



DECISION

Fair Work (Registered Organisations) Act 2009
s.159—Alteration of other rules of organisation

Police Federation of Australia (R2013/407)

MR ENRIGHT

MELBOURNE, 16 APRIL 2014

Alteration of other rules of organisation.

[1] On 9 October 2013 the Police Federation of Australia lodged with the Fair Work Commission a notice and declaration setting out particulars of alterations to the rules of the Police Federation of Australia (the union).

[2] The particulars set out alterations to the rules of the union – introducing a new set of Queensland Police Branch Rules and a set of Queensland Police Branch establishment rules. On 15 April 2014, a further declaration provided particulars for the deletion of Parts CF and CG; and amendments to rule 1A and sub-rules 14(a), 34(a) and 34(c).

[3] On 15 April 2014, the Commission also received a submission from Mr Mark Burgess, Chief Executive Officer of the union referring to rule 33(d) of the union's rules which states that:

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.

[4] Mr Burgess submitted that the actual intention of rule 33(d) was to ensure that a Branch could not be abolished without a plebiscite of all members, but that it was not intended to be applicable to the formation of a new Branch. Further Mr Burgess referred to rule 15A which he submitted, first, specifically provides for a streamlined process for the establishment of the Queensland Branch, and secondly, by its terms, operates notwithstanding rule 33(d). Mr Burgess also submitted it was always implied in the rules that Branches in both Western Australian and Queensland would be formed at some time in the future and therefore the PFA rules were developed to ensure that there were no undue obstacles to their formation. As such, the alterations which were made by resolution of the Federal Council were made in accordance with the rules of the union.

[5] I accept the line of reasoning outlined by Mr Burgess in the submission of 15 April 2014 and accordingly I am satisfied that the alterations were made under the rules of the organisation.

[6] On 15 April 2014 Mr. Vince Kelly, President of the union, gave consent, under subsection 159(2) of the *Fair Work (Registered Organisations) Act 2009*, for the Delegate to make various amendments to the alterations for the purpose of correcting typographical, clerical or formal errors. Accordingly the following corrections have been made:

- In proposed sub-rule 6(a) insertion of a space between the words “the” and “application”.
- In proposed sub-rule 8(i) capitalisation of the term “officers register” to read “Officers Register”.
- In proposed sub-rule 8(k) capitalisation of the term “branch register” to read “Branch Register”.
- In proposed sub-rule 10(e) replacement of “sub-rules (c) and (d)” with “sub-rules (c) and (d)”.
- In proposed sub-rule 10(e) renumbering of the second (i), (ii) and (iii) as (iv), (v) and (vi).
- In proposed sub-rule 10(f)(vi) removal of the full stop after the word “Sub-branch”.
- In proposed sub-rule 12(c) capitalisation of the word ‘federation’ to read “Federation”.
- In proposed sub-rule 12(d) replacement of “rule-rule (c)” with “sub-rule (c)”.
- In proposed sub-rule 21(e)(i) replacement of “other day” with “another day”.
- In proposed sub- rule 21(j)(vii) insertion of the number “14” before the word “days” and replacement of the number “7” with the number “5”.
- In proposed sub-rule 23(i)(i) insertion of the number 14 before the word “days”.
- In proposed sub-rule 28(f) deletion of the full stop between the words “Branch Secretary” and “authorise”.
- In proposed sub-rule 38(b)(i) insertion of the word “of” after the word “member”.
- In proposed sub-rule 85(g)(iii)(2) insertion of the word ‘the’ in front of “Fair Work Commission”.
- In proposed sub-rule 86(a)(vi) insertion of the word ‘the’ in front of “Fair Work Commission”.
- In proposed sub-rule 90(a) insertion of a colon “.” after the word “of”.
- In proposed sub-rule 91(c) replacement of “Assistant Branch Secretary” with “Branch Assistant Secretary” (to be twice replaced in the same sub-rule).
- In proposed sub-rule 96(g)(iv) insertion of the word “the” before “lawyer and the Members, save as is authorised by the Member pursuant to this rule.”
- In proposed sub-rule 1(k) of Schedule 2 replacement of “in the discretion of the Branch” with “at the discretion of the Branch”.
- In proposed sub-rule 1(m) of Schedule 2 replacement of “in the discretion of the Branch” with “at the discretion of the Branch”.

[7] In my opinion, the alterations comply with and are not contrary to the *Fair Work (Registered Organisations) Act 2009*, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law. I certify accordingly under subsection 159(1) of the *Fair Work (Registered Organisations) Act 2009*.

[8] I note, however, that although I have certified new sub-rule 96(d)(iii), its application may need to be read down subject to any relevant provisions of the *Privacy Act 1988* (Cth).



DELEGATE OF THE GENERAL MANAGER

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The National Voice of Policing

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Fair Work (Registered Organisations) Act 2009

FAIR WORK AUSTRALIA

DECLARATION UNDER REGULATION 126 OF THE FAIR WORK (REGISTERED ORGANISATIONS) REGULATIONS 2009

On the 8 October 2013, I, VINCENT MICHAEL KELLY President of the Police Federation of Australia, 1 Foelsche Street Darwin, state as follows:

1. I am an Officer of the Police Federation of Australia and authorised to make this Declaration.
2. The Special Federal Council meeting was called in accordance with rule 16 (b) in that I determined to call the meeting in conjunction with the Chief Executive Officer.
3. On 9th August 2013 I had forwarded the attached Notice of Meeting and Agenda (**ANNEXURE 1**) to all Branch Delegates of the Police Federation of Australia advising of a Special Federal Council meeting to be held on 16th September 2013 together with the proposed rule changes to be put to that meeting. The Special Federal Council meeting was called by me in conjunction with the Chief Executive Officer as per Rule 16 (b).
4. On the 16th September 2013 the Special Federal Council Meeting was convened where the proposed amendments were put to the meeting. I attach the minutes of that meeting at (**ANNEXURE 2**).
5. As can be seen by the minutes, the meeting had the required quorum and motions for rule change were carried in accordance with Rule 33(a).
6. In respect to the motion in the Special Federal Council meeting minutes relating to the formation of the Queensland Police Branch of the Police Federation of Australia I attached as (**ANNEXURE 3**)

the CF Index, as **(ANNEXURE 4)** the CF1 Queensland Police Branch Establishment Rules (transitional rules) and as **(ANNEXURE 5)** the CF2 Queensland Police Branch Rules

7. The alterations were made in accordance with the rules of the Organisation.
8. The Police Federation of Australia has published a notice on its website, a notice that particulars of an alteration to the rules has been lodged in the Fair Work Commission.

The particulars set out in this notice of alteration in respect to the nominated rule changes are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'V. Kelly', written in a cursive, slanted style.

VINCENT MICHAEL KELLY
PRESIDENT



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SPECIAL FEDERAL COUNCIL MEETING

9am 16 SEPTEMBER 2013 - CANBERRA

In accordance with Rule 16(c) of the registered rules of the PFA, I hereby advise that a Special Federal Council meeting will be held on Monday 16 September, 2013 commencing at 9am in the office of the PFA.

For delegates unable to attend Proxy forms are available from the PFA office or attached to this document.

AGENDA

1. Welcome by the President of the Police Federation of Australia, Mr Vince Kelly
2. Credentialing of Delegates & Apologies
3. Rule Changes
 - (a) Rule change to comply with Fair Work (Registered Organisations) Amendment Act 2012
 - (b) Formation of the Queensland Branch of the Police Federation of Australia





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SPECIAL FEDERAL COUNCIL MEETING

9am 16 SEPTEMBER 2013 - CANBERRA

Agenda Item 3 (a):

Rule changes to comply with Fair Work (Registered Organisations) Amendment Act 2012 & the Fair Work Amendment Act 2013

The Federal Council is aware that it was our intention to carry these amendments to our rules at the Special Federal Council Meeting held on 18 June, however further amendments that had passed the House of Representatives had at that stage not passed through the Senate. As a result of some minor changes following their carriage through the Senate, we have provided a further draft set of rules to the Fair Work Commission (FWC) for their consideration prior to this meeting. Should the FWC come back with any proposed amendments to the rules I refer delegates to PFA Rule 33 (b) will allow us to make those amendments at the meeting.

Rule 33 (b) states –

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.





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RESOLUTION

That the following be inserted into the PFA rules to ensure compliance with the Fair Work (Registered Organisations) Amendment Act 2012 be endorsed:

PART A – NAME. OBJECTS AND MEMBERSHIP

1A DEFINITIONS

Board

“Board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.

Disclosure period

“Disclosure period” for the purpose of these rules means the financial year unless a shorter period is specified.

Declared person or body

A person is a “declared person or body” if:

- (a) an officer of the *organisation/branch* has disclosed a material personal interest under [sub-rule 3(A)]; and
- (b) the interest relates to, or is in, the person or body; and
- (c) the officer has not notified the *organisation/branch* that the officer no longer has the interest.

Financial duties

“Financial duties” includes duties that relate to the financial management of the organisation or a branch of the organisation.

General Manager

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



Non-cash benefit

“Non-cash benefit” means property or services in any form other than money, but does not include;

- (a) a computer, mobile phone or other electronic device that is used only or mainly for work purposes, or
- (b) the reimbursement or payment of expenses reasonably incurred by the officer in performing the officer's duties as an officer.

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*

Peak Council

“Peak Council” has the same meaning as defined by section 12 of the *Fair Work Act 2009*.

Related party

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

Relative

“Relative” in relation to a person, means:

- (a) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
- (b) the spouse of the first mentioned person.





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Relevant non-cash benefits

“Relevant non-cash benefits” in relation to an officer of the *organisation/branch* for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the *organisation/branch* or by a related party of the *organisation/branch*.

Relevant remuneration

“Relevant remuneration” in relation to an officer of the *organisation/branch* for a disclosure period is the sum of the following:

- (a) any remuneration disclosed to the *organisation/branch* by the officer under [sub-rule 2(A)] during the disclosure period;
- (b) any remuneration paid during the disclosure period, to the officer by the *organisation/branch*;

Remuneration

“Remuneration”:

- (a) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
- (b) does not include;
 - I. a non-cash benefit; or
 - II. the reimbursement or payment of expenses reasonably incurred by the officer in performing the officer's duties as an officer..

PART B1 ACCOUNTABILITY

35A TRAINING

- (a) The CEO shall develop a training programme that:
 - (i) covers all duties of officers of the organisation and branches of the organisation that relate to the financial management of the organisation and branches of the organisation, and
 - (ii) is provided by a body, person or persons with appropriate skills and expertise, and
 - (iii) is submitted to the General Manager for Approval under section 154C of the FWA.
- (b) Each officer of the organisation or branch (as the case may be) whose duties include duties (financial duties) that relate to the financial management of the organisation or the branch (as the case may be) shall undertake training that;





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- (i) is approved by the General Manager of the Fair Work Commission, and
- (ii) covers each of the officer's financial duties.

(c) Each officer must complete the training within 6 months after the person begins to hold the office.

35B ORGANISATION/BRANCH POLICIES AND PROCEDURES

- (a) The organisation and each branch of the organisation shall develop and implement policies and procedures relating to the expenditure of the organisation 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.





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35C DISCLOSURE OF FEDERAL OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

- (a) Each officer of the organisation shall disclose to the organisation any remuneration paid to the officer:
 - (i) because the officer is a member of a board, if:
 - (a) the officer is a member of the board only because the officer is an officer of the organisation; or
 - (b) the officer was nominated for the position as a member of the board by the organisation, a branch of the organisation, or a peak council; or
 - (ii) by any related party of the organisation in connection with the performance of the officers' duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the organisation:
 - (i) as soon as practicable after the remuneration is paid to the officer; and
 - (ii) in writing.
- (c) An organisation shall disclose to the members of the organisation and its branches:
 - (i) the identity of the officers of the organisation who are the five highest paid in terms of relevant remuneration for the disclosure period, and
 - (ii) for those officers:
 - (a) the actual amount of the officers' relevant remuneration for the disclosure period; and
 - (b) either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- (d) For the purposes of sub-rule (c), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.





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35D DISCLOSURE OF BRANCH OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

- (a) Each officer of a branch of the organisation shall disclose to the branch any remuneration paid to the officer:
 - (i) because the officer is a member of a board, if:
 - (a) the officer is a member of the board only because the officer is an officer of the branch; or
 - (b) the officer was nominated for the position as a member of the board by the organisation, branch or a peak council; or
 - (ii) by any related party of the branch in connection with the performance of the officer's duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the branch:
 - (i) as soon as practicable after the remuneration is paid to the officer; and
 - (ii) in writing.
- (c) A branch shall disclose to the members of the branch:
 - (i) the identity of the officers of the branch who are the two highest paid officers of the branch in terms of relevant remuneration for the disclosure period, and
 - (ii) for those officers:
 - (a) the actual amount of the officers' relevant remuneration for the disclosure period; and
 - (b) either the value of the officers relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- (d) For the purposes of sub-rule (c), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and





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(iii) in writing.

35E DISCLOSURE OF FEDERAL OFFICER'S MATERIAL PERSONAL INTERESTS

- (a) Each officer of the organisation shall disclose to the organisation any material personal interest in a matter that:
- (i) the officer has or acquires; or
 - (ii) a relative of the officer has or acquires;
- that relates to the affairs of the organisation.
- (b) The disclosure required by sub-rule (a) shall be made to the organisation:
- (i) as soon as practicable after the interest is acquired; and
 - (ii) in writing.
- (c) An organisation shall disclose to the members of the organisation and its branches any interests disclosed to the organisation pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
- (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

35F DISCLOSURE OF BRANCH OFFICER'S MATERIAL PERSONAL INTERESTS

- (a) Each officer of a branch of the organisation shall disclose to the branch any material personal interest in a matter that:
- (i) the officer has or acquires; or
 - (ii) a relative of the officer has or acquires;
- that relates to the affairs of the organisation.
- (b) The disclosure required by sub-rule (a) shall be made to the branch:
- (i) as soon as practicable after the interest is acquired; and
 - (ii) in writing.





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- (c) The branch shall disclose to the members of the branch any interests disclosed to the branch pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

35G DISCLOSURE BY ORGANISATION OF PAYMENTS

- (a) The organisation shall disclose to the members of the organisation and its branches either:
 - (i) each payment made by the organisation, during the disclosure period:
 - (a) to a related party of the organisation or of a branch of the organisation; or
 - (b) to a declared person or body of the organisation or a branch of the organisation; or
 - (ii) the total of the payments made by the organisation, during the disclosure period:
 - (a) to each related party of the organisation; or
 - (b) to each declared person or body of the organisation.
- (b) Sub-rule (a) does not apply to a payment made to a related party if;
 - i. the payment consists of amounts deducted by the organisation from remuneration payable to officers or employees of the organisation, or
 - ii. the related party is an officer of the organisation and the payment:
 - 1. consists of remuneration paid to the officer by the organisation; or
 - 2. is reimbursement or payment of expenses reasonably incurred by the officer in performing the officer's duties as an officer
- (c) For the purposes of sub-rule (a), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.





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35H DISCLOSURE BY BRANCHES OF THE ORGANISATION OF PAYMENTS

- (a) Each branch shall disclose to the members of the branch either:
 - (i) each payment made by the branch, during the disclosure period:
 - (a) to a related party of the branch; or
 - (b) to a declared person or body of the branch; or
 - (ii) the total of the payments made by the branch, during the disclosure period:
 - (a) to each related party of the branch; or
 - (b) to each declared person or body of the branch.
- (b) Sub-rule (a) does not apply to a payment made to a related party if;
 - i. the payment consists of amounts deducted by the branch from remuneration payable to officers or employees of the branch, or
 - ii. the related party is an officer of a branch of the organisation and the payment:
 - 1. consists of remuneration paid to the officer by the branch of the organisation; or
 - 2. is reimbursement or payment of expenses reasonably incurred by the officer in performing the officer's duties as an officer
- (c) For the purposes of sub-rule (a), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

Agenda Item 3 (b):

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Formation of the Queensland Branch of the Police Federation of Australia

RESOLUTION

1. The Federal Council resolves that the rules of the Police Federation of Australia be amended as follows:
 - a. by deleting the words “Part CF – Deleted” and “Part CG – Deleted” where they follow the words “52EU – Transitional”;
 - b. by inserting the indexes for Parts CF1 and CF2, marked “CF Index” immediately following the index for Part CE; **(ANNEXURE A)**
 - c. that the definition of “Branch Rules” in rule 1A be amended to include the word “CF”, immediately following the word “CE,”;
 - d. that rule 14(a) be amended to include the word “CF,” immediately following the word “CE,”;
 - e. that rule 34(a) be amended to include a new dot point after “Northern Territory Police Branch” which reads “Queensland Police Branch”;
 - f. that rule 34(c) be amended to include after the words “part CE” the following:

“the Queensland Police Branch shall operate in accordance with Part CF”
 - g. insert rules ‘CF1 Queensland Police Branch Establishment Rules (transitional rules)’ immediately following the Part CE rules of the Police Federation of Australia; **(ANNEXURE B)** and
 - h. insert rules ‘CF2 Queensland Police Branch Rules’ immediately following the Part CF1 rules of the Police Federation of Australia **(ANNEXURE C)**.
2. That the Federal Council authorises the Chief Executive Officer, and to the extent as may be required, the Federal President to take all steps and do all things required to amend the rules of the Police Federation of Australia to provide rules for a Queensland Police Branch, including lodging with the Fair Work Commission a notice setting out the particulars of the alteration.





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3. The Federal Council authorises the Chief Executive Officer in conjunction with the Federal President to make such changes to the proposed Parts CF1 and CF2 rules as may be required (if any) to ensure that the proposed rules are compliant with the *Fair Work (Registered Organisations) Act 2009*, provided that any such alteration to Parts CF1 and CF2 do not have the effect of altering the intention or substance of the rules as proposed.
4. The Federal Council directs the Chief Executive Officer and the Federal President prior to making any alteration to proposed Parts CF1 and CF2 in accordance with resolution 3, to liaise with the President and Secretary of the Queensland Police Union of Employees.

CARRIED





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SPECIAL FEDERAL COUNCIL MEETING 16 September 2013 - CANBERRA

DRAFT MINUTES

Meeting commenced at 11am on Monday 16 June.

1. The President welcomed all delegates and observers to the meeting.
2. Credentialing of Delegates & Apologies –

DELEGATES

New South Wales Branch

Scott WEBER

Prue BURGUN (proxy to Scott WEBER)

Pat GOOLEY (proxy to Scott WEBER)

Robert DUNN (proxy to Scott WEBER)

Tony KING (proxy to Scott WEBER)

Michael PLOTECKI (proxy to Scott WEBER)

Michael CONNOR (proxy to Scott WEBER)

Michael AALDERS (proxy to Scott WEBER)

South Australia Branch

Mark CARROLL

Thomas SCHEFFLER (proxy to Mark CARROLL)

Northern Territory Branch

Vince KELLY

Tim LLOYD (proxy to Vince KELLY)

Western Australia Branch

George TILBURY

Victoria Branch

Phillip PEARSON

Tasmania Branch

Patrick ALLEN (proxy to Gavin CASHION)
Gavin CASHION

Australian Federal Police Association Branch

Jon HUNT-SHARMAN
Dennis GELLATLY

OBSERVERS

Police Federation of Australia

Mark BURGESS
Debbie MARTINIELLO (minute taker)
Dianne GAYLER
Kathleen POTTS

Victoria Branch

Greg DAVIES

New South Wales Branch

Peter REMFREY

Queensland Police Union

Ian LEAVERS

Ontario Provincial Police Association

Jim Christie
Karl Walsh

APOLOGIES

Tasmania Branch

Patrick ALLEN

Western Australia Branch

Brandon SHORTLAND
Peter POTHOFF

South Australia Branch

Thomas SCHEFFLER

Northern Territory Branch

Tim LLOYD

Victoria Branch

Maurie BANKS
Paul O'CONNELL
Colin BIRTH
Dean THOMAS
Dianne WILSON

1. Welcome by the President of the Police Federation of Australia, Mr Vince Kelly

The President declared the meeting open at 11.20am.

2. Credentialing of Delegates & Apologies

The President ran through the list of delegates present and listed the apologies.

3. Rule Changes

a) Rule changes to comply with Fair Work (Registered Organisations) Amendment Act 2012

The CEO circulated an updated copy of the proposed rule changes which were prepared in “tracked change” format to clearly identify the further changes proposed. The CEO reported that following advice from the Fair Work Commission (tabled) and Robert McClelland from Turner Freeman Lawyers (tabled) he had prepared the circulated documents to comply with both the FWC and McClelland advice. The CEO further reminded the Council that Rule 33(b) enabled the Council to amend the proposed rules as originally circulated.

The CEO further reported as per the agenda papers.

**Moved Hunt-Sharman
Seconded Pearson**

**That the following be inserted into the PFA rules to ensure
compliance with the Fair Work (Registered Organisations)
Amendment Act 2012**

PART A – NAME. OBJECTS AND MEMBERSHIP

1A DEFINITIONS

Board

“Board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.

Disclosure period

“Disclosure period” for the purpose of these rules means the financial year unless a shorter period is specified.

Declared person or body

A person is a “declared person or body” if:

- (a) an officer of the *organisation/branch* has disclosed a material personal interest under [sub-rule 3(A)]; and
- (b) the interest relates to, or is in, the person or body; and
- (c) the officer has not notified the *organisation/branch* that the officer no longer has the interest.

Branch Officer

“Branch Officer” means a voting member of a Branch Committee or a Branch Executive

Federal Officer

“Federal Officer” means an officer who is a voting member of the Federal Council or Federal Executive

Financial duties

“Financial duties” includes duties that relate to the financial management of the organisation or a branch of the organisation.

General Manager

Means the “General Manager” of Fair Work Commission.

Non-cash benefit

“Non-cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

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*

Peak Council

“Peak Council” has the same meaning as defined by section 12 of the *Fair Work Act 2009*.

Related party

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

Relative

“Relative” in relation to a person, means:

- (a) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
- (b) the spouse of the first mentioned person.

Relevant non-cash benefits

“Relevant non-cash benefits” in relation to an officer of the *organisation/branch* for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the *organisation/branch* or by a related party of the *organisation/branch*.

Relevant remuneration

“Relevant remuneration” in relation to an officer of the *organisation/branch* for a disclosure period is the sum of the following:

- (a) any remuneration disclosed to the *organisation/branch* by the officer under [sub-rule 2(A)] during the disclosure period;
- (b) any remuneration paid during the disclosure period, to the officer of the *organisation/branch*;

Remuneration

“Remuneration”:

- (a) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
- (b) does not include a non-cash benefit; and
- (c) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

PART B1 ACCOUNTABILITY

35A TRAINING

- (a) The CEO shall develop a training programme that:
 - (i) covers all duties of officers of the organisation and branches of the organisation that relate to the financial management of the organisation and branches of the organisation, and
 - (ii) is provided by a body, person or persons with appropriate skills and expertise, and
 - (iii) is submitted to the General Manager for Approval under section 154C of the FWA.

- (b) Each officer of the organisation or branch (as the case may be) whose duties include duties (financial duties) that relate to the financial management of the organisation or the branch (as the case may be) shall undertake training that covers each of the officer's financial duties.
- (c) Each officer must complete the training within 6 months after the person begins to hold the office.

35B ORGANISATION/BRANCH POLICIES AND PROCEDURES

- (a) The organisation and each branch of the organisation shall develop and implement policies and procedures relating to the expenditure of the organisation 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 DISCLOSURE OF FEDERAL OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

- (a) Each federal officer of the organisation shall disclose to the organisation any remuneration paid to the officer:
 - (i) because the officer is a member of a board, if:

- (a) the officer is a member of the board only because the officer is an officer of the organisation; or
 - (b) the officer was nominated for the position as a member of the board by the organisation, a branch of the organisation, or a peak council; or
 - (ii) by any related party of the organisation in connection with the performance of the officers' duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the organisation:
- (i) as soon as practicable after the remuneration is paid to the officer; and
 - (ii) in writing.
- (c) An organisation shall disclose to the members of the organisation and its branches:
- (i) the identity of the federal officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and
 - (ii) for those officers:
 - (a) the actual amount of the officers' relevant remuneration for the disclosure period; and
 - (b) either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- (d) For the purposes of sub-rule (c), the disclosure shall be made:
- (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

35D DISCLOSURE OF BRANCH OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

- (a) Each branch officer shall disclose to the branch any remuneration paid to the officer:
 - (i) because the officer is a member of a board, if:
 - (a) the officer is a member of the board only because the officer is an officer of the branch; or
 - (b) the officer was nominated for the position as a member of the board by the organisation, branch or a peak council; or

- (ii) by any related party of the branch in connection with the performance of the officer's duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the branch:
 - (i) as soon as practicable after the remuneration is paid to the officer; and
 - (ii) in writing.
- (c) A branch shall disclose to the members of the branch:
 - (i) the identity of the branch officers who are the two highest paid officers of the branch in terms of relevant remuneration for the disclosure period, and
 - (ii) for those officers:
 - (a) the actual amount of the officers' relevant remuneration for the disclosure period; and
 - (b) either the value of the officers relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- (d) For the purposes of sub-rule (c), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

35E DISCLOSURE OF FEDERAL OFFICER'S MATERIAL PERSONAL INTERESTS

- (a) Each federal officer of an organisation shall disclose to the organisation any material personal interest in a matter that:
 - (i) the officer has or acquires; or
 - (ii) a relative of the officer has or acquires;

(a) that relates to the affairs of the organisation.
- (b) The disclosure required by sub-rule (a) shall be made to the organisation:
 - (i) as soon as practicable after the interest is acquired; and
 - (ii) in writing.
- (c) An organisation shall disclose to the members of the organisation and its branches any interests disclosed to the organisation pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
 - (i) in relation to each financial year;

- (ii) within six months after the end of the financial year; and
- (iii) in writing.

35F DISCLOSURE OF BRANCH OFFICER'S MATERIAL PERSONAL INTERESTS

- (a) Each branch officer shall disclose to the branch any material personal interest in a matter that:
 - (i) the officer has or acquires; or
 - (ii) a relative of the officer has or acquires;
 - (a) that relates to the affairs of the organisation.
- (b) The disclosure required by sub-rule (a) shall be made to the branch:
 - (i) as soon as practicable after the interest is acquired; and
 - (ii) in writing.
- (c) The branch shall disclose to the members of the branch any interests disclosed to the branch pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

35G DISCLOSURE BY ORGANISATION OF PAYMENTS

- (a) The organisation shall disclose to the members of the organisation and its branches either:
 - (i) each payment made by the organisation, during the disclosure period:
 - (a) to a related party of the organisation or of a branch of the organisation; or
 - (b) to a declared person or body of the organisation or a branch of the organisation; or
 - (ii) the total of the payments made by the organisation, during the disclosure period:
 - (a) to each related party of the organisation; or
 - (b) to each declared person or body of the organisation.

- (b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the organisation from remuneration payable to officers or employees of the organisation.
- (c) For the purposes of sub-rule (a), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

35H DISCLOSURE BY BRANCHES OF THE ORGANISATION OF PAYMENTS

- (a) Each branch shall disclose to the members of the branch either:
 - (i) each payment made by the branch, during the disclosure period:
 - (a) to a related party of the branch; or
 - (b) to a declared person or body of the branch; or
 - (ii) the total of the payments made by the branch, during the disclosure period:
 - (a) to each related party of the branch; or
 - (b) to each declared person or body of the branch.
- (b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the branch from remuneration payable to officers or employees of the branch.
- (c) For the purposes of sub-rule (a), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

A discussion ensued in relation to state branches and exemptions that will be applied for in the future. NSW Branch applied for exemption in May and have not yet received advice.

CARRIED

Agenda Item 3 (b):

Formation of Queensland Branch of the Police Federation of Australia

The CEO reported on discussions with Fair Work in respect to the amount of notice given to delegates prior to the June Special Federal Council meeting. He advised that advice from the FWC was that he had given one day's less notice than required under the rules and therefore had brought the motions relating the formation of the Queensland Branch back to this September Special Federal Council meeting.

Moved Pearson
Seconded Weber

CARRIED

- 1. The Federal Council resolves that the rules of the Police Federation of Australia be amended as follows:**
 - **that the definition of “Branch Rules” in rule 1A be amended to include the word “CF” immediately following the word “CE”;**
 - **that rule 14(a) be amended to include the word “CF” immediately following the word “CE”;**
 - **that rule 34 (a) be amended to include a new dot point after “Northern Territory Police Branch” which reads “Queensland Police Branch”**
 - **that rule 34(c) be amended to include after the words “part CE” the following:**

“the Queensland Police Branch shall operate in accordance with Part CF”
 - **that the document titled ‘CF1 Queensland Branch Establishment Rules (transitional rules)’ be inserted into the rules of the Police Federation of Australia ([ANNEXURE B](#))**
 - **that the document titled ‘CF2 Queensland Police Branch Rules’ be inserted into the rules of the Police Federation of Australia ([ANNEXURE C](#))**
- 2. That the Federation Chief Executive Officer and to the extent as may be required, the Federal President be authorized to take all steps and do all things required for an amendment to the rules of the Police Federation of Australia, including lodging with the Fair Work Commission a notice setting out the particulars of the alteration.**

The CEO further reported on the issue in the advice of Lawyer Robert McClelland dated 17 December 2012 (tabled) in respect to “officers” of the Federation and in particular the position of the CEO.

Action

That the CEO proceed with appropriate rule adjustments consistent with the McClelland advice at the November Federal Council meeting.

There being no further business, the meeting ended at 11.30am.

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SCHEDULE 1 – STANDARD OPERATING PROCEDURES

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CF1 QUEENSLAND POLICE BRANCH ESTABLISHMENT RULES

1. CERTIFICATION DATE

- a) Parts CF1 and CF2 take effect on, and from, the day of their certification by the General Manager of the Fair Work Commission ("the Certification Date").

2. INAUGURAL MEMBERS

- a) Those members of the South Australian Police Branch who both reside and work in Queensland will on, and from, the Certification Date be transferred to the Branch and will be the inaugural members of the Branch.

3. INTERIM OFFICERS

- a) The inaugural members listed in column "A" will on, and from the Certification Date, hold the interim office on the Interim Branch Executive listed opposite their name in column "B":

A	B
Ian Leavers	Interim Branch President
Martin Bristow	Interim Far Northern Regional Representatives
Peter Thomas	Interim Northern Regional Representative
William Feldman	Interim Central Regional Representative
Grant Wilcox	Interim North Coast Regional Representative
Darren Lees	Interim Southern Regional Representative
Robert Smithson	Interim South East Regional Representative
Shayne Maxwell	Interim Metropolitan North Regional Representative
Anthony Collins	Interim Metropolitan South Regional Representative
Glenn Terry	Interim Headquarters and Support Regional Representative
Shayne Maxwell	Interim Branch Vice President
Darren Lees	Interim Branch Treasurer
Robert Smithson	Interim Branch Assistant Treasurer

Peter Thomas	Interim Branch Assistant Treasurer
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, subject to Parts CF1 and CF2 until they are replaced.

4. BRANCH FEDERAL COUNCILLORS

- a) Those inaugural members listed in column “C” will on, and from the Certification Date, hold the office listed opposite their name in column “D”:

C	D
Ian Leavers	Branch Federal Councillor

, subject to Part CF2 until they are replaced.

5. INTERIM POSITIONS

- a) Those persons listed in column “E” will, on and from the Certification Date, hold the interim position in the Branch listed opposite their name in column “F”:

E	F
Michael Barnes	Interim Branch Secretary
Denis Sycz	Interim Branch Assistant Secretary

, subject to Parts CF1 and CF2 until they are replaced.

6. ESTABLISHMENT DATE

- a) The day on which the inaugural members of the Interim Branch Executive take office in accordance with rule 3 is the establishment date for the Branch (“the Establishment Date”).

7. BRANCH TO OPERATE

- a) The Branch will, subject to Part CF1, operate as provided by Part CF2 on, and from, the Establishment Date.
- b) The Branch and its members will comply with Parts CF1 and CF2 severably from the Establishment Date.

8. POWERS AND DUTIES OF INTERIM BRANCH EXECUTIVE

- a) The Interim Branch Executive will have all of the rights, powers and duties of the Branch Executive as provided for in Part CF2, together with any necessary changes, and will exercise those rights and powers and perform those duties, subject to Part CF1, from the Establishment Date until the

date of declaration of the poll in the inaugural elections held in accordance with this Part CF1 ("the Declaration Date").

- b) The Branch Federal Councillors will have all the rights, powers and duties provided by the Federation's rules and Part CF2, together with any necessary changes, and will exercise those rights and powers and perform those duties, subject to Part CF1, from the Establishment Date.
- c) The Interim Branch Secretary and Interim Branch Assistant Secretary will have all of the rights and powers and duties of the Branch Secretary and Branch Assistant Secretary as provided for in Part CF2, together with any necessary changes, and will exercise those rights and powers and perform those duties, subject to Part CF1, from the Establishment Date until the Declaration Date.

9. TERMS OF INTERIM OFFICE/POSITIONS

- a) Persons holding office on the Interim Branch Executive will, subject to rule 3, hold office until the Declaration Date.
- b) Persons holding the position of Interim Branch Secretary and Interim Branch Assistant Secretary will, subject to rule 5, hold those positions until the Declaration Date.

10. CONFERENCE DELEGATES

- a) The office of Conference Delegate will not be filled until 1 January 2015.

11. CASUAL VACANCIES

- a) For the purposes of this rule the Interim Branch Regional Representatives are:
 - i) Interim Far Northern Regional Representatives;
 - ii) Interim Northern Regional Representative;
 - iii) Interim Central Regional Representative;
 - iv) Interim North Coast Regional Representative;
 - v) Interim Southern Regional Representative;
 - vi) Interim South East Regional Representative;
 - vii) Interim Metropolitan North Regional Representative;
 - viii) Interim Metropolitan South Regional Representative; and
 - ix) Interim Headquarters and Support Regional Representative.
- b) A Casual Vacancy:
 - i) in the office of:
 - (1) Interim Branch President;

(2) Interim Branch Vice-President;

(3) Interim Branch Treasurer; and

(4) Interim Branch Assistant Treasurer,

will be filled by appointment by the Interim Branch Executive from the Interim Branch Regional Representatives on the Interim Branch Executive;

ii) in the office of:

(1) Interim Branch Regional Representatives,

will not be filled unless the number of casual vacancies results in the loss of a quorum for the Interim Branch Executive, in which case the Interim Branch Executive will appoint an Interim Branch Regional Representative to the Interim Branch Executive from a member of the Branch from the region in which the vacancy occurs;

iii) in the position of:

(1) Interim Branch Secretary; and

(2) Interim Branch Assistant Secretary,

will be filled by the Interim Branch Executive appointing a member of the Branch to that Interim position.

12. INAUGURAL ELECTION FOR BRANCH EXECUTIVE

a) The Interim Secretary will, within 1 month of the Certification Date or as soon as is practicable thereafter, lodge with the Fair Work Commission the prescribed information in relation to:

i) an election of the Branch Executive to be conducted by the Australian Electoral Commission;

ii) an election of the position of Branch Secretary to be conducted by the Australian Electoral Commission; and

iii) an election of the position of Branch Assistant Secretary to be conducted by the Australian Electoral Commission.

13. APPLICATION FOR MEMBERSHIP

a) The Interim Branch Secretary or the Branch Secretary, as appropriate, may accept as a member of the Branch, without the payment of an entrance fee or subscription, the following person:

i) a financial member of the QPUE who has received correspondence from the QPUE advising:

(1) that the QPUE seeks to facilitate that member's membership of the Federation;

- (2) that the QPUE intends to make application on that member's behalf for membership of the Federation on the expiration of 14 days from the provision of the correspondence;
 - (3) that that member may determine to decline to join the Federation within that period of 14 days by advising the QPUE of that determination; and
 - (4) of the obligations of membership of the Federation and how that member may resign from the Federation; and
- ii) where the member receiving correspondence in accordance with part i) has not determined to decline to join the Federation; and
 - iii) where an application setting out the information required by Part CF2, has been made to the Federation, on behalf of a member who meets the requirements of part ii), by the QPUE.
- b) The Interim Branch Secretary or the Branch Secretary may, as appropriate and subject to Part CF1, accept as a member of the Branch a person who has made application for membership in accordance with Part CF2.

14. INAUGURAL ELECTION BRANCH CONFERENCE DELEGATES

- a) The inaugural election for Branch Conference Delegates is to be conducted in 2014 to synchronise with the quadrennial electoral cycle of the QPUE in 2014.

15. SPECIAL CONFERENCE

- a) Notwithstanding the provisions of the Branch rules there will be no special Branch Conference until there are a sufficient number of Branch Conference Delegates elected to form, together with the members of the Interim Branch Executive, a quorum for Branch Conference as provided for in Part CF2.

16. REGIONS

- a) On the Certification Date the Branch will have the following Regions:
 - 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.

17. CLUSTERS

- a) On the Certification Date the Branch will have the following clusters:

- i) Far Northern Region

Group (a):

Aurukun, Bamaga, Cairns, Coen, Cooktown, Edmonton, Gordonvale, Kowanyama, Laura, Lockhart River, Mossman, Pormpuraaw, Port Douglas, Smithfield, Thursday Island, Weipa, Yarrabah, Horn Island, Far Northern Regional H.Q.

Group (b):

Babinda, Cardwell, El Arish, Innisfail, Mission Beach, Mourilyan, Silkwood, South Johnstone, Tully.

Group (c):

Atherton, Chillagoe, Croydon, Dimbulah, Einasleigh, Forsayth, Georgetown, Herberton, Kuranda, Malanda, Mareeba, Millaa Millaa, Mount Garnet, Mount Molloy, Mount Surprise, Ravenshoe, Yungaburra.

- ii) Northern Region

Group (a):

Bedourie, Birdsville, Boulia, Burketown, Camooweal, Cloncurry, Dajarra, Doomadgee, Julie Creek, Karumba, Kynuna, McKinlay, Mornington Island, Mount Isa, Normanton.

Group (b):

Magnetic Island, Townsville, North Queensland Police Academy.

Group (c):

Deeragun, Kirwan, Mundingburra, Stuart, Townsville Traffic, Townsville Regional Office and Townsville District Office.

Group (d):

Ayr, Bowen, Charters Towers, Clare, Collinsville, Giru, Home Hill, Hughenden, Pentland, Prarie, Richmond, Ingham, Halifax, Palm Island, Rollingstone, Greenvale, Ravenswood.

- iii) Central Region

Group (a):

Agnes Waters, Baralaba, Biloela, Calliope, Gladstone, Goovigen, Many Peaks, Miriam Vale, Mount Larcom, Moura, Rosedale, Tannum Sands, Theodore, Wowan.

Group (b):

Alpha, Aramac, Barcaldine, Blackall, Ilfracombe, Isisford, Jericho, Jundah, Longreach, Muttaborra, Windorah, Winton, Yaraka, Emerald, Capella.

Group (c):

Calen, Carmila, Clermont, Dysart, Eton, Farleigh, Finch Hatton, Glenden, Mackay, Marian, Middlemount, Mirani, Moranbah, Nebo, Proserpine, Sarina, St. Lawrence, Walkerston, Whitsunday, Mackay Northern Beaches.

Group (d):

Anakie, Blackwater, Duaringa, Emu Park, Gracemere, Lakes Creek, Marlborough, Marmor, Mount Morgan, North Rockhampton, Rockhampton, Rolleston, Springsure, Tieri, Westwood, Woorabinda, Yeppoon, Central Regional H.Q.

iv) North Coast Region

Group (a):

Bundaberg, Bargara, Childers, Gin Gin, South Kolan

Group (b):

Kingaroy, Blackbutt, Cherbourg, Kumbia, Murgon, Nanango, Proston, Wondai, Eidsvold, Monto, Mt. Perry, Mundubbera, Gayndah.

Group (c):

Gympie, Imbil, Kilkivan, Goomeri, Tin Can Bay.

Group (d):

Maryborough, Tiara, Howard, Hervey Bay, Biggenden, Fraser Island

Group (e):

Bribie Island, Caboolture, Deception Bay, Kilcoy, Moore, Woodford, Redcliffe

Group (f):

Caloundra, Coolumb, Cooroy, Eumundi, Kawana Waters, Landsborough, Maleny, Maroochydore, Nambour, Noosa Heads, Palmwoods, Pomona, North Coast Regional Headquarters, Beerwah.

v) Southern Region

Group (a):

Adavale, Augathella, Charleville, Cunnamulla, Eromanga, Eulo, Hungerford, Morven, Quilpie, Tambo, Thargomindah, Wyandra

Group (b):

Bell, Cecil Plains, Chinchilla, Cooyar, Dalby, Jandowae, Meandarra, Millmerran, Peranga, Tara, Yarraman.

Group (c):

Boonah, Booval, Esk, Goodna, Harrisville, Ipswich, Kalbar, Karana Downs, Lowood, Marburg, Rosewood, Toogoolawah, Yamanto, Springfield.

Group (d):

Bollon, Dirranbandi, Dulacca, Injune, Miles, Mitchell, Mungallala, Mungindi, Roma, St. George, Surat, Taroom, Thallon, Wallumbilla, Wandoan, Yuleba.

Group (e):

Cambooya, Crows Nest, Drayton, Forest Hill, Gatton, Goombungee, Helidon, Jondaryan, Laidley, Oakey, Pittsworth, Toowoomba, Southern Regional H.Q.

Group (f):

Allora, Clifton, Goondiwindi, Inglewood, Killarney, Leyburn, Stanthorpe, Talwood, Texas, Wallangarra, Warwick, Yangan, Yelarbon.

vi) South East Region

Group (a):

Broadbeach, Burleigh Heads, Palm Beach, Coolangatta, Robina.

Group (b):

Southport, Runaway Bay, Water Police.

Group (c):

Surfers Paradise, SER HQ.

Group (d):

Beaudesert, Canungra, North Tamborine, Rathdowney, Coomera, Mudgeeraba, Nerang.

Group (e):

Logan Central, Browns Plains, District HQ, Jimboomba, Crestmead.

Group (f):

Beenleigh, Loganholme, Springwood.

vii) Metropolitan North Region

Group (a):

Ferny Grove, Indooroopilly, The Gap.

Group (b):

Boondall, Clayfield, Hendra, State Traffic (Boondall).

Group (c):

Brisbane Watchhouse.

Group (d):

Albany Creek, Petrie, Sandgate, Dayboro.

Group (e):

Brisbane City, Metropolitan North Regional H.Q.

Group (f):

Fortitude Valley, Stafford.

viii) Metropolitan South Region

Group (a):

Academy, Driver Training,

Group (b):

Moorooka, Oxley, Sherwood, Mt Ommaney, Acacia Ridge, Inala, Calamvale.

Group (c):

Carina, Coorparoo, Holland Park, Upper Mt Gravatt, Metropolitan South Regional H.Q.

Group (d):

Annerley, Dutton Park, Morningside, Southbank, West End.

Group (e):

Capalaba, Cleveland, Dunwich, Redland Bay, Wynnum, Water Police, Russell Island, Macleay Island.

Group (f):

Specialist Services.

ix) Headquarters and Support Region

Group (a):

The Forensic Services Branch

Group (b):

The S.C.O.C. Branch.

Group (c):

The Railway Squad and Alderley Branch.

Group (d):

The Crime and Misconduct Commission Branch.

Group (e):

The Headquarters Branch, Mounted Police, and Legal Services Branch.

Group (f):

Brisbane Prosecutions.

18. DISTRICTS

- a) On, and from, the Declaration Date the Branch will have the Districts determined by resolution of the Branch Executive.
- b) On, and from, the Declaration Date the Branch Executive will attach members to a District.

19. SUB-BRANCHES

- a) On the Certification Date the Branch will have the following Sub-branches:
 - i) Academy;
 - ii) Airport;
 - iii) Albany Creek;
 - iv) Banana;
 - v) Beenleigh;
 - vi) Boondall;
 - vii) Bowen;
 - viii) Broadbeach;
 - ix) Bundaberg;

- x) Burdekin;
- xi) Caboolture;
- xii) Cairns;
- xiii) Capricorn Coast;
- xiv) Central Highlands;
- xv) Charleville;
- xvi) Charters Towers;
- xvii) City;
- xviii) Cloncurry;
- xix) CMC;
- xx) Cooktown;
- xxi) Coomera;
- xxii) Crime Operations;
- xxiii) Cunnamulla;
- xxiv) Dalby;
- xxv) Deception Bay;
- xxvi) Emerald;
- xxvii) Ferny Grove;
- xxviii) Forensic Services;
- xxix) Fortitude Valley;
- xxx) Gladstone;
- xxxi) Gold Coast;
- xxxii) Goodna;
- xxxiii) Goondiwindi;
- xxxiv) Gulf Station;
- xxxv) Gympie;
- xxxvi) Headquarters;
- xxxvii) Hendra;

- xxxviii) Hervey Bay;
- xxxix) Indooroopilly;
- xl) Ingham;
- xli) Innisfail;
- xl ii) Ipswich;
- xl iii) Kingaroy;
- xl iv) Kirwan;
- xl v) Legal Services;
- xl vi) Logan;
- xl vii) Logan West;
- xl viii) Longreach;
- xl ix) Mackay;
- l) Mareeba;
- li) Maryborough;
- lii) Mt Isa;
- liii) Oxley;
- liv) Palm Island;
- lv) Petrie;
- lv i) Pioneer Valley;
- lv ii) Prosecutions;
- lv iii) Railway Squad;
- lix) Redcliffe;
- lx) Rockhampton;
- lx i) Roma;
- lx ii) Sandgate;
- lx iii) South Brisbane;
- lx iv) Southport;
- lx v) Specialist Services;

- lxvi) St George;
 - lxvii) Stafford;
 - lxviii) Stanthorpe;
 - lxix) Stuart/Mundingburra;
 - lxx) Sunshine Coast;
 - lxxi) Support Services Alderley;
 - lxxii) Surfers Paradise;
 - lxxiii) Thursday Island;
 - lxxiv) Toowoomba;
 - lxxv) Townsville;
 - lxxvi) Townsville Academy;
 - lxxvii) Upper Burnett;
 - lxxviii) Upper Mt Gravatt;
 - lxxix) Warwick;
 - lxxx) Watchhouse;
 - lxxxi) Water Police;
 - lxxxii) Whitsunday; and
 - lxxxiii) Wynnum.
- b) On, and from, the Declaration Date the Branch Executive will attach members to a Sub-branch and will, when sufficient members have been attached to a Sub-branch, appoint from those members a Sub-branch Executive and will as far as is practicable when making appointments ensure that the person appointed is the person who holds the corresponding position in the corresponding branch of the QPUE.
 - c) A Sub-branch Executive will not commence to function until sufficient members have been appointed in accordance with sub-rule (b) so that quorum for meetings of the Sub-branch Executive, as required by Part CF2, may be met.
 - d) The Branch Executive will arrange for the conduct of elections for a Sub-branch Executive in accordance with Part CF2 within 12 months of the Declaration Date, or as soon as is practicable thereafter.

20. WORKPLACE REPRESENTATIVES

- a) On the Declaration Date the Branch will have as Workplace Representatives, all persons who the Interim Branch Executive has determined by resolution to appoint.

21. NO LIMITATION OF POWER

- a) Despite the provisions of rules 17 and 18, the Branch Executive may following the Declaration Date determine to:
 - i) remove a Cluster from a Region;
 - ii) remove a District from a Cluster;
 - iii) add a District to a Cluster;
 - iv) merge Districts; and/or
 - v) merge Clusters,

provided that members who were attached to a Cluster or District, in relation to which a determination has been made in accordance with this rule, will be attached to a Cluster or District, as appropriate, and will be notified of that reattachment by the means the Branch Executive considers appropriate and those members who are to be attached for the first time to a Cluster or a District, as appropriate, will be notified by the means the Branch Executive considers appropriate.

22. APPLICATION OF RULES

- a) These Part CF1 rules are, subject to sub-rule (b), to be interpreted consistently with the rules provided for by Part CF2.
- b) The rules in Part CF1 will apply notwithstanding any other rule of the Federation's rules.
- c) The rules in Part CF2 of the Branch rules will, subject to sub-rules (b) and (d), apply from the Certification Date.
- d) The following rules in Part CF2 of the Branch rules will not come in to effect until the Declaration Date:

Rule 5 (b) – (j)	Regions
Rule 6	Admission of New Members
Rule 10	Membership Subscriptions and Levies
Rule 13	Branch Council
Rule 14	Branch Council – Powers
Rule 15	Meetings of Branch Council
Rule 16	Special Meetings of Branch Council
Rule 17	Business of Branch Council

Rule 18	Branch Council Expenses
Rule 31	Branch Standing Committees
Rule 32	Meetings of Standing Committees
Rule 33	Working Committees
Rule 34	Meetings of Working Committees
Rule 35	Special General Meeting
Rule 36	Attendance of Member
Rule 39	Election of Officers, Branch Secretary and Branch Assistant Secretary
Rule 40	Election of Officers, Branch Secretary, Branch Assistant Secretary, Executive Members and Conference Delegates
Rule 41(a) and (b)	Branch Federal Councillors - Election
Rule 73	Casual Vacancy
Rule 80	Sub-branches
Rule 81	Workplace Representatives
Rule 93	Referendum
Rule 94	Referendum Ballots
Rule 99 (b)	Standing orders – Branch Conference
Rule 99 (e)	Standing orders – Branch Conference

- e) On the Declaration Date the Part CF2 rules will, subject to this rule, have full effect.

PART CF2 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**;
- p) **“District”** includes a:
 - i) police district;
 - ii) police establishment; or
 - iii) police station;
- q) **“Election Procedure Rules”** means **rules 42 to 71**, 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;
- 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.
- 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.

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.

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.

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.
 - 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.

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.

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 rule-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.
- 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.

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.
- 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.

- 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.

- 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;
- (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);

- 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 Branch Executive meeting, the meeting will:
 - i) stand adjourned to the same day in the next month at the same time or to other 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 7 days and a maximum of 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.
- 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,
 will not be entitled to exercise more than the 1 vote that they hold as a Branch Executive member.
- k) 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.

23. MINUTES

- 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 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.

24. BRANCH PRESIDENT

- 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
- 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 will assist, as required by the Branch Secretary, the Branch Secretary in the performance of the Branch Secretary's duties.
- b) The Branch Assistant Secretary will perform such duties as directed by the:
 - i) Branch President; and/or
 - ii) Branch Secretary.
- c) During any temporary absence of the Branch Secretary the Assistant Branch Secretary will act as the Branch Secretary.
- d) The Branch Secretary may provide written delegation to the Branch Assistant Secretary to perform a function on behalf of the Branch Secretary.

- e) The Branch Assistant Secretary when acting as the Branch Secretary will be entitled to exercise all the powers of the Branch Secretary provided by these rules.
- f) 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.
- g) 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.

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
 - ii) 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
Branch Conference Committee	Collate Agenda items from Conference Delegates
Legal Assistance Committee	Determine all applications for legal assistance by members
Benevolent Fund Committee	Determine the provision of financial assistance to members in need, on a case, by case, basis
WH&S Committee	Promote cooperation between the Queensland Police Service and the Branch in developing and implementing measures to ensure workplace health and safety
Rules Committee	Recommend the amendment of Branch rules in accordance with industrial legislation
Finance Committee	Provide oversight and advice on the financial activities of the Branch
Conference Committee	Be responsible for organising all aspects of the Branch annual conference
Women's Advisory Committee	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.
- 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
 - iii) 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.
- 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.
- 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 elected by the Branch Executive from the Members, the Branch Secretary and the Branch Assistant Secretary.

40. ELECTIONS OF OFFICERS, BRANCH SECRETARY, BRANCH ASSISTANT SECRETARY, EXECUTIVE MEMBERS AND CONFERENCE DELEGATES

- a) Elections will be conducted in accordance with the Election Procedure Rules.
- b) The term of office for the offices set out in column A will be for the period correspondingly set out in column B and will commence, for the period provided, in the year of elections correspondingly set out in Column C:

A	B	C
Branch President	4 years	01.03.2015
Far Northern Regional Representative	4 years	01.07.2013
Northern Regional Representative	4 years	01.07.2015
Central Regional Representative	4 years	01.07.2013
North Coast Regional Representative	4 years	01.07.2015
Southern Regional Representative	4 years	01.07.2013
South East Regional Representative	4 years	01.07.2015
Metropolitan North Regional Representative	4 years	01.07.2013
Metropolitan South Regional Representative	4 years	01.07.2015
Headquarters and Support Regional Representative	4 years	01.07.2013
Branch Vice President	2 years	the date of the declaration, in accordance with rule 72
Branch Treasurer	2 years	the date of the declaration, in accordance with rule 72
Branch Assistant Treasurer	2 years	the date of the declaration, in accordance with rule 72
Conference Delegate	1 year	01.01.2014

- c) The term of the position for the positions set out in column D will be for the period correspondingly set out in column E and will commence, for the period provided, in the year of elections correspondingly set out in Column F:

D	E	F
Branch Secretary	4 years	01.07.2016
Branch Assistant Secretary	4 years	01.07.2014

- d) The persons elected to the offices provided for in sub-rules (b) will, subject to **rule 5** and irrespective of the term they are elected for, 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.
- e) The persons elected to the positions provided for in sub-rule (c) will, irrespective of the term they are elected for, continue to hold the position until:
- i) their successors are elected and take the position;
 - ii) they die;
 - iii) they resign;
 - iv) they are no longer entitled to nominate for the office; or
 - v) are otherwise removed from the position in accordance with these rules.
- f) The election of the Branch Assistant Secretary will occur at a meeting of the Branch Executive held immediately following the conclusion of the Branch Assistant Secretary's term referred to in sub-rule (d).
- g) The members elected as Federal Councillors will hold the office of Federal Councillor for the same period that they hold the office of the Branch that provides their entitlement to be elected as a Federal Councillor or in the case of members of the Branch Executive elected in accordance with **sub-rule 41(a)(vii)** for a period of 2 years.

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, second any nomination for or vote in 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 41 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.
- 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.

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 personal statement from candidates limited to 200 words; 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.

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:

- 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.

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 1 July 2013 and subsequently each 2 years thereafter;
 - 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.

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 election in accordance with the Election Procedure Rules.
- 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.

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 purposes of this rule “member” includes the Branch Secretary and the Branch Assistant Secretary.
- b) Any member may charge any other member with:
 - i) failing to observe any of these rules;
 - ii) knowingly failing to observe any resolution of the Branch binding upon them;
 - iii) gross misbehaviour as a member;
 - iv) giving false or misleading information to an officer, a Workplace Representative, an employee of the Branch, an agent of the Branch or any other lawful representative of the Branch on any matter;
 - v) obstructing an officer, a Workplace Representative, an employee of the Branch, an agent of the Branch or any other lawful representative of the Branch in any way in performing any of the functions of the Branch;
 - vi) wrongfully holding themselves out as occupying an office or position in the Branch, or as being entitled to represent the Branch in any capacity; and/or
 - vii) aiding, or encouraging, any other person to breach these rules.
- c) Processing of Charges
 - i) Any charge will be made in writing to the Branch Secretary, or where against the Branch Secretary to the Branch Assistant Secretary, and is to be accompanied by a bond in the sum of \$500.00.
 - ii) The Branch Secretary may, and will, if directed by the Branch Executive, summon the member charged before the Branch Executive and in the case of the Branch Secretary being charged the Branch Assistant Secretary will, if directed by the Branch Executive, summon the Branch Secretary before the Branch Executive.
 - iii) The summons is to be in writing and must set out the time and place of the hearing, the name of the member laying the charge and the particulars of the charge.
 - iv) If the member charged requests it, the member must be supplied with any further particulars, as may be necessary, to indicate the precise matters with which the member is charged.
 - v) The member charged is to be given notice, in writing, of the hearing as may be reasonable, having regard to all the circumstances and so as to permit the member to be in attendance at the meeting at which the Branch Executive will consider the charge made against them.

- vi) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the person charged is notified) the charge may be heard, whether or not the member charged is present, provided that if the member charged provides an explanation satisfactory to the Branch Executive for their absence, then the Branch Executive may adjourn the hearing of the matter to another time and/or place.
 - vii) If the place at which the charge is to be heard is a place other than where the member charged ordinarily resides then the Branch will meet the reasonable expenses of the person charged travelling to the place of hearing.
 - viii) The Branch Executive may, despite part (vi) and (vii), determine to conduct the hearing by telephone and/or videolink, where the Branch Executive considers it appropriate to do so.
 - ix) If the member charged attends they are to be informed of the substance and source of any information adverse to them on which the Branch Executive may rely.
 - x) At any hearing of the charges, including the hearing of matters relating to penalty, the member charged is to be given a reasonable opportunity to defend themselves and may, if they determine to do so, provide written submissions to the Branch Executive.
- d) Power to Hear Charges
- i) The Branch Executive has the power to hear and determine charges under these rules.
 - ii) The Branch Executive may hear, and determine, charges in the absence of the member charged where the member charged has been given adequate opportunity to attend before the Branch Executive.
 - iii) In the hearing of the charges the Branch Secretary will be the prosecutor, provided that if the charges are against the Branch Secretary then the Branch Assistant Secretary will be the prosecutor.
 - iv) The Branch Executive will determine as to whether they hear evidence from any persons, whether members or not and/or receive any other material relevant to the charge, and may make this determination in advance of the hearing and determination of the charges on the written application of the Branch Secretary or Branch Assistant Secretary, as the case may be, or the member charged.
 - v) Subject to this rule the Branch Executive can determine how it will proceed to determine a charge.
 - vi) The standard of proof to be applied in making a determination is the civil standard.

e) Finding of the Branch Executive

- i) If the Branch Executive finds the member charged guilty, it may do one or more of the following:
- (1) impose no penalty;
 - (2) give the member a written warning;
 - (3) fine the member any sum not exceeding \$1,000.00 to be paid to the Branch;
 - (4) suspend the member from membership;
 - (5) subject to this rule, if the member is an officer or if not a member holds a position, suspend the person from office or position in the Branch, as the case may be, for any specified period or until the happening of any specified event or until the performance of any specified act, providing that any suspension will not exceed 6 months for any offence;
 - (6) subject to this rule, if the person is a member and is an officer or if not a member holds a position, dismiss the member from any office or if not a member from any position in the Branch;
 - (7) subject to this rule remove the member from membership;
or
 - (8) transfer the member to the suspension list.

f) Grounds for Removal from Office

- i) Provided that nothing in the provisions of this rule provides for, or enables, the dismissal from office of an Officer of the Branch unless the officer:
- (1) has been charged with, and found guilty of, in accordance with these rules, of:
 - (A) misappropriation of the funds of the Branch;
 - (B) a substantial breach of these rules or the Federation's rules;
 - (C) gross misbehaviour; or
 - (D) gross neglect of duty; or
 - (2) has ceased, according to these rules, to be eligible to hold the office.
- ii) For the purposes of this sub-rule "office" includes the position of:
- (1) Branch Secretary; and

(2) Branch Assistant Secretary.

g) Frivolous Charges

- i) If upon investigation the charge is found to be frivolous it may be dismissed.
- ii) In circumstances where a charge is dismissed pursuant to part (i) the bond required by sub-rule (c) will not be refunded.

h) Bond

- i) In the event that the Branch Executive does not determine that the charges are frivolous, then the bond will be repaid to the member who referred the charge.

i) Minute Record

- i) 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.

j) Payment of Fines

- i) Where a person is fined in accordance with this rule, the person is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine, unless the person has appealed pursuant to **rule 78**.
- ii) Despite part (i) a person having to pay a fine may request that the Branch Executive provide a period of greater than 10 days to pay the fine, and the Branch Executive will grant that request when there are reasonable grounds to do so.

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. APPEALS AGAINST CHARGES

- a) An appeal will lie at the instance of the person penalised by any decision under **rule 76** of the Branch Executive to the Branch Council.
- b) Notice of appeal in accordance with sub-rule (a) must be given in writing to the Branch Secretary within 7 days of any decision being communicated to the member who has been found guilty pursuant to **rule 76** and must set out in full all matters being appealed.
- c) The appeal will be dealt with at a meeting of the Branch Council to be held in accordance with these rules.
- d) The appeal will be conducted by way of a rehearing with the member who is appealing being entitled to attend but at their own cost.
- e) Nothing prevents the Branch Council from, if confirming the determination of the Branch Executive, imposing a penalty that is different from that imposed by the Branch Executive, or from making a different determination.

- f) If a fine has been imposed by the Branch Executive, and the Branch Council has not set it aside, it must be paid within 7 days of the decision of the Branch Council.
- g) A Member who is the subject of charges or who is appealing is entitled to be represented by a Member, but not by solicitor or counsel.
- h) The standard of proof to be applied pursuant to this rule is the civil standard.
- i) In the event that a person does not comply with any penalty imposed, pursuant to this rule, then the person concerned cannot exercise the rights of a Member and will be removed to the suspension list.

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.
- 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.

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.

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 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.

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 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.
- 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 Assistant Branch Secretary and countersigned or approved by a different person being any one of the Branch President, Branch Secretary, Assistant Branch 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 can not 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 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.

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.

PROPOSED

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.
 - 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.
 - 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.
 - 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, in 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, in 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.

PROPOSED