

**From:** Karl David <[REDACTED]>  
**Sent:** Wednesday, 18 December 2024 9:59 AM  
**To:** Catharine Li  
**Cc:** [REDACTED]  
**Subject:** PFA VICTORIA BRANCH RULES

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Good morning Catharine

I refer to your recent exchange with the PFA Vic Branch Administration in which you advised the FWC's concerns regarding the changes to Rule 52CD(6) of the Police Federation of Australia (PFA) Victoria Police Branch.

You confirmed that if the branch decided to withdraw the alterations to rule 52CD(6), an email from a designated officer confirming the withdraw would be sufficient.

I am the President of the PFA Vic Branch.

At its meeting held 17 December 2024, The Police Federation of Australia Victoria Police Branch Executive resolved the following:

- 1) That the Board approves the withdrawal of the alterations to Rule 52cd(6) of the Police Federation Of Australia Victoria Police Branch rules and authorises the President to advise the Fair Work Commission accordingly.
- 2) That the Board approves the two minor amendments recommended by the Fair Work Commission and authorises the President to request the correction to:
  1. the duplicated "the" in rule 52cd(5); and
  2. insert the missing full stop "." in rule 52cw(c).

Regards

Karl David  
PFA Victoria Branch President

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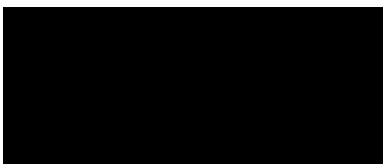
**DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009***

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

I, Karl David of 70 Jolimont Street East Melbourne am the President of the Police Federation of Australia Victoria Police Branch and am authorised to give this notice of particulars of alterations to the rules of Police Federation of Australia Victoria Police Branch and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the Police Federation of Australia Victoria Police Branch.
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
  - (a) The Chief Executive Officer sent notice to members on 28 August 2024 and included a copy of the proposed rule changes, which is attached to this declaration
  - (b) The AGM/Meeting was held on the 19 September 2024
  - (c) More than 25 members attended the AGM and as such, the meeting was quorate
  - (d) A motion was put to the membership outlining the rule changes. The motion was moved, seconded, amended and subsequently carried without opposition
  - (e) A notice was uploaded to the Police Association website on 9 October 2024 to notify members that an application had been lodged with the Fair Work Commission to alter the rules of Police Federation of Australia Victoria Police Branch as determined at the AGM

I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.



Signed by Karl David on 8 October 2024

President

Police Federation of Australia Victoria Police Branch

200V: Incorporates alterations of 2 November 2023 [R2023/69]  
(replaces rulebook dated 24 July 2023 [R2023/30])

## **Police Federation of Australia**

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 300 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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## 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, ~~he or she~~they ceases 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 ~~his/her~~their Branch Officer position until ~~his/her~~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 ~~his~~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 ~~lettergram or facsimile~~ and the decision of the majority shall be binding as if such decision were obtained at a regularly constituted meeting of the Branch Executive.

## 52CF - ELECTION OF BRANCH EXECUTIVE

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- (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 The Police Association of Victoria website after they have been approved by the Branch Executive. ~~in The Police Association Journal.~~
- (6) The Chief Executive Officer ~~shall cause~~ will ensure minutes of each meeting of the Branch Executive ~~to be taken incorporated in a Branch minute book~~ are taken and stored securely on the organisation's electronic filing system.

## 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 ~~his/her~~ 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 ~~any means including by facsimile to~~ 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 ~~his/her~~ their finding a defect in any nomination ~~he/she~~ 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 ~~him/her~~ 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.
- (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 ~~him/her~~ 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 ~~his/her~~ 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 ~~he/she~~ they replaces.
- (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 ~~he/she~~ 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 ~~he/she~~ 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 ~~he/she~~ they shall be declared elected.
- (3) If a candidate then has an absolute majority ~~he/she~~ 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 ~~his/her~~ 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 ~~him/her~~ 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 ~~his/her~~ 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 ~~F~~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 ~~his or her~~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, ~~he or she~~they ceases 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 ~~his or her~~their position as a Delegate to Federal Council until ~~his or her~~their successor is elected.

### 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) ~~k~~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) ~~p~~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 ~~his/her~~ their duties and carry out the functions of the Branch President in ~~his/her~~ 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 ~~him/her~~ 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, ~~he/she~~ 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 ~~him/her~~ 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;
  - (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 ~~his/her~~ their report to the annual general meeting;
- (j) attend and speak at any general meeting or Branch Executive meeting provided ~~he/she has~~ 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 ~~he/she~~ 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 ~~his/her~~ 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 ~~him/her~~ 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 ~~him~~ 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) ~~make, by cheque only~~ 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 ~~him/her~~ 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 ~~his/her~~ their successor or the Branch Executive nominee all books, accounts and funds belonging to the Branch which are in ~~his/her~~ 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 ~~his or her~~ their duties; and
- (b) in the absence of the Branch Treasurer, provided ~~he or she has~~ 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 ~~he/she~~ 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 ~~by cheque and be~~ authorised by the Branch Executive or by the President in accordance with Rule 52CJ.

~~(4) — Cheques must be signed by any two of the following:~~

~~the Treasurer, the President, a Vice President, the Chief Executive Officer, the Executive Officer or any other person authorised by the Branch Executive.~~

### 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 Industrial Relations Commission or such other court or body ~~other than the Employee Relations Commission of Victoria~~ 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.

#### **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.

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

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- (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.
  - (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: any 2 Branch officers

(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 ~~him/her-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 ~~he/she-has~~ 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.