



Police Federation of Australia

Western Australia Police Branch
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My Ref: C 0386

18 June 2015

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

Dear Ms O'Neill

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

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

The current Rule 52AA – Branch Office Bearers: at sub rule (7) provides:

- (7) To be eligible as a candidate for a position on the Executive a member must meet the following requirements:
- (a) be a financial member of the Branch;
 - (b) be free of any debts or arrears to the Branch;
 - (c) for election to one of the 11 Metropolitan region offices, be stationed in the Metropolitan area at the time of their election; and
 - (d) for election to either North (Kimberley/Pilbara), Central (Midwest/Gascoyne), East (Goldfields/Esperance), South (Peel/Southwest/Wheatbelt/Great Southern) regional offices, be stationed in the Region for which they nominate at the time of their election.

The amendment to the Rule sought is -

- (7) To be eligible as a candidate for a position on the Executive a member must meet the following requirements:
- (a) be a financial member of the Branch;
 - (b) be free of any debts or arrears to the Branch;
 - (c) **in the preceding 12 months have attended at least four branch meetings of the state organisation “Western Australian Police Union of Workers”, where the person was a member of that state organisation throughout the period;**
 - (d) **be stationed in the Region for which they nominate at the time of their nomination.**
 - (e) **not to have been found in Breach of the Rules on grounds of misappropriation of funds of the Branch, a substantial breach of the Rules of the Federation, gross misbehaviour or gross neglect of duty, in the 3 years preceding an election.**

The reason for the amendment sought is -

This change (re)aligns the State and Federal Rules. As part of a number of rule changes on 19 December 2013, the State rules were amended under direction of Annual Conference to enhance the operation, democratic processes and representation capacity of the Board of Directors. The changes outlined are intended to deliver those objectives by ensuring elected Directors (Executive Members), maintain regular involvement with and attendance at State Branches. An additional intent of the changes is to simplify provisions by removing replicated Region titles, which also appear in 52AA(2)(b), and to make clear all nominations for positions must come from Members based in the Region which they nominate for.

Further, the provisions which deem a variety of actions to be gross misconduct or behaviour are considered serious enough to warrant exclusion from holding office. This, it is contended, provides greater democratic control, protects the organisation(s) from interruptions to business activity and seeks to ensure office holders are of the highest integrity, as far as practicable.

The current Rule 52AA – Branch Office Bearers: at sub rule (8) provides:

- (8) An Executive Member shall be deemed to have vacated his or her office if such Member:
- (a) resigns; or
 - (b) ceases to be a financial member of the Branch.

The amendment to the Rule sought is -

- (8) An Executive Member shall be deemed to have vacated his or her office if such Member:
 - (a) resigns; or
 - (b) ceases to be a financial member of the Branch; or
 - (c) **being transferred from the Region in which the Executive Member is based.**

The reason for the amendment sought is -

This change (re)aligns the State and Federal Rules. As part of a number of rule changes on 19 December 2013, the State rules were amended under direction of Annual Conference to enhance the operation, democratic processes and representation capacity of the Board of Directors. The changes outlined are intended to deliver those objectives by ensuring elected Directors (Executive Members) remain based in the Region to which they were elected.

The current Rule 52AC – Duties and Responsibilities of the Branch Executive ends at sub rule (7).

The new inserted sub rule amendment to the Rule sought is -

- (8) **maintain a co-operative relationship with the state body “Western Australian Police Union of Workers”, including attendance at Western Australian Police Union of Workers Branch meetings, where the member of Branch Executive is also a member of the Western Australian Police Union of Workers .**

The reason for the amendment sought is -

This is a new obligation introduced to provide context and weight to changes proposed at Rule 52AA (7)(c) for minimum attendance requirements (at State Branch meetings), for eligibility to stand for election.

This is a (proposed) eligibility requirement that aligns State and Federal Rules. The specific wording here aims to give direct reference, recognition and definition to the State Organisation and the imperative for demonstrable participation to a required level.

The current Rule 52AM – Disciplinary Matters: at sub rule (1) provides:

- (1) Any officer may be removed from office if the Branch Executive by majority resolution of members voting finds him/her guilty, in accordance with these rules, of misappropriation of funds of the Branch, a substantial breach of the Rules of the Federation, gross misbehaviour or gross neglect of duty, or finds that he/she has ceased, according to these Rules, to be eligible to hold office.

The amendment to the Rule sought is -

- (1) Any officer may be removed from office if the Branch Executive by majority resolution of members voting finds him/her guilty, in accordance with these rules, of misappropriation of funds of the Branch, a substantial breach of the Rules of the Federation, gross misbehaviour or gross neglect of duty, or finds that he/she has ceased, according to these Rules, to be eligible to hold office.
 - (a) **For the purposes of this Rule gross misbehaviour and gross neglect of duty includes, but is not limited to:**
 - (i) **being absent or partially absent, from three scheduled monthly Executive meetings within a twelve month period (July 1 to June 30) unless that Executive Member;**
 - a. **Is on Annual or Long Service Leave and is travelling outside of their normal residential area,**
 - b. **Is on Sick Leave,**
 - c. **Has urgent family or personal matters,**
 - d. **Has been officially summonsed to a Court or other place, or**
 - e. **Is absent, because he/she is officially representing the Western Australia Police Branch at an event;**
 - (ii) **being absent or partially absent from three special meetings unless that Executive Member forwards an apology to the Western Australia Police Branch;**

The reason for the amendment sought is -


These proposed alterations provide clearer defined terms related to neglect of duty and misbehaviour and therein provide a process of appeal and review. The revised wording also removes Executive discretion over reasons for absence, providing instead for clear unambiguous declaration that non-attendance is of itself a breach of discipline, unless for reasons explicitly defined.

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

These alterations have been made in accordance with the Rules of the Organisation as outlined in the Declaration dated 18 June 2015 (ATTACHMENT 1).

Submitted for your consideration please.

Yours sincerely



George Tilbury
PRESIDENT
Police Federation of Australia – WA Police Branch