretion, any or all financial records of the Branch and be empowered to question any office holder or employee of the Branch with regard to the same and to obtain from any financial or other institution at which the funds of the Branch are deposited or invested, such information as may be required; and
- (e) have power to place before the Branch Executive any matter the Auditor may have concerning the financial affairs of the Branch.

**52BQ - BRANCH FUNDS AND PROPERTY**

- (1) The funds and property of the Branch shall consist of:
  - (a) Any real or personal property of which the Branch Executive by these Rules or by an established practice, not inconsistent with these Rules, has or, in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;
  - (b) The amounts of fees, subscriptions and levies payable to the Branch Executive pursuant to these Rules; less so much of the amounts as is payable by the Branch to the Federal funds as defined;
  - (c) Any interest, rents, dividends or other income derived from the investment or use of Branch funds or property;

- (d) Any superannuation or long service leave or other funds operated or controlled by the Branch as a whole in accordance with these Rules for the benefit of its officers or employees;
  - (e) Any sick pay funds, accident pay funds, funeral fund or like funds operated by the Branch as a whole in accordance with these Rules for the benefit of its members;
  - (f) Any property acquired wholly or mainly by expenditure of moneys of such funds and property or derived from other assets of such funds and property; and
  - (g) The proceeds of any disposal of parts of such funds and property.
- (2) The funds and property of the Branch shall be controlled by the Branch Executive which shall have power to expend the funds of the Branch for the purposes of carrying out the objects of the Federation.
  - (3) All expenditure from the Branch funds shall be by electronic fund transfer or cheque and be authorised by the Branch Executive.
  - (4) All electronic fund transfers or cheques of the Branch shall be approved by any two of the following:  
Branch President, Branch Vice President No1, Branch Treasurer, Chief Executive Officer or Executive Officer.

#### **52BR - ARBITRATION PROCEEDINGS AND INDUSTRIAL AGREEMENTS**

- (1) Subject to Rule15 and Rule 28:
  - (a) The Branch Executive shall have power and authority to lodge or file any claims, demands, disputes or other matters with the Fair Work Commission or such other court or body (other than an industrial tribunal established under a law of the State of Tasmania) as it may be necessary to file the claim, demand, dispute or other matter for determination;
  - (b) The Chief Executive Officer, with the permission of the Branch President, shall have a discretionary power to lodge or file claims, demands, disputes or any other matters provided that any use of such discretionary power shall be ratified by the Branch Executive at its first meeting following the lodgement or filing; and
  - (c) The Branch may be represented at the hearing of any such claim, demands, dispute or matter by the Chief Executive Officer or by such other officers or persons as the Chief Executive Officer may decide.

#### **52BS - BRANCH PLEBISCITES**

- (1) A plebiscite of financial members of the Branch shall be conducted where:
  - (a) The Branch Executive determines that a plebiscite should be held; or
  - (b) On receipt by the Branch President of a requisition in writing signed by not less than 10 percent of the financial members of the Branch.

### **52BT - MAKING OR ALTERATION OF TASMANIA BRANCH RULES**

Subject to the provision of Rule 34 (b):

- (1) The Tasmania Police Branch Rules may be altered, repealed, added to or amended by the Annual Branch Conference or a Special Branch Conference.
- (2) The Rules shall not be altered, repealed, added to or amended unless 30 days notice has been given of the motion to alter, repeal, add to or amend the Rules provided that, if 30 days notice has not been given, the motion to alter, repeal, add to or amend to the Rules must be adopted by a two thirds majority of Conference members present.
- (3) The Branch President shall within 35 days of any alteration of the Rules of the Tasmania Police Branch file with the Fair Work Commission particulars of the alteration, and within a further 7 days forward to the Federation Chief Executive Officer a copy of the particulars of the alterations sent to the Registrar and subsequently, copies of all correspondence and documents relating to the Rule alteration.

### **52BU - TASMANIAN POLICE BRANCH GENERAL MEETINGS**

- (1) A general meeting of members of the Federation attached to the Branch may be convened by:
  - (a) the Branch Executive; or
  - (b) the Chief Executive Officer in consultation with the Branch President.
- (2) A general meeting of the members of the Branch shall be convened on receipt of a request in writing by the Chief Executive Officer to call a special meeting of the Branch to consider a specified question or questions, signed by at least one twentieth of the members of the Branch, or, such other lesser number as determined by the Branch Executive. Following receipt of the written and signed request by the Chief Executive Officer, the Branch Executive shall cause a special meeting to be held as soon as practicable by no later than 30 days following receipt of the request. Each member shall be given at least 14 days' notice of the general meeting, including the time, date and place it is to be held and the question or questions which the meeting is convened to consider.
- (3) Seven members shall constitute a quorum for general meetings.

### **52BV - INDUSTRIAL AGREEMENTS AND OTHER DOCUMENTS**

Industrial agreements and other documents not required to be executed under seal, shall be executed by or on behalf of the Branch by the President.

### **52BW - DISTRICTS AND SUB-BRANCHES**

- (1) The Branch shall be divided into Sub-Branches which shall correspond with the Branches from time to time of the Police Association of Tasmania.
- (2) Members of the Federation attached to the Tasmania Police Branch shall be allocated to the Sub-Branch corresponding with the Branch of the Police Association of Tasmania.
- (3) Each Sub-Branch shall be managed by meetings of members allocated to the Sub-Branch. Each Sub-Branch shall have a Chairperson and a Secretary. Seven members shall constitute a quorum for Sub-Branch meetings.

- (4) (a) Elections for the Sub-Branch Chairperson, Secretary and 3 Delegates to Branch Conference shall be conducted in accordance with this sub-rule. Terms of office for these positions shall be 3 years.
- (b) Nominations for the election of Sub-Branch Chairperson, Secretary and 3 Delegates to Branch Conference shall be called by the Returning Officer no later than 15 September in each year when an election is to be conducted. Such nominations shall be called for in a notice published in the Police Association of Tasmania Newsletter. The year for Sub-Branch elections shall not correspond with the year for the Branch Office Bearers' and Branch Trustees' elections.
- (i) Nominations for the positions of Sub-Branch Chairperson and Sub-Branch Secretary and 3 delegates to Branch Conference shall be called by the Returning Officer to correspond with the election of the equivalent positions within the Police Association of Tasmania.
- (ii) The electoral roll of members will close seven (7) days before the day that nominations are declared open.
- (c) Nominations for positions under this subrule shall be in writing in the form set out in Schedule A to these Rules, be signed by the nominator and seconder, both of whom must be financial members of the Federation and in the case of a Sub-Branch based on a District, be stationed in the District corresponding with the Sub-Branch or, in the case of the Commissioned Officers' Sub-Branch, be a member of that Sub-Branch. Nominations must be signed by the nominee to indicate the nominee's willingness to accept nomination.
- (d) (i) Subject to sub-paragraph (ii), a nominee for a position in a Sub-Branch must be a financial member of the Federation and be stationed in the area covered by the Sub-Branch;
- (ii) A nominee for a position in the Commissioned Officers' Sub-Branch, must be a financial member of the Federation and a member of the Commissioned Officers' Sub-Branch.
- (e) All nominations must be received by the Returning Officer not later than 12 noon on 10 October in the year of election.
- (f) A nominee for a position referred to in this sub-rule must have attended at least 4 Sub-Branch meetings (at the Sub-Branch to which the member belongs at the time) during the preceding 2 years.
- (g) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply provided that in the event of finding a defect in any nomination, the Returning Officer shall before rejecting the nomination, notify the person concerned of the defect, and, where practicable to do so, give the person concerned the opportunity of remedying the defect where practicable, within not less than 7 days of being notified.
- (h) If there be no more nominations than there are vacancies for a position, the Returning Officer shall declare the nominee or nominees elected to the position(s).
- (i) If more nominations are received than there are vacancies for a position, the Returning Officer shall have ballot papers printed which are in accordance with the ballot papers set out in Schedule B to these Rules. The Returning Officer shall obtain from the printer a certificate of the number of ballot papers printed.
- (j) Each ballot paper shall bear the initials of the Returning Officer.

(k) (i) Issue of Ballot Papers:

(A) As soon as practicable after the date determined under sub-rule (1) 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. Members shall receive ballots relating to the Sub-Branch of which they are a member in accordance with 52BW(2) and shall only be entitled to vote in their allocated Sub-Branch elections.

(B) The envelope shall contain:

- (1) a ballot paper initialled by the Returning Officer or bearing a facsimile of those initials;
- (2) a declaration envelope, and another envelope in the form prescribed by the Fair Work (Registered Organisations) Regulations 2009, and
- (3) facility for the return of the completed ballot paper by post by the voter, without expense to the voter.

(ii) Form of Ballot Papers:

(A) The ballot paper for an election for a position shall be in a form that is determined by the Returning Officer and in accordance with this Rule.

(B) The full names of candidates, for election for a position shall appear on the ballot paper for that election, as determined by lot following the close of nominations.

(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:

- (1) the title of the position to which the election relates;
- (2) the time and date of the close of the ballot;
- (3) how to mark the ballot paper in order to record a formal vote;
- (4) not to put on the ballot paper any mark or writing by which the voter can be identified;
- (5) to place the ballot paper, when completed, in the declaration envelope and then to seal that envelope;
- (6) to complete the details on the declaration envelope; and
- (7) to place the declaration envelope in the envelope, and then to seal the envelope 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.



- (iii) 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.
- (l)
  - (i) A ballot paper for a position referred to in sub-rule 4(a) shall be marked in accordance with this paragraph.
  - (ii) In ballots for a position where only one person is to be elected, voters shall mark their ballot papers as follows:
    - (A) they shall place the number 1 within, or substantially within, the square opposite the name of the candidate for whom they vote as their first preference and give contingent votes for at least 2 of the remaining candidates by placing within or substantially within the squares respectively opposite their names the numbers 2 and 3, so as to indicate the order of preference;
    - (B) they may, in addition, indicate the order of preference for as many more of the other candidates, if any, as they please, by placing within or substantially within, the squares respectively opposite their names other numbers next in numerical order after those already used.
  - (iii) In ballots for the positions of Sub-Branch delegates to Branch Conference, voters shall mark their votes on the ballot papers in the following manner:
    - (A) they shall place within, or substantially within, the squares respectively opposite the names of two candidates the numbers 1 and 2 so as to indicate the order of preference; and
    - (B) they may, in addition, indicate the order of preference for as many more candidates as they please, by placing within, or substantially within, the squares respectively opposite their names other numbers next in numerical order after those already used.
- (m) The closing date for the ballot for positions referred to in this subrule shall be no later than 1 December in the year of election.
- (n) The Returning Officer shall count the votes for the Sub-Branch Chairperson and Secretary by counting the first preference votes cast for each candidate and if any candidate has received an absolute majority of first preference votes that person shall be declared elected. If no candidate has received an absolute majority of first preference votes, the candidate with the lowest number of first preference votes shall be eliminated and the second preference votes of the eliminated candidate shall be allocated to the remaining candidates in accordance with the voters' preferences.

If on a count of those votes, a candidate has an absolute majority of votes that person shall be declared elected. If no candidate then has an absolute majority of votes, the process eliminating the candidate with the lowest number of votes at that stage and allocating the next preference votes of that candidate shall be repeated until one candidate has received an absolute majority of votes, in which case that candidate shall be declared elected.

- (o) The Returning Officer shall, on determining the result of the election, declare the successful candidates elected by submitting a report to the Branch Executive indicating the number of ballot papers printed, the number returned, the number completed, the number of votes received by each candidate and any other relevant matter.
  - (p) Persons declared elected in accordance with this subrule shall take office on 1 January following the declaration of the election.
- (5) Any candidate may appoint a scrutineer who is a financial member of the Federation attached to the Sub-Branch to represent the person at the ballot. The candidate appointing the scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of the scrutineer, who:
- (a) shall be entitled to be present throughout the ballot and may require the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any votes so queried;
  - (b) shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election; and
  - (c) shall not interfere with or attempt to influence any member at the time the member is casting his/her vote.
- (6) Casual Vacancies
- (i) Where a casual vacancy arises in the office of any Sub-Branch position holder, the Branch Executive shall take immediate action to have such vacancy filled, provided that:
    - (a) where the unexpired portion of the term of office in which the vacancy occurs does not exceed six months, the Branch Executive may fill such vacancy by appointment of an eligible member of the Sub-Branch; and
    - (b) where the unexpired portion of office in which the vacancy occurs exceeds six months, the Branch Executive may fill such vacancy by appointment of an eligible member of the Sub-Branch until an election is held, provided that no person so appointed shall hold office for a period exceeding three months.
- (7) The Returning Officer, in conducting an election pursuant to the previous sub-rule, shall determine the dates for the opening and closing of nominations and the opening and closing of the ballot and declare the successful candidate elected.
- (8) Any person elected to fill a casual vacancy shall take office on the date of the declaration of the election and hold office until the expiration of the term of the person replaced.
- (9) In all other respects the election conducted to fill a casual vacancy shall be conducted in accordance with the provisions of this Rule dealing with normal elections.

**52BX - REMOVAL OF BRANCH OFFICE BEARERS, BRANCH TRUSTEES, SUB-BRANCH CHAIRPERSONS, SUB-BRANCH VICE-CHAIRPERSONS, SUB-BRANCH SECRETARIES AND SUB-BRANCH CONFERENCE DELEGATES ELECTED BY SUB-BRANCHES**

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(10) Where the Executive resolves to establish a new Sub-Branch to reflect a change in the Branches of the Police Association of Tasmania between regular Sub-Branch elections, an election for the positions of Chairperson, Secretary and 3 delegates to Branch Conference for the newly established Sub-Branch shall be held, where practicable, within three months of the resolution, and the elected persons shall hold office until the same date as the other Sub-Branch positions become due in the normal course of events under these Rules. In all other respects the election shall be conducted, *mutatis mutandis*, in accordance with the provisions of these Rules dealing with normal elections.

(11) Absent Voting

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

**52BX - REMOVAL OF BRANCH OFFICE BEARERS, BRANCH TRUSTEES, SUB-BRANCH CHAIRPERSONS, SUB-BRANCH VICE-CHAIRPERSONS, SUB-BRANCH SECRETARIES AND SUB-BRANCH CONFERENCE DELEGATES ELECTED BY SUB-BRANCHES**

(1) A Branch Office Bearer, Branch Trustee, Sub-Branch Chairperson, Sub-Branch Vice-Chairperson, Sub-Branch Secretary or Sub-Branch Delegate to Branch Conference may be removed from office if the Branch Conference by majority resolution of members voting finds the person guilty, in accordance with these Rules, of misappropriation of the funds of the Branch, gross misbehaviour or gross neglect of duty or finds that the person has ceased, according to these Rules, to be eligible to hold office.

(2) The Branch Conference 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 Conference meeting at which the charge is to be heard and determined; and

(d) a person who is charged shall be entitled to attend the meeting of the Branch Conference considering the charge and be heard but shall not be entitled to vote at the meeting.

(3) The Branch Conference 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 Federation attached to the Tasmanian Branch if that person becomes of unsound mind or ceases to be a financial member of the Federation.

**SCHEDULE "A"**

POLICE FEDERATION OF AUSTRALIA TASMANIA POLICE BRANCH

NOMINATION FORM

Year of Nomination \_\_\_\_\_

For the position of \_\_\_\_\_

Nominee's Name (Printed). \_\_\_\_\_

Nominated by Name (Printed). \_\_\_\_\_

Signed . \_\_\_\_\_

Seconded by (Printed). \_\_\_\_\_

Signed . \_\_\_\_\_

I, the above nominee being a financial member of the Federation agree to accept nomination for the above position.

Signed. \_\_\_\_\_

Nominations must be signed by two financial members.

In the case of Sub-Branch election the nominee, nominator and seconder must be a member of the Sub-Branch

**SCHEDULE "B"**

POLICE FEDERATION OF AUSTRALIA TASMANIA POLICE BRANCH

ELECTION BALLOT PAPER

For the election to the position of \_\_\_\_\_

The examination of ballot papers is fixed for \_\_\_\_\_

List of Candidates nominated (see directions at back of paper)

(Directions to be printed at back of ballot paper)

- (a) Members must place the figure 1 in the square opposite the name of the candidate for whom they desire to vote as first choice, the figure 2 opposite their second choice and the figure 3 opposite their third choice.
- (b) Members may indicate the order of their choice for as many more of the other candidates as they please by placing opposite their names other numbers next in numerical order after those already used.
- (c) Members must sign their names on the envelope provided to them bearing the Returning Officer's certificate.

## **PART CC VICTORIA POLICE BRANCH**

### **52CA - BRANCH OFFICERS**

- (1) The Branch officers shall be the Branch President, Senior Vice President, Junior Vice President, Treasurer and Assistant Treasurer.
- (2) The Branch officers shall be elected by and from members of the Branch Executive.
- (3) The Branch officers shall hold office for two years and cease to hold office when their successors are declared elected.
- (4) Notwithstanding sub-rule (3), a Branch Officer shall cease to hold office if, before the end of the Branch Officer's term of office, they cease to be a member of the Branch Executive. A Branch Officer who is re-elected as a member of the Branch Executive for a further consecutive term shall not be taken to have ceased to be a member of the Branch Executive.

### **52CB - BRANCH EXECUTIVE**

- (1) The Branch Executive shall consist of 12 persons elected by and from members of the Federation attached to the Victoria Police Branch.
- (2) Subject to subrule 3, members of the Branch Executive shall hold office for 3 years and cease to hold office when their successors take up office at the conclusion of the Branch annual general meeting after the election of their successors.
- (3) A member of the Branch Executive who is a Branch Officer and would by operation of the previous subrule cease to be a member of the Branch Executive shall continue to hold their Branch Officer position until their successor is elected.
- (4) There shall be elections for 4 members of Branch Executive each year in accordance with Rule 52CF.

### **52CC - POWERS AND DUTIES OF BRANCH EXECUTIVE**

- (1) The Branch Executive shall, subject to these Rules and to the control of the Branch members as hereinafter mentioned, have power:
  - (a) to transact all the business of the Branch
  - (b) to supervise and pay all lawful debts of the Branch;
  - (c) to generally safeguard the interests of the Federation in the area in which the Branch is established;
  - (d) to fix the remuneration and terms and conditions of employment of any officer or employee of the Branch;
  - (e) to suspend or remove from office in accordance with these Rules any officer of the Branch;
  - (f) to direct the Chief Executive Officer and Executive Officer in the performance of their duties;
  - (g) to appoint a Branch Auditor;
  - (h) to take any action which in its opinion is in the interests of the Branch, provided that such action does not conflict with the policies of the Federation or any decision or direction of the Federal Council or the Federal Executive;

- (i) to exercise any other powers conferred upon it by these Rules;
  - (j) to determine the financial obligations of membership and the circumstances and manner of resignation;
  - (k) to direct the investment of the funds of the Branch, and to purchase, take on lease, hold, sell, lease, mortgage, exchange or otherwise own, possess and deal with any real or personal property; and
  - (l) to dispose of or transfer any of the funds of the Branch or any securities in which the funds of the Branch have been invested.
- (2) Notwithstanding anything elsewhere contained in these Rules, the Branch shall not make any loan, grant or donation of an amount exceeding \$1,000.00 unless the Branch Executive:-
- (i) has satisfied itself:
    - A that the making of the loan, grant or donation would be in accordance with other Rules of the Federation and Branch; and
    - B in relation to 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
  - (ii) has approved the making of the loan, grant or donation.
- (3) The provisions of subrule (2) of this Rule shall not apply to or in relation to payments made by the Branch by way of provision for, or reimbursement of, out-of-pocket expenses incurred by persons for the benefit of the Branch.

### **52CD - MEETINGS OF BRANCH EXECUTIVE**

- (1) The Branch Executive shall meet at least once each 3 months and at such other times as it may determine provided that the President or the Chief Executive Officer may, where a matter requires urgent determination, determine that matter be submitted to the members of the Executive for decision in accordance with Subrules (2) or (3).
- (2) A matter requiring an urgent determination by the Branch Executive may be submitted for decision by a meeting of the Branch Executive conducted by such telephonic or electronic means as may from time to time be available. The members of the Branch Executive shall participate in such a meeting and the decision of the majority shall be binding as if such decision were obtained at a regularly constituted meeting of the Branch Executive.
- (3) A matter requiring urgent determination may be submitted to the members of the Branch Executive for decision by telephone or other form of electronic communication and the decision of the majority shall be binding as if such decision were obtained at a regularly constituted meeting of the Branch Executive.
- (4) Six members of the Branch Executive shall constitute a quorum.
- (5) A report of the business transacted at a meeting of the Branch Executive shall be published on the Police Association of Victoria website after they have been approved by the Branch Executive.
- (6) The Chief Executive Officer shall cause minutes of each meeting of the Branch Executive to be taken and incorporated in a Branch minute book.

**52CE - BRANCH ELECTIONS**

- (1) The Australian Electoral Commission shall conduct elections for offices in the Victoria Police Branch provided that the Branch Executive may, apply to the Industrial Registrar for an exemption from the requirement that the Australian Electoral Commission conduct the election.
- (2) The Branch Executive shall from time to time appoint a Branch Returning Officer to conduct elections within the Branch. The Branch Returning Officer shall not during the term of their office be an employee of or the holder of an office in the Federation or the Branch or Sub-Branch of the Federation, or a candidate for an office in the Federation or the Branch.

**52CF - ELECTION OF BRANCH EXECUTIVE**

- (1) Not later than 31 May in each year the Branch Returning Officer shall, by a notice published in the Police Association Journal and in a daily newspaper circulating throughout Victoria, give notice that nominations for the positions of Branch Executive members close at 12.00 noon on the third Friday of June.
- (2) Nominations for the positions of Branch Executive member shall be signed by the nominee and 2 other persons who shall be financial members of the Federation and be forwarded by electronic means to the Returning Officer not later than 12.00 noon on the third Friday of June.
- (2A) 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) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of their finding a defect in any nomination they shall before rejecting the nomination notify the person concerned of the defect, and, where practicable to do so, give the person concerned the opportunity of remedying the defect where practicable within not less than seven days of the person concerned having been so notified.
- (4) If there be no more nominations than there are vacancies for a position, the Branch Returning Officer shall declare the nominee or nominees elected to the position.
- (5) If more nominations are received than there are vacancies for a position, the Branch Returning Officer shall have ballot papers printed and delivered to them containing the names of the candidates for each position in order determined by lot, indicating the number to be elected to each position, the manner in which votes shall be recorded and the date and time of closing of the ballot such date being not later than 5.00 p.m. on a day 4 working days before the annual general meeting of the Branch in the month of September. The roll of voters for the ballot is to be closed 7 days before the day on which nominations for the election open.
- (6) The Branch Returning Officer shall be responsible for the safe custody of the ballot papers.
- (7) The Branch Returning Officer shall obtain from the printer a certificate of the number of ballot papers printed.
- (8) Each ballot paper shall bear the initials of the Branch Returning Officer.
- (9) The Branch Returning Officer shall forward by prepaid post a ballot paper, any statements and photographs provided by candidates under sub-rule (2A) together with a declaration envelope and a prepaid envelope, both in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003, addressed to the Returning Officer for the return of the vote by post, to each member entitled to receive a ballot paper.



## 52CF - ELECTION OF BRANCH EXECUTIVE

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- (10) The Branch Returning Officer shall count the votes in accordance with the procedure set out in Rule 52CG.
- (10A) The Branch Returning Officer shall not count any ballot paper not returned by a member in the envelopes provided by the Returning Officer.
- (11) The Returning Officer shall, on determining the result of the election, declare the result of the election by making a full report to the Branch Executive setting out the number of ballot papers printed, the number distributed, the number returned, the number completed, the number of votes received by each candidate and any other relevant matters.
- (12) Any candidate may appoint a scrutineer who is a financial member of the Federation attached to the Branch to represent them at the ballot. The candidate appointing the scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of the scrutineer, who:
  - (a) shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any votes so queried;
  - (b) shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election; and
  - (c) shall not interfere with or attempt to influence any member at the time the member is casting their vote.
- (13) Where a casual vacancy arises in the position of Branch Executive Member, the Branch Executive shall take action to fill the casual vacancy by a secret postal ballot of financial members of the Branch provided that:
  - (a) where the unexpired portion of the term of office in which the vacancy occurs does not exceed one year, the Branch Executive may fill the vacancy by appointment of an eligible member of the Federation; and
  - (b) where the unexpired portion of the term of office in which the vacancy occurs exceeds one year, the Branch Executive may fill a vacancy by appointment of an eligible member of the Federation until an election is held, provided that no person so appointed shall hold office for a period exceeding three months.
- (14) The Branch Returning Officer, in conducting an election pursuant to the previous subrule, shall determine the dates for the opening and closing of nominations and the opening and closing of the ballot and shall report the result of the ballot to the Branch Executive.
- (15) Any person elected to fill a casual vacancy shall take office on the date of declaration of the election and hold office until the expiration of the term of office of the person they replace.
- (16) In all other respects the election conducted to fill a casual vacancy shall be conducted in accordance with the provisions of these rules dealing with normal elections.
- (17) A member who is entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer prior to the distribution of ballot papers a written request for an absent vote together with an address at which they can receive communications. The Returning Officer shall forward a ballot paper to the address so specified and shall notify the member of the closing date for absent vote to be lodged.

**52CG - SYSTEM OF VOTING**

- (1) The Branch Returning Officer shall count all first preference votes cast for each candidate and if any candidate has received an absolute majority of first preference votes they shall be declared elected.
- (2) If no candidate has received an absolute majority of first preference votes, the candidate with the lowest number of first preference votes shall be eliminated and second preference votes of the eliminated candidate shall be allocated to the remaining candidates in accord with the voters' preference. If, on a recount of those votes, a candidate has an absolute majority of votes they shall be declared elected.
- (3) If a candidate then has an absolute majority they shall be declared elected but if no candidate then has an absolute majority of votes the process of eliminating the candidate with the lowest number of votes at that stage and allocating the next preference votes of that candidate shall be repeated until one candidate has received an absolute majority of votes and is elected.
- (4) To determine the next successful candidate the Branch Returning Officer shall allocate the second preference votes of the candidate who has been elected to each of the other candidates in accord with the voters' preference including to the candidates eliminated pursuant to subrules (2) and (3) above.
- (5) The remaining vacancies shall be filled one by one in the manner provided above. This process shall continue until 4 persons have been declared elected. Provided that where the second preference vote of an elected candidate is given to another elected candidate the Branch Returning Officer shall allocate the third preference vote of the first mentioned elected candidate to other candidates in accordance with the voter's third preference. This proviso applies equally where second and succeeding preference votes are given to two or more elected candidates.
- (6) If on any count of the votes, two or more candidates have an equal number of votes and one or more of them has to be eliminated the Branch Returning Officer shall determine by lot which candidate or candidates shall be eliminated provided that, if one of the tied candidates is a retiring office holder from the position subject to the ballot, then the retiring office holder shall be deemed to have received the higher number of votes.

**52CH - ELECTION OF BRANCH OFFICERS**

- (1) Elections for positions of Branch officer shall be conducted at the first meeting of the Branch Executive after the annual general meeting in the year in which elections are required to be conducted.
- (2) The Branch Returning Officer shall call for nominations for positions of Branch officer by advising each person eligible to nominate and vote in accordance with rule 52CA in writing of the positions to be filled and the time and date on which nominations close.
- (3) Nominations for the position of Branch officers shall close at 5.00 p.m. on the day immediately preceding the date of the first Branch Executive meeting following the annual general meeting.
- (4) A nomination for a position of Branch officer must be signed by the nominee and two persons eligible for election as a Branch officer.
- (5) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of their finding a defect in any nomination he/she shall before rejecting the nomination notify the person concerned of the defect, and, where practicable to do so, give the person concerned the opportunity of remedying the defect where practicable within not less than seven days of the person concerned having been so notified.
- (6) If there be no more nominations than there are vacancies for a position, the Branch Returning Officer shall declare the nominated person elected to the position.

- (7) If more nominations are received than there are vacancies for the position, the Branch Returning Officer shall prepare ballot papers containing the names of the candidates for each position in order determined by lot, indicating the number to be elected to each position and the manner in which votes shall be recorded.
- (8) The Branch Returning Officer shall be responsible for the safe custody of the ballot papers.
- (9) The Branch Returning Officer shall initial every ballot paper prior to its distribution.
- (10) The Branch Returning Officer shall distribute ballot papers to persons eligible to vote attending the meeting and provide a ballot box for the receipt of completed ballot papers.
- (11) The Branch Returning Officer shall, when voting has been completed and ballot papers placed in the ballot box, open the ballot box and count the votes.
- (12) The Branch Returning Officer shall first count the votes for the office of Branch President and declare elected the candidate receiving the highest number of first preference votes.
- (13) The Branch Returning Officer shall, after declaring the election for the position of Branch President, count the votes for the positions of Vice President. Where the person declared elected as Branch President is also a candidate for the positions of Branch Vice President, the second preference votes for the person elected to the position of Branch President shall be counted as first preference votes for the candidates for the positions of Branch Vice President. The person receiving the highest number of votes shall be declared elected as Senior Vice President and the person receiving the second highest number of votes shall be declared elected as Junior Vice President.
- (14) The Branch Returning Officer shall, after declaring the election for the positions of Vice-Presidents, count the votes for the positions of Treasurer and Assistant Treasurer. Where a person declared elected for the positions of Branch President or Vice-President is also a candidate for the positions of Treasurer or Assistant Treasurer, the second preference votes for the person elected to the position of Branch President or Vice-President shall be counted as first preference votes for the candidates for the position of Treasurer or Assistant Treasurer. The person receiving the highest number of votes shall be declared elected as Treasurer and the person receiving the second highest number of votes shall be declared elected as Assistant Treasurer.
- (15) The Branch Returning Officer shall declare the result of the election by making a written report to the Branch Executive setting out the number of ballot papers printed, the number distributed, the number returned, the number completed, the number of votes received by each candidate and any other relevant matters.
- (16) A candidate may appoint a scrutineer who is a financial member of the Federation to represent them at the ballot. The candidate appointing the scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer, who:
  - (a) shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count but the Branch Returning Officer shall have the final determination of any votes so queried;
  - (b) shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election; and
  - (c) shall not interfere with or attempt to influence any member at the time the member is casting their vote.

- (17) Casual Vacancies
- (a) Where a casual vacancy occurs in the office of a member of the Branch Executive, the Branch Executive shall take immediate action to have such vacancy filled by secret postal ballot of all financial members of the Branch provided that;
    - (i) an election shall not be required where the unexpired portion of the term of office does not exceed three quarters of the term, in which case the Branch Committee may fill the vacancy by appointing an eligible member of the Branch; and
    - (ii) where an election is to be conducted to fill the vacancy, the Branch Executive may appoint an eligible member of the Branch to fill the vacancy until an election is held.
  - (b) Where a casual vacancy occurs in the office of a Branch Officer or a delegate to Federal Council, the Branch executive shall take immediate action to have such vacancy filled by an election conducted at a meeting of the Branch Executive.
- (18) A member who is entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer prior to the distribution of ballot papers a written request for an absent vote together with an address at which 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 date for absent vote to be lodged.

#### **52CI - BRANCH DELEGATES TO FEDERAL COUNCIL**

- (1) Subject to this rule, the Branch delegates to Federal Council shall be the Branch President, the two Branch Vice-Presidents, the Branch Treasurer and the Branch Assistant Treasurer.
- (2) In the event that the membership of the Branch:-
  - (a) has fallen below 8,500 financial members, the Branch Assistant Treasurer shall not on election become a Branch delegate to Federal Council; and
  - (b) exceeds 11,000 financial members, there shall be an election for an additional delegate to Federal Council by and from the members of the Branch Executive.
- (3) A Person elected as a delegate to Federal Council in accordance with the previous sub-rule, shall hold office for 2 years and cease to hold office when their successor is declared elected.
- (4) Notwithstanding sub-rule (3), a delegate to Federal Council elected in accordance with this rule shall cease to hold office if, before the end of the delegate's term of office, they cease to be a member of the Branch Executive. A delegate to Federal Council who is re-elected as a member of the Branch Executive for a further consecutive term shall not be taken to have ceased to be a member of the Branch Executive.
- (5) The provisions of rule 52CH shall apply, mutatis mutandis, to the election of a delegate to Federal Council.
- (6) A member of the Branch Executive who is a delegate to Federal Council and would by operation of sub-rule 52CB(2) cease to be a Branch Executive Member shall continue to hold their position as a Delegate to Federal Council until their successor is elected.

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**52CJ - BRANCH PRESIDENT**

The Branch President shall:-

- (a) preside at all meetings of the Branch;
- (b) give instructions to the Chief Executive Officer;
- (c) sign duly authorised warrants relating to expenditure of the Branch funds;
- (d) be the chairperson of all permanent committees appointed by the Branch Executive;
- (e) keep or cause to be kept a register of the names of the officers and members of the Branch in such form as the Branch Executive may from time to time require;
- (f) keep or caused to be kept such records and accounts and prepare and file such returns and other documents as may be required by or pursuant to the Act;
- (g) subject to confirmation of the Branch Executive at its next ensuing meeting, authorise in writing payments up to an amount set by the Branch Executive; and
- (h) present a report to the annual general meeting dealing generally with the position of the Branch and the proceedings of Branch Executive for the previous 12 months.

**52CK - BRANCH VICE-PRESIDENTS**

- (1) The Branch Vice Presidents shall at all times assist the Branch President in the execution of their duties and carry out the functions of the Branch President in their absence.
- (2) In the absence of the President from any meeting of the Branch, the Senior Vice President shall preside and exercise the full powers of the Branch President.
- (3) In the absence of the Branch President and the Senior Vice President from any meeting, the Junior Vice President shall preside, with full powers of the Branch President.
- (4) In the event of the Branch President and both Vice Presidents being absent from any meeting the members present shall appoint a person to preside over the meeting.

**52CL - CHIEF EXECUTIVE OFFICER**

- (1) The Secretary of the Police Association shall be the Chief Executive Officer of the Branch who shall administer the affairs of the Branch in accordance with directions given to them by the Branch Executive or Branch President.
- (2) If the Chief Executive Officer is removed or suspended from the position of Secretary of the Police Association in accordance with the Rules of the Police Association, they shall be deemed to have been removed or suspended from the position of Chief Executive Officer of the Victoria Police Branch.
- (3) The Chief Executive Officer shall, in accordance with directions given to them by the Branch Executive or Branch President:
  - (a) be the chief administrator of the Victoria Police Branch;
  - (b) be responsible for the administrative affairs of the Victoria Police Branch, the administration and control of the office of the Victoria Police Branch and the direction and control of all persons employed by the Victoria Police Branch;

## 52CM - EXECUTIVE OFFICER

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- (c) attend, if possible, all general and Branch Executive meetings and keep or cause to be kept proper minutes of such meetings and record or cause to be recorded attendance at Branch Executive meetings;
- (d) provide to each meeting of the Branch Executive a full report on the activities of the Chief Executive Officer and the staff of the Victoria Police Branch;
- (e) administer the financial affairs of the Branch by
  - (i) receiving or causing to be received all moneys on behalf of the Victoria Police Branch and issuing or causing to be issued proper receipts;
  - (ii) depositing or causing to be deposited all moneys received on behalf of the Victoria Police Branch within two days of receipt to the credit of the Victoria Police Branch in such accounts as may from time to time be approved by the Branch Executive; and
  - (iii) keeping or causing to be kept in appropriate records a correct statement of all moneys received and expended by or on behalf of the Victoria Police Branch;
- (f) appoint, engage and dismiss such staff as may be necessary for the conduct of the affairs of the Victoria Police Branch provided that any member of the administrative staff of the Branch who is dismissed by the Chief Executive Officer shall have a right of appeal against such a dismissal to the Branch Executive;
- (g) to investigate complaints by members of the Branch and report on those investigations to the Branch Executive or Branch President;
- (h) be responsible for the possession of the seal of the Branch;
- (i) prepare or cause to be prepared an annual statement for the Branch Executive so as to enable the Branch President to present their report to the annual general meeting;
- (j) attend and speak at any general meeting or Branch Executive meeting provided they have the permission of the meeting; and
- (k) perform such other duties as may from time to time be determined by the Branch Executive.

## 52CM - EXECUTIVE OFFICER

- (1) Subject to endorsement by the Branch Executive, the Chief Executive Officer may appoint an Executive Officer who shall be the Assistant Secretary of The Police Association.
- (2) If the Executive Officer is removed or suspended from the position of Assistant Secretary of the Police Association they shall be deemed to have been removed or suspended from the position of Executive Officer of the Victoria Police Branch.
- (3) The Executive Officer shall:
  - (a) assist the Chief Executive Officer at all times in the execution of their duties; and
  - (b) perform such duties as may from time to time be determined by the Branch Executive or the Chief Executive Officer or as may from time to time be delegated to them by the Chief Executive Officer.
- (4) The Executive Officer, when acting on the instructions of the Chief Executive Officer or performing duties delegated to them by the Chief Executive Officer shall have the same authority as the Chief Executive Officer.

**52CN - TREASURER AND ASSISTANT TREASURER**

- (1) The Treasurer shall:-
- (a) ensure that all moneys received on behalf of the Victoria Police Branch are banked as prescribed by the preceding Rules or banked in such banks as are approved by the Branch Executive;
  - (b) ensure by electronic bank transfer, all authorised payments from the funds of the Branch;
  - (c) provide to meetings of the Branch Executive a statement of receipts and payments for the period since the previous meeting and provide a list of accounts rendered to them up to and including the day of the meeting;
  - (d) check the cash book entries and additions, and certify therein as to the monthly reconciliation with the bank statements;
  - (e) when vacating office, deliver to their successor or the Branch Executive nominee all books, accounts and funds belonging to the Branch which are in their possession or control;
  - (f) present to the annual general meeting a statement of receipts and payments, income and expenditure and balance sheets;
  - (g) keep correct accounts and books showing the financial affairs of the Branch in accordance with the requirements of the Act and the regulations.
- (2) The Assistant Treasurer shall:-
- (a) assist the Treasurer at all times in the execution of their duties; and
  - (b) in the absence of the Branch Treasurer, provided they have the authority of the Branch Executive, perform the duties of the Treasurer in accordance with these rules.

**52CO - BRANCH AUDITOR**

The Branch Auditor, who may also be the Auditor for The Police Association, shall:

- (a) be appointed annually by the Branch Executive;
- (b) be a competent person within the meaning of the Act and regulations;
- (c) perform such functions and duties as are prescribed by the Act and regulations and such other functions and duties not inconsistent with the Act and regulations as are required by the Branch Executive;
- (d) have access to and examine if desired all books, papers, deeds, documents and accounts of the Branch Executive and be empowered to question any office bearer or employee of the Branch with regard to the same and to obtain from any financial or other institution at which the funds of the Branch are deposited or invested such information as may be required; and
- (e) have power to place before the Branch Executive any suggestion they may have concerning the financial affairs of the Branch.

**52CP - BRANCH FUNDS AND PROPERTY**

- (1) The funds and property of the Branch shall consist of:
  - (a) any real or personal property of which the Branch Executive by these Rules or by any established practice not inconsistent with these Rules, has or, in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;
  - (b) the amounts of fees, subscriptions and levies payable to the Branch Executive pursuant to these Rules, less so much of the amounts as is payable by the Branch to the Federal funds as defined;
  - (c) any interest, rents, dividends or other income derived from the investment or use of Branch funds or property;
  - (d) any superannuation or long service leave or other funds operated or controlled by the Branch as a whole in accordance with these Rules for the benefit of its officers or employees;
  - (e) any sick pay funds, accident pay funds, funeral fund or like funds operated by the Branch as a whole in accordance with these Rules for the benefit of its members;
  - (f) any property acquired wholly or mainly by expenditure of moneys of such funds and property or derived from other assets of such funds and property; and
  - (g) the proceeds of any disposal of parts of such funds and property.
- (2) The funds and property of the Branch shall be controlled by the Branch Executive which shall have power to expend the funds of the Branch for the purposes of carrying out the objects of the Federation.
- (3) All expenditure from the Branch funds shall be authorised by the Branch Executive or by the President in accordance with Rule 52CJ.

**52CQ - ARBITRATION PROCEEDINGS AND INDUSTRIAL AGREEMENTS**

Subject to Rule 28:-

- (a) the Branch Executive shall have power and authority to lodge or file any claims, demands, disputes or other matters with the Fair Work Commission or such other court or body as it may be necessary to file the claim, demand, dispute or other matter for determination;
- (b) the Chief Executive Officer, with the permission of the Branch President, shall have a discretionary power to lodge or file claims, demands, disputes or any other matters provided that any use of such discretionary power shall be ratified by the Branch Executive at its first meeting next following; and
- (c) the Branch may be represented at the hearing of any such claim, demands, dispute or matter by the Chief Executive Officer or by such other officers or persons as the Chief Executive Officer may decide.
- (d) the Chief Executive Officer, with the authority of the Branch Executive, may enter into an industrial agreement binding on the members of the Branch or the Branch.



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**52CR - BRANCH QUORUMS**

The quorum for the numbers of members necessary to form a quorum at meetings of the Victoria Police Branch shall be as follows:

- (a) the annual, general meeting, a general meeting or special meeting - 25 members; and
- (b) Branch Executive meetings - 6 members.

**52CS - BRANCH PLEBISCITES**

A plebiscite of financial members of the Branch shall be conducted where:

- (a) the Branch Executive determines that a plebiscite should be held; and
- (b) on receipt of a requisition in writing signed by not less than 10 percent of the financial members of the Branch.

**52CT - MAKING OR ALTERATION OF VICTORIA POLICE BRANCH RULES**

Subject to the provisions of Rule 34 (b):-

- (1) The Victoria Police Branch Rules may be altered, repealed, added to or amended by a general meeting of members of the Association provided that the resolution is passed by at least 3/4 of the members of the Branch attending the general meeting.
- (2) The Branch President shall within 35 days of any alteration of the Rules of the Victoria Police Branch, file with the Registrar particulars of the alteration and within a further 7 days forward to the Chief Executive Officer a copy of the particulars of the alterations sent to the Registrar and subsequently, copies of all correspondence and documents relating to the rule alteration and within a further 7 days forward to the Chief Executive Officer a copy of the particulars of the alterations sent to the Registrar and subsequently, copies of all correspondence and documents relating to the rule alteration.

**52CU - VICTORIA POLICE BRANCH GENERAL MEETINGS**

- (1) The annual general meeting of the Victoria Police Branch shall be held in September in each year on such date as the Branch Executive shall from time to time determine.
- (2) The business of the annual general meeting shall be to receive and consider the statement of income and expenditure, the balance sheet and the report of the Branch Executive for the preceding year and to consider other business, notice of which has been given.
- (3) The Branch Executive may call a General Meeting of the Branch from time to time as it determines necessary.
- (4) Fourteen days notice shall be given of the place and time of all special and general meetings by the Chief Executive Officer.
- (5)
  - (a) A special general meeting shall be called by the Chief Executive Officer on receipt of a requisition.
  - (b) A requisition must be signed by not less than 150 members of the Victoria Police Branch and set out the business to be dealt with by the special general meeting.
  - (c) On receipt of requisition, the Chief Executive Officer shall arrange for the meeting to be held not later than 28 days from the date of receipt.

## 52CX - REMOVAL OF BRANCH OFFICERS, BRANCH EXECUTIVE MEMBERS AND DELEGATES TO FEDERAL COUNCIL

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- (d) At a special general meeting no business other than that for which the meeting is called shall be considered and the notice of the meeting shall set out the business to be considered by the meeting.
- (6) An advertisement in the Police Association Journal or by such other means as may be determined by the Branch Executive shall be sufficient notice to all members of any meeting or any other matters required to be given by the Rules.

### 52CV – DELETED

### 52CW - INDUSTRIAL AGREEMENTS AND OTHER DOCUMENTS

Industrial Agreements and other documents not required to be executed under seal, may be executed by or on behalf of the Branch by:

- a) any 2 Branch Officers; or
- b) the Chief Executive Officer with the approval of the Branch Executive; or
- c) the Executive Officer with the approval of the Branch Executive.

### 52CX - REMOVAL OF BRANCH OFFICERS, BRANCH EXECUTIVE MEMBERS AND DELEGATES TO FEDERAL COUNCIL

- (1) A Branch officer, member of Branch Executive or Branch delegate to Federal Council may be removed from office if the Branch Executive by majority resolution of members voting finds them guilty, in accordance with these Rules, of misappropriation of the funds of the Branch, gross misbehaviour or gross neglect of duty or finds that they have ceased, according to these Rules, to be eligible to hold office.
- (2) The Branch Executive shall not take action against a member in accordance with the previous subrule 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 is to be heard and determined; and
  - (d) a person who is charged shall be entitled to attend the meeting of the Branch Executive considering the charge and be heard but shall not be 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 Federation attached to the Victoria Police Branch if that person becomes of unsound mind or ceases to be a financial member of the Federation.

**52CY - TRANSITIONAL PROVISIONS - VICTORIA POLICE BRANCH**

- (1) The provisions of this Rule shall prevail over any inconsistent provision elsewhere in these Rules.
- (2) The persons holding the position of members of the Executive of The Police Association shall on becoming members of the Federation hold the position of member of the Branch Executive of the Victoria Police Branch on and from the date that the Victoria Police Branch Rules come into operation and shall hold office until the conclusion of the first Victoria Police Branch Annual General Meeting in the third year following their election as members of the Executive of the Police Association.
- (3)
  - (a) The Branch Returning Officer may, if necessary, having regard to the date of commencement of the Branch Rules vary the timetable for conducting the election in order to allow the election to be completed prior to the end of the first Annual General Meeting of the Branch.
  - (b) The Branch Returning Officer shall, having declared the result of the election, divide the successful candidates into three groups of four.
  - (c) The groups of four shall be known as Group A, Group B and Group C.
  - (d)
    - (i) Subject to subparagraph (ii) group A shall consist of any member of the Branch Executive who is also a member of The Police Association Executive retiring at the Annual Conference of The Police Association in the year following the first election.
    - (ii) If there are less than 4 Police Association Executive Members retiring at the Annual General Meeting of the Police Association in the year following the first election the Branch Returning Officer shall identify such number of Branch Executive members as is necessary to make up a group of four persons to comprise Group A. To identify those persons, the Branch Returning Officer shall identify those persons last elected in the process of allocating preferences or, if no ballot was conducted, the persons having least seniority of membership in The Police Association.
  - (e) The persons comprising Group A shall retire at the conclusion of the Branch Annual General Meeting in the following year.
  - (f)
    - (i) Subject to paragraph (ii) group B shall consist of any member of the Branch Executive who is also a member of The Police Association Executive retiring at The Police Association Annual General Meeting in the second year following the first election.
    - (ii) If there are less than 4 Police Association Executive Members retiring at The Police Association Annual General Meeting in the second year following the first election, then the Branch Returning Officer shall identify such number of Branch Executive Members as is necessary to make up a group of 4 persons to comprise Group B. To identify these persons, the Branch Returning Officer shall identify the persons last elected in the process of allocating preferences or, if no ballot was conducted, the persons having least seniority of membership of The Police Association, other than those persons comprising Group A.
  - (g) Members comprising Group B shall retire at the conclusion of the Branch Annual General Meeting in the second year after the first election.
  - (h) Group C shall consist of all persons not in Group A or Group B.
  - (i) Members of Group C shall cease to hold office at the conclusion of the Branch Annual General Meeting held in the third year after the first elections.

## **PART CD - NORTHERN TERRITORY POLICE BRANCH**

### **52DA - BRANCH EXECUTIVE**

- (1) The Branch Executive shall consist of the Branch Officers Bearers being the Branch President, the Branch Senior Vice President, the Branch Vice President and the Branch Treasurer together with ten Executive Members elected by and from members of the Federation attached to the Northern Territory Police Branch.
- (2)
  - (a) The Branch President shall be elected to hold office for a term of four years.
  - (b) The Branch Vice President and 5 Branch Executive Members shall be elected and hold office for 4 years.
  - (c) The Branch Senior Vice President, Branch Treasurer and 5 Branch Executive Members shall be elected two years after the election of the Branch Vice President and 5 Branch Executive Members and hold office for 4 years.

#### Transitional Arrangements

- (1) The amendments to clause 52DA(2) shall come into effect from 2019.
- (2) In 2018, the Senior Vice President, Treasurer and the five Executive positions up for elections shall be elected for a term of three years and until the results of the ballot held for those positions in accordance with this Constitution have been declared by the Returning Officer.
- (3) The 2016 election for Senior Vice President, Treasurer and five Executive positions shall be for two years.
- (4) The 2017 election for Branch Vice President and 5 Branch Executive Members shall be for a period of two years.

### **52DB - POWERS AND DUTIES OF BRANCH EXECUTIVE**

- (1) The Branch Executive shall, subject to these Rules and to the control of the Branch members as hereinafter mentioned, have power:
  - (a) to transact all of the business of the Branch;
  - (b) to supervise and pay all lawful debts of the Branch;
  - (c) to generally safeguard the interests of the Federation in the area in which the Branch is established;
  - (d) to fix the remuneration and terms and conditions of employment of any officer or employee of the Branch;
  - (e) to suspend or remove from office in accordance with these Rules any officer of the Branch;
  - (f) to direct staff and employees of the Branch in the performance of their duties;
  - (g) to appoint a Branch Auditor;

## 52DC - MEETINGS OF BRANCH EXECUTIVE

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- (h) to take any action which in its opinion is in the interests of the Branch, provided that such action does not conflict with the policies of the Federation or any decision or direction of the Federal Council or the Federal Executive;
  - (i) to exercise any other powers conferred upon it by these Rules;
  - (j) to be the collective body with sole responsibility for the financial management of the Branch;
  - (k) to direct the investment of the funds of the Branch, and to purchase, take on lease, hold, sell, lease, mortgage, exchange or otherwise own, possess and deal with any real or personal property;
  - (l) make, vary or repeal by-laws for the regulation of the affairs of the Branch Executive, members, employees or agents and for convening or, and conduct of business at, any meeting of the Executive, sub branches or the Branch;
  - (m) publish and promote a journal and/or other publication of interest to members;
  - (n) waive fees, subscriptions, fines, levies or other moneys payable under these Rules;
  - (o) to form subcommittees including a Finance and Building Committee and an Industrial Committee to report to the Branch Executive in an advisory capacity only, and
  - (p) to dispose of or transfer any of the funds of the Branch or any securities in which the funds of the Branch have been invested.
  - (q) to alter or rescind the existing Branch Rules or add new Branch Rules.
- (2) Notwithstanding anything else contained in these Rules, the Branch Executive shall not make any loan, grant or donation of an amount exceeding \$1,000.00 unless the Branch Executive:
- (i) has satisfied itself;
    - (A) that the making of the loan, grant or donation would be in accordance with the other Rules of the Federation and Branch; and
    - (B) in relation to 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 repayment of the loan are satisfactory; and
  - (ii) has approved the making of the loan, grant or donation.
- (3) The provisions of Subrule (2) of this Rule shall not apply to or in relation to payments made by the Branch by way of provision for, or reimbursement of, out-of-pocket expenses incurred by persons for the benefit of the Branch.

## 52DC - MEETINGS OF BRANCH EXECUTIVE

- (1) (a) Ordinary meetings of Branch Executive may be held each month except January, or at such other times as may be found expedient.
- (b) Notice of an ordinary meeting of the Executive shall be caused to be given by the Branch President at least 3 days before the meeting.

## 52DD - BRANCH PRESIDENT

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- (2) A special meeting of the Branch Executive may be convened by -
  - (a) the Branch President; or
  - (b) an Office Bearer within 7 days of receiving a requisition, in writing, signed by not less than 5 members of the Executive and setting out the matter to be considered by the meeting.
- (3) No business shall be transacted at any special meeting of the Branch Executive other than that set out in the notice of motion.
- (4)
  - (a) A quorum for an ordinary or special meeting of the Branch Executive shall be 7 members.
  - (b) If a quorum is not present within 30 minutes of the time appointed for the commencement of the meeting, the meeting shall be adjourned to the same day in the next week, or if that day is a public holiday, then the next day following which is not a public holiday.
  - (c) If a quorum is not present within 15 minutes of the time appointed for the commencement of the adjourned meeting, then such members as are present shall be deemed to constitute a quorum competent to transact the business for which the original meeting was convened.
- (5) The Branch President shall maintain records of the Branch's correspondence and provide to the Branch Executive Meeting a summary of all correspondence and such items as may, in his/her discretion, require the attention of the Branch Executive.
- (6) The Branch Executive may grant leave of absence from any of its meetings to any of its members for a period not exceeding 6 months.

## 52DD - BRANCH PRESIDENT

The Branch President shall-

- (a) be the Chief Executive Officer of the Branch who shall administer the affairs of the Branch in accordance with these rules and directions given to him/her by the Branch Executive;
- (b) have the authority to act for and on behalf of the Branch Executive in any matter of such urgency that the Branch Executive cannot be responsibly convened, but shall report the full circumstances of such action to the Branch Executive at the first available opportunity;
- (c) have the general control and supervision of the employees and agents of the Branch and may suspend any employee or agent for misconduct or neglect of duty until the next meeting of the Branch Executive and appoint a substitute for the time being in the place of the person so suspended;
- (d) present a written report to each Branch Annual Conference dealing generally with the position of the Branch and the proceedings of the Branch Executive;
- (e) be a member of any advisory sub-committee of the Branch Executive;
- (f) (not certified)
- (g) keep or caused to be kept a register of the names of the officers and members of the Branch in such form as the Branch Executive may from time to time require; and
- (h) keep or caused to be kept such records and accounts and prepare and file such returns and other documents as may be required by or pursuant to the Act.
- (i) attend to correspondence for and on behalf of the Branch;

## 52DF - BRANCH TREASURER

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- (j) on behalf of the Branch, cause to be published a newsletter or like document setting out matters of interest to members;
- (k) cause members of the Branch Executive to be advised of the dates and times of all meetings;
- (l) cause members of the Branch Executive and sub-branches to be advised of the time, date and place of any annual or special Branch Conference in accordance with the Rules;
- (m) inform the Branch Executive of any intended absences from duty;
- (n) be paid such salary and allowances and receive such condition of service as the Branch Executive shall from time to time determine;
- (o) discharge any or all other documents as may be assigned to the Chief Executive Officer by the Branch Executive;
- (p) conduct any necessary proceedings in any Court in relation to the Branch;
- (q) exercise proper control over the management of the funds of the Branch;
- (r) be deemed a Branch Delegate to Federal Council as a result of the appointment as Branch President.

## 52DE - BRANCH VICE-PRESIDENTS

The Branch Vice Presidents shall-

- (a) have the authority to act for and on behalf of the President during any absence or incapacity of the Branch President and, whilst so acting, shall have the rights, powers, duties and responsibilities of the Branch President whether implied or expressed under the Rules;
- (b) be ex officio member of any advisory subcommittee of the Branch Executive.

## 52DF - BRANCH TREASURER

The Branch Treasurer shall-

- (a) Have charge of the bank books and statements of the Branch and submit to the Branch Executive all accounts for payment;
- (b) Receive and issue proper receipts for any and all moneys due to the Branch and pay same into any such bank or other financial institution as approved by the Branch Executive;
- (c) Prepare and furnish all returns required by any Act or regulations;
- (d) Keep a register of names of Financial Members of the Branch;
- (e) Act on the advice of the President on any matter between the Executive Meetings;
- (f) Present to each regular meeting of the Branch Executive a Statement of Receipts and Payments for the preceding period;
- (g) Present to each Branch Annual Conference an audited Statement of Income and Expenditure and a Balance Sheet;
- (h) Monitor compliance by all office holders and members with bylaws relating to financial controls and report any discrepancies to the Branch Executive.

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**52DG - BRANCH CONFERENCE**

- (1) The Annual Conference or a Special Conference of the Branch shall advise the Executive on all matters listed as agenda items to be considered at the Annual Conference or a Special Branch Conference.
- (2) The Annual Conference shall be held once each year, at a time, date and place determined by the Branch Executive.
- (3) A special Branch Conference may be convened by-
  - (a) the Branch President; or
  - (b) the Branch Executive provided that two thirds of the members of the Branch Executive vote in favour of convening a special Branch Conference.
- (4) A special Branch Conference shall be convened by the Branch President on receipt from a majority of Zone branches of resolutions calling for a special Branch Conference.
- (5) A special Conference shall be held within 30 days of the decision of the Branch President or the Branch Executive or from the receipt of the resolutions referred to in sub-rule (4).
- (6) Notice of the special Branch Conference shall be given to all Zone branches and members of the Branch Executive at least 7 days prior to the commencement of the Special Branch Conference. The notice shall set out
  - (a) the time, date and place of the special Branch Conference;
  - (b) the business to be dealt with by the special Conference; and
  - (c) the circumstances in which the special Conference was convened.
- (7) A quorum for a Branch Conference shall be one half of the number of members entitled to attend the Branch Conference.
- (8) A notice of motion may be moved at the Branch Annual Conference by -
  - (a) the Branch Executive;
  - (b) a delegate;
  - (c) a Zone Branch provided that a meeting of the one Zone Branch has approved the notice of motion and the notice of motion is submitted to the Branch President at least 60 days before the first day of the Annual Conference.
  - (d) A vote on a notice of motion by the Branch Annual Conference or a special Branch Conference is not binding upon the Executive in the performance of their duties in the governance of the Branch but shall be taken into consideration by the Executive in any determination taken on any issue concerning the operation and obligations of the Branch.
- (9) The Branch Conference shall be comprised of:
  - (a) members of the Branch Executive; and
  - (b) delegates from the Zone Branches.



## 52DI - BRANCH FUNDS AND PROPERTY

- (10) The number of delegates representing each Zone Branch shall be determined in accordance with the following formula:

| Number of Members | Number of Delegates |
|-------------------|---------------------|
| 50 or less        | 1                   |
| 51 to 150         | 2                   |
| 151 to 300        | 3                   |
| 301 to 800        | 4                   |

- (11) Where a Branch is entitled to send a single delegate to the Annual Conference that delegate will be the Chairperson or Secretary unless they are unable or decline to attend the Conference, or by reason of other office held in the Association they are to attend that Conference in the capacity of that other office.
- (12) Where the Branch is entitled to send more than one delegate, two of the delegates will be held by the Chairperson and Secretary unless they are unable or decline to attend the Conference, or by reason of other office held in the Association they are to attend that Conference in the capacity of that other office.

## 52DH - BRANCH AUDITOR

The Branch Auditor, who may also be the auditor for the Northern Territory Police Association shall:

- (a) be appointed annually by the Branch President;
- (b) be a competent person within the meaning of the Act and Regulations;
- (c) perform such functions and duties as are prescribed by the Act and Regulations and such other functions and duties not inconsistent with the Act and Regulations as are required by the Branch President;
- (d) have access to and examine, if desired, all books, papers, deeds, documents and accounts of the Branch President and be empowered to question any office bearer or employee of the Branch with regard to the same and to obtain from any financial or other institutions at which the funds of the Branch are deposited or invested such information as may be required; and
- (e) have the power to place before the Branch President any suggestion he/she may have concerning the financial affairs of the Branch.

## 52DI - BRANCH FUNDS AND PROPERTY

- (1) The funds and property of the Branch shall consist of:
- (a) Any real or personal property of which the Branch Executive by these Rules or by an established practice not inconsistent with these Rules, has or, in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;
  - (b) The amounts of fees, subscriptions and levies payable to the Branch Executive pursuant to these Rules less so much of the amounts as is payable by the Branch to the Federal funds as defined;
  - (c) Any interest, rents, dividends or other income derived from the investment or use of Branch funds or property;
  - (d) Any superannuation or long service leave or other funds operated or controlled by the Branch as a whole in accordance with these Rules for the benefit of its officers or employees;

- (e) Any sick pay funds, accident pay funds, funeral fund or like funds operated by the Branch as a whole in accordance with these Rules for the benefit of its members;
  - (f) Any property acquired wholly or mainly by expenditure of moneys of such funds and property or derived from other assets of such funds and property; and
  - (g) The proceeds of any disposal of parts of such funds and property.
- (2) The funds and property of the Branch shall be controlled by the Branch Executive which shall have power to expend the funds of the Branch for the purposes of carrying out the objects of the Federation.
  - (3) All expenditure from the Branch funds shall be by cheque and be authorised by the Branch Executive.
  - (4) All cheques or drafts upon funds of the Branch shall be signed by any two of the Office Bearers.
  - (5) The financial year of the Branch shall commence on 1 May and end on 30 April.

### **52DJ - ARBITRATION PROCEEDINGS AND INDUSTRIAL AGREEMENTS**

Subject to paragraph 15 and Rule 28:

- (a) The Branch Executive shall have power and authority to lodge or file any claims, demands, disputes or other matters with the Industrial Relations Commission or such other Court or body (other than an industrial tribunal established under a law of the Northern Territory) as it may be necessary to file the claim, demand, dispute or other matter for determination;
- (b) The Branch President shall have discretionary power to lodge or file claims, demands, disputes or any other matter provided that any use of such discretionary power shall be ratified by the Branch Executive at its first meeting next following; and
- (c) The Branch may be represented at the hearing of any such claim, demands, dispute or matter by such persons as the Branch Executive may decide.

### **52DK - AMENDMENTS TO BRANCH RULES**

Subject to the provisions of Rule 34 (b):-

- (1) The Branch Rules may be amended, rescinded or added to and new Rules made by the Branch Executive:
  - (a) where the proposal is submitted to the Annual Conference 35 days notice has been given; and
  - (b) where the proposal is submitted to a special Branch Conference 7 days notice has been given, to each Zone Branch.
- (2) Prior to amending, rescinding or adding to a Branch Rule, the Branch Executive shall cause the proposed alteration to be placed before the Annual Branch Conference or a Special Branch Conference for a vote, provided:
- (3) A Branch Officer shall within 35 days of any alteration of the Rules of the Northern Territory Police Branch, file with the Registrar particulars of the alteration, and within a further 7 days forward to the Chief Executive Officer a copy of the particulars of the alterations sent to the Registrar, and subsequently, copies of all correspondence and documents relating to the rule alteration, and within a further 7 days forward to the Chief Executive Officer a copy of the particulars of the alterations sent to the Registrar and subsequently, copies of all correspondence and documents relating to the rule alteration.

**52DL – DELETED**

**52DM - REMOVAL OF THE BRANCH EXECUTIVE, BRANCH CONFERENCE MEMBERS AND DELEGATES TO FEDERAL COUNCIL**

- (1) Branch Executive, Branch Conference Members and Delegates to Federal Council 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 the funds of the Branch, gross misbehaviour or gross neglect of duty or finds that he/she has ceased, according to these Rules, to be eligible to hold office.
- (2) The Branch Executive shall not take action against a member in accordance with the previous subrule 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 is to be heard and determined; and
  - (d) a person who is charged shall be entitled to attend the meeting of the Branch Executive considering the charge and be heard but shall not be 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 Federation attached to the Northern Territory Police Branch if that person becomes of unsound mind or ceases to be a financial member of the Federation.

**52DN - SUB-BRANCHES**

- (1) The Branch and the membership of the Branch shall be divided into Zone branches which shall correspond with the Zone Branches of the Northern Territory Police Association.
- (2) Zone Branches shall have no authority over the financial interests and obligations, if any, of the Branch.
- (3) A member shall belong to the Zone Branch covering the location where the member is employed.
- (4) The management of a Zone Branch shall be vested in a Committee comprising of a Chairman, Vice Chairman, Secretary and two ordinary members.
- (5) A Zone Branch Committee may in order to facilitate its operations, create additional positions on the Committee.
- (6) A member elected to an office in a Zone or branch shall hold that position for a period of 2 years or until a successor has been elected, whichever is the sooner.
- (7) Where a member of the Zone Branch Committee ceases to be eligible for membership of a Zone Branch, that members position shall become vacant.

## 52DO - ELECTIONS

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- (8) In the event of a delegate of a Zone or Branch ceasing to be eligible to be a member of that Zone Branch the delegate shall continue to hold that office until a successor is elected.
- (9) Where a dispute arises within a Zone or Branch the matter shall be referred to the Branch Executive for final determination.

### 52DO - ELECTIONS

- (1) The Australian Electoral Commission shall conduct elections for offices in the Northern Territory Police Branch provided that the Branch Executive may apply to the Industrial Registrar for an exemption from the requirement that the Australian Electoral Commission conduct the election.
- (2) For the purposes of conducting elections within the Branch there shall be
  - (a) a Branch Returning Officer who shall conduct elections for positions on the Branch Executive, for delegates to Federal Council and for positions within Zone Branches where a secret postal ballot is required; and
  - (b) a Zone Branch Returning Officer who shall conduct elections within Zone Branches for offices where a secret postal ballot is not required.
- (3) The Branch Returning Officer and the Zone Branch Returning Officer shall be appointed by the Branch Executive and shall not be employed by the Branch, or the holder of an office in or an employee of the Federation or a Branch or Sub-Branch of the Federation.
- (4) A Branch Returning Officer or Zone Returning Officer shall have the authority to appoint such Assistant Returning Officers as are necessary for the proper conduct of elections and ballots.
- (5) The Branch Returning Officer or Zone Branch Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of his/her finding a defect in any nomination he/she shall before rejecting the nomination notify the person concerned of the defect, and, where practicable to do so, give the person concerned the opportunity of remedying the defect where practicable within not less than seven days of the person concerned having been so notified.
- (6) An Assistant Returning Officer shall, in the absence of the Returning Officer, have the same powers, duties and responsibilities of the Returning Officer.
- (7) An unfinancial member of the Federation shall not be entitled to be nominated for a position, nominate another person for a position or vote in an election within the Branch.
- (8) Any candidate may appoint a scrutineer who is a financial member of the Federation attached to the Branch to represent him/her at the ballot. The candidate appointing the scrutineer shall notify the Branch Returning Officer in writing of the name of the 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 Branch Returning Officer shall have final determination of any votes so queried;
  - (b) shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election; and
  - (c) shall not interfere with or attempt to influence any member at the time the member is casting his/her vote.

- (9) A candidate in a ballot shall not be entitled or permitted to:
- (a) act as a scrutineer for another candidate in the ballot;
  - (b) be present where a ballot is taking place except to cast a vote;
  - (c) be present in the place where the ballot is counted; or
  - (d) take part of the presentation, distribution, collection or counting of ballot papers.
- (10) Elections at Zone Branches
- (a) Elections at Zone Branches shall be conducted in accordance with this subrule.
  - (b)
    - (i) In the month of October each election year, the Zone Branch Returning Officer shall call for nominations for positions on the Branch Committee.
    - (ii) The Branch Returning Officer shall, cause to be published in either a newspaper circulating widely within the State, the "Police News" or Newsletter, a notice stating that he/she is about to conduct elections for the offices of Zone Branch Committee(s).
    - (iii) The notice referred to in the previous paragraph shall set out the title of the office or offices, the form in which nominations are to be made, the place for lodging nominations and the times and dates of the opening and closing of the period for lodging nominations and invite nominations from financial members eligible for election to the office or offices listed.
    - (iv) The Zone Branch Returning Officer shall determine the times and dates for the opening and closing of nominations having regard to:-
      - (A) the expiration of the term of office of the holder of the office;
      - (B) the time required to lodge nominations;
      - (C) the time required to complete the election; and
      - (D) the electoral roll of members will close seven (7) days before the calling of nominations
    - (v) The Zone Branch Returning Officer shall determine the place for lodging nominations of candidates for election.
    - (vi) A nomination must be signed by the nominee and 2 members of the Federation qualified to nominate a candidate for the office.
  - (c) Nominees and Nominators in connection with an election at a Zone Branch must be Members of that Zone Branch.
  - (d) In respect of any position, if there is only one nomination, then the Zone Returning Officer shall declare the nominee elected.
  - (e) In the event of a ballot being necessary, the Branch Returning Officer shall conduct a secret postal ballot in accordance with the provisions of sub-rule 12 of this rule.

- (f) The Branch Returning Officer shall conduct a draw for positions on the ballot paper. The Branch Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply provided that in the event of his/her finding a defect in any nomination he/she shall before rejecting the nomination, notify the person concerned of the defect, and, where practicable to do so, give the person concerned the opportunity of remedying the defect where practicable within not less than 7 days of having been so notified.
- (g) The Branch Returning Officer shall make a declaration of the result of the election to the Branch Committee and the Zone Branch Committee and shall submit to those Committees a full report of the ballot indicating the number of ballot papers printed, the number distributed, and the number on hand and any other relevant matters.

(11) Elections of Executive Members

- (a) Elections for Branch Executive Members shall be conducted in accordance with this subrule.
- (b)
  - (i) The Branch Returning Officer shall, cause to be published in either a newspaper circulating widely within the State, the "Police News" or Newsletter, a notice stating that he/she is about to conduct elections for the offices of Branch Executive.
  - (ii) As near as practicable to the 1st day of March each year the Branch Returning Officer shall call for nominations for the positions on the Branch Executive which are due to become vacant.
  - (iii) The electoral roll of members will close seven (7) days before the calling of nominations.
- (c)
  - (i) Nominations for positions on the Branch Executive which are due to become vacant shall close on the last week day of March not being a public holiday each year, and all such nominations shall reach the Branch Returning Officer at an address nominated by the Returning Officer by five (5) pm on that date.
  - (ii) The notice referred to in the previous paragraph shall set out the title of the office or offices, the form in which nominations are to be made, and invite nominations from financial members eligible for election to the office or offices listed.
  - (iii) A nomination must be signed by the nominee and 2 members of the Branch qualified to nominate a candidate for the office.
  - (iv) The Branch Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply provided that in the event of his/her finding a defect in any nomination he/she shall before rejecting the nomination, notify the person concerned of the defect, and, where practicable to do so, give the person concerned the opportunity of remedying the defect where practicable.
  - (v) Where, after the closing of nominations, only one candidate or less than the required number of candidates to fill the vacant positions are nominated, the Branch Returning Officer shall declare, in accordance with these Rules, that the candidate or candidates as the case may be have been elected to office.
- (d) As soon as practicable after the closing date for nominations the Branch Returning Officer shall conduct a secret postal ballot for the election(s).
- (e) The results of this ballot shall be declared by the Branch Returning Officer not more than 7 days after the close of the ballot and shall take effect upon the declaration of the ballot.

(12) Conduct and Issue of Postal Ballots

- (a) As soon as practicable after the date determined under sub-rule (11) 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) a declaration envelope, and another envelope in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations, and
  - (iii) facility for the return of the completed ballot paper by post by the voter without expense to the voter.

(12A) 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.

(12B) 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 spoilt, 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.

(13) Conduct and Counting of Ballots

- (a) The conduct and counting of a ballot shall be in accordance with this subrule.
- (b) The conduct and counting of a ballot is to be carried out in such a manner and under such conditions as to preserve the secrecy of each Member's vote and the security of ballot papers.
- (c) Every ballot paper shall;
  - (i) be marked with the position or positions for which the ballot is being held, and the number of persons to be elected in that ballot;
  - (ii) include instructions, in accordance with the provisions of this schedule, as to the manner the ballot paper is to be marked;
  - (iii) be initialled by the Returning Officer or an Assistant Returning Officer prior to being handed or posted to the voter.
- (d) A ballot paper shall be regarded as being informal which
  - (i) bears any marking which may reasonably identify the voter;
  - (ii) has not been marked in accordance with the instructions on the ballot paper;
  - (iii) has not been initialled by the Returning Officer or an Assistant Returning Officer;
  - (iv) in the case of a postal ballot, is contained in an envelope which does not bear the signature of the voter.
- (e) A voter may return a spoiled ballot paper and demand the issue of another ballot paper in its place, and such spoiled ballot paper shall be retained by the Returning Officer and kept separate from unspoiled ballot papers.
- (f) A Returning Officer shall keep accurate records of-
  - (i) the number of ballot papers prepared, issued, spoilt, returned and unused;
  - (ii) the members entitled to vote in the ballot;
  - (iii) the members to whom ballot papers are issued.
- (g) At the conclusion of a ballot the Returning Officer shall retain all nomination forms, ballot papers, records and other material used in connection with the ballot for a period of one year and if, after that time, no objection has been made in relation to the ballot such forms, papers, records and material may be destroyed if no longer required.
- (h) Any complaint in relation to a ballot shall be made to the Branch Returning Officer who shall report the matter to the Executive at its current or next meeting.

(14) Election of Branch Delegates to Federal Council

- (a) Elections for Branch Delegates to Federal Council in addition to the President, if required shall be conducted in accordance with this sub-rule. The election shall be conducted by and from the members of the Branch Executive.



- (b) Nominations for the position of Branch Delegate to Federal Council shall be called as soon as possible after the declaration of the election of Branch Executive members in each odd year and shall close at 5.00 p.m. on the day before the first Branch Executive Meeting following the election in each off year.
- (c) Nominations shall be called by a notice to all persons eligible to nominate. The notice shall advise the time and date for the closing of nominations and the date of the meeting of the Branch Executive at which the ballot will be conducted.
- (d) A nomination shall be in writing, be signed by the nominee and at least two other members of the Branch. The Branch Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply provided that in the event of his/her finding a defect in any nomination he/she shall before rejecting the nomination, notify the person concerned of the defect, and, where practicable to do so, give the person concerned the opportunity of remedying the defect where practicable not less than 7 days of having been so notified.
- (e) If the number of nominees is the same as the number of positions to be filled, the Branch Returning Officer shall declare the nominee(s) elected at the Branch Executive Meeting convened for the purposes of conducting the election.
- (f) If a ballot is necessary, the Branch Returning Officer shall:-
  - (i) conduct a draw for positions on the ballot paper;
  - (ii) prepare a ballot paper setting out the names of the candidates and instructions as to how to cast a vote.
  - (iii) distribute the ballot paper to the persons eligible to vote; and
  - (iv) provide a ballot box for the receipt of completed ballot papers.
- (g) When all votes have been cast, the Branch Returning Officer shall open the ballot box, count the votes and declare the person(s) receiving the highest number of votes elected.
- (h) The person(s) declared elected in accordance with the previous paragraph shall hold office from the date of declaration until his or her successor is elected.

#### Extraordinary Vacancies

- (i) Where an extraordinary or casual vacancy (howsoever occurring) in an office of any Officer of the Branch (other than the office of Branch President), ordinary member of the Branch Executive or Branch delegate to the Federal Council, the Branch Executive shall take immediate action to have such vacancy filled provided that:-
  - (a) where the unexpired portion of the term of office in which the vacancy occurs does not exceed three-quarters of the term, the Branch Executive may fill such vacancy by appointment of an eligible member of the Federation; and the person so appointed shall hold office for the remainder of the term in which the vacancy occurred, or
  - (b) where the unexpired portion of the term of office in which the vacancy occurs exceeds three-quarters of the term, the Branch Executive may fill such vacancy by appointment of an eligible member of the Federation until an election is held, provided that no person so appointed shall hold office for a period exceeding three months. The person so elected shall take office on the date of the declaration of the election and hold office until the expiration of the term of office of the person he/she replaces.

## 52DP - TRANSITIONAL PROVISIONS - NORTHERN TERRITORY POLICE BRANCH

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- (ii) The Branch Returning Officer, in conducting a ballot pursuant to the previous sub-rule, shall determine the dates for the opening and closing of nominations and the opening and closing of the ballot and shall report the result of the ballot to the Branch Executive.
- (iii) Any casual vacancy in the office of Branch President may be filled by appointment of the Branch Senior Vice President and the person appointed to fill such vacancy shall retain office until an election is held provided that no person so appointed shall hold office for a period exceeding three months. The person elected to fill the casual vacancy shall take office on the date of the declaration of the election and shall hold office for a period of four years from that date.
- (iv) Any ballot conducted to fill a casual vacancy under this rule shall be conducted in accordance with the provisions of the rules dealing with normal elections.

### (15) Absent Voting

A member who is entitled to vote and who will be absent during the conduct of the ballot may apply for an absent vote by lodging with the Returning Officer prior to the distribution of ballot papers a written request for an absent vote together with an address at which 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 date for absent vote to be lodged.

## 52DP - TRANSITIONAL PROVISIONS - NORTHERN TERRITORY POLICE BRANCH

- (1) The provisions of this Rule shall prevail over any inconsistent provision elsewhere in these Rules.
- (2) The persons holding the position of members of the Executive of the Northern Territory Police Association Inc shall, on becoming members of the Federation hold the position of member of the Branch Executive of the Northern Territory Branch on and from the date that the Northern Territory Police Branch Rules come into operation and shall hold office until the next ordinary elections of the Executive of the Northern Territory Police Association Inc.

## **PART CE - NEW SOUTH WALES POLICE BRANCH**

### **52EA - BRANCH OFFICERS**

The Officers of the Branch shall be the Branch President, Branch Vice President, and Branch Treasurer.

### **52EB - BRANCH EXECUTIVE**

The Branch Executive shall consist of the Officers of the Branch and at least 16 ordinary Executive Members.

### **52EC - POWERS AND DUTIES OF BRANCH EXECUTIVE**

The Branch Executive shall, subject to these Rules and to the control of the Branch members as hereinafter mentioned, have power:

- (a) to transact all the business of the Branch;
- (b) to supervise and pay all lawful debts of the Branch;
- (c) to generally safeguard the interests of the Federation in the area in which the Branch is established;
- (d) to fix the remuneration and terms and conditions of employment of any officer or employee of the Branch;
- (e) to suspend or remove from office in accordance with these Rules any officer of the Branch;
- (f) to direct the Branch Administration in the performance of his duties;
- (g) to appoint the Branch Auditor;
- (h) to take any action which in its opinion is in the interests of the Branch, provided that such action does not conflict with the policies of the Federation and any specific direction of the Federal Council, or the Federal Executive;
- (i) to exercise any other powers conferred upon it by these Rules;
- (j) to direct the investment of the funds of the Branch, and to purchase, take on lease, hold, sell, lease, mortgage, exchange or otherwise own, possess and deal with any real or personal property.
- (k) to dispose of or transfer any of the funds of the Branch or any securities in which the funds of the Branch have been invested; and
- (l) subject always to paragraph (m) of this Rule, but notwithstanding anything elsewhere contained in these Rules, the Branch shall not make any loan, grant or donation of an amount exceeding \$1,000 unless the Branch Executive-
  - (i) has satisfied itself:
    - (a) that the making of the loan, grant or donation would be in accordance with the other Rules of the Federation and Branch; and
    - (b) in relation to 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
  - (ii) has approved the making of the loan, grant or donation.

- (m) The provisions of paragraph (l) of this Rule shall not apply to or in relation to payments made by the Branch by way of provision for, or reimbursement of, out of pocket expenses incurred by persons for the benefit of the Branch.

#### **52ED - MEETINGS OF BRANCH EXECUTIVE**

- (a) Ordinary Executive Meetings.

Ordinary meetings of the Executive may be held each alternate month, or at such other times as may be found expedient, notice to be given to each member at least three (3) days before such meeting. Notice shall be deemed to have been given in accordance with this by-law if it is posted to the member's last nominated address in time for delivery five (5) days before the meeting.

Notice of Executive meetings shall include:

- (a) the time, date and place of the meeting.  
(b) the business to be dealt with at the meeting.  
(c) Special Executive Meetings.

Special meetings of the Executive may be convened by the President:

- (a) whenever considered necessary;  
(b) Within seven (7) days of a requisition signed by at least five (5) 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.

No business shall be transacted at a Special Meeting of the Executive other than that set out in the notice of meeting. Notice of Special meetings of the Executive shall be given in accordance with the provisions of Ordinary meetings of the Executive.

#### **52EE - BRANCH BIENNIAL CONFERENCE**

- (a) The Biennial Conference of the Branch shall be the supreme authority over all matters affecting the general management and policies of the Branch.  
(b) The Biennial Conference shall be held every two (2) years at a place and on a date or dates determined by the preceding Biennial Conference and shall commence at an hour determined by the Branch Executive.  
(c) A Special Conference of the Branch may be held at any time, but must be convened in accordance with these Rules.  
(d) The following persons shall comprise the members of a Biennial or Special Conference:

The Delegates of Zones/Groups of Ordinary Members, each of whom shall have one vote in respect of any question before the Conference.

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**52EF - BRANCH SPECIAL CONFERENCE**

A Special Conference of the Association may be called by any of the following:

- (f) The President of the Association;
- (g) The Executive, by a two-thirds majority on its own motion;
- (h) Five (5) per cent of ordinary members;
- (i) The Executive, on receipt of a requisition in writing from twenty (20) Delegates stating the object of the desired Conference, shall refer such matter to each Delegate for advice of their determination within fourteen (14) days and comply if such requisition is then approved by a majority of Delegates.

Such Conference shall be held within thirty (30) days of the resolution authorising the Conference and each Delegate shall receive at least seven (7) days notice thereof. No business shall be transacted at such Conference other than that stated in the notice convening the Conference.

**52EG - BRANCH ELECTIONS**

Each election for an office in 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.

(a) General

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

- (i) Officers of the Branch.
- (ii) Ordinary members of the Branch Executive.
- (iii) Delegates to Branch Biennial Conference.

(b) Tenure of Office

- (i) Delegates to the Branch Biennial Conference shall be elected by secret postal ballot of all financial members of the respective Region. Those elected shall take office from the completion of the election and shall hold office for a period of two years or until a successor has been elected whichever is the sooner.
- (ii)
  - (1) Ordinary members of the Branch Executive shall be elected by secret postal ballot of all financial members of the respective Region. Those elected shall take office from the completion of the Biennial Conference following their election and shall hold office for a period of four years up to and including the duration of the Biennial Conference four (4) years later or until successors thereto have been elected and taken office whichever is the later.
  - (ii) Officers of the Branch shall be elected by secret ballot by Delegates to Branch Conference each four years. Those elected shall take office from the completion of the Biennial Conference following their election and shall hold office for a period of four years up to and including the duration of the Biennial Conference four (4) years later or until successors thereto has been elected and taken office whichever is the later.

(c) Qualifications for Office

- (i) A nominee for any office in the Branch shall be a financial member of the Branch as at the date of his/her nomination and shall be nominated by two other financial members of the Branch.
- (ii) A nominee for any office in the Branch may complete and “Information Profile” in support of their candidature. Such profile shall be no more than 200 words in length and shall only include the candidate’s name, location, region, work or Association experience, reason for nominating; or other relevant information which could assist the voter in their decision. Such profile shall be submitted to the Returning Officer prior to the close of nominations as a Microsoft Word compatible document, either by email or on a compact disk. The Returning Officer shall collate its content for the information of/distribution to voting members in the ballot.
- (iii) A nominee for a position of delegate to Branch Biennial Conference or ordinary Branch Executive member shall be attached to the region from which they seek to be elected.

(d) Returning Officer

- (i) At its first meeting after the completion of the election the Branch Executive shall appoint a Returning Officer for the conduct of any elections, ballots or plebiscites as may be necessary in the Branch throughout the ensuing 2 years provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed.
- (ii) A Returning Officer-
  - (a) need not be a member of the Federation; and
  - (b) in any event, shall not be the holder of any office in or an employee of the Federation, Branch, Zone or Group of the Federation.
- (iii) In the event of a duly appointed Returning Officer being unable or unwilling to act as and when required, whether during the conduct of any election ballot or not, the Branch Executive shall appoint another person to act as Returning Officer for that election ballot.
- (iv) The Returning Officer so appointed shall have power to appoint such assistants as he/she deems necessary provided that such assistants shall at all times be subject to the absolute control and direction of the Returning Officer.

(e) Conduct of Elections

- (i) In the month of November in the year preceding the Biennial Conference, the President shall request the Industrial Registrar to arrange for the conduct of elections for the positions of Conference Delegates and ordinary members of the Branch Executive.
  - (a) The electoral roll of members will close seven (7) days before the calling of nominations.
- (ii) There shall be Regional Conference Delegate and ordinary Executive member elections, which shall commence on the first Monday in February of the year of the Biennial Conference.

- (iii) All members in each Region shall elect:
- (a) Conference Delegates, on a proportionate basis of one per hundred or part thereof, members in each Region.
  - (b) Ordinary Executive members, on a proportionate basis of one for up to the first one thousand (1,000) members, then one for each and every additional one thousand (1,000) members, in each Region.
- (iv) **A** Deleted
- B** Deleted
- C** Deleted
- D** On and from the commencement of the Elections to be conducted in 2018, the Regions will be:
- (a) Central Metropolitan Region Area One: Sydney City, Surry Hills, Kings Cross, Rose Bay, Eastern Beaches, Eastern Suburbs, Harbourside, Central Metropolitan Region Office
  - (b) Central Metropolitan Region Area Two: Miranda, St George, Sutherland, Leichardt, Newtown, Botany Bay, Redfern
  - (c) North West Metropolitan Region Area One: Blacktown, Mt Druitt, Holroyd, St Marys, Penrith, Hawkesbury, Blue Mountains, Quakers Hill
  - (d) North West Metropolitan Region Area Two: Parramatta, The Hills, Ryde, North Shore, Kuring Gai, Northern Beaches, North West Metropolitan Region Office
  - (e) South West Metropolitan Region Area One: Ashfield, Burwood, Marrickville, Campsie, Flemington, Roschill, Bankstown
  - (f) South West Metropolitan Region Area Two: Green Valley, Fairfield, Cabramatta, Liverpool, Campbelltown, Macquarie Fields, Camden, South West Metropolitan Region Office
  - (g) Northern Region Area One: Brisbane Waters, Tuggerah Lakes, Central Hunter, Hunter Valley, Newcastle City, Lake Macquarie, Port Stephens, Northern Region Office
  - (h) Northern Region Area Two: Coffs-Clarence, Manning-Great Lakes, Mid North Coast, Richmond, Tweed-Byron
  - (i) Southern Region Area One: Albury, Wagga Wagga, Deniliquin, Hume, Cootamundra, Griffith, Monaro
  - (j) Southern Region Area Two: Lake Illawarra, Wollongong, Shoalhaven, Far South Coast, Southern Region Office
  - (k) Western Region: Barrier, Chifley, New England, Barwon, Darling River, Orana, Canobolas, Lachlan, Oxley, Castlereagh, Mudgee, Western Region Office
  - (l) Commissioned Officers Region

(m) Non-Local Area Command Region (Area One):

- (i) Professional Standards Command
- (ii) State Crime Command
- (iii) Police Prosecutions Command

(n) Non-Local Area Command Region (Area Two):

- (i) Major Event and Incident Group (MEIG)
- (ii) Counter Terrorism and Special Tactics Command
- (iii) Police Transport Command

(o) Non-Local Area Command Region (Area Three)

- (i) Business and Technology Services
- (ii) Commissioner's Office
- (iii) Deputy Commissioner's Offices
- (iv) Customer Service Program
- (v) Education and Training
- (vi) Finance and Services Group
- (vii) Forensic Services Group
- (viii) Human Resources
- (ix) Office of the General Counsel
- (x) Operational Communications and Information Command
- (xi) Performance Improvement and Planning Command
- (xii) Public Affairs
- (xiii) Shared Services
- (xiv) Special Services Group

(i) Traffic and Highway Patrol Command

**E** On and from the commencement of the Elections to be conducted in 2020, the Regions will be:

(a) Central Metropolitan Region Area One: All non-commissioned officers attached to the following Police Area Commands; Sydney City, Surry Hills, Kings Cross, Eastern Beaches, Eastern Suburbs, Central Metropolitan Region Office

(b) Central Metropolitan Region Area Two: All non-commissioned Officers attached to the following Police Area Commands; St George, Sutherland Shire, Leichhardt, Inner West, Botany Bay, Redfern

(c) North West Metropolitan Region Area One: All non-commissioned Officers attached to the following Police Area Commands; Blacktown, Mt Druiitt, Nepean, Hawkesbury, Blue Mountains, Quakers Hill

(d) North West Metropolitan Region Area Two: All non-commissioned Officers attached to the following Police Area Commands; Parramatta, The Hills, Ryde, North Shore, Kuring Gai, Northern Beaches, North West Metropolitan Region Office

(e) South West Metropolitan Region Area One: All non-commissioned Officers attached to the following Police Area Commands; Burwood, Campsie, Flemington, Cumberland, Bankstown

(f) South West Metropolitan Region Area Two: All non-commissioned Officers attached to the following Police Area Commands; Fairfield City, Liverpool City, Campbelltown City, Camden, South West Metropolitan Region Office



(g) Northern Region Area One: All non-commissioned Officers attached to the following Police Districts; Brisbane Waters, Tuggerah Lakes, Hunter Valley, Newcastle City, Lake Macquarie, Port Stephens/Hunter, Northern Region Office

(h) Northern Region Area Two: All non-commissioned Officers attached to the following Police Districts; Coffs-Clarence, Manning-Great Lakes, Mid North Coast, Richmond, Tweed-Byron

(i) Southern Region Area One: All non-commissioned Officers attached to the following Police Districts; Murray River, Riverina, Murrumbidgee, The Hume, Monaro

(j) Southern Region Area Two: All non-commissioned Officers attached to the following Police Districts; Lake Illawarra, Wollongong, South Coast, Southern Region Office

(k) Western Region: All non-commissioned Officers attached to the following Police Districts; Barrier, Chifley, New England, Central North, Orana Mid-Western, Central West, Oxley, Western Region Office

(l) Commissioned Officers

(m) Non-LAC Region Area One: All non-commissioned Officers attached to the following Commands;

- (i) State Crime
- (ii) Professional Standards
- (iii) Police Prosecutions
- (iv) State Intelligence

(n) Non-LAC Region Area Two: All non-commissioned Officers attached to the following Commands;

- (i) Counter Terrorism & Special Tactics,
- (ii) Police Transport and Public Safety

(o) Non-LAC Region Area Three: All non-commissioned Officers attached to the following Commands or not otherwise attached to the other Regions specified in this Annexure;

- (i) Education and Training,
- (ii) Forensic Evidence and Technical Services,
- (iii) Operational Communications and Information,
- (iv) Capability Performance and Youth

(p) Non-Local Area Command Area Four: All non-commissioned Officers attached to the following Command;

- (i) Traffic and Highway Patrol

(v) Ballot papers shall be marked in the following manner:

- (a) Where one or more candidates are to be elected, a cross (X) shall be marked adjacent to the name of the candidate(s) for whom the member wishes to vote. The member casting the vote may mark crosses (Xs) against fewer than the number of persons required to be elected but shall not mark more crosses (Xs) than the number of persons required to be elected.

- (b) When the ballot paper has been marked in accordance with sub-rule (e)(v)(a) the area adjacent to the remaining candidates shall remain blank.
- (vi) In a ballot where papers are required to be marked in accordance with the provisions of (v) of this rule, the crosses (Xs) appearing against each candidate's name, shall be totalled and:
  - (a) where one candidate is to be elected, the candidate with the highest number of crosses (Xs) shall be successful;
  - (b) where more than one candidate is to be elected, the candidate with the highest number of crosses (Xs) shall be first elected, the candidate with the second highest shall be second elected, and so on, until the required number of positions are filled.
- (vii) In the ballot where papers are required to be counted in accordance with the provisions of section (vi) of this rule, equalities in totals shall be resolved, when necessary, by the Returning Officer drawing lots in the presence of the tied candidates, if they wish to be present.
- (viii) In the event of a Delegate of a Region of Ordinary Members being transferred to another Region, the Delegate shall continue to hold office until a successor has been elected.
- (ix) Subject to any other provisions of the Rules, a member elected to a position of Region Delegate shall hold that position for a period of two (2) years, or until a successor has been elected, whichever is the sooner.
- (x) Issue of Ballot Papers:
  - (a) As soon as practicable after the date determined under sub rule (e)(ii) 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) a declaration envelope, and another envelope in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations, and
    - (iii) facility for the return of the completed ballot paper by post by the voter without expense to the voter.
- (xi) 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.

## 52EH - BRANCH EXECUTIVE

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- (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.
- (xii) 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 spoilt, 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.

## 52EH - BRANCH EXECUTIVE

- (a) Upon the declaration of the election of Conference Delegates and ordinary Executive members, the President shall request Fair Work Australia to arrange for the conduct of elections for the positions of:
  - One President (if required in accordance with rule 52EG(b)(ii));
  - One Vice President (if required in accordance with rule 52EG(b)(ii)); and
  - One Treasurer (if required in accordance with rule 52EG(b)(ii));
- (b) The elections referred to in (a) of this rule shall commence as the first item of business on the first day of every Biennial Conference which occurs in every second even year and shall be conducted in descending order.
- (c) Qualification for Office
  - (i) The nominee and nominators for positions elected at Conference shall come from Delegates to that Conference and persons eligible to vote in the election of officers at Conference shall be delegates to that Conference.
  - (ii) A delegate, who is absent from the Conference, may appoint in writing another delegate as a proxy for the purpose of elections conducted under this rule.

- (d) Ballot papers shall be marked in the following manner;
- (i) Where one or more candidates are to be elected, a cross (X) shall be marked adjacent to the name of the candidate(s) for whom the member wishes to vote.
  - (ii) The member casting the vote may mark crosses (Xs) against fewer than the number of persons required to be elected but shall not mark more (Xs) than the number of persons required to be elected.
  - (iii) When the ballot paper has been marked in accordance with sub-rules (i) and (ii) of this sub-rule the area adjacent to the remaining candidates shall remain blank.
- (e) In a ballot where papers are required to be marked in accordance with the provisions of sub-rule (d) of this rule, the crosses (Xs) appearing against each candidate's name shall be totalled and:
- (i) Where one candidate is to be elected, the candidate with the highest number of crosses (Xs) shall be successful;
  - (ii) Where more than one candidate is to be elected, the candidate with the highest number of crosses (Xs) shall be first elected, the candidate with the second highest shall be second elected, and so on, until the required number of positions are filled.
- (f) In a ballot where papers are required to be counted in accordance with the provisions of sub-rule (d) of this rule, equalities in totals shall be resolved, when necessary, by the returning Officer drawing lots in the presence of the tied candidates, if they wish to be present.
- (g) Scrutineers
- Any candidate may if he/she so desires appoint a scrutineer who is a financial member of the Federation to represent him/her at the ballot. The candidate appointing the scrutineer shall notify the Returning Officer in writing of the name of such Scrutineer, who:-
- (a) shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any votes so queried;
  - (b) shall not be entitled to remove, mark, alter or deface any ballot or other document used in connection with the election; and
  - (c) shall not interfere with or attempt to influence any member at that time such member is casting his/her vote.
- (h) Extraordinary Vacancies
- (i) Where an extraordinary or casual vacancy (howsoever occurring) in the office of any Officer of the Branch, ordinary member of the Branch Executive or Delegate to Branch Conference, or Branch delegate to the Federal Council, the Branch Executive shall take immediate action to have such vacancy filled in accordance with the procedures outlined in these Rules provided that
    - (a) where the unexpired portion of the term of office in which the vacancy occurs does not exceed three quarters of the term, the Branch Executive shall fill such vacancy by appointment of an eligible member of the Federation on the following basis:
      - President: the position shall be filled by the Vice President;

## 52EJ - BRANCH VICE PRESIDENTS

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Vice President: the position shall be filled from the Executive by an election in accordance with the Rules;

Treasurer: the position shall be filled from the Executive by an election in accordance with the Rules.

A member of the Executive: other than the officers described in the preceding clauses of this Rule, then the position will be filled by an election in the region where the vacancy exists.

- (b) where the unexpired portion of the term of office in which the vacancy occurs exceeds three-quarters of the term, the Branch Committee may fill such vacancy by appointment of an eligible member of the Federation until an election is held, provided that no person so appointed shall hold office for a period exceeding three months.
- (ii) Such election shall be conducted by the Returning Officer appointed pursuant to this rule and the Returning Officer so appointed shall determine the dates for the opening and closing of nominations and the opening and closing of the ballot and shall report the result of the ballot to the next following meeting of the Branch Committee.
  - (a) The electoral roll of members will close seven (7) days before the calling of nominations.
- (iii) Any person so elected shall take office from the date of the declaration of his/her election and shall hold office until the expiration of the term of the person he/she replaced.
- (iv) In addition to rule 52EO Ordinary members of the Branch Executive shall cease to hold office in the following circumstances:
  - (a) he/she is voluntarily transferred out of the region from which they were elected; or
  - (b) promoted to Commissioned Officer Rank.

In respect to this rule 'voluntarily transferred' shall be taken to mean a transfer which is not at the direction of the Commissioner of Police or his/her delegate.

## 52EI - BRANCH PRESIDENT

The President of the Branch shall be the official head of the Branch, and

- (a) shall preside at all meetings of the Branch and Branch Committee and preserve order thereat so that business may be conducted in due form with propriety and in conformity with standing orders; and
- (b) shall generally ensure the well-being of the Federation and its members and the carrying out of the objects of the Federation within the area administered by the Branch.

## 52EJ - BRANCH VICE PRESIDENTS

- (a) The Branch Vice President shall at all times assist the Branch President in the execution of his/her duties and shall carry out the functions of the Branch President in his/her absence.
- (b) In the event of the Branch President and Branch Vice President being absent from a meeting of the Branch Committee, the members present shall appoint a Chair to preside over the meeting.

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**52EJJ - BRANCH TREASURER**

The Branch Treasurer shall be responsible for the general oversight of all matters affecting the finance of the Branch.

**52EK - BRANCH ADMINISTRATOR**

The Branch Executive Administrator who shall be appointed by the Branch, subject to these Rules, have charge of the general conduct, administration and business of the Branch. He/she shall be the investigating and organising officer of the Branch and shall be the person to sue and to be sued on behalf of the Branch.

The Administrator shall be a non-voting ex-officio, a member of all Committees and Sub-Committees of the Branch, and shall:

- (a) call and attend all meetings of the Branch and Branch Executive unless excused and keep or cause to be kept minutes of the business transacted at such meetings;
- (b) receive and deposit all moneys on behalf of the Branch;
- (c) conduct the business and correspondence on behalf of the Branch;
- (d) keep an up-to-date register of Branch members showing their names and their postal addresses so far as known and shall periodically notify the Chief Executive Officer of any changes in such list;
- (e) forward to the Chief Executive Officer within fourteen days of the completion of any election in the Branch a list of the full names and addresses of all officeholders in the Branch;
- (f) provide the Federal Returning Officer and the Branch Returning Officer with such assistance as is necessary to enable them to conduct any elections;
- (g) submit his/her books, accounts and receipts annually or as often as may be required by the Branch Executive to the Auditors and to give them such assistance as they may require in the audit; and submit a Report and balance sheet each financial year to the Branch Executive;
- (h) be responsible for the books, records, property and moneys of the Branch and, within 7 days of receiving a request from the Branch Executive to do so, deliver to the Branch Executive such books, records, property and moneys;
- (i) engage, control and dismiss such clerical and other staff as may be necessary for the conduct of the affairs of the Branch;
- (j) prepare and lodge returns required by the Act and Regulations;
- (k) carry out such other duties as the Branch Executive may from time to time assign or as may be conferred by these Rules or as may be required by the Act or Regulations; and
- (l) inform each applicant for membership of the rights and financial obligations of membership and the circumstances and manner of resignation.

**52EL - BRANCH AUDITOR**

The Branch Auditor who shall:

- (a) be appointed annually by the Branch Executive;
- (b) be a competent person within the meaning of the Act and Regulations;

## 52EM - BRANCH FUNDS AND PROPERTY

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- (c) perform such functions and duties as are prescribed by the Act and Regulations and such other functions and duties not inconsistent with the Act and Regulations as are required by the Branch Executive;
- (d) have access to and examine if desired all books, papers, deeds, documents and accounts of the Branch Executive and be empowered to question any office bearer or employee of the Branch with regard to the same and to obtain from any financial or other institution at which the funds of the Branch are deposited or invested such information as may be required; and
- (e) have power to place before the Branch Executive any suggestion he/she may desire to make concerning the financial affairs of that Branch.

### **52EM - BRANCH FUNDS AND PROPERTY**

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

the President, a Vice-President, the Administrator or any other person authorised by the Branch Executive.
- (5) The financial year of the Branch shall be a calendar year, commencing on 1 January and ending on 31 December.

**52EN - BRANCH VOTING**

Voting at all meetings of the Branch or Branch Executive shall be by show of hands or by such other method as the meeting may decide. The Chair shall have a deliberative vote only and in the event of a tie, the questions shall lapse.

**52EO - REMOVAL OF BRANCH OFFICERS, BRANCH COMMITTEE MEMBERS AND DELEGATES TO FEDERAL COUNCIL, DELEGATES TO BRANCH CONFERENCE**

- (1) In addition to any other provisions of the Rules, any officer of the Branch shall cease to hold that office in the event of:
  - (a) resigning the position by notice in writing, or, 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,
    - (i) misappropriation of the funds of the Branch
    - (ii) a substantial breach of the Rules of the Branch
    - (iii) gross misbehaviour or gross neglect of duty.
  - (b) ceasing to qualify for membership in accordance with these Rules
  - (c) ceases to be a financial ordinary member in accordance with these Rules
  - (d) no longer eligible for membership by virtue of resignation/dismissal from the Police Service.
- (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 is to be heard and determined; and
  - (d) a person who is charged shall be entitled to attend the meeting of the Branch Executive considering the charge and be heard but shall not be 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.
- (5) Notwithstanding the provisions of this rule a member of the Branch Executive who resigns from the Police Service in accordance with The Australian Constitution to contest an election as a member of Parliament, is unsuccessful and immediately returns to the NSW Police Service following such election, in accordance with The Police Service Act, shall continue to be eligible to hold office in the Branch.



### **52EP - ARBITRATION PROCEEDINGS AND INDUSTRIAL AGREEMENTS**

Subject to Rule 15, and Rule 28:

- (i) The Branch Executive shall have power and authority to lodge or file any claims, demands, disputes or other matters with the Industrial Relations Commission or such other court or body as it may be necessary to file or lodge the same for determination.
- (ii) The Branch Administrator shall have a discretionary power to lodge or file claims, demands, disputes or any other matters provided that any use of such discretionary power shall be ratified by the Branch Executive at its first meeting next following.
- (iii) The Branch may be represented at the hearing of any such claim, demands, dispute or matter by the Branch Administrator or by such other officers or persons as the Branch Administrator may decide.

### **52EQ - DUAL OFFICES**

In the event of a candidate being elected to more than one office pursuant to Rules 52EG and EH, the candidate shall be declared elected to the higher or highest of such offices.

In the case of Officers referred to in Rules 52EA and 52EB, the order of precedence shall be:

Branch President  
Branch Vice President  
Branch Treasurer  
Ordinary Members of the Branch Executive.

### **52ER - FEDERAL COUNCIL DELEGATES**

- A. Up to the elections scheduled to be conducted in 2018 the Delegates to Federal Council representing the NSW Police Branch shall be the Branch President, Branch Vice President and Branch Treasurer. The remaining delegate positions shall be elected by and from the Branch Executive in accordance with rule 52EH, mutatis mutandis, as soon as possible after the Biennial Conference. Delegates shall hold office from the date of the declaration of the ballot until the conclusion of the next succeeding Branch Biennial Conference. Delegates shall cease to hold office in the event that they cease to be a member of the Branch Executive in accordance with rule 52EH(h)(iv) and rule 52EO. In the event that there is a vacancy or vacancies in a position of Delegate to Federal Council howsoever occurring the Branch President or another Delegate to Federal Council as determined by the Branch Executive, shall exercise an additional vote or votes during such vacancy or vacancies until the position is filled under these rules.
- B. On and from the elections scheduled to be conducted in 2018 the Delegates to Federal Council representing the NSW Police Branch shall be the Branch President, Branch Vice President and Branch Treasurer. The remaining delegate positions shall be elected by and from the Branch Executive in accordance with rule 52EH, mutatis mutandis, as soon as possible after the Biennial Conference. Delegates shall hold office from the date of the declaration of the ballot until the conclusion of the next Branch Biennial Conference at which elections for Officers are scheduled to occur pursuant to rule 52EH. Delegates shall cease to hold office in the event that they cease to be a member of the Branch Executive in accordance with rule 52EH(h)(iv) and rule 52EO. In the event that there is a vacancy or vacancies in a position of Delegate to Federal Council howsoever occurring the Branch President or another Delegate to Federal Council as determined by the Branch Executive, shall exercise an additional vote or votes during such vacancy or vacancies until the position is filled under these rules.

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**52ES - BRANCH EXECUTIVE QUORUM**

- (a) The quorum for any Ordinary or special meeting of the Branch Executive shall be seven (7) members.
- (b) If no quorum is present within thirty (30) minutes of the time appointed for the commencement of the meeting, then the meeting shall be adjourned to the same day in the next week, or if that day is a public holiday; the next day following which is not a public holiday. If less than seven (7) members are present within fifteen (15) minutes of the time appointed for the commencement of the adjourned meeting, then such members as are present shall be deemed to constitute a Quorum competent to transact the business for which the original meeting was convened.

**52ET - MAKING OR ALTERATION OF BRANCH RULES**

Subject to Rule 34 Clause (b):

- (a) The Branch shall have the 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.
- (b) 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 as the case may be, provided that any such proposal may itself be amended when being considered by the relevant meeting.
- (c) The Branch Administrator shall within 35 days of the amendment thereof file with the Registrar of the Industrial Relations Commission full particulars of the alteration in such form and manner 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 Federation.
- (d) The Branch Administrator shall file particulars with the Registrar pursuant to subrule (c) of this Rule and shall as soon as practicable but not later than 7 days forward to the Chief Executive Officer a true copy of the said particulars and shall thereafter forward to the Chief Executive Officer a copy of all correspondence and documents with respect to the Registrar's dealings with the alteration.

**52EU - TRANSITIONAL**

- (a) The provisions of this Rule shall prevail over any inconsistent provision elsewhere in these Rules.

Transitional Rule

The persons holding the position of members of the Executive of the Police Association of New South Wales shall, on becoming members of the Federation hold the position of member of the Branch Executive of the New South Wales Branch on and from the date that the New South Wales Branch Rules come into operation and shall hold office until the next ordinary elections of the Executive of the New South Wales Police Association.

## PART CF1 QUEENSLAND POLICE BRANCH

### 1 - NAME

- (a) The name of the branch is the Queensland Police Branch of the Police Federation of Australia.

### 2 - PRINCIPAL OFFICE

- (a) The principal office of the Branch will be 217 North Quay, Brisbane.

### 3 - DEFINITIONS

In these Part CF rules the following words have the meaning provided in this rule:

- (a) “**Act**” means the *Fair Work (Registered Organisations) Act 2009* (Cth);
- (b) “**Auditor**” means the person appointed pursuant to **rule 82**;
- (c) “**Branch**” means the Queensland Police Branch of the Federation;
- (d) “**Branch Accounts**” means:
- (i) the Financial Statements, including records that may be prescribed;
  - (ii) kept in a manner that enables a general purpose financial report to be prepared from them in accordance with the Act; and
  - (iii) kept in the manner that will enable the accounts of the Branch to be conveniently and properly audited in accordance with these rules;
- (e) “**Branch Conference**” means the meeting of the Branch Council held in accordance with **rule 15**;
- (f) “**Branch Council**” means the council provided for by **rule 13**;
- (g) “**Branch Executive**” means those offices provided for by **rule 19**;
- (h) “**Branch Fund**” means the fund provided for by **rule 90**;
- (i) “**Branch Journal**” means the journal produced by the Branch;
- (j) “**Branch Regional Representatives**” means the Members elected in accordance with **sub-rule 39(b)**;
- (k) “**Branch Register**” means the register kept in accordance with **rule 8**;
- (l) “**Branch Returning Officer**” means the person appointed in accordance with **rule 38**;
- (m) “**Branch Website**” means the website maintained by the Branch;
- (n) “**Clusters**” means the grouping of particular Districts within a Region;
- (o) “**Conference Delegates**” means delegates elected to represent a Cluster pursuant to **rule 39**;

### 3 - DEFINITIONS

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- (p) “**District**” includes a:
- (i) police district;
  - (ii) police establishment; or
  - (iii) police station;
- (q) “**Election Procedure Rules**” means **rules 42 to 72**, inclusive, of these rules
- (r) “**Federal Council Delegates**” means the delegates elected in accordance with **rule 41**;
- (s) “**Federation**” means the Police Federation of Australia;
- (t) “**Financial Statements**” means any financial documents that explain the methods and calculations about how the Branch’s accounts are made up and correctly record and explain the Branch’s transactions and financial position;
- (u) “**Full Time Official**” means any person who is engaged by the Branch on a full time basis, irrespective of whether they are:
- (i) employed;
  - (ii) seconded;
  - (iii) appointed; or
  - (iv) elected;
- (v) “**Member**” means a member of the Branch who is financial in accordance with these rules;
- (w) “**Minute Record**” means the record of the minutes of the Branch, kept in accordance with these rules, in:
- (i) written;
  - (ii) electronic; or
  - (iii) other form;
- (x) “**officer of the Branch**” means a person holding office in the Branch;
- (y) “**Officers Register**” means the register kept in accordance with **rule 8**;
- (z) “**Policy**” means policy of the Branch;
- (aa) “**QPUE**” means the Queensland Police Union of Employees;
- (bb) “**Queensland Police Service**” means the body of persons maintained, pursuant to the *Police Service Administration Act 1990* (Qld), as the Queensland Police Service;

#### 4 - INTERPRETATION

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- (cc) “**Region**” means the following geographical and/or organisational areas of the Branch:
- (i) Far Northern Region;
  - (ii) Northern Region;
  - (iii) Central Region;
  - (iv) North Coast Region;
  - (v) Southern Region;
  - (vi) South East Region;
  - (vii) Metropolitan North Region;
  - (viii) Metropolitan South Region; and
  - (ix) Headquarters and Support Region;
- (dd) “**Standing Committee**” means a committee of the Branch Executive Committee appointed in accordance with **rule 31**;
- (ee) “**Sub-branch**” means a sub-branch of the Branch established in accordance with **rule 80**; and
- (ff) “**Working Committee**” means a committee of the Branch appointed in accordance with **rule 33**.

#### 4 - INTERPRETATION

- (a) In these Part CF rules unless the context clearly provides otherwise:
- (i) the singular includes the plural and the plural includes the singular;
  - (ii) a reference to a statute includes any:
    - (1) statute amending, consolidating or replacing the statute; and
    - (2) regulation made under the statute as that regulation is in force from time to time;
  - (iii) headings will not be taken into account in interpreting these rules;
  - (iv) a reference to a “rule” is, unless the context clearly indicates otherwise, a reference to a rule of these Part CF rules;
  - (v) a reference to a “Branch” is a reference to the Queensland Police Branch;
  - (vi) a reference to a “sub-rule” means, unless the context clearly indicates otherwise, a sub-rule of the rule in which the reference to the sub-rule is made;
  - (vii) a reference to a “part” means, unless the context clearly indicates otherwise, a part of the sub-rule in which the reference to the part is made;
  - (viii) a reference to “financial year” is a reference to the period commencing on 1 January and ending on 31 December in a year;
  - (ix) a reference to a “day” in these rules is a reference to the days Monday to Sunday;

- (x) a reference to a “month” is a reference to a calendar month;
- (xi) a reference to “business hours” in these rules is a reference to the hours of 9.00am to 5.00pm;
- (xii) where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose, the period, unless the contrary intention appears, is reckoned exclusive of such day or the day of such act or event;
- (xiii) “attendance at meetings” means any meeting, where the persons in attendance at the meeting consider it appropriate to do so and the rules permit, may be conducted by any means of communication where the members may participate without being in physical attendance, and if the meeting is being conducted in that manner then a reference to any “attendance” by a member at a meeting includes attendance in person or by means of communication where the member may participate without being in physical attendance; and
- (xiv) communications in writing include communications by facsimile, email and SMS text.

## 5 - REGIONS

- (a) For the purposes of these rules, a Member belongs to the Region in which they are usually, or ordinarily, employed.
- (b) The Branch Executive, will, at a meeting held at least 90 days prior to the calling of nominations for the election of:
  - (i) Branch Regional Representatives; and
  - (ii) Conference Delegates,determine the:
  - (iii) Districts which comprise each of the Clusters; and/or
  - (iv) Clusters which comprise each of the Regions.
- (c) The Branch Secretary will promptly, following the making of a determination pursuant to sub-rule (b) which results in the alteration of either the Districts comprising a Cluster and/or the Clusters comprising a Region, give notice as the case may be to the Members of:
  - (i) the Districts comprising each Cluster; and
  - (ii) the Clusters comprising each Region.
- (d) In determining the Districts that comprise each Cluster, the Branch Executive will take the following matters into account:
  - (i) commonality of industrial interest of the Members concerned;
  - (ii) geographical location of the Members concerned; and
  - (iii) the efficient administration of the affairs of the Branch.

## 5 - REGIONS

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- (e) In determining the Clusters that will comprise each Region, the Branch Executive will take the following matters into account:
- (i) commonality of interest of the Members concerned;
  - (ii) geographical location of the Members concerned; and
  - (iii) the efficient administration of the affairs of the Branch.
- (f) The Branch Executive may:
- (i) add new Districts to Clusters as they are formed; or
  - (ii) remove Districts from Clusters if they are dissolved.
- (g) The Branch Executive may, when giving notice referred to in sub-rule (c), publish a list and/or map which depicts the Regions and the Clusters that comprise them.
- (h) Despite any other rule of these rules, notice required to be given by the Branch Secretary pursuant to sub-clause (c) may be given by the Branch Secretary placing the list and/or the map referred to in sub-rule (g) on the Branch Website.
- (i) A Member elected as a Conference Delegate continues to hold office until:
- (i) their successors are elected and take office;
  - (ii) they die;
  - (iii) they resign; or
  - (iv) are otherwise removed from office in accordance with these rules,
- irrespective of whether they are transferred from a District in the Cluster they have been elected to represent and/or are no longer usually, or ordinarily, employed in any District in that Cluster.
- (j) A Member elected as a Regional Representative will continue to hold office until:
- (i) their successors are elected and take office;
  - (ii) they die;
  - (iii) they resign; or
  - (iv) are otherwise removed from office in accordance with these rules,
- irrespective of whether they are transferred from a Cluster in the Region they have been elected to represent and/or are no longer usually, or ordinarily, employed in any Cluster in that Region.

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**6 - ADMISSION OF NEW MEMBERS**

- (a) Applications for membership of the Branch will be:
  - (i) in the form determined by the Branch Executive (for this rule the “application form”); and
  - (ii) signed by the applicant.
- (b) The Branch Executive may publish the application form, determined in accordance with sub-rule (a), by the means it considers appropriate.
- (c) Applicants for membership are to provide the completed application form to the Branch Secretary.
- (d) Application forms may be provided to the Branch Secretary by:
  - (i) hard copy;
  - (ii) facsimile;
  - (iii) email; or
  - (iv) completion on-line.
- (e) The Branch Secretary may waive the completion of the application form, by an applicant, or may accept an application that is in some other form.
- (f) The Branch Secretary may, despite sub-rule (a), accept an application that is made by phone.
- (g) The Branch may, without limitation to this rule, publish application forms, and accept applications for membership, by means of the internet, and in relation to any applications received by means of the internet the provisions of the *Electronic Transactions Act 1999 (Cth)* apply and an applicant for membership will be taken to have signed the application form if the requirements of s10 of the *Electronic Transactions Act 1999 (Cth)* are met.
- (h) No omission, irregularity or want of form will invalidate an application for membership provided that the:
  - (i) applicant for membership intended to apply for membership; and
  - (ii) Branch treated it as an application for membership.
- (i) Upon receipt by the Branch Secretary of an application, the applicant for membership will, subject to the provisions of these rules and the Federation’s rules, become a Member of the Branch from the date of receipt of the application.
- (j) The Branch Secretary may refer an application by an applicant for membership to the Branch Executive for its determination, and must do so within 7 days of being required to by the Branch President or the Branch Executive.
- (k) Applicants for membership will be informed in writing of the financial obligations arising from membership and the circumstances, and the manner, in which a Member may resign from the Branch and from the Federation.
- (l) This rule does not prevent the application for membership being a joint application with the QPUE.
- (m) Applicants for membership will, when admitted to membership in accordance with this rule, enjoy all the advantages of membership of the Branch so long as they comply with these rules.



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**7 - RESIGNATION OF MEMBERS**

- (a) A member may resign membership of the Branch by written notice addressed and delivered to the Branch Secretary.
- (b) A notice of resignation takes effect:
  - (i) where the member ceases to be eligible for membership of the Branch:
    - (1) on the day on which the notice is received; or
    - (2) the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is the later; or
  - (ii) in any other case:
    - (1) at the end of 2 weeks after the notice is received; or
    - (2) on the day specified in the notice;whichever is the later.
- (c) Notice of resignation will be addressed and delivered to the Branch Secretary.
- (d) Any member resigning will, subject to the Act, be liable for the payment of all subscription fees, fines and levies owing to the Branch under these rules at the date of leaving, and such monies may be sued for and recovered in the name of the Branch.
- (e) Any subscription fees paid by a member in respect of a period beyond the end of the quarter in which the member's notice of resignation expires will be remitted to the member if requested.
- (f) A member who pays annual subscription fees by instalments will not be liable to pay any instalment for any period after the end of the quarter in which the member's notice of resignation expires.
- (g) A member who resigns where the member ceased to be eligible to become a member of the Branch will be entitled to the same remission as stated in sub-rule (e).
- (h) A notice delivered to the Branch Secretary will be taken to have been received by the Branch when it was delivered.
- (i) A notice of resignation that has been received by the Branch is not invalid because it was not addressed and delivered to the Branch Secretary.
- (j) A resignation from membership of the Branch is valid, even if not effected in accordance with sub-rules (a) to (j), if the member is informed in writing by or on behalf of the Branch, that the resignation has been accepted.
- (k) A member on leaving the Branch after compliance with this rule will be entitled, on written application to the Branch Secretary, to a clearance certificate in the prescribed form.

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**8 - BRANCH MEMBERS / OFFICERS REGISTER**

- (a) The Branch Secretary will maintain a membership register containing, as far as the Branch Secretary is able to determine, the following information in relation to each member:
- (i) name;
  - (ii) residential address;
  - (iii) phone numbers;
  - (iv) email address;
  - (v) place of employment;
  - (vi) classification;
  - (vii) Sub-branch;
  - (viii) District;
  - (ix) date of admission;
  - (x) date of resignation;
  - (xi) any other information required by the Branch Executive; and
  - (xii) any other information required by the Act.
- (b) The Branch Register will be arranged according to membership of Sub-branches.
- (c) Without limitation to sub-rule (a) a Member changing their member information will notify the Branch Secretary who will promptly amend the Branch Register.
- (d) The Branch Register is, in the event of a Member failing to notify any change of their member information pursuant to this rule, conclusive proof for the purposes of these rules and the Federation's rules of the matters set out in the Branch Register.
- (e) The Branch Secretary will keep an Officers Register of the Branch.
- (f) A Member, or a person with a Member's written authority, may during business hours inspect the Branch Register and the Officers Register.
- (g) The Branch Secretary will, after entering an applicant's name on the Branch Register, advise the Federal Secretary of the acceptance of the applicant's membership and provide any information that the Federal Secretary may reasonably require for the purposes of entering the applicant's name, residential address and date of admission to membership in the Federation's register.
- (h) The Branch Secretary will, after changing member information on the Branch Register, advise the Federal Secretary of the change in information.
- (i) The Branch Secretary will, after entering an officer's information on the Officers Register, advise the Federal Secretary and provide any information that the Federal Secretary may reasonably require to ensure that the Federation's officers register is maintained.
- (j) The Branch Secretary will, after changing officer information on the Officers Register, advise the Federal Secretary of the change in information.

## 10 - MEMBERSHIP SUBSCRIPTIONS AND LEVIES

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- (k) The Branch Secretary will remove from the Branch Register, when directed to do so by the Branch Executive:
- (i) unfinancial members; and
  - (ii) members who have been expelled, resigned or died,

provided that prior to removing a member in accordance with part i) the Branch Secretary will advise the member concerned that their name will be removed from the Branch Register unless, within 10 days, they become financial in accordance with these rules.

### 9 - ATTACHMENT OF MEMBERS

- (a) Every member will be attached, by the Branch Secretary, to the Sub-branch appropriate to the circumstances of the member's employment unless the Branch Executive determines that it would be more convenient for the member to be attached to another Sub-branch.
- (b) Every member will be attached, by the Branch Secretary, to the District appropriate to the circumstances of the member's employment unless the Branch Executive determines that it would be more convenient for the member to be attached to another District.

### 10 - MEMBERSHIP SUBSCRIPTIONS AND LEVIES

- (a) Subject to **rule 12**, members of the Branch must be financial members of the Federation in accordance with the rules of the Federation.
- (b) The Branch Council will determine subscription fees to be paid by members of the Branch, subject to:
  - (i) the Federation's rules;
  - (ii) these rules; and
  - (iii) the provisions of this rule.
- (c) Despite sub-rule (a) a member of the Branch will not be required to pay any membership subscriptions or entrance fees which might otherwise be payable pursuant to the Federation's rules and will for all purposes of the Federation's rules and these rules be a financial member for the whole of any period during which the member of the Branch is, in accordance with the rules of the QPUE, a financial Member of the QPUE.
- (d) If a member of the Branch, who is entitled to the benefit of sub-rule (c), ceases to be a financial member of the QPUE then the member, from the happening of that event, becomes an unfinancial member pursuant to these rules, however upon the payment of any arrears to the QPUE, or the member otherwise becoming a financial member of the QPUE, any arrears or liability to pay membership fees arising under these rules will be extinguished.

(e) A member who has failed to pay:

- (i) levies;
- (ii) fines; or
- (iii) loans,

for a period of 90 days following a requirement to pay, or is not financial in accordance with sub-rules (c) or (d), is unfinancial, and will remain unfinancial until the:

- (i) levies;
- (ii) fines; or
- (iii) loans,

as the case may be, are paid or the member becomes financial in accordance with sub-rules (c) and (d).

(f) The Branch Council may, in each financial year, determine to levy:

- (i) members;
- (ii) members in a particular classification;
- (iii) members in a particular District;
- (iv) members in a particular Cluster;
- (v) members in a particular Region; or
- (vi) members of a Sub-branch.

an amount not exceeding, in aggregate, \$200 in a financial year.

(g) Where the Branch Council levies members in accordance with parts (f)(ii)-(vi), the levy when paid may only be applied to the benefit of the members in the particular classification, District, Cluster, Region or Sub-branch as the case may be.

(h) A levy determined to be raised in accordance with sub-rule (f) may, subject to this rule, be applied for the purpose that the Branch Council determines.

(i) Any member who is unfinancial for a period exceeding 6 months may be removed by the Branch Secretary, at the direction of the Branch Executive, from the Branch Register.

(j) Without limitation to sub-rules (b) and (c) the Branch Executive may, if they consider the circumstances are appropriate to do so, waive any unpaid:

- (i) entrance fees;
- (ii) subscriptions; and/or
- (iii) levies,

for any member, or group of members, of the Branch whether or not the Members concerned have made application for waiver.

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**11 - RIGHTS OF MEMBERS**

- (a) Only Members are entitled to any of the benefits and privileges of membership of the Branch.
- (b) Only Members are entitled to:
  - (i)
    - (1) attend meetings of the Branch;
    - (2) move, or second, resolutions of the Branch;
    - (3) speak at any meeting of the Branch;
    - (4) vote in any ballot or referendum of the Branch;
    - (5) nominate, or second, nominations for an office of the Branch;
    - (6) hold office in the Branch;
    - (7) receive publications of the Branch, free of charge;
    - (8) participate in the business of the Branch; and
  - (ii)
    - (1) attend meetings of the District, Cluster, Region or Sub-branch to which they are attached;
    - (2) move, or second, resolutions of the District, Cluster, Region or Sub-branch to which they are attached;
    - (3) speak at any meeting of the District, Cluster, Region or Sub-branch to which they are attached;
    - (4) vote in any ballot or referendum of the District, Cluster, Region or Sub-branch to which they are attached;
    - (5) nominate, or second, nominations for an office of the District, Cluster, Region or Sub-branch to which they are attached;
    - (6) hold office in the District, Cluster, Region or Sub-branch to which they are attached;
    - (7) receive publications of the District, Cluster, Region or Sub-branch to which they are attached, free of charge; and
    - (8) participate in the business of the District, Cluster, Region or Sub-branch to which they are attached.

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**12 - RIGHTS OF LIFE MEMBERS**

- (a) A person, who has provided significant and exemplary service to the Branch, may be appointed as a life member.
- (b) Life members will be appointed by Branch Conference on the recommendation of the Branch Executive.
- (c) Life members are entitled to:
  - (i) attend meetings of the Branch;
  - (ii) speak at any meeting of the Branch;
  - (iii) receive publications of the Branch, free of charge; and
  - (iv) access the Branch's services,provided that a life member who remains eligible for membership of the Federation and for attachment to the Branch will be entitled to the benefits and privileges to which members are entitled in accordance with rule 11.
- (d) Life members are, subject to sub-rule (c), not, in relation to the Branch, entitled to:
  - (i) move, or second, resolutions;
  - (ii) more, or second, nominations;
  - (iii) nominate for office;
  - (iv) hold office; or
  - (v) vote in any ballot, or plebiscite, of the Branch.
- (e) A life member does not have to pay to the Branch:
  - (i) subscriptions; and
  - (ii) levies.

**13 - BRANCH COUNCIL**

- (a) The Branch Council comprises:
  - (i) the Branch President;
  - (ii) the Branch Executive; and
  - (iii) Conference Delegates.
- (b) The membership of the Branch Council must not comprise more than 30% of the Branch's full-time elected officers or full-time employees.

**14 - BRANCH COUNCIL - POWERS**

- (a) The Branch Council is the supreme governing body of the Branch and has, without limitation, the power to:
  - (i) determine all matters in relation to the Branch;
  - (ii) determine Policy;
  - (iii) hear appeals, as provided by these rules, from determinations of the Branch Executive; and
  - (iv) amend the rules.
- (b) The determinations of Branch Council bind the Branch Executive.

**15 - MEETINGS OF BRANCH COUNCIL**

- (a) The Branch Council will each year meet, within 6 months following the end of the Branch's financial year, as the Branch Conference.
- (b) The Branch Council will meet at other times as determined in accordance with these rules.
- (c) Subject to sub-rule (a) meetings of the Branch Council will be held at the time, and place, as the Branch Executive determines.
- (d) The Branch Secretary will give notice of the:
  - (i) time;
  - (ii) place; and
  - (iii) agenda,for meetings of the Branch Council, to all members of the Branch Council not less than 28 days prior to the commencement of the meeting.
- (e) The notice required by sub-rule (d) may be given to each member of the Branch Council by:
  - (i) post;
  - (ii) facsimile; and/or
  - (iii) email communication.
- (f) The quorum for meetings of the Branch Council is half plus 1 of the members of the Branch Council entitled to attend and vote.

## 15 - MEETINGS OF BRANCH COUNCIL

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(g) Each member of the Branch Council is entitled to exercise, in relation to any resolution before, or ballot of, the Branch Council a single deliberative vote, provided that the members of the Branch Executive who are elected to the offices of:

- (i) Branch Vice President;
- (ii) Branch Treasurer; and
- (iii) Branch Assistant Treasurer,

will not be entitled to exercise more than the 1 vote that they hold as a Branch Executive member.

(h) Despite sub-rule (g) the Branch President is entitled to exercise both a deliberative and a casting vote.

(i) Voting will be by show of hands, provided that if the Branch President considers it appropriate a division of the Branch Council will occur.

(j) In the event that a division is required in accordance with sub-rule (i) then the names of the members of the Branch Council voting for or against the resolution, or the ballot, will be minuted.

(k) All resolutions before the Branch Council will be determined by a majority vote.

(l) The Branch Secretary and the Branch Assistant Secretary:

- (i) must, unless given a leave of absence by the Branch President, attend all meetings of the Branch Council; and
- (ii) are entitled to address meetings of the Branch Council, but:
- (iii) are not entitled to:
  - (1) move, or second, resolutions; or
  - (2) vote on matters before the Branch Council.

(m) Members, who are not otherwise members of the Branch Council, are entitled to attend meetings of the Branch Council, but:

- (i) are not entitled to vote; and
- (ii) may only:
  - (1) address the Branch Council; and
  - (2) participate in any debate, or activities, of the Branch Council,

with the leave of the Branch President.

(n) The Branch Council will sit until:

- (i) the business on the agenda is dealt with; or
- (ii) it is adjourned by the Branch President.



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**16 - SPECIAL MEETINGS OF BRANCH COUNCIL**

- (a) Any Sub-branch, member or other person, entitled in accordance with these rules, wishing to appeal a determination of the Branch Executive, and having exercised all other rights provided by these rules, will give notice in writing to the Branch Secretary stating:
  - (i) the determination that is sought to be appealed; and
  - (ii) the facts relied upon to give rise to the appeal.
- (b) The Branch Council will meet to determine appeals in accordance with this rule.
- (c) The meeting of the Branch Council held pursuant to sub-rule (b) will be held at the times and places as the Branch Council determines, provided that:
  - (i) when the appeal to be determined is an appeal from an officer of the Branch, the Branch Secretary or the Branch Assistant Secretary in accordance with rule 78 it must be held within 28 days of the notification to the Branch Secretary, or if the Branch Secretary is appealing to the Branch Assistant Secretary, of the appeal; and
  - (ii) when the appeal to be determined is from a member or a Sub-branch, it must be held within 90 days of the notification to the Branch Secretary of the request for a review of the determination of the Branch Executive.
- (d) The Branch Secretary, or the Assistant Branch Secretary as the case may be, will give notice of the:
  - (i) time;
  - (ii) place; and
  - (iii) business,for the special meeting of the Branch Council, to all members of the Branch Council not less than 14 days prior to the commencement of the meeting.
- (e) The notice required by sub-rule (d) may be given to each member of the Branch Council and to the respective Sub-branch, member or other person which or who, as the case may be, is the subject of an appeal being considered by the Branch Council by:
  - (i) post;
  - (ii) facsimile; and/or
  - (iii) email communication.
- (f) Only the business notified in the notice provided in accordance with sub-rule (d) can be dealt with at the special meeting of the Branch Council.
- (g) The quorum for special meetings of the Branch Council is half plus 1 of the members of the Branch Council entitled to attend and vote.

## 16 - SPECIAL MEETINGS OF BRANCH COUNCIL

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- (h) Each member of the Branch Council is entitled to exercise, in relation to any resolution before, or ballot of, the Branch Council a single deliberative vote, provided that the members of the Branch Executive who are elected to the offices of:
- (i) Branch Vice President;
  - (ii) Branch Treasurer; and
  - (iii) Branch Assistant Treasurer,
- will not be entitled to exercise more than the 1 vote that they hold as a Branch Executive member.
- (i) Despite sub-rule (h) the Branch President is entitled to exercise both a deliberative and a casting vote.
- (j) Voting will be by show of hands, provided that if the Branch President considers it appropriate a division of the Branch Council will occur.
- (k) In the event that a division is required in accordance with sub-rule (j) then the names of the members of the Branch Council voting for or against the resolution, or the ballot, will be minuted.
- (l) A resolution before a special meeting of the Branch Council will be determined by a majority vote.
- (m) The Branch Secretary and the Branch Assistant Secretary:
- (i) must, unless given a leave of absence by the Branch President, attend all special meetings of the Branch Council held in accordance with this rule; and
  - (ii) are entitled to address the special meetings of the Branch Council held in accordance with this rule,
- but:
- (iii) are not entitled to:
    - (1) move, or second, resolutions; or
    - (2) vote on matters before the Branch Council.
- (n) The respective Sub-branch members, member or other person who, as the case may be, are or is the subject of an appeal being considered by the Branch Council, are entitled to attend the special meetings of the Branch Council held pursuant to this rule provided that they:
- (i) are not entitled to vote; and
  - (ii) may only address the Branch Council with the leave of the Branch President.
- (o) In the hearing of appeals in accordance with this rule the Branch Council may adopt such procedures as it thinks appropriate and fair in relation to:
- (i) hearing; and
  - (ii) determination.

## 17 - BUSINESS OF BRANCH COUNCIL

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- (p) The Branch Council may in determining an appeal in accordance with this rule:
  - (i) uphold the appeal;
  - (ii) dismiss the appeal;
  - (iii) impose its own determination in place of the determination of the Branch Executive; or
  - (iv) impose a fine not exceeding \$1000 on any Sub-branch or member who, in the opinion of the Branch Council, has submitted a frivolous or unmeritorious appeal.
- (q) The Branch Council will sit in special meeting until:
  - (i) the business on the agenda is dealt with; or
  - (ii) it is adjourned by the Branch President.
- (r) The Branch Secretary will publish the determination of the Branch Council to the:
  - (i) respective Sub-branch, member or other person which or who, as the case may be, is the subject of the appeal considered by the Branch Council; and
  - (ii) the Members.
- (s) Without limitation to sub-rule (a), no member or Sub-branch will be entitled to commence or maintain proceedings in accordance with this rule unless all other avenues of determination and/or appeals available provided by these rules have been exhausted.

### 17 - BUSINESS OF BRANCH COUNCIL

- (a) The Branch Executive or the Branch President may, in relation to meetings of the Branch Council other than special meetings, require the Branch Secretary to:
  - (i) place resolutions on the agenda for (for the purposes of this rule the “agenda”); and
  - (ii) add items to the agenda for report, and discussion.
- (b) Members may in accordance with sub-rule (c):
  - (i) submit resolutions; and
  - (ii) matters of relevance,to the Branch Executive to be considered by the Branch Conference.
- (c) Subject to **rule 85** resolutions and matters of relevance referred to in sub-rule (b) must:
  - (i) be provided by Members to the Conference Delegate elected for the Cluster to which they are attached; and
  - (ii) be provided by the Conference Delegate,to the Branch Secretary not later than 60 days before the date of the Branch Conference, provided that the resolution or matter concerned is not, in the view of the Branch President, one that could be better dealt with, and resolved, at a local level.

## 19 - BRANCH EXECUTIVE

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- (d) A member of the Branch Council may raise with the Branch Conference Committee a matter not included on the agenda, and the chair of the Branch Conference Committee will inform the Branch President of the matter.
- (e) If a matter raised in accordance with sub-rule (d) is considered by:
  - (i) the chair of the Branch Conference Committee; or
  - (ii) the Branch President,

to be of sufficient importance, then it will be added to the agenda to be dealt with in the order determined by the Branch President to be convenient.

## 18 - BRANCH COUNCIL EXPENSES

- (a) The following expenses of the Branch Council delegates will be met by the Branch:
  - (i) reasonable travelling expenses;
  - (ii) reasonable accommodation expenses;
  - (iii) out of pocket expenses; and
  - (iv) vehicle expenses.
- (b) The Branch Executive will determine a scale for the expenses to be met by the Branch, and referred to in sub-rule (a).
- (c) The scale determined in accordance with sub-rule (b) must be promptly published by the Branch Secretary in the Branch Journal or on the Branch Website.

## 19 - BRANCH EXECUTIVE

- (a) The Branch Executive comprises the:
  - (i) Branch President;
  - (ii) Branch Vice President;
  - (iii) Branch Treasurer;
  - (iv) Branch Assistant Treasurers; and
  - (v) Branch Regional Representatives.
- (b) All offices in the Branch Executive, other than the office of Branch President, are honorary.

## 20 - POWERS AND DUTIES OF BRANCH EXECUTIVE

- (a) The Branch Executive is the Branch's committee of management.
- (b) The Branch Executive will, subject to:
  - (i) the rules of the Federation, and in conformity with Part B1 of the Federation's rules;
  - (ii) these rules;
  - (iii) Policy; and
  - (iv) the determinations of the Branch Council:
    - (1) control and manage the affairs of the Branch;
    - (2) develop Policy between meetings of the Branch Council;
    - (3) establish and/or dissolve Sub-branches;
    - (4) appoint or terminate the appointment of Workplace Representatives;
    - (5) develop guidelines for:
      - (A) the management of Sub-branches;
      - (B) elected representatives; and
      - (C) Workplace Representatives;
    - (6) amend the rules of the Branch;
    - (7) determine the form of application for membership;
    - (8) manage the Branch Fund;
    - (9) determine the financial institution in which the monies, forming part of the Branch Fund, are to be deposited;
    - (10) approve the making of a loan, grant, financial donation or payment in relation to financial hardship;
    - (11) appoint a Branch Returning Officer;
    - (12) appoint assistants, when necessary, to the Branch Secretary and Branch Assistant Secretary;
    - (13) appoint or terminate employees;
    - (14) cause Sub-branches to be informed of matters relevant to them;

## 21. MEETINGS OF THE BRANCH EXECUTIVE

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(15) direct:

- (A) the Branch Secretary;
- (B) other competent officer of the Branch; or
- (C) official of the Branch,

to cause inquiries to be made into matters which may:

- (i) result in any proceeding against a Member pursuant to the *Police Service Administration Act 1990* (Qld);
- (ii) result in any criminal proceedings against any Member; and/or
- (iii) adversely affect a Member in relation to that Member's position in the Queensland Police Service or as a Member;

(16) be responsible for publication of any journal or other material of the Branch;

(17) determine the form to be used in the giving of proxies;

(18) have such other powers as may be provided by the Branch Council; and

(19) have such other powers as may be expressly provided by these rules or the Federation's rules.

### 21. MEETINGS OF THE BRANCH EXECUTIVE

(a) The Branch Executive will meet at least once every month at the times that the Branch Executive determines.

(b) All meetings of the Branch Executive will, unless otherwise determined by the Branch Executive, occur at the principal office.

(c) The quorum for a meeting of the Branch Executive is half of the Branch Executive members entitled to attend a meeting of the Branch Executive, plus one.

(d) For the purposes of sub-rule (c), the number of members entitled to attend a Branch Executive Meeting is calculated as follows:

(i) where no proxies have been given by members of the Branch Executive who have been granted a leave of absence pursuant to sub-rule (h), the number of members of the Branch Executive less the number of members who have been granted a leave of absence pursuant to sub-rule (h);

(iii) where a proxy has been given by a member

(iv) who has been granted a leave of absence pursuant to sub-rule (h), for the matter in relation to which the proxy has been given the quorum will be the number of members of the Branch Executive less the number of members who have been granted a leave of absence pursuant to sub-rule (h) and who have not relevantly given a proxy, then despite part (i) the member who has given the proxy will be counted for the purposes of quorum.

## 21. MEETINGS OF THE BRANCH EXECUTIVE

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- (e) If a quorum is not present within 30 minutes from the time appointed for the commencement of a Branch Executive meeting, the meeting will:
  - (i) stand adjourned to the same day in the next month at the same time or to another day and at another time as the Branch President may determine, and as will then be advised by the Branch Secretary to the members of the Branch Executive; and
  - (ii) if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting will proceed and will be deemed to be quorate.
- (f) If the Branch President is not present at a meeting of the Branch Executive within 30 minutes after the time appointed for holding the meeting, or if present is not willing to act, the Branch Vice-President will chair the meeting or if the Branch Vice-President is not present at the meeting, or if present is not willing to act, the Branch Treasurer will chair the meeting or if the Branch Treasurer is not present at the meeting, or if present is not willing to act then the members of the Branch Executive may choose 1 of the members of the Branch Executive, in attendance, to chair the meeting.
- (g) The Branch President may determine to conduct meetings of the Branch Executive by telephone, radio, video-conferencing or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- (h) The Branch President may grant leave of absence to Branch Executive Members.
- (i) A member of the Branch Executive may, when absent provide their proxy, in writing and in the form approved by the Branch Executive, to another member of the Branch Executive, provided that the proxy must, to be exercised, be in the hands of the Branch President before any ballot to which the proxy relates occurs.
- (j) The Branch President may determine to hold a ballot of the members of the Branch Executive on any subject matter, other than matters provided for in **rule 85** and the ballot may be conducted by means of:
  - (i) registered post;
  - (ii) facsimile;
  - (iii) text messages;
  - (iv) email; and/or
  - (v) by such other electronic, postal or telegraphic means as may be available,provided that in relation to a ballot, held in accordance with this sub-rule:
  - (vi) a majority of the members of the Branch Executive entitled to vote, and voting, will constitute a quorum;
  - (vii) it must remain open for a minimum of 5 days and a maximum of 14 days;
  - (viii) decisions will be by simple majority of the votes cast; and
  - (ix) the Branch President has a casting vote in the event that, at the counting of the ballot, the result is tied.
- (k) The result of a ballot conducted pursuant to sub-rule (j) must be reported by the Branch President to the next meeting of the Branch Executive, and the report must include how each member who voted on the ballot, voted.

## 22 - SPECIAL MEETINGS OF THE BRANCH EXECUTIVE

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- (l) Subject to sub-rule (i) the members of the Branch Executive are entitled to exercise a single deliberative vote in relation to all resolutions and ballots of the Branch Executive, provided that:
- (i) the Branch President is able to exercise a deliberative and a casting vote; and
  - (ii) the members of the Branch Executive who are elected to the offices of:
    - (1) Branch Vice President;
    - (2) Branch Treasurer; and
    - (3) Branch Assistant Treasurer,

will not be entitled to exercise more than the 1 vote that they hold as a Branch Executive member.

- (m) The Branch Secretary and the Branch Assistant Secretary:
- (i) must, unless given a leave of absence by the Branch President, attend all meetings of the Branch Executive; and
  - (ii) are entitled to address meetings of the Branch Executive;
- but:
- (iii) are not entitled to:
    - (1) move, or second, resolutions; or
    - (2) vote on matters before the Branch Executive.

## 22 - SPECIAL MEETINGS OF THE BRANCH EXECUTIVE

- (a) The Branch Secretary will on the request:
- (i) of the Branch President; or
  - (ii) in writing, of 3 members of the Branch Executive, promptly convene a special meeting of the Branch Executive.
- (b) All special meetings of the Branch Executive will, unless otherwise determined by the Branch Executive, occur at the principal office.
- (c) The quorum for a special meeting of the Branch Executive is half of the Branch Executive members entitled to attend a meeting of the Branch Executive, plus one.
- (d) For the purposes of sub-rule (c), the number of members entitled to attend a special meeting of the Branch Executive is calculated as follows:
- (i) where no proxies have been given by members of the Branch Executive who have been granted a leave of absence pursuant to sub-rule (h), the number of members of the Branch Executive less the number of members who have been granted a leave of absence pursuant to sub-rule (h);
  - (ii) where a proxy has been given by a member who has been granted a leave of absence pursuant to sub-rule (h), for the matter in relation to which the proxy has been given the quorum will be the number of members of the Branch Executive less the number of members who have been granted a leave of absence pursuant to sub-rule (h) and who have not relevantly given a proxy, then despite part (i) the member who has given the proxy will be counted for the purposes of quorum.



- (e) If a quorum is not present within 30 minutes from the time appointed for the commencement of a special meeting of the Branch Executive, the special meeting will lapse.
- (f) If the Branch President is not present at a special meeting of the Branch Executive within 30 minutes after the time appointed for holding the meeting, or if present is not willing to act, the Branch Vice-President will chair the meeting or if the Branch Vice-President is not present at the meeting, or if present is not willing to act, the Branch Treasurer will chair the meeting or if the Branch Treasurer is not present at the meeting, or if present is not willing to act then the members of the Branch Executive may choose 1 of the members of the Branch Executive, in attendance, to chair the meeting.
- (g) The Branch President may determine to conduct special meetings of the Branch Executive by telephone, radio, video-conferencing or any other method by which members of the Branch Executive are able to communicate with each other without being physically present.
- (h) The Branch President may grant leave of absence to Branch Executive Members from attending a special meeting of the Branch Executive.
- (i) A member of the Branch Executive may, when absent provide their proxy, in writing and in the form approved by the Branch Executive, to another member of the Branch Executive, provided that the proxy must, to be exercised, be in the hands of the Branch President before any ballot to which the proxy relates occurs.
- (j) Subject to sub-rule (i) the members of the Branch Executive are entitled to exercise a single deliberative vote in relation to all resolutions and ballots of the Branch Executive in special meeting, provided that:
  - (i) the Branch President is able to exercise a deliberative and a casting vote; and
  - (ii) the members of the Branch Executive who are elected to the offices of:
    - (1) Branch Vice President;
    - (2) Branch Treasurer; and
    - (3) Branch Assistant Treasurer,
- (k) will not be entitled to exercise more than the 1 vote that they hold as a Branch Executive member. Only the business dealt with in the request for the special meeting may be dealt with at the special meeting, unless all the members of the Branch Executive are in attendance at the meeting and unanimously resolve to attend to other business.
- (l) The Branch Secretary and the Branch Assistant Secretary:
  - (i) must, unless given a leave of absence by the Branch President, attend all special meetings of the Branch Executive; and
  - (ii) are entitled to address special meetings of the Branch Executive;but:
  - (iii) are not entitled at special meetings of the Branch Executive to:
    - (1) move, or second, resolutions; or
    - (2) vote on matters before the Branch Executive.

- (a) The Branch Secretary will cause minutes to be entered in the Minute Record of the:
  - (i) meetings of the Branch Council;
  - (ii) meetings of the Branch Executive; and
  - (iii) general meetings of the Branch.
- (b) The Minute Record of the Branch Executive will record the manner in which the members of the Branch Executive voted in relation to:
  - (i) resolutions before the Branch Executive; and
  - (ii) ballots of the Branch Executive.
- (c) The minute required by **sub-rule 15(j)** must be recorded in the Minute Record.
- (d) Subject to sub-rule (e), for the purpose of accuracy of the recording of such minutes, the minutes of each meeting of the:
  - (i) Branch Council;
  - (ii) Branch Executive; and
  - (iii) general meetings of the Branch,will be signed by the chair of the meeting verifying their accuracy.
- (e) The Branch Secretary and the Branch President will following the Branch Conference, promptly scrutinise the minutes kept pursuant to sub-rule (a), and if satisfied that the minutes are accurate, they will recommend to the Branch Executive that the Branch Executive authorise the Branch President to sign them as representing a true and correct record of the proceedings of the Branch Conference.
- (f) The minutes, once signed in accordance with sub-rules (d) and (e), evidence the matters dealt with at the meeting concerned.
- (g) Despite sub-rule (f) any Member in attendance at a meeting to which the minute relates may, if disagreeing with the minute, attend the next meeting of the Branch Council, Branch Executive or general meeting of the Branch, as the case may be, to seek to have the minute amended.
- (h) The Minute Record will be held by the Branch Secretary.
- (i) The Minute Record for meetings of the Branch Executive will be provided by the Branch Secretary to the members of the Branch Executive:
  - (i) within 14 days of a Branch Executive meeting being held; or
  - (ii) a lesser period if the Branch Executive directs.
- (j) The Branch Secretary will make the Minute Record insofar as it relates to the meetings of the Branch Council and general meetings of the Branch available for inspection during business hours by a Member, provided that the Member requiring inspection provides the Branch Secretary with 7 days notice of their requirement to inspect.

- (a) The Branch President is:
- (i) the chief executive officer of the Branch; and
  - (ii) responsible between meetings of the Branch Executive for the:
    - (1) management of the Branch;
    - (2) supervision of employees, other than administrative employees, of the Branch; and
    - (3) co-ordination and implementation of Policy.
- (b) The Branch President:
- (i) will preside at:
    - (1) meetings of the Branch Council;
    - (2) meetings of the Branch Executive;
    - (3) general meetings of the Branch;
    - (4) meetings of the Sub-branches at which the Branch President is present and where the Branch President determines it appropriate, or is requested to do so; and
    - (5) any other meetings of the Branch where the Branch President is present and determines it appropriate or is requested to do so;
  - (ii) has a primary, and a casting, vote when chairing a meeting and as otherwise provided by these rules;
  - (iii) may attend, and speak at any meeting of the Branch;
  - (iv) will, when chairing a meeting:
    - (1) maintain order;
    - (2) be impartial in all transactions;
    - (3) ensure, as far as is practicable, that these rules are adhered to; and
    - (4) ensure, as far as is practicable, that the Federation's rules are adhered to, in so far as the Branch is concerned; and
  - (v) will in relation to the Branch be responsible for the interpretation, and implementation, of these rules.
- (c) The Branch President may authorise payment, from the Branch Fund, for monies expended in carrying out the business of the Branch, provided that:
- (i) any financial decision made by the Branch President is to be subsequently approved by the Branch Executive; or
  - (ii) the Branch President is expending within the expenditure limits for non-recurrent expenditure set by the Branch Executive.

- (d) The Branch President will, subject to these rules, determine whether to employ or terminate Branch employees other than the:
  - (i) Branch Secretary; and/or
  - (ii) Branch Assistant Secretary.
- (e) A determination by the Branch President in accordance with sub-rule (d) must be approved by the Branch Executive prior to implementation.
- (f) The Branch President will perform such other duties as required by:
  - (i) these rules;
  - (ii) the Branch Conference; and/or
  - (iii) the Branch Executive.

### **25 - BRANCH PRESIDENT DISMISSED FROM SERVICE**

- (a) If during a term of office the Branch President is dismissed from the Queensland Police Service due to disciplinary action arising out of, or connected with, the duties the Branch President has performed in the honest and reasonable discharge of the obligations of the office of Branch President, then the Branch President will until the expiration of the term:
  - (i) remain in office; and
  - (ii) remain a member of the Branch.

### **26 - BRANCH VICE PRESIDENT**

- (a) The Branch Vice President will assist, as required by the Branch President, the Branch President in the performance of the Branch President's duties.
- (b) During any temporary absence of the Branch President, the Branch Vice President will act as the Branch President and perform the functions of the Branch President.
- (c) The Branch President may provide a written delegation to the Branch Vice President to perform a function on behalf of the Branch President.
- (d) The Branch Vice President when acting as the Branch President will be entitled to exercise all the powers of the Branch President provided by these rules.

### **27 - BRANCH SECRETARY**

- (a) The Branch Secretary will:
  - (i) attend meetings of:
    - (1) the Branch Council; and
    - (2) the Branch Executive;
  - (ii) be responsible for all correspondence received by, or issued from, the Branch;

- (iii) correspond as:
  - (1) directed by the Branch Executive; or
  - (2) as required by Policy;
- (iv) give notice of:
  - (1) meetings of the Branch Council;
  - (2) meetings of the Branch Executive; and
  - (3) general meetings of the Branch;
- (v) determine to:
  - (1) employ; or
  - (2) terminate, administrative employees;
- (vi) supervise the administrative employees of the Branch;
- (vii) maintain a copy of the rules of the Branch;
- (viii) provide a copy of these rules and/or the Federation's rules to members of the Branch Executive who request a copy;
- (ix) open such accounts in the name of the Police Federation of Australia, Queensland Police Branch as the Branch Executive determines;
- (x) promptly deposit monies received in relation to the Branch in the relevant account of the Branch;
- (xi) issue receipts for monies received in relation to the Branch;
- (xii) account to the Branch Executive for all monies expended on behalf of the Branch;
- (xiii) keep, or cause to be kept, the Branch Accounts;
- (xiv) have the Branch Accounts audited in accordance with the Act;
- (xv) produce, in accordance with the Act, the Financial Statements of the Branch for inspection on being requested by any Member;
- (xvi) present to the Branch Executive meetings, held pursuant to **sub-rule 21(a)**, a list of unfinancial members;
- (xvii) prepare, and present, to the Branch Conference a comprehensive report on the activities of the Branch for the period that has elapsed since the previous Branch Conference was held; and

## 28 - BRANCH ASSISTANT SECRETARY

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(xviii) perform such other duties as required by:

- (1) these rules;
- (2) the Branch Conference;
- (3) the Branch Executive; and/or
- (4) the Branch President.

- (b) A determination by the Branch Secretary in accordance with part (a)(v) must be approved by the Branch Executive prior to implementation.
- (c) The Branch Secretary may authorise payment, from the Branch Fund, for monies expended in carrying out the business of the Branch, provided that the:
  - (i) monies to be expended relates to a budgeted item;
  - (ii) expenditure is within the expenditure limits for non-recurrent expenditure set by the Branch Executive; or
  - (iii) expenditure is for recurrent expenditure.

### **28 - BRANCH ASSISTANT SECRETARY**

- (a) The Branch Assistant Secretary is to assist, as directed by the Branch Secretary, the Branch Secretary in the performance of the Branch Secretary's duties.
- (b) The Branch Secretary may provide written delegation to the Branch Assistant Secretary to perform a function on behalf of the Branch Secretary.
- (c) The Branch Assistant Secretary will perform such duties as directed by the Branch President
- (d) During any temporary absence of the Branch Secretary the Assistant Branch Secretary will perform such duties as directed by the Branch Secretary.
- (e) The Branch Assistant Secretary may, with the approval of the Branch Secretary authorise payment, from the Branch Fund, for monies expended in carrying out the business of the Branch, provided that the:
  - (i) monies to be expended relates to a budgeted item;
  - (ii) expenditure is within the expenditure limits for non-recurrent expenditure set by the Branch Executive; or
  - (iii) expenditure is for recurrent expenditure.
- (f) The Branch Assistant Secretary will perform such other duties as required by:
  - (i) these rules;
  - (ii) the Branch Conference; and/or
  - (iii) the Branch Executive.

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**29 - BRANCH TREASURER**

- (a) The Branch Treasurer will maintain an oversight, and report to the Branch Executive, in relation to the:
  - (i) financial position of the Branch; and
  - (v) Branch Accounts.
- (b) The Branch Treasurer will cause to be provided to the Branch Conference:
  - (i) an audited statement of the Branch Accounts; and
  - (ii) a statement of the property held in the Branch Fund.
- (c) The Branch Treasurer will cause monthly Financial Statements to be submitted to the Branch Executive.
- (d) During any temporary absence of the Branch President and the Branch Vice-President, the Branch Treasurer will act as the Branch President and perform the functions of the Branch President.
- (e) The Branch Treasurer when acting as the Branch President will be entitled to exercise all the powers of the Branch President provided by these rules.

**30 - BRANCH ASSISTANT TREASURER**

- (a) There will be 2 Branch Assistant Treasurers.
- (b) The Branch Assistant Treasurers will assist the Branch Treasurer as required by the Branch Treasurer, in the performance of the Branch Treasurer's duties.
- (c) During any temporary absence of the Branch Treasurer, one of the Branch Assistant Treasurers will act as the Branch Treasurer and perform the functions of the Branch Treasurer.
- (d) If the Branch Assistant Treasurers cannot, when required to act in accordance with sub-rule (c), by consent amongst themselves, determine who is to act, it will be determined by the Branch Executive.
- (e) A Branch Assistant Treasurer when acting as the Branch Treasurer will be entitled to exercise all the powers of the Branch Treasurer provided by these rules.

### 31 - BRANCH STANDING COMMITTEES

(a) The table set out in this sub-rule provides for the Standing Committees of the Branch:

| A                                  | B  |
|------------------------------------|--|
| Committee                          | Functions  |
| <b>Branch Conference Committee</b> | Collate Agenda items from Conference Delegates   |
| <b>Legal Assistance Committee</b>  | Determine all applications for legal assistance by members   |
| <b>Benevolent Fund Committee</b>   | Determine the provision of financial assistance to members in need, on a case, by case, basis  |
| <b>WH&amp;S Committee</b>          | Promote cooperation between the Queensland Police Service and the Branch in developing and implementing measures to ensure workplace health and safety |
| <b>Rules Committee</b>             | Recommend the amendment of Branch rules in accordance with industrial legislation  |
| <b>Finance Committee</b>           | Provide oversight and advice on the financial activities of the Branch   |
| <b>Conference Committee</b>        | Be responsible for organising all aspects of the Branch annual conference  |
| <b>Women's Advisory Committee</b>  | Provide a women's perspective on all Branch issues and encourage the active participation of women in Branch activities                                |

- (b) The Standing Committees of the Branch are as set out in column A of sub-rule (a).
- (c) The functions of the Standing Committees are as set out in column B of sub-rule (a).
- (d) The Branch Council or the Branch Executive may establish, or disband, Standing Committees as required.
- (e) The chair and members of a Standing Committee will be appointed by the Branch Executive, provided that members appointed must, subject to sub-rule (l), be Members.
- (f) Any casual vacancy on a Standing Committee will be filled by determination of the Branch Executive.
- (g) The Branch President is entitled to attend the meetings of Standing Committees, and if in attendance is entitled to participate and to vote as provided by these rules but will have only a deliberative vote.



## 32 - MEETINGS OF STANDING COMMITTEES

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- (h) The chair of a Standing Committee will ensure that a person is appointed to act as a minute secretary of each meeting of the Standing Committee.
  - (i) A Standing Committee is responsible to, and under the control of, the Branch Executive.
  - (j) A Standing Committee formed in accordance with sub-rule (d) must meet regularly, or as otherwise required by the Branch Executive, and report to the Branch Executive on its deliberations.
  - (k) The Branch Secretary will call meetings of a Standing Committee when requested to do so by the:
    - (i) Branch Executive;
    - (ii) Branch President; or
    - (vi) chair of a Standing Committee.
  - (l) The Branch Executive may direct the Branch Secretary or the Branch Assistant Secretary to:
    - (i) attend a meeting of a Standing Committee; and/or
    - (ii) be a member of a Standing Committee.
- and the Branch Secretary and the Branch Assistant Secretary if in attendance at a meeting of a Standing Committee are entitled to speak, but are not entitled to:
- (iii) move, or second, resolutions; or
  - (iv) vote on matters before the Standing Committee.

### **32 - MEETINGS OF STANDING COMMITTEES**

- (a) The Branch Secretary will provide notice of meetings of Standing Committees as is practicable.
- (b) Meetings of a Standing Committee will be held as often as may be necessary to conduct the business of the Standing Committee.
- (c) If the chair of a Standing Committee is not present within 10 minutes after the time appointed for the meeting then the members present at the meeting may choose one of their number to act as chair of the meeting.
- (d) A quorum for every meeting of a Standing Committee will be 3 members of the Standing Committee.
- (e) Subject to these rules, a Standing Committee may meet together and regulate its proceedings as it thinks fit.
- (f) Questions arising at a meeting of a Standing Committee will, wherever possible, be decided by consensus, provided that questions arising at any meeting, which cannot be decided by consensus, will be decided by a majority of votes of the members of the Standing Committee present at the meeting.
- (g) Where a ballot of a Standing Committee is required, every member of the Standing Committee will be entitled to 1 deliberative vote.

### 33 - WORKING COMMITTEES

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- (h) A meeting of a Standing Committee may be conducted by:
  - (i) telephone;
  - (ii) radio;
  - (iii) video-conferencing; and/or
  - (iv) any other method by which members of the Standing Committee are able to communicate with each other without being physically present.
- (i) The determinations of a Standing Committee are advisory and must, prior to being actioned, be endorsed by the Branch Executive.

### **33 - WORKING COMMITTEES**

- (a) The Branch Executive may establish, and disband, Working Committees as considered appropriate to further the work of the Branch.
- (b) The chair and other members of a Working Committee will be appointed by the Branch Executive.
- (c) Any casual vacancy on a Working Committee will be filled by determination of the Branch Executive.
- (d) The Branch Executive is not limited as to who it may appoint as members of a Working Committee.
- (e) A Working Committee must have 3 or more members.
- (f) The Branch President is entitled to attend the meetings of Working Committees, and if in attendance is entitled to participate and to vote as provided by these rules, but will have only a deliberative vote.
- (g) The chair of the Working Committee will ensure that a person is appointed to act as a minute secretary of each Working Committee meeting.
- (h) A Working Committee is responsible to, and under the control of, the Branch Executive.
- (i) A Working Committee formed pursuant to sub-rule (a) must meet regularly, or as otherwise required by the Branch Executive and its chair must regularly report to the Branch President on its deliberations.
- (j) The Branch Secretary will call meetings of a Working Committee when requested to do so by the:
  - (i) Branch Executive;
  - (ii) Branch President; or
  - (iii) chair of the Working Committee.

## 34 - MEETINGS OF WORKING COMMITTEES

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(k) The Branch Executive may direct the Branch Secretary or the Branch Assistant Secretary to:

- (i) attend a meeting of a Standing Committee; and/or
- (ii) be a member of a Standing Committee;

and the Branch Secretary and the Branch Assistant Secretary if in attendance at a meeting of a Standing Committee are entitled to speak, but are not entitled to:

- (iii) move, or second, resolutions; or
- (iv) vote on matters before the Working Committee.

### **34 - MEETINGS OF WORKING COMMITTEES**

- (a) The Branch Secretary will provide notice of meetings of Working Committees as is practicable.
- (b) Meetings of a Working Committee will be held as often as may be necessary to conduct the business of the Working Committee.
- (c) If the chair of a Working Committee is not present within 10 minutes after the time appointed for the meeting then the members present may choose one of their number to act as chair of the meeting.
- (d) A quorum for every meeting of a Working Committee will be 3 of the members of the Working Committee.
- (e) Subject to these rules, a Working Committee may meet together and regulate its proceedings as it thinks fit.
- (f) Questions arising at meetings of a Working Committee will, wherever possible, be decided by consensus, provided that questions arising at any meeting of a Working Committee, which cannot be decided by consensus, will be referred to the Branch Executive for its determination.
- (g) A meeting of a Working Committee may be conducted by:
  - (i) telephone;
  - (ii) radio;
  - (iii) video-conferencing; and/or
  - (iv) any other method by which members of the Working Committee are able to communicate with each other without being physically present.
- (h) The determinations of a Working Committee are advisory and must, prior to being actioned, be endorsed by the Branch Executive.

### **35 - SPECIAL GENERAL MEETING**

- (a) The Branch Executive may determine to, and must when requested to do so on the written requisition of 10% of the Members (for this rule the “requisition”), call a special general meeting of the members of the Branch.
- (b) Where the special general meeting is called by a determination of the Branch Executive (for this rule the "determination"), the Branch Executive must clearly state, in the determination, the business to be dealt with at the special general meeting.
- (c) Where the special general meeting is called on the requisition of Members, the requisition must clearly set out the business to be dealt with at the special general meeting.
- (d) A determination or requisition made in accordance with sub-rule (a) is to be submitted to the Branch President.
- (e) The place or places at which the special general meeting will be held will be determined by the Branch Executive.
- (f) The Branch President will cause the Branch Secretary to give notice to the Members of the special general meeting within 14 days of the determination or the receipt of the requisition, as the case may be, and the special general meeting must be convened within 70 days of the notice being issued.
- (g) The only business that may be dealt with by a special general meeting is the business set out in the determination or requisition, as the case may be, for the special general meeting.
- (h) A special general meeting of the members of the Branch, held in accordance with this rule, may be conducted as a series of meetings held at different locations and a meeting conducted in accordance with this rule is taken to have been completed at the time of the last of the meetings held in any series of meetings and the vote will be the aggregate vote of the series of meetings.
- (i) Voting at a special general meeting will be conducted in accordance with the rules relating to voting at meetings of the Branch Council.
- (j) Decisions of the special general meeting, made in accordance with this rule, are binding on the Branch.

### **36 - ATTENDANCE OF MEMBER**

- (a) The Branch Executive may require, or request, a Member to attend a meeting of the Branch Executive for the purpose of providing information to the Branch Executive.
- (b) The costs of an attendance pursuant to sub-rule (a) will be met by the Branch.
- (c) The details of an attendance, and a summary of the information provided, pursuant to sub-rule (a) are to be recorded in the Minute Record of the Branch Executive.

### **37 - BRANCH EMPLOYEES**

- (a) Subject to these rules the Branch will employ the persons necessary to attain or further the objects of the Federation, in so far as the Branch is concerned.
- (b) Employees will be employed upon such terms and conditions as the Branch Executive determines.
- (c) The Branch President will allocate duties to employees, other than administrative employees.
- (d) The Branch Secretary will allocate duties to administrative employees.
- (e) Branch employees are ineligible to stand for election for any office in the Branch.
- (f) The Branch Secretary and the Branch Assistant Secretary are eligible to seek election to the position of either:
  - (i) the Branch Secretary; or
  - (ii) the Branch Assistant Secretary.

### **38 - BRANCH RETURNING OFFICER**

- (a) The Branch Executive may appoint a Branch Returning Officer to conduct ballots, other than election ballots.
- (b) The Branch Returning Officer must not:
  - (i) be a member;
  - (ii) hold any office in; or
  - (iii) be an employee of,the Federation, the Branch or a Sub-branch.
- (c) In the event of the Branch Returning Officer being unable to discharge the duties of the position, or being in breach of sub-rule (b), the Branch Executive must terminate the appointment, and appoint a replacement.

**39 - ELECTION OF OFFICERS, BRANCH SECRETARY AND BRANCH ASSISTANT SECRETARY**

- (a) The Branch President will be elected by, and from, the Members.
- (b) One Branch Regional Representative will be elected by, and from, the Members of each respective Region.
- (c) The:
  - (i) Branch Vice President;
  - (ii) Branch Treasurer; and
  - (iii) Branch Assistant Treasurers,will be elected in accordance with **rule 72**, from the Regional Representatives.
- (d) Despite sub-rule (c) no Regional Representative can hold any one of the offices of:
  - (i) Branch Vice President;
  - (ii) Branch Treasurer; or
  - (iii) Branch Assistant Treasurer;simultaneously with any other office of the Branch other than the office of Regional Representative or the office of a Branch Federal Council Delegate.
- (e) One Conference Delegate will be elected by, and from, the Members of each of the respective Clusters.
- (f) Members nominating as Conference Delegates may only nominate for one position.
- (g) The Branch Federal Council Delegates will be elected, subject to these rules, from the Branch Executive.
- (h) The Branch Executive will not comprise more than 30% full time officers.
- (i) The Branch Secretary, will be elected by the members from the Members, the Branch Secretary and the Branch Assistant Secretary.
- (j) The Branch Assistant Secretary, will be appointed by the Branch Executive from the Members, the Branch Secretary and the Branch Assistant Secretary.

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

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

- (h) Despite sub-rule (g) the following officers elected at the inaugural elections held under Part CF1:
- a. Far Northern Regional Representative;
  - b. Central Regional Representative;
  - c. Southern Regional Representative;
  - d. Metropolitan North Regional Representative; and
  - e. Headquarters and Support Regional Representative,

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

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

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

- (i) The term of office for the:
- a. Branch Vice President;
  - b. Branch Treasurer; and
  - c. Branch Assistant Treasurer,

is two (2) years.

- (j) Despite sub-rule (i) the following officers elected at the inaugural elections held under Part CF1:
- a. Branch Vice President;
  - b. Branch Treasurer; and
  - c. Branch Assistant Treasurer,

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

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

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

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

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

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



#### 40 - ELECTIONS OF OFFICERS, BRANCH SECRETARY AND EXECUTIVE MEMBERS

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- (n) Despite sub-rule (m) the person elected as Branch President holding the office of Federal Council Delegate following the inaugural elections held under Part CF1 will hold that office until their successor is declared elected in an election held in 2015 for the office of Branch president, following which the member elected as Branch President will also hold office as a Federal Council Delegate until their successor is elected at a subsequent Quadrennial Election.
- (o) The term of office of a:
- a. Federal Council Delegate,
- also holding an office of:
- b. Branch Vice President;
  - c. Branch Treasurer,
  - d. Branch Assistant Treasurer; or
  - e. Branch Executive member,
- is two (2) years.
- (p) The following officers:
- a. Branch Vice President;
  - b. Branch Treasurer;
  - c. Branch Assistant Treasurer; and
  - d. Branch Executive member,
- if also ex officio a Federal Council Delegate, or elected as a Federal Council Delegate, will hold the office of Federal Council Delegate for the same period that they hold, as the case may be, their respective office of:
- e. Branch Vice President;
  - f. Branch Treasurer;
  - g. Branch Assistant Treasurer; or
  - h. Branch Executive member,
- until their successor is declared elected in an election held in 2015, following which a member respectively elected as:
- i. Branch Vice President;
  - j. Branch Treasurer; and
  - k. Branch Assistant Treasurer; or
  - l. Branch Executive member,
- will if holding the office of Federal Council Delegate, either ex officio or by election, hold that office until their successor in that office is elected at a subsequent Biennial Election.
- (q) The persons elected to the offices provided for in this rule will, subject to this rule, continue to hold the office to which they are elected until they:
- a. die;
  - b. resign;
  - c. are no longer entitled to nominate for the office; or
  - d. are otherwise removed from office in accordance with these rules.

#### 41 - BRANCH FEDERAL COUNCILLORS

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- (r) The persons elected or appointed to the positions provided for in this rule will, subject to this rule, continue to hold the position to which they are elected or appointed, as the case may be, until they:
- a. die;
  - b. resign;
  - c. are no longer entitled to nominate for the office; or
  - d. are otherwise removed from the position in accordance with these rules.

#### **40A – ELECTION OF BRANCH ASSISTANT SECRETARY**

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

#### **40B – ELECTION OF CONFERENCE DELEGATES**

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

#### **41 - BRANCH FEDERAL COUNCILLORS**

- (a) Federal Councillors for the Branch will be elected in the following order upon the Member being elected to their respective office of the Branch, the:
- (i) Branch President;
  - (ii) Branch Vice President;
  - (iii) Branch Treasurer; and
  - (iv) Branch Assistant Treasurer, provided that:
  - (v) the persons listed in parts i) to iv) will be elected in that order in the event that there are insufficient offices to be filled as Federal Councillors;
  - (vi) despite part v) if there is only a single office to be filled by the Branch Assistant Treasurers, then the Manager of the election for the offices of Branch Assistant Treasurer held in accordance with **rule 72** will determine by lot, as between the Branch Assistant Treasurers, as to which of the Branch Assistant Treasurers will be elected to that office.

- (vii) in the event that there are more positions to be filled as Federal Councillors than the number of officers of the Branch provided for in parts i) to iv), then the further Federal Councillors required to be elected will be elected in accordance with sub-rule (b).
- (b) Branch Federal Councillors, other than the Federal Councillors referred to in sub-rule (a), will be elected by, and from, the members of the Branch Executive in accordance with **rule 72**.
- (c) To the extent provided by the Federation's rules, the Branch Executive may, with the consent of the Branch Federal Councillors concerned, determine to proxy the votes of the Branch Federal Councillors to a Branch Federal Councillor of the Branch.
- (d) The Branch Executive may direct the:
  - (i) Branch Secretary; or
  - (ii) Branch Assistant Secretary,to attend, as observers, meetings of the Federal Council.

#### **42 - ELECTION PROCEDURE RULES**

- (a) Only Members, financial as at the date of the calling of nominations, may nominate for an election for any office in the Branch or a Sub-branch.
- (b) Despite sub-rule (a) only Members attached:
  - (i) to a Region may nominate for, second any nomination for or vote in an election for an office representing that Region;
  - (ii) to a Cluster may nominate for, second any nomination for or vote in an election for any office representing that Cluster; or
  - (iii) to a Sub-branch may nominate for, second any nomination for or vote in an election for any office representing that Sub-branch.
- (c) Subject to this rule any Member nominating for an office of the Branch must have their nomination seconded by 3 Members entitled in accordance with this rule to second the nomination.
- (d) Persons eligible in accordance with **sub-rules 39 i) and j)** may nominate for the position of Branch Secretary or Branch Assistant Secretary and must have their nomination seconded by 3 Members.
- (e) Only members of the Branch Executive may nominate for the offices of:
  - (i) Branch Vice President;
  - (ii) Branch Treasurer; or
  - (iii) Branch Assistant Treasurer,provided that candidates for these offices require only one other member of the Branch Executive to second their nomination in accordance with **rule 72**.
- (f) Any person nominated for a position on a Sub-branch must have their nomination seconded by another Member attached to the Sub-branch.
- (g) Nominations may be provided by facsimile or electronically by PDF.

### 43 - DEFINITIONS FOR ELECTION PROCEDURE RULES

- (a) In these Election Procedure Rules:
- (i) "ballot box" means a ballot box kept under **rule 57**;
  - (ii) "candidate" for an election, means a person:
    - (1) who has nominated as a candidate for the office or the position the election is about;
    - (2) whose nomination has been accepted under **sub-rule 48(c)**; and
    - (3) whose nomination has not been withdrawn;
  - (iii) "eligible member" means a person who was a Member of the Branch 30 days, before the starting time for nominations;
  - (iv) "initialled" by the Manager includes being marked with a facsimile of the Manager's initials;
  - (v) "Manager" means the Manager of an election being the person appointed in accordance with the Act to manage and conduct an election required by these rules;
  - (vi) "return envelope" has the meaning provided by **sub-rule 56(a)(ii)**;
  - (vii) "roll" for an election means the roll of voters prepared for an election under **rule 52**;
  - (viii) "scrutineer" means:
    - (1) a candidate who acts personally as a scrutineer; or
    - (2) a person appointed as a scrutineer for a candidate under **rule 63**;
  - (ix) "voter" means a person:
    - (1) who is an eligible member; and
    - (2) whose name is on the roll under **rule 52**;
  - (x) "voting material" has the meaning provided by **sub-rule 56(a)**.

### 44 - MANAGER - FUNCTIONS AND POWERS

- (a) The Manager:
- (i) must not influence, or attempt to influence, the outcome of an election;
  - (ii) must conduct an election under these rules;
  - (iii) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which an election is conducted are transparent; and
  - (iv) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

## 47 - CALLING FOR NOMINATIONS

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- (b) The Manager, other than an electoral officer, may take the action, and give the directions, the Manager considers reasonably necessary:
  - (i) to ensure no irregularities happen in the election; or
  - (ii) to remedy a procedural defect that appears to the Manager to exist about the election.
- (c) To ensure the integrity of an election, the address for return of ballot papers must not be the Branch's usual postal address.

## 45 - CLOSING DAY AND TIME FOR NOMINATIONS

- (a) The Manager must fix the opening day and closing day for nominations for an office or for a position.
- (b) The closing day must be at least 28 days after notice is given under **rule 47**.
- (c) Nominations open at midday on the opening day and close at midday on the closing day.

## 46 - STARTING AND FINISHING DAYS OF BALLOT

- (a) If a ballot becomes necessary under **rule 50**, the Manager must fix the start and finish days for the ballot to decide the result of the election.
- (b) The start day must not be before the closing day for nominations for the offices or the positions to be filled at the election.

## 47 - CALLING FOR NOMINATIONS

- (a) The Manager must call for nominations for the offices or the positions to be filled by notice given to Members in one of the following ways:
  - (i) by post to each Member at the address recorded in the Branch Register;
  - (ii) if the Branch publishes a journal or newsletter that it gives to its members free of charge, by advertisement in that journal or newsletter; or
  - (iii) in a daily newspaper circulating in the area where the Branch's members live or work.
- (b) The notice must state:
  - (i) The opening day for nominations;
  - (ii) the closing day for nominations;
  - (iii) that nominations for an office or a position:
    - (1) open at midday on the opening day; and
    - (2) close at midday on the closing day;
  - (iv) who may nominate as a candidate in the election;
  - (v) that nominations for an office or a position must be written, signed by the nominee, be in accordance with **rule 42** and be given to the Manager before nominations close;
  - (vi) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under **rule 50**;

- (vii) that only a person who was a Member 30 days before the opening time for nominations may vote in the election; and
- (viii) that the ballot will be decided by a first-past-the-post system of voting.
- (c) Without limitation to sub-rule (b) the Manager may provide a nomination form for the purposes of nominating.

#### **48 - NOMINATION PROCEDURE**

- (a) A nomination for an office or a position must be written, signed by the nominee, be in accordance with **rule 42** and be given to the Manager before nominations close.
- (b) A person may not nominate for more than 1 office or 1 position, provided that a Member nominating for an office of the Branch may also nominate for an office of a Sub-branch.
- (c) The Manager must accept a nomination if:
  - (i) it complies with sub-rule (a) and **rule 42**;
  - (ii) the nominee is a Member; and
  - (iii) the election is for a position for which the candidate is entitled to nominate.
- (d) A candidate may withdraw their nomination by written notice given to the Manager no later than 7 days after nominations close.

#### **49 - WHAT HAPPENS IF A NOMINATION IS DEFECTIVE**

- (a) The Manager must reject a nomination given to the Manager after nominations have closed.
- (b) If a nomination for an office or a position is defective, other than because the nominee is not qualified to hold the office or position or because the nomination was made after the closing time, the Manager must:
  - (i) reject it;
  - (ii) give the nominee notice of the defect; and
  - (iii) if practicable, give the nominee an opportunity to remedy the defect.
- (c) If practicable, the notice must be given before nominations close.
- (d) Failure to give the notice does not invalidate the election.

#### **50 - WHEN A BALLOT MUST BE HELD**

- (a) If there are more candidates for election to an office or a position than the number to be elected, the Manager must conduct a secret postal ballot in accordance with these Election Procedure Rules.

### 51 - ELECTION WITHOUT BALLOT

- (a) The Manager must declare a candidate elected to an office or a position if:
  - (i) nominations have closed;
  - (ii) the candidate does not hold another office or position; and
  - (iii) if the election is for the Branch President, the Branch Secretary, the Branch Assistant Secretary, a Regional Representative or a Conference Delegate the candidate is the only candidate.

### 52 - ROLL – PREPARATION

- (a) A roll for a ballot must be prepared at the direction of the Manager.
- (b) The Manager must ensure the roll:
  - (i) states:
    - (1) the name of each person who is an eligible member of the Branch in alphabetical order; and
    - (2) each eligible member's address, opposite their name; and
  - (ii) is completed when nominations for the election close.
- (c) The Branch must give the Manager:
  - (i) a copy of its Branch Register or part of the Branch Register relevant to the election being conducted, as the case may be; and
  - (ii) access to the Branch's records reasonably necessary for the Manager to ensure the roll is accurate.

### 53 - ROLL – INSPECTION

- (a) The Manager must make the roll for the election available for inspection:
  - (i) in the period that:
    - (1) starts on the day after the roll must be completed under **rule 52**; and
    - (2) ends 30 days after the result of the election is declared;
  - and
  - (ii) at the Manager's office during business hours.
- (b) A candidate, Member or a person authorised by the Manager may inspect the roll, free of charge.
- (c) If during the period stated in sub-rule (a), a candidate or Member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

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**54 - WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE**

- (a) Despite **sub-rule 52(b)**, if an eligible member's name does not appear on the roll, the applicant may apply to the Manager to have the member's name included on the roll.
- (b) If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.

**55 - BALLOT PAPERS**

- (a) A ballot paper for the election must:
  - (i) have a watermark or other distinctive pattern, that prevents it from being reproduced other than by the Manager or a person authorised by the Manager;
  - (ii) be of paper that will hide a vote marked on it from view when it is folded once;
  - (iii) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Branch;
  - (iv) list the names of each candidate once only for each office or each position the election is for, with the surname first, followed by the candidate's other names;
  - (v) state how the voter may vote;
  - (vi) state that the voter must fill in and sign the voting declaration or the vote will not be counted; and
  - (vii) state that the voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.
- (b) The order of names on the ballot paper must be decided by lot.
- (c) If 2 or more candidates have the same surname and first names, the candidates must be distinguished in an appropriate way.

**56 - DISTRIBUTING VOTING MATERIAL**

- (a) The Manager must post the following things (the "voting material") to each voter:
  - (i) a ballot paper initialled by the Manager;
  - (ii) an unsealed reply-paid envelope (a "return envelope") addressed to the Manager;
  - (iii) a declaration envelope;
  - (iv) a supporting statement provided by a candidate under sub-rule (f) (placed in the same order as the candidates appear on the ballot); and
  - (v) any other material the Manager considers appropriate for the ballot including directions to the eligible member to comply with these Election Procedure Rules and cast a valid vote.
- (b) Voting material must be posted to each voter:
  - (i) in a sealed envelope to the voter's address on the roll; and
  - (ii) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.



- (c) The voting declaration must state: "I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed".
- (d) If a voter gives the Manager a notice that the voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.
- (e) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.
- (g) Each candidate may submit to the Manager a supporting statement for their candidature which:
  - (i) is to be submitted with their nomination;
  - (ii) is on a single (one sided) A4 sheet;
  - (iii) may include statements, photographs and/or images; and
  - (iv) must be placed (placed in the same order as the candidates appear on the ballot), by the Branch, on the Branch website when nominations close.
- (h) The Manager will reject a supporting statement submitted under sub-rule (f) if it:
  - (i) exceeds a single (one sided) A4 sheet; or
  - (ii) contains statements, photographs and/or images which in the opinion of the Manager:
    - (A) are false;
    - (B) are misleading;
    - (C) may lead to an irregularity; and/or
    - (D) which do not strictly comply with these Part CF2 rules, and a supporting statement rejected under this sub-rule, is not a supporting statement for the purposes of sub-rule (f).
- (i) A candidate whose submitted supporting statement is rejected under sub-rule (g) will be:
  - (i) promptly notified by the Manager of the rejection and the reasons for the rejection; and
  - (ii) given one further opportunity of not more than 2 working days, from the time of being notified, to provide to the Manager a supporting statement under sub-rule (f).
- (j) The Manager must notify the voters, when providing the voting material, if a candidate has not provided a supporting statement under sub-rule (f).

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**57 - MANAGER MUST KEEP A BALLOT BOX**

- (a) The Manager must get a ballot box and:
  - (i) keep the box in a safe place; and
  - (ii) seal the box in a way that:
    - (1) allows voting material to be put in it until the ballot finishes; and
    - (2) prevents voting material from being taken from it until votes for the ballot are to be counted.

**58 - DUPLICATE VOTING MATERIAL**

- (a) This rule applies if voting material posted to a voter:
  - (i) has not been received by the voter;
  - (ii) has been lost or destroyed; or
  - (iii) if the document is a ballot paper, has been spoilt.
- (b) The voter may apply to the Manager for a duplicate of the document.
- (c) The application must:
  - (i) be received by the Manager on or before the finish day of the ballot;
  - (ii) state the grounds on which it is made;
  - (iii) if practicable, be substantiated by evidence verifying, or tending to verify, the grounds;
  - (iv) state that the voter has not voted at the ballot; and
  - (v) if the document is a spoilt ballot paper, be accompanied by the ballot paper.
- (d) If the application complies with sub-rule (c), the Manager must:
- (e)
  - (i) if the document is a spoilt ballot paper:
    - (1) mark "spoilt" on the paper;
    - (2) initial the paper beside that marking and keep the paper; and
    - (3) give a fresh ballot paper to the voter; or
  - (ii) otherwise, give a duplicate of the document to the voter.

**59 - HOW LONG BALLOT IS OPEN**

- (a) A ballot must remain open for:
  - (i) at least 14 days; and
  - (ii) no longer than 21 days.

**60 - HOW TO VOTE**

- (a) A voter may vote only by completing the following steps:
  - (i) completing a ballot paper by:
    - (1) writing a tick or a cross in the square opposite the name or names of the number of candidates the voter may vote for under **rule 61**;
    - (2) complying with the instructions on the paper about how to vote;
    - (3) putting the ballot paper in a ballot envelope;
    - (4) sealing the ballot envelope;
    - (5) filling in and signing the voting declaration for the ballot paper;
    - (6) putting the voting declaration and the ballot envelope in the return envelope;
    - (7) sealing the return envelope;
    - (8) complying with any direction under **sub-rule 56(a)(v)**; and
    - (9) returning the return envelope to the Manager so that the envelope is received on or before the finish day for the ballot.

**61 - HOW MANY VOTES MAY BE CAST**

- (a) A voter may vote only for one of the candidates on a ballot paper.

**62 - HOW MANAGER MUST DEAL WITH VOTING MATERIAL**

- (a) The Manager must put all voting material returned to the Manager in the ballot box until voting has ended.
- (b) If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:
  - (i) keep the envelope sealed;
  - (ii) mark the envelope "Received by the Manager after the finishing day for the ballot"; and
  - (iii) keep the envelope in safe custody, but separate from return envelopes received before or on the finishing day.

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**63 - SCRUTINEERS – APPOINTMENT**

- (a) A candidate may:
  - (i) act personally as a scrutineer; or
  - (ii) appoint another person (an “appointee”) as a scrutineer for the candidate.
- (b) An appointment must be in writing and signed by the candidate.
- (c) A candidate must notify the Manager of the name of the candidate’s appointee as soon as possible after the appointee is appointed.
- (d) The Manager may refuse to allow an appointee to act as a scrutineer if:
  - (i) the Manager asks to inspect the appointment as a scrutineer; and
  - (ii) the appointee does not produce it.

**64 - SCRUTINEERS’ RIGHTS**

- (a) Subject to **rule 65**, a scrutineer may be present when:
  - (i) ballot papers or other voting material for a ballot are prepared and given to voters;
  - (ii) voting material is received and put in safe custody under **rule 62**; and
  - (iii) votes are counted.

**65 - SCRUTINEERS - NUMBERS ATTENDING**

- (a) Each candidate may have only 1 scrutineer exercising a right under **rule 64** for each official present where the ballot is being conducted.
- (b) In sub-rule (a):
  - (i) “official” means:
    - (1) if the ballot is being conducted by the electoral commission, an electoral officer; or
    - (2) if the ballot is not being conducted by the electoral commission:
      - (A) the Manager; or
      - (B) any other person appointed by the Manager to exercise the Manager’s powers for the election.

**66 - INITIAL SCRUTINY OF VOTING MATERIAL**

- (a) As soon as possible after the ballot finishes, the Manager must:
  - (i) seal the ballot box in a way that prevents voting material from being put in it; and
  - (ii) take the ballot box to the place where votes are to be counted.
- (b) The Manager must then:
  - (i) unseal the ballot box;
  - (ii) take out the return envelopes;
  - (iii) open each return envelope;
  - (iv) remove and examine the declaration and mark off the voter's name on the roll; and
  - (v) ensure the declaration is signed.
- (c) After complying with sub-rule (b), the Manager must put the ballot envelopes in a container and the declarations into another container if satisfied each declaration is signed.
- (d) However, the Manager must not put a ballot envelope or declaration in the containers mentioned in sub-rule (c) if:
  - (i) the Manager reasonably believes the voter to whom it was sent did not sign the declaration; or
  - (ii) the person named on the declaration is not the person to whom it was sent.
- (e) Sub-rule (d) does not apply if the Manager is satisfied the person who filled in and signed the declaration:
  - (i) is a voter;
  - (ii) has not previously voted in the ballot; and
  - (iii) has a reasonable explanation for using someone else's ballot material.
- (f) The Manager must keep ballot envelopes and declarations excluded under sub-rule (d) separate from other ballot envelopes and declarations.
- (g) A declaration is only valid if:
  - (i) it complies with sub-rule (b)(iv) and (v); and
  - (ii) sub-rule (d) does not apply.

- (h) A valid declaration must be accepted as valid and an invalid declaration must be rejected by the Manager.
- (i) If a declaration is accepted as valid by the Manager, the Manager must:
  - (i) note the acceptance of validity on the declaration; and
  - (ii) record the correct ballot on the roll against the name of the voter who signed the declaration.
- (j) After separating the ballot envelopes and declarations, the Manager must, in the following order:
  - (i) seal the container holding declarations;
  - (ii) open the ballot envelopes not excluded under sub-rule (d) and take out the ballot papers;
  - (iii) if a ballot envelope contains more than 1 ballot paper for each office the election is for, mark each of the ballot papers from the envelope "informal under **sub-rule 67(b)**"; and
  - (iv) put all of the ballot papers in the ballot box.

### 67 - COUNTING VOTES

- (a) To count votes, the Manager must:
  - (i) admit the formal votes and reject the informal votes;
  - (ii) count the formal votes, and record the number for each candidate; and
  - (iii) count the informal votes.
- (b) A vote is informal only if:
  - (i) the ballot paper is not initialled by the Manager and the Manager is not satisfied the paper is authentic;
  - (ii) the ballot paper is marked in a way that allows the voter to be identified;
  - (iii) the ballot paper is not marked in a way that makes it clear how the voter is meant to vote;
  - (iv) the ballot paper does not comply with a direction given under **sub-rule 56(a)(v)**; or
  - (v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

### 68 - SCRUTINEERS' OBJECTIONS

- (a) Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.
- (b) When votes are counted, a scrutineer may:
  - (i) object to a ballot paper being admitted as formal or rejected as informal by the Manager; or
  - (ii) advise the Manager that the scrutineer considers an error has been made in conducting the ballot or counting votes.
- (c) If a scrutineer advises the Manager under sub-rules (a) or (b)(ii), the Manager must:
  - (i) decide whether the error has been made; and
  - (ii) if appropriate, direct action to correct or mitigate the error.
- (d) If a scrutineer objects under sub-rule (b)(i), the Manager must:
  - (i) decide whether the ballot paper is to be admitted or rejected; and
  - (ii) note the decision on the ballot paper and initial the note.

### 69 - DIRECTION BY MANAGER TO LEAVE COUNT

- (a) The Manager may direct a person to leave the place where votes are being counted if the person:
  - (i) does not have the right to be present at the count; or
  - (ii) interrupts the count, other than to exercise a scrutineer's right.

### 70 - HOW RESULT IS DECIDED

- (a) The method of deciding the result of a ballot is by a first-past-the-post system.
- (b) The candidate, in the election concerned, securing the highest number of votes will be declared elected.
- (c) This rule is subject to **rule 71**.

### 71 - WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

- (a) If the Manager cannot decide which candidate is elected to an office or a position because of votes cast for 2 or more candidates are equal, the Manager must decide which candidate is elected by drawing lots.
- (b) A decision under sub-rule a) must be made in the presence of any scrutineer who wishes to attend.

## 72 - COLLEGIATE ELECTIONS

- (a) For the purposes of this rule:
  - (i) the “Meeting” is the first meeting of the Branch Executive next following the declaration of elections for the offices of Branch Regional Representatives in any year of election of Branch Regional Representatives under **rule 40**.
  - (ii) “attending Branch Executive Members” are the members of the Branch Executive attending in person at the Meeting; and
  - (iii) the Election Procedure Rules apply with such changes as are necessary to give them effect.
- (b) The electoral college will be the Branch Executive.
- (c) The Branch Secretary will, at least 7 days prior to the Meeting, provide the members of the Branch Executive with:
  - (i) notice that elections in accordance with this rule will be conducted by the Manager at the Meeting;
  - (ii) a copy of this rule; and
  - (iii) the contact details for the Manager.
- (d) The Manager will, at the Meeting, call for nominations of candidates from amongst the members of the electoral college, provided that a member of the electoral college who will not be in attendance at the Meeting may advise the Manager in writing, in advance of the Meeting, that they will stand as a candidate, and subject to their nomination being seconded by an attending Branch Executive Member they will be a candidate in the election concerned.
- (e) Nominations of candidates, other than as provided for in sub-rule (d) may be made verbally to the Manager.
- (f) Nominations may be verbally seconded by another member of the electoral college.
- (g) If at the close of nominations, only the required numbers of candidates have been nominated for the offices concerned, the Manager will declare those candidates elected and promptly advise the Meeting.
- (h) If there are more than the required number of candidates for any of the offices concerned, the Manager will in relation to those offices conduct, at the Meeting, a secret ballot of the attending Branch Executive Members.
- (i) A candidate may appoint a scrutineer.
- (j) The Manager will, in the presence of any appointed scrutineers (if any), arrange for the preparation of ballot papers which have the candidates’ names in alphabetical order.



- (k) The Manager will:
  - (i) initial and hand to each attending Branch Executive Member a ballot paper;
  - (ii) notify each attending Branch Executive Member of the opening and closing times of the ballot;
  - (iii) instruct the attending Branch Executive Members:
    - (1) that they must not disclose their identity when voting;
    - (2) that any ballot paper marked in a way that discloses the identity of the voter will be discarded and will not be counted in the ballot; and
  - (iv) provide, and secure, a ballot box.
- (l) Each attending Branch Executive Member is entitled to cast a vote in relation to each office the subject of election.
- (m) Each attending Branch Executive Member will:
  - (i) cast a vote by completing the ballot paper by placing an “x”, or other mark, against the name of the candidate the voter wishes to vote for; and
  - (ii) place the completed ballot paper in the ballot box.
- (n) Any member of the Electoral College who will not be present at the Meeting may, in writing, appoint an attending Branch Executive Member to vote as their proxy and such appointed member will be entitled to vote in their own right and as proxy, provided that:
  - (i) the appointment of proxy states the name of the appointer and is signed by the appointer; and
  - (ii) the appointment of proxy is provided to the Manager prior to the commencement of the election concerned.
- (o) The Manager must promptly count the ballot, once the ballot is closed, in the presence of scrutineers (if any) and must determine the ballot on a “first past the post” basis.
- (p) The candidate, in the election concerned, securing the highest number of votes will be declared elected.
- (q) Any scrutineer considering that an error has occurred in relation to the conduct of the ballot must immediately inform the Manager who will then make a determination in relation to the alleged error.
- (r) The determination of the Manager made in accordance with sub-rule (q) is final.
- (s) Any determination made by the Manager, in accordance with sub-rule (q), must be reported to the Branch Executive by the Manager at the time that the Manager declares the election concerned.
- (t) A scrutineer must not, in any manner, interfere with the proper conduct of a ballot being conducted in accordance with this rule and must not, at any time, physically handle a ballot paper.
- (u) If the Manager cannot decide which candidate is elected to an office because of votes cast for 2 or more candidates are equal, the Manager must decide which candidate is elected by drawing lots.
- (v) The Manager will promptly advise the Branch Executive of the result.
- (w) The Manager must do all such things as are necessary to ensure the secrecy of a ballot.

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**73 - CASUAL VACANCIES**

- (a) A casual vacancy will occur in any office or position of the Branch or a Sub-branch, where the holder of an office or a position:
- (i) dies;
  - (ii) resigns; or
  - (iii) in accordance with these rules:
    - (1) is removed from office; or
    - (2) ceases to hold office.
- (b) Casual vacancies will be filled in accordance with this rule.
- (c) Where a casual vacancy occurs, and the unexpired portion of the term of office or the position is more than twelve months, or three quarters of the term, whichever is the greater, the vacancy will be filled by direct or collegiate election, as the case may be and in accordance with the Election Procedure Rules, for such unexpired portion of the term.
- (d) Where a casual vacancy occurs and the unexpired portion of the term of office or position is less than twelve months or three quarters of the term, whichever is the greater, the vacancy will be filled as follows:
- (i) Branch President, Branch Secretary or Branch Assistant Secretary - the Branch Executive may appoint or elect an eligible member to the office or position, as the case may be, for such unexpired portion of the term;
  - (ii) Regional Representatives – the Branch Executive may appoint or elect an eligible member to the office, in accordance with these rules, for such unexpired portion of the term;
  - (iii) Branch office holders other than those provided by parts (i) or (ii) – the Branch Executive may appoint or elect an eligible member to the office, in accordance with these rules, for such unexpired portion of the term;
  - (iv) Conference Delegates – the Branch Executive may appoint or elect an eligible member to the office, in accordance with these rules, for such unexpired portion of the term; and
  - (v) Sub-branch officers – the Sub-branch Executive of the Sub-branch may appoint or elect an eligible member to the office, in accordance with these rules, for the unexpired portion of the term.
- (e) Pending the declaration of an election required pursuant to sub-rule (c), the Branch Executive may appoint a Member eligible to nominate for the office or position in accordance with these rules to carry out the functions of the office or the position.
- (f) Where, between election of the delegates to Federal Council, there has been an increase in the membership of the Branch such that the Branch would be entitled to an additional delegate, then such additional offices are to be filled in accordance with **rule 41**.

**74 - RESIGNATION**

- (a) A member of the Branch Executive who intends to resign during a term of office will give three months' notice of their resignation to the Branch President.
- (b) The Branch President may, despite sub-rule (a), accept, in appropriate circumstances, a lesser period of notice.
- (c) A member of the Branch Executive who has resigned during a term of office can not contest the consequent casual vacancy that arises.
- (d) The Branch Secretary will give three months' notice of resignation to the Branch President.
- (e) The Branch President may, despite sub-rule (d), accept, in appropriate circumstances, a lesser period of notice.
- (f) A Branch Assistant Secretary will give three months' notice of resignation to the Branch President.
- (g) The Branch President may, despite sub-rule (f), accept, in appropriate circumstances, a lesser period of notice.

**75 - BRANCH VOTING**

- (a) Voting at all meetings of the Branch is by show of hands.
- (b) Despite sub-rule (a), the chair of a meeting held in accordance with these rules, may determine to conduct a ballot in another manner.
- (c) Despite sub-rule (a), on the request of not less than 20% of the Members in attendance at a meeting held in accordance with these rules to conduct a ballot as a secret ballot, the chair will do so.

**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 a Branch Officer charged under sub-rule (e)  |
| Governance Body | severably:<br>the Branch Executive; or<br>a Branch Officer   |
| Member          | has, for the purposes of this rule, the meaning provided by these part CF rules together with the:<br>Branch Secretary; and<br>Branch Assistant Secretary  |
| Notice          | a notice that is in writing and sets out the:<br>Charge;<br>Particulars;<br>name of the person Charging; and<br>Process  |
| Panel           | severably 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 the 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 another lawful representative of the Branch in the performance of their functions on behalf of the Branch;

- (viii) give false or misleading information on a matter relevant to the Branch to a Governance Body, a Branch Employee, an Agent or another 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 discharging their duties;
  - (x) obstruct, insult or behave in an offensive manner towards a Branch Employee in the course of the employee discharging their duties;
  - (xi) wrongfully holding themselves out as occupying a Branch Office, Branch position or as being entitled to represent the Branch;
  - (xii) aid or encourage a Member to breach the rules of the Branch and/or the Federation;
  - (xiii) aid or 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) wrongfully cause injury to the reputation of the Branch, a Branch Officer, a Branch Employee, Agent, another lawful representative of the Branch or a Member;
  - (xvi) knowingly make a false allegation against the Branch, a Branch Officer, a Branch Employee, Agent, another lawful representative of the Branch or a Member;
  - (xvii) knowingly conduct themselves in a way that is calculated to bring the Branch, a Branch Officer, a Branch Employee, Agent, another lawful representative of the Branch or a Member into disrepute;
  - (xviii) distribute to Members a statement concerning the activities of the Branch or a Branch Officer or a Member, knowing the statement to be false;
  - (xix) engage in conduct which has the effect of harassing or victimising a Member because that member engages in lawful union activities;
  - (xx) after having been reasonably requested to assist, fail to assist a Governance Body, a Branch Officer, a Branch Employee, Agent or another lawful representative of the Branch in the performance of the functions of the Branch;
  - (xxi) 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;
  - (xxii) 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 union; and/or
  - (xxiii) breaching the Branch Code of Conduct.
- (c) The Branch Executive is, on becoming aware of a matter that may be conduct in breach of sub-rule (b) by a Member or a Branch Officer, responsible 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 if 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 when a Charge has been made following a report received under sub-rule (e), within 60 days, notify the Branch Executive of the Charge.
- (g) The Branch Executive must as soon as practicable, following notification under sub-rule (f), 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 a 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 submissions 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 office or a position in the Branch;
  - (vi) subject to this rule, 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 union.
- (o) A Charged Member may, in relation to an 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 determinations 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) The provisions of this rule do not enable the dismissal from office of a Branch Officer unless the officer has:
- (i) been charged with, and found guilty of:
    - a. a substantial breach of these rules or the Federation's rules; and/or
    - b. gross misbehavior; and/or
    - c. gross neglect of duty; or
  - (ii) ceased, according to these rules, to be eligible to hold the office.
- (s) For the purposes of sub-rule (r) 'office' includes the position of:
- (i) Branch Secretary; and
  - (ii) Branch Assistant Secretary.
- (t) 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.

- (u) 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; and
  - (ii) despite paragraph (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 may grant that request when there are reasonable grounds to do so.
- (v) 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.
- (w) The Branch Executive, where the Branch President consents, will:
  - (i) appoint a retired Judge or a 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.



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**77 - SUSPENSION – OFFICERS/BRANCH SECRETARY/BRANCH ASSISTANT SECRETARY**

- (a)
- (i) Despite a decision of the Branch Executive the following persons may not be dismissed except by resolution of 75% of the Sub-branches:
    - (1) an officer of the Branch;
    - (2) the Branch Secretary; or
    - (3) the Branch Assistant Secretary.
  - (ii) Despite a decision of the Branch Executive or a Branch Regional Representative may not be dismissed unless 75% of the Sub-branches in the Region of the Branch Regional Representative concerned, have resolved to do so.
- (b) The resolution required in accordance with sub-rule (a) must be obtained no more than 28 days following the determination of the Branch Executive in accordance with **rule 76**.
- (c) During the period from the Branch Executive’s determination in accordance with **rule 76** and the resolutions required in accordance with this rule, the:
- (i) officer of the Branch;
  - (ii) Branch Secretary; or
  - (iii) Branch Assistant Secretary,
- as the case may be, will be suspended and remain on full pay, and provided that if the:
- (i) officer of the Branch;
  - (ii) Branch Secretary; or
  - (iii) Branch Assistant Secretary,
- as the case may be appeals in accordance with **rule 78**, then that person will remain suspended on full pay until the appeal is heard and determined by Branch Council.
- (d) Should the resolution to dismiss not be ratified pursuant to sub-rule (a) then the Branch President will remove the reprimand or censure from the minutes of the Branch Executive and written confirmation of the removal will be given to the officer, Branch Secretary or Branch Assistant Secretary, as the case may be.

**78 - NOT USED**

**79 - SUSPENSION LIST**

- (a) A Member who is removed to the suspension list is not, whilst on the suspension list, entitled to the privileges of membership.
- (b) The Branch Executive will review the placement of a person on the suspension list each 6 months following the placement to determine whether or not the privileges of membership should be reinstated to the person concerned.
- (c) A Member whilst placed on the suspension list remains liable for the payment of subscriptions, levies and fines.

## 80 - SUB-BRANCHES

- (a) For the purposes of this rule:
- (i) “area” means a geographical or administrative division in the state of Queensland determined by the Branch Executive as being an appropriate division for the purposes of the organisation of the Branch.
- (b) The Branch, on the basis of areas, will be divided into Sub-branches.
- (c) The Branch Executive may determine:
- (i) upon receipt of a request, in writing, from at least 10 Members; or
- (ii) on its own motion,
- to establish a Sub-branch to provide for the representation of Members in an area.
- (d) The Branch Executive has the power in relation to a Sub-branch to:
- (i) vary;
- (ii) merge; and/or
- (iii) dissolve,
- a Sub-branch to ensure the effective representation of the interests of the Members in an area, and may attach the Members represented by a Sub-branch to another Sub-branch.
- (e) Where a Sub-branch is established, or dissolved, the Branch Executive may alter the area to be represented by other Sub-branches to accommodate the formation of a Sub-branch or the dissolution of a Sub-branch.
- (f) The Branch Secretary must, when the Branch Executive determines to establish or dissolve a Sub-branch, promptly inform all affected Members of:
- (i) the determination;
- (ii) the effect that that determination has on the areas of any other Sub-branch; and
- (iii) where Members are to be transferred, the Sub-branch to which they are to be transferred.
- (g) A Sub-branch will be bound by the rules set out in Schedule 1.
- (h) A Sub-branch will have a Sub-branch Executive, elected by and from the Members attached to the Sub-branch, in accordance with Schedule 1.
- (i) A Sub-branch, by its Sub-branch Executive may adopt rules for its own government, provided that the proposed rules are:
- (i) approved by the Branch Executive; and
- (ii) consistent with these rules.

## 81 - WORKPLACE REPRESENTATIVES

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- (j) No rule proposed by a Sub-branch Executive pursuant to sub-rule (i) will have effect until the rule is approved by the Branch Executive.
- (k) Members attached to a Sub-branch are entitled to be nominated for, be elected to and hold an office on the Sub-branch Executive.
- (l) The Sub-branch will have such general meetings as:
  - (i) the Sub-branch Executive may determine; or
  - (ii) may be requisitioned by not less than 1/3 of the Members of the Sub-branch,provided that, where a meeting is requisitioned by the Members of the Sub-branch in accordance with this sub-rule, then the requisition for the meeting will be in writing and clearly state the matters to be dealt with at the general meeting and no other matters, or business, are to be dealt with at that meeting.
- (m) A requisition made in accordance with sub-rule (l) is to be given to the Branch President.
- (n) Each financial year an allocation as determined by the Branch Executive will be made to the Sub-branches to assist in funding the Sub-branches' operations.
- (o) Upon application made to the Branch Secretary a Sub-branch will be supplied with necessary:
  - (i) books;
  - (ii) stationery;
  - (iii) postage; and
  - (iv) equipment.
- (p) Sub-branches are bound by Policy.
- (q) The Branch Executive may make an administrative regulation providing for standard operating procedures for Sub-branches.

## 81 - WORKPLACE REPRESENTATIVES

- (a) There will be Workplace Representatives appointed, in accordance with this rule, in the workplaces of the Branch.
- (b) The Branch Executive has the power to appoint, from the Members, Workplace Representatives.
- (c) The Branch Executive has the power to determine procedures for the election of Workplace Representatives.
- (d) A majority of Members employed in any area of membership may, in accordance with any procedures determined by the Branch Executive pursuant to sub-rule (c), and subject to the approval of the Branch Executive, elect from amongst their number a person to act as a Workplace Representative.
- (e) The Member elected in accordance with sub-rule (d) must promptly advise the Branch Secretary of the election, who will place the matter before the Branch Executive for the Branch Executive's approval of the appointment.

- (f) The Branch Executive may at any time terminate the appointment of a Workplace Representative who fails to comply with:
  - (i) these rules; and/or
  - (ii) a direction of the Branch Executive.
- (g) Workplace Representatives have the powers and obligations determined by the Branch Executive.
- (h) The Branch Council has the power to determine the policy for how Workplace Representatives are to conduct themselves in the workplace.
- (i) The Branch Executive will provide training and resources, as it considers appropriate, for Workplace Representatives.

## 82 - AUDIT AND AUDITORS

- (a) Each year the Branch Executive will appoint a competent Branch Auditor who will, when required, complete an audit of the Branch in accordance with the requirements of the Act.
- (b) The Branch Auditor must:
  - (i) be a member of:
    - (1) CPA Australia;
    - (2) the Institute of Chartered Accountants; or
    - (3) the National Institute of Accountants; and
  - (ii) hold a current public practice certificate.
- (c) The Branch Auditor must not be:
  - (i) subject to a suspension of registration as an auditor under the *Corporations Act 2001* (Cth);
  - (ii) an officer or employee of the:
    - (1) Federation; or
    - (2) Branch;
  - (iii) a partner of an officer or employee of:
    - (1) the Federation; or
    - (2) the Branch;
  - (iv) an employer of an officer or employee of:
    - (1) the Federation; or
    - (2) the Branch;

- (v) an employee of an officer or employee of:
  - (1) the Federation; or
  - (2) the Branch;
- (vi) a liquidator in respect of the property of:
  - (1) the Federation; or
  - (2) the Branch; or
- (vii) indebted by more than \$5,000 to:
  - (1) the Federation; or
  - (2) the Branch.
- (d) The Branch Auditor may request access to all Financial Statements, records or other documents relating directly or indirectly to the receipt or payment of money, or to the acquisition, receipt, custody or disposal of assets by the Branch, provided that the request must:
  - (i) be in writing;
  - (ii) be made to an officer, employee or Member having custody of the records or other documents;
  - (iii) specify the nature of the records or other documents to be produced;
  - (iv) specify how and where the records or other documents are to be produced; and
  - (v) specify a period, of not less than 14 days after the notice is given, within which the records or other documents are to be produced.
- (e) The Branch must give the Branch Auditor any notice of, and communications relating to, any meeting of the Branch at which the Auditor's report, or any general purpose financial report to which the Auditor's report relates, are to be presented.
- (f) The Branch Auditor, or a person authorised by the Auditor, is entitled to attend and be heard at a Branch meeting at which:
  - (i) the Branch Auditor's report of the auditor, or any general purpose financial report to which the report relates, is to be presented or considered; or
  - (ii) the business will include any business relating to:
    - (1) the Branch Auditor in that capacity; or
    - (2) a person authorised by the auditor in the capacity of a person so authorised.
- (g) Officers, Members and employees of the Branch must not hinder or obstruct the Branch Auditor in taking action under sub-rule (d) or in attending a meeting under sub-rule (f).
- (h) The Branch must pay the Branch Auditor's reasonable fees and expenses.
- (i) The Branch Auditor may only be removed during the Branch Auditor's term of appointment in accordance with the process set out in the Act.

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**83 - SPECIAL BRANCH MEETING TO CONSIDER FINANCIAL REPORTS**

- (a) Where no less than 5% of Members of the Branch petition the Branch President for a special general meeting of the Members for the specific purpose of considering the:
  - (i) Branch Auditor's report;
  - (ii) Branch general purpose financial report; and/or
  - (iii) operating report.
- (b) The Branch President will direct the Branch Secretary to give notice of the meeting to be conducted in accordance with the petition made in accordance with sub-rule (a) by notice.
- (c) A special general meeting called pursuant to this rule may be conducted as a series of meetings held at different locations and a meeting conducted pursuant to this rule is taken to have been completed at the time of the last of the meetings in any series of meetings.

**84 - INDEMNITY AND INSURANCE**

- (a) The Branch will be responsible for the authorised acts of its officers and employees and the Branch will indemnify its officers and employees in respect of payments made and liabilities incurred by them, if the acts, payments or liabilities performed, made or incurred by an officer or employee, as the case may be, was:
  - (i) within the scope of the officer's, or employee's, authority;
  - (ii) in the ordinary and proper conduct of the Branch's business;
  - (iii) in the honest and reasonable discharge of the officer's, or employee's, office or employment; and
  - (iv) in good faith.
- (b) The Branch will, subject to the provisions contained in sub-rule (a), indemnify any of the persons mentioned in sub-rule (a) against liability for any loss or damage though the loss or damage may have occurred by reason of negligence, a reasonable mistake, error, oversight or omission on the part of the person concerned.
- (c) To the extent permitted by the Act, the Branch may insure or pay any premiums on a policy of insurance for officers or employees against any liability that the Branch indemnifies an officer or employee for in accordance with this rule.
- (d) An officer of the Branch may vote in favour of a resolution that the Branch grant an indemnity pursuant to sub-rule (a), take insurance or pay the premiums on an insurance policy pursuant to sub-rule (c), even though the officer has a direct and material interest in the outcome of the resolution.
- (e) The indemnity provided by this rule extends only to the acts or conduct of an officer or employee of the Branch that occurs in respect of the Branch and does not extend to acts or conduct that occurs in respect of acts performed in an office held in the Federation, other than in the Branch.
- (f) Nothing in this rule prevents the Branch Executive from indemnifying persons who are not the subject of this rule.

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**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.

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**86 - NOTIFICATION OF DISPUTES**

- (a) The:
- (i) Branch President;
  - (ii) Branch Secretary; or
  - (iii) Branch Assistant Secretary, is authorised to:
  - (iv) give notice of an industrial dispute affecting only the Members of the Branch;
  - (v) give notice of the likelihood of an industrial dispute affecting only the Members of the Branch; and
  - (vi) sign any application for lodgement with Fair Work Commission in the prescribed manner.
- (b) The Branch Secretary will, upon giving notice pursuant to sub-rule (a) of an industrial dispute, or likelihood of an industrial dispute affecting only the Members of the Branch, promptly advise the Federal Secretary and provide to the Federal Secretary a copy of the notice.

**87 - FAIR WORK COMMISSION PROCEEDINGS AND INDUSTRIAL AGREEMENTS**

- (a) The Branch has power and authority to file claims, applications, disputes or other matters with the Fair Work Commission or other court or body as may be necessary for the determination of matters relevant to the Branch.
- (b) The Branch Secretary will, when directed to do so by the Branch President, file claims, applications, disputes or other matters provided that where this power is exercised by the Branch President its exercise must be ratified by the Branch Executive at its meeting next following the exercise of the power.
- (c) The Branch may be represented at the hearing of a claim, application, dispute or other matter filed in accordance with sub-rule (b) by the Branch Secretary or by another person as determined by the Branch President.
- (d) The Branch President, with the authority of the Branch Executive, may enter into and execute agreements binding on the Members.

**88 - NOTICES**

- (a) A notice to be given pursuant to these rules to Members, can be given, unless otherwise required by the Act, by means of:
- (i) an advertisement in the Branch Journal;
  - (ii) a public notice in a newspaper circulating in the state of Queensland;
  - (iii) an advertisement on the Branch Website;
  - (iv) being posted at a conspicuous place at each Member's place of employment;
  - (v) email communication to each Member; and/or
  - (vi) any other means by which notice can be practicably given so as to bring the matter as far as is practicable to the attention of the Members.



### **89 - MEDIA STATEMENTS AND APPEARANCES**

- (a) Only the:
  - (i) Branch President;
  - (ii) Branch Secretary; or
  - (iii) other person authorised by the Branch President, are authorised to:
    - (1) appear in person on television, radio or other media on a matter in relation to the Branch;
    - (2) make a statement to the media on a matter in relation to the Branch;
    - (3) comment on a matter in relation to the Branch; and/or
    - (4) comment on a matter relating to a Member of the Branch.

### **90 - BRANCH FUND**

- (a) The Branch will have a Branch Fund which will consist of:
  - (i) real, or personal property, of which the Branch by:
    - (1) the Federation's rules;
    - (2) these rules; and/or
    - (3) any established practice not inconsistent with the Branch's rules, has, or in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;
  - (ii) subscriptions, fines, fees, or levies received by the Branch;
  - (iii) interest, rents, dividends or other income derived from the investment of the Branch Fund;
  - (iv) a superannuation fund and/or long service leave fund and/or sick pay fund and/or accident pay fund and/or funeral fund and/or benefit fund and/or any like fund administered by the Branch for the benefit of the Branch's:
    - (1) officers; or
    - (2) employees;
  - (v) property acquired by expenditure from, or derived from the assets of, the Branch Fund; and
  - (vi) proceeds of any disposal of parts of the Branch Fund.
- (b) The Branch Fund may only be used for purposes:
  - (i) of the Branch; and
  - (ii) that further the objects of the Federation.

## 93 - DETERMINATION BY REFERENDUM

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- (c) Any monies held in the Branch Fund which are not required for immediate use are to be:
  - (i) deposited in a financial institution; or
  - (ii) placed in any investment approved by the Branch Executive.
- (d) The accounts and investments of the Branch are to be in the following name:

“Police Federation of Australia, Queensland Police Branch – [detail of account purpose] Account”
- (e) Property under the control of the Branch, and forming part of the Branch Fund may be held in a convenient form.

## 91 - PAYMENTS

- (a) The Branch President, together with 1 other member of the Branch Executive, may when authorised by these rules or the Branch Executive, make:
  - (i) payments;
  - (ii) investments; and/or
  - (iii) withdrawals.
- (b) Accounts over \$500.00 must be paid by cheque or electronic funds transfer only.
- (c) Cheques for payments or approvals for electronic funds transfers, to be made in accordance with this rule, must be signed or approved by any one of the Branch President, Branch Secretary or Branch Assistant Secretary and countersigned or approved by a different person being any one of the Branch President, Branch Secretary, Branch Assistant Secretary, employee of the Branch authorised by the Branch Executive or any member of the Executive.

## 92 - ADMINISTRATIVE REGULATIONS

- (a) The Branch Executive may create administrative regulations for the administration of the Branch.
- (b) Any administrative regulations created in accordance with this rule, must:
  - (i) be consistent with these rules; and
  - (ii) be promptly published on the Branch Website.
- (c) Administrative regulations may be amended by ordinary resolution of the Branch Executive and **rule 85** does not apply to amendment of the administrative regulations.

## 93 - DETERMINATION BY REFERENDUM

- (a) A referendum may be called by:
  - (i) the Branch Executive; or
  - (ii) Branch Council.
- (b) The Branch Executive will promptly give immediate effect to a matter determined by referendum.

### 94 - REFERENDUM BALLOTS

- (a) All ballot papers, envelopes, lists and other documents, used in connection with the conduct of a referendum, are to be preserved and kept at the principal office for a period of 1 month after the completion of the referendum.
- (b) The Branch Returning Officer will conduct a secret postal ballot for the referendum in the following manner:
  - (i) secure a locked postal facility for the conduct of the ballot;
  - (ii) prepare a ballot paper setting out the question to be determined by the ballot (the “ballot paper”);
  - (iii) within 28 days of being directed to conduct a referendum prepare and forward to Members:
    - (1) the ballot paper;
    - (2) an envelope in which the marked ballot paper can be placed (the “ballot envelope”);
    - (3) an addressed reply paid envelope in which the ballot envelope can be returned; and
    - (4) instructions to voters in relation to:
      - (A) the ballot opening period which must be not less than 14 days or more than 28 days as the Branch Returning Officer considers appropriate;
      - (B) the method of voting;
      - (C) the marking of the ballot paper;
      - (D) the return of the ballot paper; and
      - (E) any other information the Branch Returning Officer considers appropriate.
- (c) The Branch Returning Officer must:
  - (i) ensure that Members are instructed that ballot papers must not disclose the identity of the Member voting and that any ballot paper marked as to disclose the identity of the Member voting will be discarded and will not be counted in the ballot;
  - (ii) promptly count the ballot, once the ballot is closed, in the presence of scrutineers (if any) appointed by the Branch Executive; and
  - (iii) declare the result of the referendum and promptly report to the Branch Executive.

**95 - LOANS, GRANTS & DONATIONS**

- (a) Loans, grants and donations of any amount exceeding \$1,000.00 cannot be made by the Branch to any one person or organisation unless the Branch Executive has:
  - (i) satisfied itself that:
    - (1) the making of the loan, grant or donation is in accordance with these rules; and
    - (2) in relation to 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
  - (ii) approved the making of the loan, grant or donation.
- (b)
  - (i) Despite sub-rule (a) a financial hardship payment of not more than \$3,000.00 may be made to a member by the Branch Executive following a request, in writing, from a member setting out the nature of the financial hardship and the reason it has occurred.
  - (ii) Provided that any such financial hardship payment will be made on condition that, if the Branch Executive at its next meeting does not approve the payment, it must be repaid as decided by the Branch Executive.
  - (iii) In considering whether to approve a financial hardship payment, the Branch Executive must consider:
    - (1) whether the financial hardship payment was made under the rules of the organisation;
    - (2) if the financial hardship payment is a loan:
      - (A) whether the security (if any) given for the repayment of the loan is adequate; and
      - (B) whether the arrangements for the repayment of the loan are satisfactory.
- (c) The Branch Executive must not approve the making of any loan, grant or financial donation or payment in relation to financial hardship unless all members of the Branch Executive are present in person at the meeting that determines the making of the loan, grant or donation in relation to financial hardship.
- (d) The Branch Executive may determine by administrative regulation the manner in which loans, grants and donations can be processed by the Branch.

## 96 - LEGAL ASSISTANCE FUND

(a) Purpose

- (i) The purpose of the Branch Legal Assistance Fund is to finance legal proceedings of a criminal or disciplinary nature on behalf of Members in cases where:
  - (1) the matter giving rise to the proceedings arose out of the Member's employment with the Queensland Police Service; and
  - (2) where the action was in good faith.
- (ii) The Branch Legal Assistance Fund, forms part of the Branch Fund, and comprises:
  - (1) the legal assistance levy determined by the Branch Executive; or
  - (2) additional monies as determined by the Branch Executive.
- (iii) Legal assistance is assistance of a general nature paid, or payable, by the Branch to assist Members.
- (iv) There are three (3) categories of legal assistance available to Members:
  - (1) general legal assistance which is legal assistance of a legal nature paid or payable out of the Legal Assistance Fund as defined by this rule;
  - (2) special legal assistance which is legal assistance which may be granted to a Member in any other case involving exceptional circumstances where the matter involves a principle of general interest to the Branch or its Members; or
  - (3) retrospective legal assistance which is legal assistance which may be granted to Members who submit a claim for the payment of legal costs incurred after termination of the action.
- (v) Retrospective legal assistance is granted in exceptional circumstances, where:
  - (1) a Member requesting retrospective legal assistance submits a claim with a full written statement of their case to the Legal Assistance Committee;
  - (2) the Member's request for retrospective legal assistance must be accompanied by a recommendation of the Member's Sub-branch where the Member is attached to a Sub-branch; and
  - (3) where the recommendation of the Sub-branch has been determined, by specific ballot of the Members of the Sub-branch, at a properly constituted meeting of the Sub-branch,

provided that a Sub-branch's recommendation is not binding on the Legal Assistance Committee.

- (vi) The level of financial assistance granted to a Member is determined by the Legal Assistance Committee having regard to:
    - (1) the merits of the case; and
    - (2) in particular, the conduct of the Member.
  - (vii) It is not intended that the Branch Legal Assistance Fund provide assistance in:
    - (1) civil actions; or
    - (2) matters that involve Member against Member.
  - (viii) Despite part (vii), where such an action involves a principle of general interest to the Branch or its Members the Legal Assistance Committee may, prior to the application being put to the Branch Executive, consider support for civil action.
  - (ix) Funding of a civil action requires the approval of the Branch Executive based on the criteria of sufficient interest to the Branch or its Members.
- (b) Eligibility for Legal Assistance
- (i) Only members may apply for legal assistance, provided that they must:
    - (1) have been a Member at the time of the event occurring;  
and
    - (2) must also be either a Member at the time of application for legal assistance or a Member at the time the member was no longer eligible to be a member of the Branch, if such ineligibility occurred prior to the time of the application.
- (c) Other than where retrospective legal assistance is granted, the Branch shall not be responsible for the costs of any lawyer engaged by a member without the prior approval of the Legal Assistance Committee and any such cost is at that member's own expense.
- (d) Legal Assistance Committee
- (i) In accordance with **rule 31**, the Branch Executive will elect from the members of the Branch Executive a standing committee (the “Legal Assistance Committee”) to meet and determine all applications for Legal Assistance.
  - (ii) A meeting of the Branch Executive may remove the chair or a member of the Legal Assistance Committee without notice and may fill any casual vacancy.
  - (iii) All applications for legal assistance are:
    - (1) to be in the form determined by the Legal Assistance Committee; and
    - (2) made available on the Branch Website.

- (e) Proceedings of the Legal Assistance Committee
  - (i) Upon receipt of an application for legal assistance, the Legal Assistance Committee will determine:
    - (1) whether:
      - (A) a Member was financially eligible as required by this rule; or
      - (B) special circumstances exist in the absolute discretion of the Legal Assistance Committee as to why the member was unfinancial at the time of the event occurring;
    - (2) that the application is made in accordance with this rule; and
    - (3) the application is not one for special legal assistance.
  - (ii) The Legal Assistance Committee may, in its discretion, determine to grant legal assistance but in making the determination, the Legal Assistance Committee must consider:
    - (1) whether the Member was acting bona fide in the exercise of the Member's duty;
    - (2) whether by the granting of legal assistance the Branch is assisting one Member against another Member;
    - (3) if a Member indicated an intention to plead guilty, whether this is done on the advice of legal representatives; and
    - (4) whether the proceedings arise as a direct result of the fact that the Member was a member of the Queensland Police Service.
  - (iii) The Legal Assistance Committee must advise a member in writing within 7 days of its acceptance, or rejection, of the Member's application for legal assistance.
  - (iv) If the Member's application is accepted, the Legal Assistance Committee will advise the member of the name and address of the lawyer appointed.
  - (v) If the Member's application is rejected the Legal Assistance Committee will advise the Member of the grounds on which the application was rejected and will advise the Member of the rights of appeal available to the Member pursuant to these rules.
- (f) Emergency Legal Assistance
  - (i) In appropriate circumstances, any one of the Branch President, Branch Secretary or the Branch Assistant Secretary may grant emergency legal assistance to a Member.
  - (ii) Any emergency assistance granted will only be effective until the next meeting of the Legal Assistance Committee at which time the member is required to submit a formal application for legal assistance in accordance with this rule.

(g) Appointment of a Lawyer

- (i) Any lawyer engaged to perform legal assistance will be retained by the Branch for the benefit of the Member.
- (ii) If legal assistance is granted, the Branch, and not the Member, is responsible for all approved fees and expenses incurred in respect of such legal assistance.
- (iii) The Branch will not be responsible for any fees and expenses incurred by a Member in obtaining legal assistance for which the Member has not received approval from the Legal Assistance Committee.
- (iv) Instructions given by the Member to the lawyer are confidential as between the lawyer and the Member and all communications passing between the lawyer and the Member retain legal professional privilege as between the lawyer and the Member, save as is authorised by the Member pursuant to this rule.
- (v) Provided that where a member is found to be guilty of any charge or charges against the member, then nothing contained in this rule is to be construed to permit or require any payments of costs awarded against a member so found guilty.
- (vi) The costs actually paid by the Branch are a first charge against any claim or costs recovered by a member in respect of the action the subject of legal assistance.
- (vii) A member upon accepting a grant of Legal Assistance irrevocably authorises the payment of recovered costs, in satisfaction of the liability arising pursuant to part (vi), to the Branch.

(h) Appeals

- (i) Any Member may appeal to the Branch Executive against a decision of the Legal Assistance Committee to reject legal assistance.
- (ii) The appeal must be lodged in writing with the Branch Secretary within a period of 14 days from the date of the notification of the Legal Assistance Committee's decision.
- (iii) The Branch Executive will hear and determine any appeal from a decision of the Legal Assistance Committee at the next available monthly meeting of the Branch Executive or such earlier time as the Branch President may determine.
- (iv) The Branch Secretary will give the Member 7 days' notice of the date and time of the hearing of the appeal.
- (v) A Member may make a submission to the Branch Executive as to reasons why the appeal against the decision of the Legal Assistance Committee should be allowed, provided:
  - (1) if the Member intends to personally, or by conference telephone, address the Branch Executive, the Member will give 48 hours' notice to the Branch Secretary of the Member's intention to do so;
  - (2) if the Member intends to make written submissions to the Branch Executive, those written submissions must be provided to the Branch Secretary not less than 48 hours prior to the time fixed for the hearing of the appeal;
  - (3) the Member is not entitled to legal or other representation on the hearing of the appeal;
  - (4) the Branch Executive will hear the appeal as if it was an application for legal assistance and the provisions of this rule will be applied accordingly.



- (vi) The Branch Executive will provide the Member with written advice on the result of an appeal, and if the Branch Executive rejects the appeal it will give the member written reasons of its decision.
- (vii) Notwithstanding any provisions contained in these rules, the decision of the Branch Executive is final.
- (viii) A Member is not entitled to apply for legal assistance from the Branch if the Member has made application for legal assistance from the QPUE.

### **97 - AUTONOMY**

- (a) The Branch will have autonomy in respect of all matters which only affect members of the Branch, subject to Part B1 of the Federation's rules applying to the Branch Council and the Branch Executive.

### **98 - DISSOLUTION OF THE BRANCH**

- (a) The Branch will not be dissolved unless the Branch Executive votes in favour of such dissolution.
- (b) Upon a vote in favour of the dissolution, the Branch will be dissolved and the assets and funds remaining after liabilities have been discharged will be paid, consistently with the objects of the Federation and as determined by the Branch Executive.

### **99 - STANDING ORDERS**

- (a) The following procedures will be adhered to as far as practicable at all meetings of the Branch Council, the Branch Executive and general meetings of the Members and meetings of Sub-branches.
- (b) Despite sub-rule (a) the standing order for the Branch Conference are as provided in sub-rule (e).
- (c) The chair will take the chair for the meeting and upon ascertaining that a quorum is present, in accordance with the Branch rules, will then declare the meeting open for the transaction of business, provided, and subject to these rules, that if no quorum is present within 30 minutes the meeting will not proceed to business.
- (d) The standing order for meetings, other than special meetings, will be:
  - (i) attendance and apologies;
  - (ii) business as notified;
  - (iii) minutes will be presented for confirmation, but no discussion will be allowed except as to their accuracy as a record of the proceedings;
  - (iv) business arising out of minutes;
  - (v) correspondence;
  - (vi) Financial Statements and accounts;
  - (vii) reports; and
  - (viii) general business on notice.

- (e) The standing orders for the Branch Conference will be:
  - (i) attendance and apologies;
  - (ii) minutes will be presented for confirmation, but no discussion will be allowed except as to their accuracy as a record of the proceedings;
  - (iii) business arising out of minutes;
  - (iv) the appointment by the Branch President of 2 scrutineers to assist the Branch President in counting votes in any ballot held at the Branch Council;
  - (v) reports;
  - (vi) business as notified; and
  - (vii) Financial Statements and Branch Auditor's report.
- (f) The standing order for special meetings, which cannot be suspended in accordance with sub-rule (g), will be:
  - (i) attendance and apologies;
  - (ii) in relation to special meetings of the Branch Council, the appointment by the Branch President of 2 scrutineers to assist the Branch President in counting votes in any ballot held at the Branch Council; and
  - (iii) business as notified, subject to **sub-rule 22(k)**.
- (g) Any motion to suspend the standing orders requires a 2/3 majority to be passed, provided that a member of the Branch Council who wishes to add a matter to the agenda, other than in accordance with **rule 17**, must seek to suspend standing orders and then have a 2/3 majority of the members of the Branch Conference approve the addition of the matter.
- (h) Any matter added to the agenda of the Branch Conference in accordance with sub-rule (g) will be placed on the agenda in the order determined by the Branch President.
- (i) A notice of motion will be dealt with in the order in which it stands in the agenda, in relation to other similar notices, provided that a motion to adjourn the standing order will be dealt with prior to the agenda item of concern being dealt with.
- (j) No notice of motion will proceed unless it is seconded.
- (k) Notices of motion not proceeded with will be struck out.
- (l) Any person engaging in misconduct during a meeting or obstructing the business of the meeting will be called to order by the chair and if, after being called to order, the person persists in the misconduct or obstruction or otherwise refuses or fails to comply with the chair's direction, that person may be excluded from taking any further part in the business of the meeting and may be physically expelled from the meeting.

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**100 - RULES OF DEBATE**

- (a) No discussion will be allowed except on a motion or amendment, duly proposed and seconded.
- (b) A call for a seconder will only be put twice at which time if the motion or amendment has not been seconded it will lapse.
- (c) Any Member desiring to propose a motion or amendment or to discuss any matter under consideration must address the chair.
- (d) No Member will address the meeting unless, and until, called upon by the chair.
- (e) When the chair speaks during a meeting the Member then speaking, or offering to speak, will cease so that the chair may be heard without interruption.
- (f) The chair will call to order any speaker who departs from the question or who violates the courtesies or rules of debate.
- (g) If the chair determines to participate in a debate at any meeting then the chair will vacate the chair whilst participating, which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.
- (h) All motions will be determined in the following manner:
  - (i) the mover of the motion will have 5 minutes at the time of moving the motion to present argument in support of the motion and 3 minutes to reply, where the reply is limited to the answering of arguments advanced against the motion;
  - (ii) the seconder of the motion and all other speakers will be limited to 3 minutes;
  - (iii) the meeting, on motion without debate, may extend the time of any speaker but an extension of time must not exceed 3 minutes and the meeting may agree to further extensions on the same basis;
  - (iv) the chair will call attention to the time of all speakers 1 minute before their time expires and motions for extensions may be made when the chair so calls, but not later; and
  - (v) after the motion has been moved and seconded, no more than 2 Members will speak in succession on one side, either for or against any question before the meeting and if at the conclusion of the second speaker's remarks no Member rises to speak on the other side, the motion or amendment will at once be put to the meeting, subject to part (i) of this sub-rule.
- (i) All votes at meetings will, subject to these rules, be as follows:
  - (i) the chair will read the motion and determine the question on the voices, provided that the chair may call for a show of hands;
  - (ii) every question submitted to a meeting will be decided by a show of hands, unless a poll is demanded by 5 Members; and
  - (iii) the chair will then declare the motion carried or lost.
- (j) In the event of a motion being carried or lost by a narrow majority, any 3 Members may demand a division and on a division being called for, those in favour will go to the side of the room on the chair's right and those against to the chair's left and the number on each side will be counted and the number of voters, for and against, will be recorded in the minutes.

- (k) At any time during debate on any motion it will be competent for any Member who has not spoken to the motion to move an amendment, which will be subject to the following:
- (i) all amendments must be seconded;
  - (ii) motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;
  - (iii) the effect of any proposed amendment cannot be to establish a direct negative to the question contained in the motion;
  - (iv) only one amendment will be received at a time and that amendment must be disposed of before any further amendment may be considered or moved;
  - (v) all amendments will be put before the original motion;
  - (vi) the mover of an amendment will not have a right of reply; and
  - (vii) should an amendment be carried it becomes the substantive motion and thereon a further amendment may be proposed, however, if no further amendment is proposed, the amendment which has become the substantive motion, will be put without further debate subject to part (v) of sub-rule (h).
- (l) Where a motion is considered by a meeting without any amendments being proposed no Member except for the mover of the motion will speak more than once on the motion, unless by way of personal explanation or with the consent of the meeting.
- (m) Where an amendment is proposed a Member may speak for or against the proposed amendment.
- (n) Any Member who considers they have been misrepresented by a speaker may, with the indulgence of the chair, interrupt the speaker to correct the misrepresentation, but the Member interrupting must not enter into argument.
- (o) It will be competent at any time during a debate for a Member who has not spoken to a motion under consideration to rise and move "That the question be now put" but no discussion will be allowed and if this motion is seconded and carried, the chair will immediately call upon the Member (if any) who may have the right of reply, and then, immediately following the reply, the chair will put the motion which will include the amendments (if any) that have been moved and accepted.
- (p) No motion upon any other subject will be submitted until the one before the chair is disposed of in accordance with this rule.
- (q) Should any question have occupied the attention of the meeting for 20 minutes, the discussion on such question will be closed and the chair will then call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.
- (r) A motion may be dealt with by:
- (i) adoption as moved;
  - (ii) rejection as moved; or
  - (iii) adoption after amendment of the subject matter.

- (s) Any of the following motions, will be in order despite a motion (or motion with amendments) being before the meeting:
  - (i) "The Order of the Day", i.e., that the next business in order be now taken;
  - (ii) postponement of the question, either to a definite time or a time to be fixed;
  - (iii) reference to a committee; or
  - (iv) adjournment:
    - (1) of the debate; or
    - (2) of the meeting.
- (t) A motion for adjournment:
  - (i) may be moved and seconded at any time during the meeting;
  - (ii) may be debated, provided that not more than 4 speakers be allowed both for and against the motion, inclusive of the mover and seconder;
  - (iii) provides no right of reply for the mover of the motion; and
  - (iv) will be successful if carried by a majority of Members present.
- (u) A second motion for adjournment will not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.
- (v) Questions of order will be decided by the chair, whose ruling will be final unless challenged by a formal motion submitted to the meeting.
- (w) Any Member may rise to a point of order when the Member considers the rules of debate to have been violated provided that the Member must submit the "point of order" to the chair, who will decide the question as prescribed in sub-rule (v).
- (x) Upon the point of order being raised, the Member addressing the meeting at the time will take their seat and will remain seated until the point of order has been decided.
- (y) A ruling given by the chair on any question may be subject to a motion of dissent calling the meeting to disagree with the ruling.
- (z) On the motion of dissent becoming seconded, the chair will vacate the chair which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.
- (aa) No motion of dissent from the chair's ruling will be permitted unless it is made before any other business has been proceeded to.
- (bb) The procedure to determine a motion of dissent will be as follows:
  - (i) the Member moving the motion of dissent will be given 5 minutes to support the motion;
  - (ii) the chair will be given 5 minutes to defend their ruling; and
  - (iii) the acting chair will then put the question and on the question being determined the chair will resume the chair.
- (cc) A report of a Committee officially presented will be received without motion, but the adoption of such report either absolutely, or by clauses, will be moved and seconded.

- (dd) It will be competent for any Member to move the reconsideration of a resolution that has been passed by a meeting, provided that the Member will have given notice at a previous meeting.
- (ee) It will be competent for any Member to propose that any subject will be considered in a committee of the whole meeting, and such consideration will be confidential to the committee.
- (ff) The vote on such proposition when seconded will then be taken without discussion.

### **101 – TRANSITIONAL**

- (a) **Part CF1 rule 10** will not, to the extent of any inconsistency with these part CF2 rules, apply.
- (b) **Part CF1 rule 14** will not, to the extent of any inconsistency with these part CF2 rules, apply.
- (c) The Branch Council, despite the terms of **Part CF1 rule 15**, will not comprise of Branch Conference Delegates until Branch Conference Delegates are first elected and take office in accordance with these Part CF2 rules.

## **SCHEDULE 1 – STANDARD OPERATING PROCEDURES**

### **1 - DEFINITIONS**

In this schedule the following words have the meaning provided in this rule:

- (a) “Branch rules” means the rules of the Queensland Police Branch; and
- (b) “Standard Operating Procedures” means the rules provided by this schedule.

### **2 - INTERPRETATION**

- (a) Words and phrases in these Standard Operating Procedures will have the same meaning as are given to these words and phrases by the Branch rules.
- (b) These Standard Operating Procedures are to be interpreted in the same way as the Branch rules.

### **3 - BRANCH RULES**

- (a) Sub-Branch Executive
  - (i) Each Sub-branch must have a Sub-branch Executive.
- (b) Sub-Branch Executive Membership
  - (i) Membership of each Sub-branch Executive will consist of:
    - (1) a Sub-branch President; and
    - (2) not less than 2, or more than 10, other Sub-branch Executive Members, elected by, and from, the Members of the Sub-branch.

### 3 - BRANCH RULES

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- (ii) The Sub-branch Executive will, at its meeting held immediately prior to nominations being called for the election of members to the Sub-branch Executive, determine the number of other members to be elected, provided that where there has been no determination by the Sub-branch Executive of the number of other Sub-branch Executive Members then the number will be 2.
- (iii) All members of the Sub-branch Executive will be elected in accordance with the Election Procedures Rules of the Branch rules.
- (iv) A member of a Sub-branch Executive who is no longer a Member of the Sub-branch ceases to be a member of the Sub-branch Executive.
- (v) The Sub-branch will, at its first meeting immediately following elections, and in accordance with **rule 72** elect from the members of the Branch Executive a:
  - (1) Sub-branch President; and
  - (2) Sub-branch Minute Secretary.
- (c) Powers and Duties
  - (i) The Sub-branch Executive will, subject to the Branch rules, these Standard Operating Procedures, Policy and the control of the Branch Executive, do all such things as are necessary to control and manage the affairs of the Sub-branch, and provide for its good government.
  - (ii) Without limiting part (i) the Sub-branch Executive has autonomy with respect to the conduct of the Sub-branch in so far as its decisions affect only the Members of the Branch.
  - (iii) The Sub-branch Executive will, through its chair, or as requested by the Branch Executive, submit to the Branch Executive a report of the business of the Sub-branch and/or such other matters as the Branch Executive may require.
- (d) Sub-Branch Executive Meetings
  - (i) The Sub-branch Executive will meet at least 2 times per year and on such other occasions as its members may determine.
  - (ii) The Sub-branch Minute Secretary will upon the request of the Sub-branch President, or any 2 members of the Sub-branch Executive summon a meeting of the Sub-branch Executive.
  - (iii) The Sub-branch Minute Secretary, when summoning members to meetings of the Sub-branch Executive, will give at least 24 hours' notice by such means as are practicable in the circumstances, including by post, facsimile, text messaging, email, phone or in person.
  - (iv) Where the Sub-branch President considers that a matter requires urgent attention, the Sub-branch President will direct the Sub-branch Minute Secretary to call a meeting of the Sub-branch Executive, and the Sub-branch Minute Secretary will give such notice of the meeting, and by such means, as is practicable in the circumstances.
  - (v) Sub-branch Executive meetings may be conducted by telephone, video conferencing, internet conferencing, radio or any other method by which members of the Sub-branch Executive are able to communicate with each other without being physically present.
  - (vi) A member of the Sub-branch Executive not present at a meeting, or part of a meeting, may appoint in writing another member of the Sub-branch Executive as proxy to exercise their vote at the meeting.
  - (vii) No Sub-branch Executive member will hold more than 1 proxy at any meeting.

### 3 - BRANCH RULES

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- (viii) At any meeting of the Sub-branch Executive a majority of the total membership of the Sub-branch Executive will constitute a quorum.
  - (ix) If at any meeting of the Sub-branch Executive no quorum is present 30 minutes after the time fixed for the commencement of the meeting:
    - (1) such meeting will be adjourned for not less than 3 days nor more than 14 days; and
    - (2) members of the Sub-branch Executive will be given 2 days' notice of the date, time and place to which the meeting has been adjourned by such means as is practicable in the circumstances, including by post, facsimile, text messaging, email, phone or in person.
  - (x) If no quorum is present at an adjourned meeting then those Sub-branch Executive members present in accordance with part (v) are quorum for the purpose of the business to be determined.
  - (xi) At meetings of the Sub-branch Executive each member of the Sub-branch Executive has 1 vote and so there can be no doubt the Sub-branch President has a deliberative vote only.
  - (xii) Voting will be by show of hands, except if the Sub-branch Executive determines otherwise.
  - (xiii) Decisions will be by simple majority of the votes cast by those present in accordance with part (v), unless otherwise provided by these Standard Operating Procedures.
  - (xiv) The minutes of each Sub-branch Executive meeting will be prepared by the Sub-branch Minute Secretary who will promptly provide a copy of the minutes to the Branch Secretary who will retain a copy for the Branch's records.
  - (xv) A copy of the minutes of each Sub-branch Executive meeting will be available for inspection at the principal office of the Branch by Members of the Branch during office hours.
- (e) Sub-Branch General Meetings
- (i) A Sub-branch Executive may determine to hold an annual general meeting of the Members of the Sub-branch and other general meetings as they consider necessary and appropriate.
  - (ii) Members of the Sub-branch are to be given 21 days' notice of the annual general meeting by means as are practicable including by post, facsimile, text messaging, email, phone or in person.
  - (iii) Any Member of the Sub-branch will, where an annual general meeting is to be held, be entitled to submit an item of business for consideration by the annual general meeting, which will be included in the business of the meeting, provided that an item of business must be submitted to the Sub-branch President not later than 7 days prior to the holding of the annual general meeting.
  - (iv) At the written requisition of not less than 33% of the Members of the Sub-branch, which requisition is to be addressed to the Sub-branch President and must clearly state the business to be considered, the Sub-branch President will:
    - (1) cause a special general meeting of the Branch to occur within 1 month of the date of the Sub-branch President's receipt of the requisition; and
    - (2) promptly advise the Branch President of the holding of, and the date of, the special general meeting.



### 3 - BRANCH RULES

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- (v) Only the business stated in the requisition for the meeting may be considered at the special general meeting.
  - (vi) Members of the Sub-branch will be given at least 7 days' notice of a meeting by means as are practicable including by post, facsimile, text messaging, email, phone or in person and the notice must set out the business to be dealt with at the meeting.
  - (vii) Any Members of the Sub-branch unable to attend a general meeting may appoint another Member of the Sub-branch as their proxy to the meeting.
  - (viii) A proxy will be in writing and will be handed to the Sub-branch President prior to the commencement of the meeting.
  - (ix) No Member of the Sub-branch will hold more than 1 proxy at any special general meeting.
  - (x) The quorum for a meeting will be 33% of the number of Members of the Sub-branch entitled to attend and vote and, for the purposes of this part, a proxy counts for the purposes of quorum.
  - (xi) The Branch President is entitled to attend the special general meeting and if in attendance to chair the meeting and will act with the powers of the Branch President.
- (f) Committees
- (i) The Sub-branch Executive may, from time to time, establish committees to further the work of the Sub-branch.
  - (ii) A committee is to comprise such Members of the Sub-branch as the Sub-branch Executive determines.
  - (iii) The Sub-branch Executive has the power to delegate to a committee its powers, or some of its powers, for so long and for such purpose as it considers appropriate and necessary.
  - (iv) A committee is responsible to, and under the control of, the Sub-branch Executive.
  - (v) A committee formed pursuant to this sub-rule will meet regularly, or as otherwise required by the Sub-branch Executive, and will promptly report to the Sub-branch Executive on its deliberations.
  - (vi) The Sub-branch Executive can dissolve committees if it considers it appropriate to do so.
  - (vii) A committee will meet and conduct its business by adopting and complying with the Standard Operating Procedures provided in this schedule for the Sub-branch Executive.
  - (viii) A committee cannot delegate any of the authority given to it, to any person or other body.
  - (ix) Determinations of a committee, established in accordance with this rule, are recommendatory only.
- (g) Sub-Branch President
- (i) The Sub-branch President is the presiding officer of the Sub-branch.
  - (ii) The Sub-branch President presides at all meetings of the Sub-branch when present, and preserves the order, so that business may be conducted in accordance with the standing order.
  - (iii) The Sub-branch President must be impartial and is to ensure that the Branch rules and these Standard Operating Procedures are complied with.

- (iv) If the Sub-branch President is not in attendance at a meeting within 15 minutes of the commencement time, or if in attendance is not prepared to act, then the Sub-branch Executive will appoint a chair who will act with the powers of the Sub-branch President.
  - (v) Leave of absence may be granted by the Sub-branch Executive to the Sub-branch President for any purpose and for any period of time and the Sub-branch Executive will appoint a member of the Sub-branch Executive to act in the Sub-branch President's absence and that member can act, in the absence of the Sub-branch President, as the Sub-branch President and with all the powers of the Sub-branch President.
- (h) Sub-Branch Minute Secretary
- (i) The Sub-branch Minute Secretary will:
    - (1) be responsible for ensuring the conduct and management of the affairs of the Sub-branch, on a day to day basis;
    - (2) take advice from the Sub-branch President as to the course to be pursued in any matters pending the next meeting of the Sub-branch Executive; and
    - (3) perform the other obligations provided by these Standard Operating Procedures.
- (i) Sub-Branch Auditor
- (i) Where an audit is required to be conducted in relation to a Sub-branch, the auditor of the Sub-branch will be the Auditor of the Branch.
  - (ii) The Auditor will, where an audit is required, audit the books and financial statements of the Sub-branch:
    - (1) at the end of each financial year;
    - (2) at such other times as the Sub-branch Executive requests; and
    - (3) when the Branch Executive requests.
  - (iii) The Auditor must be given access to all registers, books, papers, deeds, documents and accounts of the Sub-branch and permitted to examine any member of the Sub-branch Executive in regard to the Sub-branch's accounts.
  - (iv) The Auditor will report to the Sub-branch and provide a copy of the report to the:
    - (1) Sub-branch Executive; and
    - (2) the Branch Executive.
  - (v) The Auditor will have power to make recommendations to the Sub-branch Executive and/or the Branch Executive concerning the financial affairs of the Sub-branch.

#### **4 - SUB-BRANCH FUNDS AND PROPERTY**

- (a) All monies under the custody and control of the Sub-branch which are not required for immediate use are to be deposited in a financial institution.
- (b) Such accounts are to be in the following name:  
  
“Police Federation of Australia, Queensland Police Branch - [insert name of Sub-branch] Sub-branch Account”
- (c) Property under the control of the Sub-branch may be held in any form or forms convenient for carrying out the business of the Sub-branch.
- (d) Any property or funds held by a member of the Sub-branch Executive or a Member of the Sub-branch for the purposes of the Sub-branch whether expressed to be in the name of the Sub-branch or not, will be held on trust by that person for, and on behalf of, the Members of the Sub-branch.
- (e) Any member of the Sub-branch Executive and/or any Member of the Sub-branch holding property of the Branch irrevocably appoints the Branch Secretary to act as their agent in all transfers and dealings.
- (f) The Sub-branch President will ensure that the Branch Secretary will be immediately informed of any alteration in the holding of property.
- (g) Members of the Sub-branch Executive or Members of the Sub-branch must account for such property and funds in accordance with these Standard Operating Procedures.
- (h) Any member of the Sub-branch Executive or a Member of the Sub-branch who holds any Sub-branch property or monies and who has a demand made to them by the Branch Secretary to deliver up that property or those monies, must promptly do so.
- (i) Together with any 1 other member of the Sub-branch Executive, the Sub-branch President may authorise payments and withdraw Sub-branch funds, but may only do so when authorised by the Sub-branch Executive.
- (j) The funds of the Sub-branch may only be used for purposes associated with the Sub-branch and which further the objectives of the Federation.

#### **5 - RETURNING OFFICER**

- (a) The Sub-branch returning officer will be the Branch Returning Officer.

#### **6 - STANDING ORDERS**

- (a) The Sub-branch Executive will, with the necessary changes being made, comply with the standing orders, provided by the Branch rules.

#### **7 - RULES OF DEBATE**

- (a) The Sub-branch Executive will, with the necessary changes being made, comply with the rules of debate provided by the Branch rules.

**SCHEDULE 2 – BENEVOLENT FUND**

1. BENEVOLENT FUND
  - (a) For the purposes of this rule:
    - (i) “spouse” includes a person who lives with a Member as a husband or wife of that Member on a genuine domestic basis; and
    - (ii) “children” includes any person who is ordinarily a participant in a Member's family and is financially dependent upon that Member, whether in whole or in part.
  - (b) Committee
    - (i) The Branch Benevolent Fund Committee, is a Standing Committee, and will consist of:
      - (1) the Branch Secretary; or
      - (2) the Branch Assistant Secretary; and
      - (3) three persons elected from the Branch Executive.
    - (ii) The Branch Benevolent Fund Committee will meet as required to receive and consider all applications for benevolent assistance.
    - (iii) Any application for benevolent assistance is to be in writing addressed to the Branch Secretary.
  - (c) Benevolent assistance may be granted to:
    - (i) Members;
    - (ii) the spouse or children of a Member; and/or
    - (iii) the spouse or children of a person who, at the time of death, was a Member.
  - (d) Benevolent assistance is available to persons who are suffering hardship as a result of:
    - (i) illness;
    - (ii) act of nature;
    - (iii) accident; and/or
    - (iv) on any other basis as determined by the Branch Benevolent Fund Committee.
  - (e) An eligible person may be disqualified for assistance where it appears to the Branch Benevolent Fund Committee that the eligible person substantially contributed to the hardship which they are experiencing.
  - (f) The Branch Benevolent Fund forms part of the Branch Fund.
  - (g) The Branch Executive will manage the Branch Benevolent Fund, and may:

- (i) require information as it may deem necessary to make a determination;
- (ii) carry out and authorise such further investigations as it may consider desirable; and
- (iii) determine that eligible persons receive assistance as seems reasonable which may, subject to these rules, include:
  - (1) loans, with or without interest; and/or
  - (2) grants.
- (h) The Branch Executive may authorise a loan and/or grant to an eligible person, subject to and in accordance with the Branch rules, to a total amount not exceeding \$10,000 for the purpose of relieving that eligible person from severe financial hardship.
- (i) After receiving an application, the Branch Benevolent Fund Committee will advise the applicant of its decision within 14 days.
- (j) If the application is approved in accordance with the Branch rules, the Branch Secretary will advise the applicant in writing of the terms of the loan and/or grant including the requirement to pay interest, if any, and the requirement to repay the loan or grant, if any.
- (k) On the death of a Member or a Member's spouse the Branch may, at the discretion of the Branch Benevolent Fund Committee, and in accordance with the Branch rules, pay to:
  - (i) a Member;
  - (ii) the spouse of a Member;
  - (iii) a person appointed to administer the estate; or
  - (iv) an investment account for the benefit of that Member's spouse and/or dependants,the sum of \$6,000.00.
- (l) At the discretion of the Branch Benevolent Fund Committee, and in accordance with the Branch rules, on the death of a child of a Member, the Branch may pay the sum of \$3,000.00 to the Member.
- (m) Any Member who is dismissed from the Queensland Police Service as a result of legitimate Branch business may, at the discretion, of the Branch Benevolent Fund Committee, and in accordance with the Branch rules, receive financial assistance of an amount not exceeding the equivalent of one year's wage at that Member's last pay point.
- (n) Should a Member who has received a loan from the Branch Benevolent Fund and who was required to repay that benefit fail to repay the loan without good reason, as accepted by the Branch Executive, then the Branch Executive may declare that Member unfinancial such that the Member is unable to access any other benefits available to Members.
- (o) The period of "unfinancial status" declared by the Branch Executive in accordance with sub-rule (n) cannot continue after a loan has been repaid.
- (p) A Member, or other person otherwise eligible in accordance with this rule to apply for a grant, is not entitled to apply for a grant from the Branch Benevolent Fund if the Member, or the person concerned, has made application for a grant from the QPUE Benevolent Fund.

## **PART D - AUSTRALIAN FEDERAL POLICE ASSOCIATION BRANCH RULES**

### **CHAPTER 1 – FOUNDATIONAL AND PRELIMINARY MATTERS**

#### **53 – ESTABLISHMENT AND NAME**

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

#### **54 – LOCATION OF OFFICE**

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

#### **55 – OBJECTS**

The objects of the Association shall be:

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

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

#### **56 – STRUCTURE**

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

## 57 – DEFINITIONS AND INTERPRETATION

- 1) In these Rules, the following words or expressions shall have the following meaning, unless the contrary intention appears.
- a) “AFP” shall mean the Australian Federal Police;
  - b) “Association” or “the Association” means the Australian Federal Police Association, a branch of the Federation;
  - c) “Association Executive Officers” shall mean the officers of the Association identified in Rule 72(1);
  - d) “Branch” or “the Branch” means the Association;
  - e) “Casual Vacancy” shall mean a vacancy occurring in an office after it has been filled and before the expiry of the term of that office;
  - f) “Convenor” means the Convenor of a Zone (formerly titled “Zone Co-Ordinator”);
  - g) “Executive” shall mean the Executive Committee of the Association constituted under these Rules;
  - h) “Federation” or “the Federation” means the Police Federation of Australia;
  - i) “Federation Rules” means the registered Rules of the Federation as they provide from time to time;
  - j) “Financial Reports” means the Auditor’s Report, General Purpose Financial Report and Operating Report in respect of any financial year of the Association;
  - k) “FWC” means the Fair Work Commission by that name or any other name, or any successor thereto;
  - l) “Legal assistance” shall mean:
    - (i) the provision of legal advice and representation of a member by a legally qualified employee of the Association, at no cost to that member apart from their fees; and/or
    - (ii) the provision of funding for or toward the legal costs (including expenses and disbursements) of a member by one or more legal practitioners engaged to provide legal services to that member.
  - m) “Members’ Matter” shall mean any matter falling within the responsibility of the National Council other than the election or appointment of Association Executive Officers or Workplace Delegates, the removal of any Association Officer or Workplace Delegate from Office and the alteration of the Rules of the Association;
  - n) “National Council” means the National Council of the Association;
  - o) “Office” shall bear the meaning assigned to it by the RO Act;



- p) “Officer” shall mean the holder of an Office, with the exception of a Returning Officer;
  - q) “Person” shall mean a natural person, a partnership or a corporation, as the case may require;
  - r) “Returning Officer” means the person holding or exercising the duties of the position referred to in Rule 94(6) or, where applicable, a member of the staff of the Australian Electoral Commission;
  - s) “Special Resolution” shall mean a resolution supported by not less than seventy-five percent (75%) of the persons entitled to vote on that resolution;
  - t) “the Rules” or “these Rules” shall mean the registered Rules of the Association as they provide from time to time;
  - u) “RO Act” or “the RO Act” shall mean the Fair Work (Registered Organisations) Act 2009 (Cth);
  - v) “Workplace Delegate” means a workplace delegate for a Zone;
  - w) “Zone” means a Zone of the Association constituted by the Executive pursuant to Rule 85.
- 2) In these Rules, unless the contrary intention appears:
- a) The singular shall include the plural, and vice versa;
  - b) A reference to one gender shall include a reference to all other genders;
  - c) Headings are for convenience and do not affect meaning;
  - d) A reference to a communication “in writing” or “written” includes email or any other written form of electronic communication;
  - e) Any schedule to these Rules shall form part of these Rules;
  - f) The word “shall” is a word meaning mandatory requirement;
  - g) A reference to a statute shall include any amendments to that statute and any statutory instruments made pursuant to that statute, and shall also include any successors to such statute, whether in whole or in part.
- 3) A reference in the Federation Rules to “Zone Secretary” of the Association shall be deemed to be a reference to the Secretary/Treasurer of the Association.

## **58 – BRANCH AUTONOMY**

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

## **CHAPTER 2 – MEMBERSHIP**

### **59 – ELIGIBILITY FOR MEMBERSHIP**

See Rule 3 of the Federation Rules.

### **60 – ADMISSION TO MEMBERSHIP**

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

### **61 – SUBSCRIPTIONS**

- 1) Until otherwise determined by the Executive, the subscription for membership of the Association shall be calculated as follows:
  - a) In the case of executive employees, 1.25% of the executive level minimum salary prescribed by the Executive Level Enterprise Agreement between the Association and the AFP from time to time;
  - b) In the case of all other employees (whether sworn or unsworn), 1.25% of the base salary for the employee concerned (that is, without any composite allowance) prescribed by the Enterprise Agreement between the Association and the AFP from time to time.
- 2) Subscriptions shall be due on the 1st July and shall be payable not later than the 30th September in the same year, provided that in the case of a member joining the Association after the 1st July in any financial year the subscriptions of such member for that year:
  - a) Shall be a pro rata amount calculated in accordance with the remaining number of complete months in that financial year; and
  - b) Shall be payable by that member not later than three months after the date of acceptance of their membership.
- 3) Notwithstanding anything contained in these Rules:
  - a) The Executive may make arrangements with any employer whereby with the authority of any member the subscriptions payable by that member to the Association are to be deducted by the employer from the salary or salaries of the member on a regular basis and paid to the Association;
  - b) A member who has authorised such deduction of their subscription to the association from their salary shall, subject to the provisions of paragraph (c) of this Sub Rule, be deemed a financial member of the Association so long as such authority remains in force and provided that such member owes no arrears of subscriptions, fees or levies;
  - c) Where an arrangement referred to in this Sub Rule is terminated by the employer, the Secretary/Treasurer or the Zone Convenor shall notify in writing any member affected by such termination and a member so notified shall thereupon become liable to pay and shall, within twenty eight days from the date of such written notice, pay to the Association the balance of any contribution owing for the relevant year (which amount shall be specified in such notice and shall be the amount of the annual subscription payable by that member for that year less such amount or amounts as has or have been deducted by the employer from that member's salary in respect of such annual subscription) and thereafter shall be liable to pay subscriptions in accordance with this Rule;

- d) The Secretary/Treasurer may make arrangements to provide for any Association members who choose to, to pay their subscriptions to the Association by means of automatic electronic funds transfer via a financial institution.
- 4) All subscriptions and fees payable by members of the Association shall be paid to and collected by the Secretary/Treasurer or their duly appointed agent.
- 5) Where the Association becomes aware that payments required to be made by a member to the Association pursuant to any arrangement made under this Rule have ceased without notice to the Association, the Association shall within seven (7) days of becoming aware of such cessation notify the member and give them a reasonable opportunity, being not less than fourteen (14) days, to rectify any deficiency and make good any arrears.
- 6) The Executive may, upon receipt of a written application by a member:
  - a) Permit the member to pay their subscription by instalments, and/or;
  - b) Exempt such member from the payment either wholly or in part of any subscriptions, fees or levies payable by such member where the Executive believes that that member's peculiar circumstances warrant such action by it.
- 7) Where the Executive receives such an application from a member the Executive shall, before deciding on the application, advise the member in writing of the consequences of such an application on that member's rights as a member, as prescribed by Rule 63 (3), and give the member the opportunity to withdraw the application before it is decided upon by the Executive.

## **62 – ASSOCIATION LEVIES**

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

## **63 – UNFINANCIAL MEMBERS**

- 1) Subject to Rule 61(3) and Sub Rule (3) of this Rule, a member owing subscriptions, fees or levies for a period of three months after they first become due shall be deemed to be unfinancial.
- 2) In addition to the provisions of Rule 10 of the Federation Rules, an unfinancial member shall not be entitled to attend or speak or vote at any meeting of the Association.
- 3) Any member exempted pursuant to Rule 61(6) of these Rules from payment either in whole or in part of any subscription, fee or levy shall, for the purposes of these Rules, retain continuity of membership and be deemed financial but shall not, during the period of exemption, be eligible to nominate for or hold any office in or participate in any ballot or election in any Zone.
- 4) Without limiting the foregoing provisions of this Rule, and subject to those provisions, a member who is unfinancial shall not be entitled to any of the benefits of membership, or services of the Association during the period of unfinanciality, unless otherwise determined by the Executive.

#### **64 - ALLOCATION AND TRANSFER OF MEMBERS**

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

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

#### **65 - TERMINATION OF MEMBERSHIP**

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

#### **66 - READMISSION TO MEMBERSHIP**

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

#### **67 - RECOVERY OF SUBSCRIPTIONS ETC FROM ANY MEMBER**

See Rule 10(e) of the Federation Rules.

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**68 - MISCONDUCT OF MEMBERS**

- 1) Any financial member of the Association may report another member in writing, in respect of any of the following matters:
  - a) Knowingly refusing to obey any of the Rules of the Federation or the Association;
  - b) Refusing to abide by a resolution carried at any meeting of the Association;
  - c) Defrauding or attempting to defraud the funds of the Association;
  - d) Making a false and malicious report against another member;
  - e) Violating or attempting to violate the terms of any industrial award or agreement;
  - f) Entering or attempting to enter into any agreement with any employer contrary to the provisions of any award or agreement secured by the Association and applicable to them;
  - g) Obstructing the National Council or other lawful committee or body of the Association in any way in the performance of any of its functions;
  - h) Obstructing any officer of the Association in the course of their duties;
  - i) wrongfully holding themselves out as occupying any Office or position in the Association in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that the member was entitled to so act);
  - j) Behaving in a disorderly manner at any meeting held under these Rules or in the office of the Association;
  - k) Aiding or encouraging any other member or members in any offence under this Rule.
- 2) Any report shall be made in writing to the Secretary/Treasurer and shall be accompanied by a deposit equivalent to one month's subscription. The Secretary/Treasurer shall summon the member reported before a meeting of the Executive, or require the member reported to participate in a meeting of the Executive by means of a telephone conference. Such summons shall be in writing and shall set out the time and place of the meeting or the time of the telephone conference (as the case may be), the name of the person making the report and the substance of the report. The person reported shall be given such notice of the meeting or telephone conference as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from their address as shown in the books of the Association shall be given their return fare. The member shall, on request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is reported.
- 3) The Executive shall have power to hear and determine reports under this Rule, subject to an appeal to National Council being open to the member reported.
- 4) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the person reported is notified) the report may be investigated, whether or not the person reported is present, unless a satisfactory explanation of their absence has been received.
- 5) If the member reported attends they shall be informed of the substance and source of any information adverse to them on which the Executive relies. The member shall be given a reasonable opportunity to defend themselves and may, if they wish, tender written submissions.

## 68 - MISCONDUCT OF MEMBERS

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- 6) If the Executive finds the member proved guilty it may do one or more of the following, keeping in mind the seriousness of the offence:
  - a) Impose no penalty;
  - b) Suspend the member from membership or deprive them of any right or benefits of membership for any specified period or until the happening of any specified event or until the performance of any specified act. Suspension from membership shall deprive a member of the benefits of membership but shall not relieve them of the obligations of membership and shall not exceed six months for any offence. If the specified event had not occurred or the specified act had not been done at the expiration of six months from the date of suspension, the suspension shall then lapse;
  - c) Expel them from the Association.
- 7) Upon completion of any hearing, the deposit shall be refunded to the member making report, provided that if upon investigation the report is found to be frivolous by unanimous decision of the Executive, the deposit shall be forfeited by the member who made the report and shall be paid into the funds of the Association.
- 8) An appeal shall lie at the instance of the member reported from any decision under this Rule from the Executive to the National Council. Notice of appeal shall be given in writing within two weeks of any decision being communicated to the member and shall set forth in full all matters that the appellant desires to be considered. The appeal may be dealt with in meeting or by postal vote. The notice of appeal shall be given to the Secretary/Treasurer.
- 9) No member against whom a report has been made pursuant to this Rule shall be entitled to commence or prosecute any action or legal proceedings for defamation against the person making the report or any person who gave evidence (either orally or in writing) or any person who exercised any power or duty in respect to the hearing of the report, it being a condition of membership of the Association that all complaints, notices, letters, evidence or other matter arising under or incidental to any report and the hearing and determination thereof and all proceedings and utterances at the hearing and determination thereof should be privileged and protected accordingly and should any action or legal proceedings be taken as aforesaid, this Rule shall be pleaded as an absolute bar thereto, provided that this Rule shall not protect any person against any legal liability for making, with express malice, a statement false to the knowledge of such person.

## CHAPTER 3 – GOVERNANCE

### 69 – OVERVIEW

The governance structure of the Association consists of:

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

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

## Division 1 – GENERAL MEETINGS AND PLEBISCITES

### 70 – ASSOCIATION GENERAL MEETINGS

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

Such petition shall state the business to be discussed at the meeting and shall contain the signature and name written in block letters of each petitioner and shall also contain a statement that the petitioner has read and understood the request prior to attaching their signature.
- 4) Not less than seven (7) days' notice of the time, place and agenda of a General Meeting shall be given, provided that when a matter requires immediate attention such lesser notice of a General Meeting as may be determined by the Executive may be given. Such notice to members shall be in writing and posted or delivered to each member's place or employment, or by email communication to a member's email address provided to the Association, or by notice published on the Association website.

## 71 – PLEBISCITE OF ASSOCIATION MEMBERS

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- 5) A General Meeting shall not be competent to deal with any Members' Matter other than the reason set out by the petition of members or the notification of such meeting as has been given by the Secretary/Treasurer.
- 6) A General Meeting shall be held at such time and place as shall be determined by the Executive and shall be held not later than twenty-eight (28) days following the receipt of the petition by the Secretary/Treasurer.
- 7) A quorum for any General Meeting shall be at least five (5) percent of the financial members of the Association.
- 8) If no quorum be present at the expiration of thirty (30) minutes after the time stated for the commencement of a General Meeting, the meeting shall lapse but without prejudice to the calling of another General Meeting in accordance with the requirements of this Rule to deal with the same business, provided that no such further meeting may be convened without the approval of the Executive given by way of a Special Resolution.
- 9) Voting at all General Meetings shall be by show of hands or by such other method as the meeting may decide. The Chair shall have a deliberative vote only and in the event of a tie the question shall lapse. Proxy voting shall not be permitted.
- 10) Notwithstanding any other provisions of these Rules a General Meeting may be conducted either:
  - a) by way of one meeting of the members at one location, or by way of a series of meetings at different locations, with the General Meeting being taken to have occurred, and the requirements for a quorum being determined, at the time of the last of the meetings in the series; or
  - b) by way of one meeting of the members where electronic facilities allow a reasonable opportunity for members present at the meeting to see and hear each other, including in relation to their voting intentions, although those members are at different locations during the meeting.

## 71 – PLEBISCITE OF ASSOCIATION MEMBERS

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



72 - ASSOCIATION EXECUTIVE OFFICERS AND WORKPLACE DELEGATES/DELEGATES TO NATIONAL COUNCIL

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- c) Determine the time and date for the closure of the ballot, having consideration for the convenience of the voters;
  - d) Take such steps as are necessary to ensure that a result is correctly ascertained;
  - e) Report the result of the plebiscite to the first meeting of the Executive held after the conclusion of the counting of the votes cast.
- 4) A simple majority decision of the members voting shall be final and shall prevail over any contrary decision of the National Council or the Executive.

**Division 2 – ASSOCIATION EXECUTIVE OFFICERS AND WORKPLACE DELEGATES**

**72 - ASSOCIATION EXECUTIVE OFFICERS AND WORKPLACE DELEGATES/DELEGATES TO NATIONAL COUNCIL**

- 1) The Association Executive Officers shall be:
- a) the President;
  - b) the Vice President;
  - c) the Secretary/Treasurer;
  - d) Six Executive members.
- 2) In addition to the Association Executive Officers there shall be Workplace Delegates for each Zone whose duties and responsibilities shall be:
- a) to represent the members of the Association in their workplace to the best of their ability and to keep their Zone informed on all matters of importance occurring within their workplace;
  - b) to keep the members in the workplace informed about the business of the Association;
  - c) to endeavour to resolve all issues referred to them by members in their workplace by discussion with representatives of the AFP relevant to their workplace and in the event that an issue cannot be resolved by discussion, the Workplace Delegate shall refer the matter to the Zone Convenor, together with such other information as is necessary;
  - d) to diligently attend and participate in meetings of the National Council; and
  - e) to perform such other duties and responsibilities as are imposed on them by these Rules.
- 3) Workplace Delegates shall be elected to each Zone in accordance with the following formula in all such elections conducted after the certification of this Rule:
- (i) 1 to 100 members: one delegate;
  - (ii) 101 to 200 members: two delegates;
  - (iii) 201 to 300 members: three delegates;
  - (iv) 301 to 400 members: four delegates;

### 73 – DUTIES OF OFFICERS (INCLUDING WORKPLACE DELEGATES)

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

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

- 4) The term of office of a Workplace Delegate elected pursuant to these Rules shall be two (2) years from the date of such election, provided that they shall continue in that office until their successor takes up office. Any such person elected to such office is entitled to seek re-election for that office, if otherwise eligible in accordance with these Rules.
- 5) Any financial member of the Association is entitled to nominate and vote for the office of Workplace Delegate in the Zone to which they are allocated as at the date of calling of nominations for such office pursuant to Rule 95(5)(a)..
- 6) Elections for Workplace Delegates will be conducted in each Zone in accordance with Rule 95(5).
- 7) Any Casual Vacancy for the office of Workplace Delegate shall be filled in accordance with Rule 95 (7).
- 8) Assistant Workplace Delegates may be co-opted by the Zone Convenor as they see fit in order to enable the Zone Committee and its members to carry out their duties under these Rules. The names of such assistant Workplace Delegates shall be forwarded to the Secretary/Treasurer and one such assistant Workplace Delegate shall act on behalf of any Workplace Delegate when they are on leave or not available.
- 9) Zone Convenors, Workplace Delegates, or Zones, except as provided in these Rules, shall not commit the Association to a course of action, either formally or informally, and shall not incur any expense or liability on behalf of the Association unless expressly authorised by the Executive.
- 10) For the purposes of this Rule a Zone Convenor shall be deemed to be a Workplace Delegate where there is no such position elected within the Zone in accordance with Sub Rule (3) of this Rule.
- 11) All of the Offices referred to in this Rule (including that of Workplace Delegate) shall be honorary except:
  - a) for the Office of President as prescribed by Rule 82; and
  - b) any Office to which Rule 83 applies where the Executive resolves that such Office be a paid position, and subject to any conditions contained in such resolution.

### **73 – DUTIES OF OFFICERS (INCLUDING WORKPLACE DELEGATES)**

- 1) All Association Executive Officers and Workplace Delegates are required to give due and diligent attention to their duties to the Association, whether prescribed by these Rules, the RO Act or any other law.
- 2) Without limiting the foregoing, an Association Executive Officer or Workplace Delegate is under a duty to the Association to comply with the provisions of the Association’s “Code of Conduct” as such Code provides from time to time.

- 3) Without limiting the effect of the preceding provisions of this Rule, Association Executive Officers shall also comply with financial accountability obligations prescribed by Part B1 of the Federation Rules.

### **Division 3 – NATIONAL COUNCIL**

#### **74 – CONSTITUTION OF NATIONAL COUNCIL**

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

#### **75 – POWERS AND DUTIES OF NATIONAL COUNCIL**

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

- 1) To determine and direct the general policy of the Association in all matters affecting the National Council;
- 2) To make, add to, amend, rescind and/or otherwise alter these Rules;
- 3) To approve guidelines for the granting of legal assistance to members pursuant to Rule 105;
- 4) To resolve that the Association affiliate with any other organisation or body that has industrial or political objects consistent with those of the Association;
- 5) To elect, in an election year, by and from its number, the Association Executive Officers as identified in Rule 72(1);
- 6) To remove any Officer of the Association from Office as specified in Rule 92;
- 7) To confer Life Membership on any person in recognition of long or exemplary service rendered to the Association;
- 8) To nominate for award or national recognition any person in recognition of exemplary service rendered to the Association and/or law enforcement profession and/or welfare of law enforcement officers and victims of crime and/or the community; and
- 9) To exercise any other power specifically conferred on it by these Rules.

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**76 – MEETINGS OF NATIONAL COUNCIL**

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

**77 – AGENDA FOR NATIONAL COUNCIL**

- 1) Not less than sixty (60) days prior to a biennial meeting of the National Council, the Secretary/Treasurer shall invite each member of the National Council to submit items for the agenda, such items to be forwarded to the Secretary/Treasurer not more than thirty (30) days after such invitation.
- 2) The Secretary/Treasurer shall, upon receipt of such items, prepare and forward to each member of the National Council a copy of the agenda paper at least fourteen (14) days prior to the biennial meeting of National Council.
- 3) The Executive shall have power to submit items for consideration by National Council and such items shall be included on the agenda paper referred to in Sub Rule (2) of this Rule.
- 4) The agenda paper for a special meeting of National Council shall be forwarded with the notice of such meeting.
- 5) National Council may, at any of its meetings, deal with any matter, pursuant to Rule 75, whether or not that matter has appeared or appears on the agenda paper, provided that a majority of the members of National Council present and voting, vote in favour of the particular item being considered.

**78 – FARES AND EXPENSES**

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

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**79 – MATTERS REQUIRING DECISION BETWEEN NATIONAL COUNCIL MEETINGS**

- 1) The Executive may determine that any matter requires a decision of the National Council between biennial meetings of the National Council and that such matter be submitted to the National Council for decision in accordance with either of the procedures prescribed in Sub Rules (2) and (3) of this Rule.
- 2)
  - a) Where it is determined that the matter be submitted to the National Council for decision by ballot of the members of the National Council, such matter may be forwarded by post, email or facsimile to each of the members of the National Council in such form as is determined by the Executive.
  - b) The members of the National Council shall record their vote on the matter so submitted by post, email or facsimile addressed to the Secretary/Treasurer and the decision of the majority shall be binding as if such decision were obtained by vote at a regularly constituted meeting of the National Council.
  - c) All votes or their confirmation shall be signed by members of National Council recording the same.
- 3)
  - a) Where it is determined that the matter be submitted to the National Council for decision by a meeting of members of the National Council conducted by such telephonic or electronic means as may from time to time be available, the Secretary/Treasurer shall as soon as is practicable arrange such a meeting.
  - b) The members of the National Council shall participate in such a meeting and the decision of the majority shall be binding as if such decision were obtained at a regularly constituted meeting of the National Council.
- 4) If:
  - a) In the course of a ballot conducted pursuant to Sub Rule (2) of this Rule, a majority of members of the National Council notify the Secretary/Treasurer; or
  - b) In the course of a meeting conducted pursuant to Sub Rule (3) of this Rule, a majority of members of the National Council resolve, that the matter as submitted to them is of such importance as to require a special meeting of the National Council then such special meeting of the National Council shall be convened forthwith by the Secretary/Treasurer to meet at such time and place as the Executive shall determine.
- 5) At any special National Council meeting held pursuant to Sub Rule (4)(b) of this Rule the Executive may submit for consideration such other matters as it should determine, provided that written notice of not less than seven (7) days is given to all members of the National Council.

**Division 4 – NATIONAL EXECUTIVE**

**80 - EXECUTIVE – COMPOSITION, POWERS AND DUTIES**

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

- 2) Without limiting the effect of Sub Rule (1), the Executive shall have the following powers:
- a) Such powers as are specifically conferred on the Executive by any other provisions of these Rules;
  - b) The power to appoint an Association auditor, and to fix their fees or remuneration;
  - c) To remove an Association auditor in accordance with Rule 100;
  - d) To fix the remuneration and benefits of Association Executive Officers;
  - e) To fix the remuneration of the Association Returning Officer;
  - f) Subject to the requirements of Rule 107 in the case of the General Manager, fix the terms and conditions of employment of employees of the Association;
  - g) Delegate the powers and responsibilities of the Secretary/Treasurer to the General Manager;
  - h) To appoint any person to represent the Association before any court, commission, board, tribunal or other authority;
  - i) To establish any committee or subcommittees as it may determine provided that any such committee or subcommittee shall be advisory only;
  - j) To enter the association into an affiliation with any other organisation or body other than those with industrial or political objectives;
  - k) Subject to the RO Act, to interpret these Rules;
  - l) To direct the investment of the funds of the Association;
  - m) To dispose of or transfer any of the funds of the Association or any securities in which the funds of the Association have been invested;
  - n) To establish such companies, agencies and bodies as are necessary to further the interests of the members;
  - o) To take such action or exercise such powers as are incidental to those specifically identified in these Rules.

### **81 – MEETINGS OF EXECUTIVE**

- 1) The Executive shall meet at such times and in such places as it shall determine by resolution, and may meet as many times in a calendar year as it should so determine, provided that it shall meet no less than five (5) times in any one calendar year.
- 2) A meeting of the Executive may also be convened at the written request of the President or at least three (3) members of the Executive, submitted to the Secretary/Treasurer. To avoid doubt, there is no limit on the number of such meetings that may be conducted in any one calendar year.
- 3) The Secretary/Treasurer shall give written notice of each meeting of the Executive as follows:
  - a) In the case of a meeting convened pursuant to Sub Rule (1) of this Rule, at least seven (7) days' notice of the time of the meeting; and

- b) In the case of a meeting convened pursuant to Sub Rule (2) of this Rule, not less than forty-eight (48) hours' notice of the meeting, where practicable;

provided that where the Executive resolves to schedule more than one meeting pursuant to Sub Rule (1), the Secretary/Treasurer may notify the members of those dates by one communication listing all dates so fixed.

- 4) The quorum for meetings of the Executive shall be one half of the persons entitled to attend and vote. If no quorum be present at the expiration of thirty (30) minutes after the time stated for the commencement of the meeting such meeting shall lapse but without prejudice to another such meeting being called for the same purpose as such meeting was called, at such other time and place as may be though fit, upon seven (7) days' notice to all members by the Secretary/Treasurer.
- 5) Notwithstanding any other provision of these Rules, any meeting of the Executive may be conducted in person, by telephone or videoconference, or by a combination of these forms of meeting or communication. Where any such Meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:
- (a) Any such meeting is otherwise convened and conducted in accordance with the requirements of the Rules, including (without limitation) the preceding provisions of this Sub Rule; and
- (b) Each of the members participating in the meeting must be able to hear each of the other members present at the meeting.
- 6) Where in the opinion of the President a matter requires the consideration of the Executive before its next scheduled meeting, the Executive may be consulted in writing (including electronic means) by circular proposed resolution. Such a proposed resolution shall become a resolution of the Executive as at the date set for return of responses, provided that the proposed resolution is supported by at least fifty (50) percent of the total number of Executive members then holding Office, plus one. A resolution passed by way of such circular resolution shall be reported to the next Executive meeting.
- 7) To avoid doubt, in this Rule, communication by way of email to a person at that person's email address notified to the Association shall be deemed sufficient to constitute written communication to that person.
- 8) It shall be the duty of each Association Executive Officer to attend every meeting of the Executive unless granted leave by the Executive.
- 9) At all meetings of the Executive voting shall be by show of hands unless the meeting decides on another method. The Chair shall have a deliberative vote only and in the case of a tie the question shall lapse. Proxy voting shall not be permitted.

## 82 – PRESIDENT

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

### 83 – VICE-PRESIDENT AND EXECUTIVE MEMBERS

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- 3) In addition to the foregoing obligations, the President shall undertake full time the role of being principal spokesperson and public representative of the Association, with the principal place for the performance of those duties being at and from the location of the National Office as determined pursuant to Rule 54.
- 4) The Office of President shall be a full time paid position on terms and conditions prescribed by resolution of the National Executive from time to time.

### 83 – VICE-PRESIDENT AND EXECUTIVE MEMBERS

- 1) The Vice President shall assume the duties of the President in the absence of that Officer for any reason, and shall otherwise perform such duties and functions as may from time be allocated to them by resolution of the Executive. Provided that:
  - a) if both the President and the Vice President are not available for any reason, the Executive shall appoint one of the Executive members to act as Vice President until either that Officer or the President becomes available; or
  - b) if the President is unavailable for any reason and the Vice President either advises the General Manager in writing that they are unwilling to assume the duties of President or fails to take up those duties within seven (7) days of the requirement to do so arising, the Executive may appoint another member of the Executive to act as President until the President becomes available.
- 2) Each Executive member shall at all times assist the President in the execution of their duties and provide oversight, direction and assistance to Convenors and Workplace Delegates. The Executive will determine which Convenors and Workplace Delegates are to be allocated to each of the Executive members for oversight, direction and assistance.
- 3) The Executive may resolve that any office to which this Rule relates shall be a paid position, provided that any such resolution must specify:
  - a) whether the position is full time or part time, and if the latter the hours and/or days of work;
  - b) the duties of the paid position;
  - c) the principal place at or from which the duties are to be performed;
  - d) the duration of the paid position; and
  - e) the terms and conditions for the position, including remuneration,

PROVIDED THAT:

  - f) The principal place at or from which the duties are performed shall be the National office as determined pursuant to Rule 54, unless the Executive resolves otherwise; and
  - g) Any such resolution may be altered or rescinded at any time by the Executive, on not less than thirty (30) days notice to any incumbent.



- 1) The Secretary/Treasurer shall:
  - a) Summon by notice in writing to each member thereof and attend, unless excused, all meetings of the National Council and the Executive and keep or cause to be kept correct minutes of the same, which minutes when confirmed are to be electronically stored in the Association's records;
  - b) Have the right to speak at any general or special meeting of any Association or Zone Committee, but not to vote unless they are a member of such Zone Committee;
  - c) Initiate or respond to all correspondence as appropriate to these Rules;
  - d) Keep or cause to be kept the records required to be kept by an organisation pursuant to the provisions of the RO Act;
  - e) Lodge and file with and furnish to the General Manager of the FWC and the Registered Organisations Commissioner all such documents as are required to be lodged, filed or furnished under the RO Act at the prescribed times and in the prescribed manner;
  - f) Keep an up to date register of members showing their names, their postal address and email address where notified, and their allocated Zone under the Rules and provide the Returning Officer with such assistance as is necessary to enable them to conduct any election;
  - g) Receive all monies on behalf of the Association and pay the same within seven days of receipt into such financial institution or institutions as the Executive may direct to the credit of the Association;
  - h) Issue or cause to be issued proper receipts for all moneys received by or on behalf of the Association;
  - i) Be responsible for but not hold in their name, the books, records, property and moneys of the Association and, within 48 hours of receiving a request from the Executive to do so, deliver to the Executive such books, records, property and moneys;
  - j) Submit their books, accounts and receipts annually or as often as may be required by the Executive or to the auditors and to give them such assistance as they may require in the audit;
  - k) Draw up a report and balance sheet each financial year and forward a copy of same to each member of the Executive within three months of the end of the financial year to which it relates;
  - l) Prepare and submit to each meeting of the Executive an up-to-date financial statement and, when called upon so to do by the President, or the Executive, produce all relevant books in support of the same;
  - m) Subject to Rule 98(2), submit to the Executive all accounts for payment with their recommendations and make all authorised payments from the funds of the Association, such payments to be approved by any two of the Association Executive Officers appointed by the Executive;
  - n) At the direction of the Executive, carry out other duties as required.
- 2) The Secretary/Treasurer may depute a member of a recognised Institute of Accountants approved by the Executive to keep the books of the Association, in which event they shall remain responsible for the supervision of their preparation and their accuracy.

- 3) The duties prescribed in this Rule are to be carried out under the direction and control of the Executive which may from time to time delegate some of those duties by resolution to other Association Executive Officers or to the General Manager pursuant to Rule 107.
- 4) To avoid doubt, the Secretary /Treasurer may be assisted in the performance of any of their duties under the Rules by the General Manager or any other employees so authorised by resolution of the Executive.

## **DIVISION 5 – ZONE GOVERNANCE**

### **85 – ZONES**

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

### **86 – ZONE MANAGEMENT**

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

### **87 - ZONE CONVENORS**

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

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

**88 - ZONE COMMITTEE**

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

**89 - POWERS AND DUTIES OF ZONE COMMITTEE**

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

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

**90 - MEETINGS OF ZONE COMMITTEE**

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

**91 – GUARANTEE OF FAIR REPRESENTATION**

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

**Division 6 – ELECTION OF ASSOCIATION EXECUTIVE OFFICERS AND WORKPLACE DELEGATES**

See Chapter 4

**Division 7 – REMOVAL OF ASSOCIATION EXECUTIVE OFFICERS AND WORKPLACE DELEGATES**

**92 – MISCONDUCT OF ASSOCIATION EXECUTIVE OFFICERS**

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

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

- 2) Any member suspecting an Officer to be liable to removal pursuant to Sub Rule (1) may report such Officer under this Rule. Any report shall be in writing and shall be forwarded to the President or the Secretary/Treasurer, who shall notify the person reported of the details of the report.

### 93 - REMOVAL OF ZONE CONVENORS AND WORKPLACE DELEGATES

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

### **93 - REMOVAL OF ZONE CONVENORS AND WORKPLACE DELEGATES**

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

## CHAPTER 4 – ELECTIONS

### 94 - ELECTION OF ASSOCIATION EXECUTIVE OFFICERS

- 1) Election and Tenure of Office
  - a) The President shall be elected by secret ballot by and from the National Council and shall take Office from the declaration of their election or the conclusion of the National Council meeting at which they were elected whichever is the later. They shall hold Office for a period of four years or until a successor thereto has been elected and taken Office. Such an election shall be conducted at every second biennial meeting of National Council, occurring thereafter.
  - b) The Vice President, Secretary/Treasurer and the Six Executive members shall be elected by secret ballot by and from the National Council. The persons so elected shall take Office from the declaration of their election or the conclusion of the National Council meeting at which they were elected, whichever is the later. Commencing from the elections to be conducted in 2021, they shall hold Office for a period of four years or until a successor thereto has been elected and taken Office. Such an election shall be conducted at every second biennial meeting of the National Council, occurring thereafter.
- 2) Qualifications for Office
  - a) A nominee for the Office of President, Vice President, Secretary/Treasurer or Executive Member shall be a financial member of the Association at the date of their nomination and:
    - (i) Shall be a member of the National Council; and
    - (ii) Nominated by two members of the National Council.
- 3) Manner of Election
  - a) The Returning Officer shall call for nominations for the Office of President, Vice President, Secretary/Treasurer and Executive members sixty (60) days prior to the meeting of National Council, in an election year, provided that nominations for the said Offices shall close seven (7) days prior to such meeting. The roll of voters for these elections shall close no later than seven (7) days prior to the date upon which nominations are to be called.
  - b) Nominations shall be in writing, signed by the nominee and two (2) nominators (who shall be members of the National Council) and shall be delivered to the Returning Officer in a form and by a means nominated by the Returning Officer.
  - c) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply, provided that in the event of the Returning Officer finding a defect in any nomination, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the nominee the opportunity of remedying the defect where practicable within a reasonable period of the nominee having been so notified.
  - d) Pursuant to Sub Rule (1) of this Rule the election of the Association Executive Officers shall be held during the National Council meeting occurring in an election year during the period of such a year prescribed by Sub Rule (1) of Rule 76.
  - e) If only one nomination for a position is received by the Returning Officer, the nominee shall be declared elected. If two or more nominations are received the Returning Officer shall forthwith conduct a ballot of National Council members in accordance with this Rule and declare the result as soon as it becomes available.

- f) If more nominations are received than there are vacancies for a position, the Returning Officer shall have ballot papers prepared containing the names of the candidates for each position in order determined by lot, indicating the number to be elected to each position, the manner in which votes shall be recorded, and the date and the time of closing of the ballot.
  - g) The Returning Officer shall be responsible for the safe custody of the ballot papers and shall initial every ballot paper prior to distribution.
  - h) The Returning Officer shall provide a ballot paper to each member of the National Council in attendance at the meeting who is eligible to vote, and shall arrange for the use of a receptacle to which ballot papers shall be returned to. After the closing of the ballot, the Returning Officer shall collect the ballot papers from such receptacle.
  - i) Upon collecting the same the Returning Officer shall, in the presence of the scrutineers (if so requested), count all the votes cast and, subject to paragraph (j) of this Sub Rule, declare the result of the ballot.
  - j) If at the conclusion of the count of the ballot papers, two or more of the candidates have the same number of votes (a tie), the result shall be determined by the Returning Officer as follows:
    - (A) If one of the candidates held the affected Office immediately prior to the calling of nominations for the election that produces the tied vote, that candidate shall be declared to be elected.
    - (B) If (A) does not apply, the Returning Officer will determine the result by drawing lots amongst the candidates.
    - (C) If (B) applies, the Returning Officer will give written invitations to the tied candidates to attend the draw. The draw will take place at the location and time nominated in the invitations. The draw will proceed at the specified place and time, whether or not any of the invited candidates are present. The Returning Officer will declare the result of the election determined pursuant to this paragraph immediately following the completion of the draw.
  - k) Upon declaration of the ballot, the Returning Officer shall seal and retain all ballot papers for a period of twelve (12) months after the conduct of the ballot.
- 4) Casual Vacancy
- a) Where a Casual Vacancy (howsoever occurring) arises in the Office of President, Vice President, Secretary/Treasurer or any of the Executive members then the Secretary/Treasurer or in the case of casual vacancy in the Office of Secretary/Treasurer, the President, shall take immediate action to have such vacancy filled provided that:
    - (i) Where the unexpired portion of the term of Office in which the vacancy occurs does not exceed three quarters of the term, the Executive may fill such vacancy by appointment of an eligible member of the National Council; and
    - (ii) Where the unexpired portion of the term of office in which the vacancy occurs exceeds three quarters of the term, the Executive may fill such vacancy by appointment of an eligible member of the Association until an election is held, provided that no person so appointed shall hold office for a period exceeding three months.

## 94 - ELECTION OF ASSOCIATION EXECUTIVE OFFICERS

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- b) Such election shall be conducted by secret postal ballot of the members of the National Council by the Returning Officer appointed pursuant to Rule 94(6), and the Returning Officer so appointed shall determine the dates for the opening and closing of nominations and the ballot. The Returning Officer shall report the result of the election to the next following meeting of the Executive.
  - c) Any person so elected shall take Office from the date of the declaration of their election and shall hold Office until the expiration of the term of the person they replaced.
  - d) In all other respects such election shall be conducted in accordance with the provisions of this Rule.
- 5) System of Voting
- a) The system of voting in any election conducted pursuant to this Rule shall be the first-past the post system.
  - b) A voter shall record their votes by marking sequential numbers on the ballot paper, commencing with the number 1, in the squares opposite the names of the candidates so as to indicate the order of the voter's preference for each candidate, provided that failure by a voter to mark a preference beyond the number of candidates to be elected shall not invalidate the vote of that voter.
- 6) Returning Officer

Subject to the requirements of the RO Act:

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

## 7) Scrutineers

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

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

## 95 - ZONE ELECTION RULE

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- b) Shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election;
- c) Shall not interfere with or attempt to influence any member at the time such member is casting their vote.

### 8) Absent Voting

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

## 95 - ZONE ELECTION RULE

### 1) General

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

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

### 2) Tenure of office and number of offices

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

### 3) Qualifications for office

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

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

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



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

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

4) Returning Officer

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

5) Conduct of Elections

*The Call for Nominations*

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

*Nominations Close*

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

*Preparation for an Election: the Preparation of Ballot Papers*

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

- h) They shall initial every ballot paper prior to its distribution.

*Arrangements for the Receipt of Ballot Material*

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

*The Delivery of Ballot Papers to Eligible Voters*

- j) On or before the opening day of the ballot the Returning Officer shall forward ballot material in a sealed envelope by prepaid post to each person on the roll of voters at the address shown on the roll of voters.
- k) Ballot material shall include:
- a) one or more ballot papers showing the time and date of the close of the ballot
  - b) a Reply Paid envelope addressed to the private box referred to in the rule, being an envelope that may be posted without expense to the voter,
  - c) an inner 'Declaration Envelope' as prescribed by the Act, suitable for containing the ballot papers.

*Lost, Destroyed or Spoilt Ballot Papers*

- l) Where a member whose name is on the roll of voters claims that the ballot material has not been received or has been lost, destroyed or spoilt, the member may make an application to the Returning Officer for the issue of replacement ballot material
- m) The application shall
- be in writing
  - set out the applicant's full name and postal address
  - set out the grounds on which the application is made
  - contain a declaration that the applicant has not voted in the ballot
  - be accompanied, if practicable, by any evidence that is available of the loss, destruction or spoiling of the ballot material.
- n) If the Returning Officer is satisfied that the information contained in the application is true and correct, the returning officer shall issue replacement ballot material to the applicant.

*The Safe Custody of Ballot Papers that are Returned*

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

*The Scrutiny of Ballot Papers*

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

*Tied Vote*

- (x) If at the conclusion of the count of the ballot papers, two or more of the candidates have the same number of votes (a tie), the result shall be determined by the Returning Officer as follows.
  - (A) If one of the candidates held the affected office immediately prior to the calling of nominations for the election that produces the tied vote, that candidate shall be declared to be elected.
  - (B) If (A) does not apply, the Returning Officer will determine the result by drawing lots amongst the candidates.
  - (C) If (B) applies, the Returning Officer will give written invitations to the tied candidates to attend the draw. The draw will take place at the location and time nominated in the invitations. The draw will proceed at the specified place and time, whether or not any of the invited candidates are present. The Returning Officer will declare the result of the election determined pursuant to this paragraph immediately following the completion of the draw

*The Returning Officer's Report to the Executive Meeting*

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

*Eligible members*

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

6) Scrutineers

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

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

7) Casual Vacancies

- a) Where a Casual Vacancy, howsoever occurring in the office of
  - (i) Zone Convenor; and
  - (ii) Workplace Delegate
- b) The Executive shall take immediate action to have such vacancy filled by secret postal ballot of all financial members of the Zone provided that:

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

9) Absent Voting

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

**96 – DUAL OFFICES**

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

## 97 - ELECTION OF ASSOCIATION DELEGATES TO FEDERAL COUNCIL

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b) In the case of the offices referred to in Rule 95:

Zone Convenor

Workplace Delegate

3) No member shall simultaneously hold Office as an Association Executive Officer, Zone Convenor, or Workplace Delegate provided that in respect of any Zone falling within paragraph (i) of Rule 72 (3), the delegate shall also be the Zone Convenor.

### **97 - ELECTION OF ASSOCIATION DELEGATES TO FEDERAL COUNCIL**

1) The delegates to Federal Council representing the Association shall be the President and, depending on the application of the formula set out in Rule 14 of the Federation Rules, the other Association Executive Officers.

2) The order of Association Executive Officers for the purpose of Rule 97(1) shall be:

a) the President;

b) the Vice President;

c) the Secretary/Treasurer

d) Executive Members in order of election.

## CHAPTER 5 – ASSETS AND FINANCE

### 98 - ASSOCIATION FUNDS AND PROPERTY

- 1) The funds and property of the Association shall consist of:
  - a) Any real or personal property of which the Association by these Rules or by any established practice not inconsistent with these Rules, has, or, in the absence of any limited term lease bailment or arrangement, would have, the right of custody, control, or management;
  - b) The amounts of fees, subscriptions and levies payable to the Association pursuant to these Rules; less so much of the amounts as is payable by the Association to the Federal funds as defined;
  - c) Any interest, rents, dividends, or other income derived from the investment or use of such funds and property;
  - d) Any superannuation or long service leave or other funds operated or controlled by the Association as a whole in accordance with these Rules for the benefit of its officers or employees;
  - e) Any sick pay funds, accident pay funds, funeral fund or like funds operated by the Association as a whole in accordance with these Rules for the benefit of its members;
  - f) Any property acquired wholly or mainly by expenditure of the moneys of such funds and property or derived from other assets of such funds and property; and
  - g) The proceeds of any disposal of parts of such funds and property.
- 2) The funds and property of the Association shall be controlled by the Executive which shall have power to expend the funds of the Association for the purposes of carrying out the objects of the Association. For the expenditure of the funds of the Association on the general administration of the Association and for purposes reasonably incidental to the general administration of the Association, the prior authority of the Executive shall not be necessary before cheques are signed or accounts paid.
- 3) Fees, subscriptions and levies shall be paid to the General Manager.
- 4) Prior to the commencement of the financial year, the General Manager shall submit for consideration and determination by the Executive a proposed budget for the forthcoming financial year. The Executive shall be responsible for the allocation of Association funds.
- 5) The financial year of the Association shall end on the 30th Day of June in each year.
- 6) The Executive will develop and approve policies in relation to the expenditure of the Association's funds and management of its property, including policies to ensure fiduciary prudence in these matters.

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**99 – LOANS, GRANTS AND DONATIONS**

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

- 1) No loan, grant or donation of an amount exceeding \$1,000 shall be made unless the Executive is satisfied:
  - a) That the making of the loan grant or donation would be in accordance with the other Rules of the Association; and
  - b) In the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.
- 2) Notwithstanding Sub Rule (1), the President may authorise the making of a loan, grant or donation of an amount not exceeding \$3,000 to a member of the Association if the loan, grant or donation:
  - a) Is for the purpose of relieving the member or any of the member's dependants from severe financial hardship; and
  - b) Is subject to a condition to the effect that, if the Executive at its next meeting does not approve the loan, grant or donation, it shall be repaid as determined by the Executive.
- 3) In considering whether to approve a loan, grant or donation under Sub Rule (2), the Executive shall have regard to:
  - a) Whether the loan, grant or donation was made under the Rules of the Association; and
  - b) In the case of a loan:
    - (i) The security (if any) given for the repayment of the loan is adequate; and
    - (ii) The arrangements for the repayment of the loan are satisfactory.
- 4) Nothing in this Rule is intended to apply to or prevent the reimbursement of out-of-pocket expenses incurred by persons for the benefit of the Association.

**100 – ASSOCIATION AUDITOR**

The Association Auditor shall:

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



## **CHAPTER 6 – ALTERATIONS OF RULES**

### **101 – MAKING OR ALTERATION OF ASSOCIATION RULES**

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

- 1) The National Council shall have power to make new Rules or to add to, amend, rescind or otherwise alter these Rules by resolution carried by a majority of members voting at a meeting of the National Council or by postal ballot of the members of the National Council conducted pursuant to these Rules.
- 2) Notwithstanding the provisions of Rule 76 (3) and Rule 79 (5) of these Rules, notice of any proposal for the making of a new Rule or for the adding to, amendment, rescission or other alteration of any of these Rules shall be given in writing to each member of the National Council at least fourteen days prior to the relevant meeting of the National Council or to the commencement of the postal ballot (as the case may be) provided that any such proposal may itself be amended when being considered by the relevant meeting of the National Council.
- 3) The Secretary/Treasurer shall within thirty-five (35) days of the making, addition to, amendment or rescission of these Rules file with the FWC full particulars of the alteration in such form and manner that the FWC's representative is able to form an opinion whether or not the alteration can be certified.
- 4) The President shall as soon as practicable, but not later than seven (7) days after filing particulars with the FWC pursuant to Sub Rule (3) of this Rule, forward to the Executive a true copy of the said particulars and a copy of all correspondence and documents with respect to the FWC General Manager's dealing with the alteration.

## **CHAPTER 7 – OTHER MATTERS**

### **102 – ARBITRATION PROCEEDINGS AND INDUSTRIAL AGREEMENTS**

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

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

### **103 – INSPECTION OF BOOKS & CONSIDERATION OF FINANCIAL REPORTS**

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

### **104 – MEMBERS ENGAGED ON ASSOCIATION BUSINESS**

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

### **105 – LEGAL ASSISTANCE**

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

### **106 – STANDING ORDERS AND RULES OF DEBATE**

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

### **107 – GENERAL MANAGER**

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

### **108 – TRANSITIONAL – ASSOCIATE MEMBERS**

- 1) There shall be no associate member category of membership of the Association as and from the 24 May 2017.
- 2) Any person who was an associate member of the Association as at 24 May 2017 may remain such a member until the Association, pursuant to resolution of the Executive, or the associate member concerned, give notice to the other party of termination or resignation, as the case may be, on not less than twenty eight (28) days' notice.

## PART E - TRANSITIONAL PROVISIONS

(1) Application

The provisions of this Rule and Subrules shall prevail over any conflicting provisions in any other Rule.

(2) Definitions

In this Rule "date upon which these Rules come into operation", means the date upon which certification is granted by the Registrar under Section 205 of the Workplace Relations Act 1996.

(3) In this Rule "Association" means the Australian Federal Police Association.

(4) In this Rule "Federation" means the Police Federation of Australia

(5) In this Rule "Associated Body" means:

Police Association of New South Wales  
an industrial union of employees registered under the Industrial Arbitration Act 1991 as amended (NSW)  
Level 4, 154 Elizabeth Street, SYDNEY SOUTH NSW 2000

Commissioned Police Officers' Association of New South Wales  
an industrial union of employees registered under the Industrial Arbitration Act 1991 as amended (NSW)  
33 Albion Street, SURRY HILLS NSW 2010

The Police Association  
an incorporated association of employees  
215 Franklin Street, MELBOURNE VIC 3000

The Police Association of South Australia  
an association of employees registered under the Employee and Industrial Relations Act 1994 as amended (SA)  
27 Carrington Street, ADELAIDE SA 5000

The Police Association of Tasmania  
an industrial union of employees registered under the Industrial Relations Act 1984 (TAS)  
107 New Town Road, NEW TOWN TAS 7008

Northern Territory Police Association  
an incorporated association of Police employees  
5 Foelsche Street, DARWIN NT 0801

(6) Abolition of Branches and National Administration of the Australian Federal Police Association

- (a) On the date upon which these Rules come into operation the following Branches of the Australian Federal Police Association; the Australian Capital Territory Police Branch, the Australian Capital Territory National Branch, New South Wales Branch, Victorian Branch, Queensland Branch, South Australian Branch, Western Australian Branch, Tasmanian Branch, Northern Territory Branch, Senior Officers Branch and Former Members Branch which operated immediately before that date shall become the respective Zones or Chapters of the Branch of the Federation titled the Australian Federal Police Association.
- (b) On the date upon which these Rules come into operation the National Council, National Council Committee and National Executive which operated immediately before that date shall become the Branch National Council and Branch National Executive. The National Executive as it was formerly formed shall cease to operate, but be replaced by the National Council Committee, which shall hereafter itself be named the Branch National Executive.
- (c) Notwithstanding sub-Rule 18 herein, the National and Branch Office holders, Committee members and National Council Delegates will continue in their equivalent positions in the Australian Federal Police Association Branch of the Federation until the natural expiration of those positions under the previous Rules. At this time, and in accordance with the new Australian Federal Police Association Rules as a Branch of the Federation, elections for those positions will be conducted.
- (d) The position of National Secretary within the Association, which is presently occupied under Association Rules and falls vacant under those Rules in calendar year 1998, shall continue within the Federation until that time in its original form, responsibilities and obligations, as if that person was the Chief Executive Officer of the Australian Federal Police Association Branch of the Federation within Part D of these Rules. At the time that position falls vacant in the year 1998, the position shall be re-titled Branch Chief Executive Officer, and shall be filled by secret postal ballot of the members of the Branch National Council in accordance with Rule 73, with the necessary changes, provided that the person elected shall hold office until the second biennial meeting of National Council following the certification of these rules.
- (e) The position of National Assistant Secretary within the Association which is presently occupied under Association Rules and falls vacant under those Rules in calendar year 2000, shall continue within the Federation until that time in its original form, responsibilities and obligations. After the time that position falls vacant in the year 2000, it shall cease to exist as an Officer position of the Australian Federal Police Association Branch of the Federation.
- (f) The position of National Treasurer within the Association which is presently occupied under Association Rules and falls vacant under those Rules in calendar year 2000, shall continue within the Federation until that time in its original form, responsibilities and obligations. After the time that position falls vacant in the year 2000, it shall cease to exist as an Officer position of the Australian Federal Police Association Branch of the Federation, when the duties of that position will be taken up by the Branch Chief Executive Officer under the Rules.-

(7) Members of the Australian Federal Police Association

Each member of the Association who was immediately before the date upon which these Rules come into operation a member of one of the then Branches of the Association shall on and from that day become a member of a Branch of the Federation to be known as the Australian Federal Police Association.

(8) Deleted.

(9) Funds and Property of the Australian Federal Police Association

The Funds and Property that immediately before the date upon which these Rules come into operation comprised the National Fund of the Australian Federal Police Association and the Branch Funds of the Australian Capital Territory Police Branch, The Australian Capital Territory National Branch, New South Wales Branch, Victorian Branch, Queensland Branch, South Australian Branch, Western Australian Branch, Tasmanian Branch, Northern Territory Branch, Senior Officers Branch and Former Members Branch respectively shall on that date be the Branch Fund of the Australian Federal Police Association and be managed and controlled by that Branch in accordance with these Rules.

(9A) Property, Funds, Assets and Liabilities of Associated Bodies

All property (real or otherwise), funds (whether arising from membership contributions or other sources), or any assets or liabilities of the associated bodies existing or held immediately before the date upon which these Rules come into operation shall be retained by the associated bodies. The Federation shall have no rights or interest whatsoever in any property (real or otherwise), funds (whether arising from Membership contributions or other sources) or any assets or liabilities of the associated bodies existing or held immediately before the date upon which these Rules come into operation. Nothing arising from these transitional Rules or the Rules of the Federation or the operation of state law shall have the effect of granting to, vesting in or transferring to the Federation any of the property (real or otherwise), funds (whether arising from membership contributions or other sources) or any assets or liabilities of the associated bodies in the Federation, regardless of the validity or otherwise of the registration of the associated bodies under State legislation and regardless of the absence of any such registration as an industrial union, association or trade union State legislation. Nothing in these Rules or the transitional Rules shall act to deprive any associated body of any property (real or otherwise) and funds arising from membership contributions or other sources of income and any assets or liabilities of the associated bodies existing immediately before the date upon which these Rules come into operation.

(9B) Subject to Rules 7, 8, and 9 all property (real or otherwise), funds (whether arising from membership contributions or other sources), or any assets or liabilities of the Branches of the Federation accumulated by the Branches after the date upon which these Rules come into operation shall be retained by the Branches. The Federation shall have no rights or interest whatsoever in any property (real or otherwise), funds (whether arising from Membership contributions or other sources) or any assets or liabilities of the Branches so accumulated by the Branches. Nothing arising from these transition Rules or the Rules of the Federation or the operation of state law shall have the effect of granting to, vesting in or transferring to the Federation any of the property (real or otherwise), funds (whether arising from membership contributions or other sources) or any assets or liabilities of the Branches in the Federation, regardless of the validity or otherwise of the registration of the Branches under State legislation and regardless of the absence of any such registration as an industrial union, association or trade union State legislation.

(10) Subscriptions

(a) On the date upon which these Rules come into operation and until otherwise determined in accordance with these Rules the subscription payable by each member of the Australian Federal Police Association or an associated body shall continue to be that which was payable immediately before that date.

## (11) Members of the Federal Executive and Federal Officers

- (a) Until the meeting of the Federal Council as provided for in Transitional Rule 12 there shall be a transitional Federal Executive which shall be constituted by the President of each Branch. The transitional Federal Executive shall have all of the powers of the Federal Executive as provided for in Rule 20 and in particular shall have the power as provided for in Special Rule 15A. The transitional Federal Executive shall meet within three days of the certification of the Rules. The Chief Executive Officer of the Australian Federal Police Association Branch shall notify the transitional Federal Executive of the time and place for such meeting after the receipt of notification by the Registrar of certification of the Rules. At that meeting the Federal Executive shall appoint an Administrator (who shall not be the Chief Executive Officer) who shall exercise the powers of the Chief Executive Officer prescribed in the Rules and additionally may convene meetings of this transitional Federal Executive.

The appointment of such Administrator shall be made only for the period from the first meeting of the transitional Federal Executive to the meeting of the Federal Council required by Transitional Rule 12. Meetings of this transitional Federal Executive may be called on 24 hours notice provided that each member of the transitional Federal Executive shall be notified in writing of the time and place of any such meeting and of the business to be conducted at the meeting with the exception of the first meeting. For the purposes of this Transitional Rule meetings of the transitional Federal Executive may be by telephone conference. A quorum of the transitional Federal Executive shall be 4.

- (b) After the meeting of the Federal Council referred to in transitional Rule 12 the Federal Executive shall consist of one officer nominated by each Branch. The Federal Executive shall determine the Federal President and Federal Vice-Presidents. That Federal Executive shall exercise all of the functions and powers of the Federal Executive as provided for in the Rules.
- (c) This transitional Rule shall expire upon the election of a Federal Executive in accordance with the Rule 20.

## (12) Federal Council - Delegates

On the day upon which these Rules come into operation the members of the Federal Council shall be delegates nominated by the Branches in the following numbers until the completion of the first general election in each Branch.

| <b>Branch</b>                         |   | <b>Membership No.'s</b> |
|---------------------------------------|---|-------------------------|
| New South Wales Police                | 6 | 12,600                  |
| Victoria Police                       | 5 | 10,275                  |
| South Australia Police                | 3 | 3,519                   |
| Australian Federal Police Association | 2 | 2,302                   |
| Tasmania Police                       | 2 | 1,050                   |
| Northern Territory Police             | 1 | 735                     |
| CPOA-NSW                              | 1 | 450                     |

The Federal Council shall meet within 60 days of the certification of the Rules.

## (13) Members of the Branch National Executives

On the day upon which these Rules come into operation, the persons holding office in the associated bodies will be the holders of equivalent offices in the equivalent branches as set out in the relevant transitional provisions of these Rules.

(14) Members of Branch National Executive, Branch National Council and Zone and Chapter Committees of the Australian Federal Police Association

On the date upon which these Rules come into operation:

- (a) The members of the National Executive of the Australian Federal Police Association (Column 1) shall also be the equivalent National Office holders of the Federation Branch, the Australian Federal Police Association (Column 2):-

Column 1

Column 2

National President

Branch National President

National Secretary

Branch Chief Executive Officer

National Senior Vice-President

Branch Vice-President

National Junior Vice-President

Position to be abolished in 1998

National Staff Members Vice-President

Branch Staff Members Vice-President

National Treasurer

Position to be abolished in year 2000

National Assistant Secretary

Position to be abolished in year 2000

- (b) The Branch office holders and members of the Branch Committees of the Australian Federal Police Association shall also be the equivalent members of the Zone Committees and Chapters of the Australian Federal Police Association Branch of the Federation.
- (c) The members of the National Council of the Australian Federal Police Association shall also be the equivalent members of the Branch National Council of the Australian Federal Police Association Branch of the Federation.

(15) Powers and Duties of Officers and of the Federal Council and Branch National Executives Branch National Council and Zone Committees.

- (a) The holders of positions named in Subrules 11, 12, 13 and 14 of this Rule shall exercise the powers of, and be required to perform the duties of their respective positions under these Rules until the declaration of the first General Elections. The said holders of these positions shall be eligible for election in the said General Elections in accordance with these Rules.
- (b) The Federal Council, Federal Executive, and the Branch National Executives, Branch National Council and Zone Committees comprised of the persons named in Subrules 12, 13 and 14 respectively shall exercise the powers of and be required to perform the duties of such bodies as set out in these Rules.

(16) Unavailability of Persons on the Appropriate Date

If on the date upon which these Rules come into operation a person holding office as set out in Sub Rules 13 and 14 hereof to hold the position of Federal Delegate or of a Member of the Branch National Executive, Branch National Council or Zone Committee of the said Branch is not available for any reason including unwillingness to serve to hold that position then the relevant associated body shall be empowered to appoint a person eligible to nominate for the position in accordance with these Rules to fill the position until the declaration of the first General Election.

(17) Filling a Casual Vacancy prior to the first General Election

- (a) If after the date upon which these Rules come into operation the position of Federal Vice President becomes vacant prior to the declaration of the first General election, the Federal Council shall be empowered to appoint a Federal Delegate to hold the position until the declaration of the said Election.



- (b) If after the date upon which these Rules come into operation a vacancy occurs in the position of Federal Delegate prior to the declaration of the first general election, the relevant Branch Committee shall be empowered to appoint a person eligible to nominate for the position in accordance with these Rules to fill the office until the declaration of the said Election.
- (c) If after the date upon which those Rules come into operation a vacancy occurs in any position on Branch National Executives, Branch National Council or Zone Committees prior to the declaration of the first general election the relevant body shall be empowered to appoint a person eligible to nominate for the position in accordance with these Rules to fill the office until the declaration of the said Election.

(18) First General Elections

- (a) The first General Elections shall be conducted in two stages in accordance with these Rules with the necessary changes:

First Stage - The Election of Federal Office Holders

The elections for these positions shall be as far as possible conducted in accordance with Rule 21 and shall be held at the next occurring Federal Council Meeting following the certification of these Rules. Federal Executive shall determine the date, time and place of the first Federal Council meeting, and shall appoint a Federal Returning Officer in accordance with Rule 21.

Second Stage -

Election for the positions of Branch National Presidents, Branch National Vice-Presidents, Secretaries of Branches, Federal Delegates, Branch National Council, Branch National Executive, Zone Committee members and any other officers determined by the Branch National Executive.

The election for these positions shall be conducted in accordance with the provisions of the respective Branch Transitional Rules.

- (b) The persons named in subrule (11) of this Rule shall hold their position until their successors have been duly elected.

- (19) The Resolutions of the Australian Federal Police Association which were operative immediately before the date upon which these Rules come into operation shall continue to apply mutatis mutandis to the members of the Australian Federal Police Association Branch until otherwise determined in accordance with these Rules.

- (20) For the calendar years 1998 and 1999 each Branch shall remit on behalf of each member by monthly instalments to the Executive Director of the Federation an amount that is calculated as follows:

$$\frac{A \times C}{B}$$

Where A is \$563,000.00 or such other amount as is determined in accordance with Clause 7 of the November Agreement; B is the total number of financial members of the Federation as at 28 February 1998 (for the 1998 calendar year) and 31 December 1998 (for the 1999 calendar year); and C is the number of financial members in each Branch; provided that payments made by each State/Territory Union shall not exceed the following amounts for the 1998 and 1999 calendar year:

|   |            |
|---|------------|
| Police Association of New South Wales   | \$ 170,131 |
| Police Association of Tasmania  | \$ 14,178  |
| Northern Territory Police Association Inc                                       | \$ 9,925   |
| Police Association of South Australia   | \$ 47,515  |
| The Police Association (Victoria)   | \$ 138,738 |
| The Commissioned Police Officers' Association<br>of New South Wales<br>\$ 6,076 | \$6,076    |
| Australian Federal Police Association Branch                                    | \$ 31,083  |

**ANNEXURE A**

APPLICATIONS FOR MEMBERSHIP

I hereby apply for membership of

BOTH STATE OR TERRITORY UNION  
(a union registered under State law)

c/- The Secretary  
[insert address]

AND ALSO POLICE FEDERATION OF AUSTRALIA  
(a Federally registered organisation)

c/- The Secretary  
[insert address]

AND I UNDERTAKE to conform with all rules of those unions.

NOTE: ON JOINING BOTH UNIONS YOU PAY ONLY ONE MEMBERSHIP SUBSCRIPTION. IF YOU DO NOT WISH TO JOIN BOTH UNIONS, STRIKE OUT THE NAME OF THE UNION YOU DO NOT WISH TO JOIN. IF YOU WISH TO JOIN BOTH UNIONS, DO NOT STRIKE OUT EITHER UNION'S NAME.

[FORMAL DETAILS TO BE INSERTED INCLUDING THE STATUTORY RECOGNITION OF RESIGNATION RIGHTS]

Date:.....

Signature:.....

NOTE:

1. Members of the State/Territory Unions and the Federation are required to pay to those unions the annual subscription determined from time to time by those unions.
2. However, the payment in full to the State Union by direct payment or by payroll deduction [INDIVIDUAL STATE/TERRITORY UNIONS MAY HAVE ADDITIONAL MEANS OF PAYMENT TO THE STATE UNION INCORPORATED] shall constitute full payment to the Federation (the Federal Union) and shall require no further payment from the member. The making of the payment to the State Union shall make the member a financial member of both the Federal and State Union

\*\*\*End of Rules\*\*\*