

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

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

I, Paul Damien McCue of the Northern Territory Police Association, 'Spirit on the Avenue' Level 2, Suite 209, 12 Salonika Street, PARAP in the Northern Territory 0820 am the President of the Northern Territory Branch of the Police Federation of Australia and am authorised to give this notice of particulars of alterations to the rules of the Northern Territory Branch of the Police Federation of Australia and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the Northern Territory Branch of the Police Federation of Australia.
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
 - (a) A draft proposed amended copy of the Rules were circulated to all Chairpersons and Secretaries of the Zone Branches of the Organisation.
 - (b) The President called for a Special Branch Conference.
 - (c) The President sent notice to delegates on 11 September 2018 which set out the time, date and place of the Special Branch Conference, the business to be dealt with by the Special Branch Conference, the circumstances in which the Special Conference was convened and included a copy of the proposed rule changes, which is attached to this declaration.
 - (d) The Special Branch Conference was held on the 25 September 2018.
 - (e) 25 delegates attended the Special Branch Conference. The current number of delegates allowed to vote at a Special Branch Conference is 40. As such the Special Branch Conference was quorate.
 - (f) 25 delegates voted in support.
 - (g) No delegates voted against.
 - (h) As such, the motion to amend the Rules as per the attached rule alterations.
4. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.



Paul Damien McCue
President

25 September 2018

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

SCHEDULE A

This is the copy of the Amended Rules referred to in the Declaration.

PART CD - NORTHERN TERRITORY POLICE BRANCH

52DA - BRANCH EXECUTIVE

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

Transitional Arrangements

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

52DB - POWERS AND DUTIES OF BRANCH EXECUTIVE

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

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

52DC - MEETINGS OF BRANCH EXECUTIVE

- (1) (a) Ordinary meetings of Branch Executive may be held each month except January, or at such other times as may be found expedient.

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

52DD - BRANCH PRESIDENT

The Branch President shall-

- (a) be the Chief Executive Officer of the Branch who shall administer the affairs of the Branch in accordance with these rules and directions given to him/her by the Branch Executive;
- (b) have the authority to act for and on behalf of the Branch Executive in any matter of such urgency that the Branch Executive cannot be responsibly convened, but shall report the full circumstances of such action to the Branch Executive at the first available opportunity;
- (c) have the general control and supervision of the employees and agents of the Branch and may suspend any employee or agent for misconduct or neglect of duty until the next meeting of the Branch Executive and appoint a substitute for the time being in the place of the person so suspended;
- (d) present a written report to each Branch Annual Conference dealing generally with the position of the Branch and the proceedings of the Branch Executive;

- (e) be a member of any advisory sub-committee of the Branch Executive;
- (f) (not certified)
- (g) keep or caused to be kept a register of the names of the officers and members of the Branch in such form as the Branch Executive may from time to time require; and
- (h) keep or caused to be kept such records and accounts and prepare and file such returns and other documents as may be required by or pursuant to the Act.
- (i) attend to correspondence for and on behalf of the Branch;
- (j) on behalf of the Branch, cause to be published a newsletter or like document setting out matters of interest to members;
- (k) cause members of the Branch Executive to be advised of the dates and times of all meetings;
- (l) cause members of the Branch Executive and sub-branches to be advised of the time, date and place of any annual or special Branch Conference in accordance with the Rules;
- (m) inform the Branch Executive of any intended absences from duty;
- (n) be paid such salary and allowances and receive such condition of service as the Branch Executive shall from time to time determine;
- (o) discharge any or all other documents as may be assigned to the Chief Executive Officer by the Branch Executive;
- (p) conduct any necessary proceedings in any Court in relation to the Branch;
- (q) exercise proper control over the management of the funds of the Branch;
- (r) be deemed a Branch Delegate to Federal Council as a result of the appointment as Branch President.

52DE - BRANCH VICE-PRESIDENTS

The Branch Vice Presidents shall-

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

52DF - BRANCH TREASURER

The Branch Treasurer shall-

- (a) Have charge of the bank books and statements of the Branch and submit to the Branch Executive all accounts for payment;
- (b) Receive and issue proper receipts for any and all moneys due to the Branch and pay same into any such bank or other financial institution as approved by the Branch Executive;

- (c) Prepare and furnish all returns required by any Act or regulations;
- (d) Keep a register of names of Financial Members of the Branch;
- (e) Act on the advice of the President on any matter between the Executive Meetings;
- (f) Present to each regular meeting of the Branch Executive a Statement of Receipts and Payments for the preceding period;
- (g) Present to each Branch Annual Conference an audited Statement of Income and Expenditure and a Balance Sheet;
- (h) Monitor compliance by all office holders and members with bylaws relating to financial controls and report any discrepancies to the Branch Executive.

52DG - BRANCH CONFERENCE

- (1) The Annual Conference or a Special Conference of the Branch shall advise the Executive on all matters listed as agenda items to be considered at the Annual Conference or a Special Branch Conference.
- (2) The Annual Conference shall be held once each year, at a time, date and place determined by the Branch Executive.
- (3) A special Branch Conference may be convened by-
 - (a) the Branch President; or
 - (b) the Branch Executive provided that two thirds of the members of the Branch Executive vote in favour of convening a special Branch Conference.
- (4) A special Branch Conference shall be convened by the Branch President on receipt from a majority of Zone branches of resolutions calling for a special Branch Conference.
- (5) A special Conference shall be held within 30 days of the decision of the Branch President or the Branch Executive or from the receipt of the resolutions referred to in sub-rule (4).
- (6) Notice of the special Branch Conference shall be given to all Zone branches and members of the Branch Executive at least 7 days prior to the commencement of the Special Branch Conference. The notice shall set out
 - (a) the time, date and place of the special Branch Conference;
 - (b) the business to be dealt with by the special Conference; and
 - (c) the circumstances in which the special Conference was convened.
- (7) A quorum for a Branch Conference shall be one half of the number of members entitled to attend the Branch Conference.
- (8) A notice of motion may be moved at the Branch Annual Conference by -
 - (a) the Branch Executive;

- (b) a delegate;
 - (c) a Zone Branch provided that a meeting of the one Zone Branch has approved the notice of motion and the notice of motion is submitted to the Branch President at least 60 days before the first day of the Annual Conference.
 - (d) A vote on a notice of motion by the Branch Annual Conference or a special Branch Conference is not binding upon the Executive in the performance of their duties in the governance of the Branch but shall be taken into consideration by the Executive in any determination taken on any issue concerning the operation and obligations of the Branch.
- (9) The Branch Conference shall be comprised of:
- (a) members of the Branch Executive; and
 - (b) delegates from the Zone Branches.
- (10) The number of delegates representing each Zone Branch shall be determined in accordance with the following formula:
- | Number of Members | Number of Delegates |
|-------------------|---------------------|
| 50 or less | 1 |
| 51 to 150 | 2 |
| 151 to 300 | 3 |
| 301 to 800 | 4 |
- (11) Where a Branch is entitled to send a single delegate to the Annual Conference that delegate will be the Chairperson or Secretary unless they are unable or decline to attend the Conference, or by reason of other office held in the Association they are to attend that Conference in the capacity of that other office.
- (12) Where the Branch is entitled to send more than one delegate, two of the delegates will be held by the Chairperson and Secretary unless they are unable or decline to attend the Conference, or by reason of other office held in the Association they are to attend that Conference in the capacity of that other office.

52DH - BRANCH AUDITOR

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

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

- (e) have the power to place before the Branch President any suggestion he/she may have concerning the financial affairs of the Branch.

52DI - BRANCH FUNDS AND PROPERTY

- (1) The funds and property of the Branch shall consist of:
 - (a) Any real or personal property of which the Branch Executive by these Rules or by an established practice not inconsistent with these Rules, has or, in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;
 - (b) The amounts of fees, subscriptions and levies payable to the Branch Executive pursuant to these Rules less so much of the amounts as is payable by the Branch to the Federal funds as defined;
 - (c) Any interest, rents, dividends or other income derived from the investment or use of Branch funds or property;
 - (d) Any superannuation or long service leave or other funds operated or controlled by the Branch as a whole in accordance with these Rules for the benefit of its officers or employees;
 - (e) Any sick pay funds, accident pay funds, funeral fund or like funds operated by the Branch as a whole in accordance with these Rules for the benefit of its members;
 - (f) Any property acquired wholly or mainly by expenditure of moneys of such funds and property or derived from other assets of such funds and property; and
 - (g) The proceeds of any disposal of parts of such funds and property.
- (2) The funds and property of the Branch shall be controlled by the Branch Executive which shall have power to expend the funds of the Branch for the purposes of carrying out the objects of the Federation.
- (3) All expenditure from the Branch funds shall be by cheque and be authorised by the Branch Executive.
- (4) All cheques or drafts upon funds of the Branch shall be signed by any two of the Office Bearers.
- (5) The financial year of the Branch shall commence on 1 May and end on 30 April.

52DJ - ARBITRATION PROCEEDINGS AND INDUSTRIAL AGREEMENTS

Subject to paragraph 15 and Rule 28:

- (a) The Branch Executive shall have power and authority to lodge or file any claims, demands, disputes or other matters with the Industrial Relations Commission or such other Court or body (other than an industrial tribunal established under a law of the Northern Territory) as it may be necessary to file the claim, demand, dispute or other matter for determination;

- (b) The Branch President shall have discretionary power to lodge or file claims, demands, disputes or any other matter provided that any use of such discretionary power shall be ratified by the Branch Executive at its first meeting next following; and
- (c) The Branch may be represented at the hearing of any such claim, demands, dispute or matter by such persons as the Branch Executive may decide.

52DK - AMENDMENTS TO BRANCH RULES

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

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

52DL - DELETED

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

- (1) Branch Executive, Branch Conference Members and Delegates to Federal Council may be removed from office if the Branch Executive by majority resolution of members voting finds him/her guilty, in accordance with these Rules, of misappropriation of the funds of the Branch, gross misbehaviour or gross neglect of duty or finds that he/she has ceased, according to these Rules, to be eligible to hold office.
- (2) The Branch Executive shall not take action against a member in accordance with the previous subrule unless:
 - (a) a member of the Federation has charged the person in writing and forwarded the charge to the Branch President;
 - (b) on receipt of a charge in accordance with the previous paragraph, the Branch President shall notify the person charged of the details of the charges;

- (c) the person charged shall be given not less than 14 days notice in writing of the time and place of the Branch Executive meeting at which the charge is to be heard and determined; and
 - (d) a person who is charged shall be entitled to attend the meeting of the Branch Executive considering the charge and be heard but shall not be entitled to vote at the meeting.
- (3) The Branch Executive may suspend from office a person charged under this Rule pending the determination of the charges for a period not exceeding 28 days.
 - (4) A person shall be ineligible to continue to hold a position elected by members of the Federation attached to the Northern Territory Police Branch if that person becomes of unsound mind or ceases to be a financial member of the Federation.

52DN - SUB-BRANCHES

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

52DO - ELECTIONS

- (1) The Australian Electoral Commission shall conduct elections for offices in the Northern Territory Police Branch provided that the Branch Executive may apply to the Industrial Registrar for an exemption from the requirement that the Australian Electoral Commission conduct the election.
- (2) For the purposes of conducting elections within the Branch there shall be

- (a) a Branch Returning Officer who shall conduct elections for positions on the Branch Executive, for delegates to Federal Council and for positions within Zone Branches where a secret postal ballot is required; and
 - (b) a Zone Branch Returning Officer who shall conduct elections within Zone Branches for offices where a secret postal ballot is not required.
- (3) The Branch Returning Officer and the Zone Branch Returning Officer shall be appointed by the Branch Executive and shall not be employed by the Branch, or the holder of an office in or an employee of the Federation or a Branch or Sub-Branch of the Federation.
- (4) A Branch Returning Officer or Zone Returning Officer shall have the authority to appoint such Assistant Returning Officers as are necessary for the proper conduct of elections and ballots.
- (5) The Branch Returning Officer or Zone Branch Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of his/her finding a defect in any nomination he/she shall before rejecting the nomination notify the person concerned of the defect, and, where practicable to do so, give the person concerned the opportunity of remedying the defect where practicable within not less than seven days of the person concerned having been so notified.
- (6) An Assistant Returning Officer shall, in the absence of the Returning Officer, have the same powers, duties and responsibilities of the Returning Officer.
- (7) An unfinancial member of the Federation shall not be entitled to be nominated for a position, nominate another person for a position or vote in an election within the Branch.
- (8) Any candidate may appoint a scrutineer who is a financial member of the Federation attached to the Branch to represent him/her at the ballot. The candidate appointing the scrutineer shall notify the Branch Returning Officer in writing of the name of the scrutineer, who:
 - (a) shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Branch Returning Officer shall have final determination of any votes so queried;
 - (b) shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election; and
 - (c) shall not interfere with or attempt to influence any member at the time the member is casting his/her vote.
- (9) A candidate in a ballot shall not be entitled or permitted to:
 - (a) act as a scrutineer for another candidate in the ballot;
 - (b) be present where a ballot is taking place except to cast a vote;
 - (c) be present in the place where the ballot is counted; or
 - (d) take part of the presentation, distribution, collection or counting of ballot papers.
- (10) Elections at Zone Branches
 - (a) Elections at Zone Branches shall be conducted in accordance with this subrule.

- (b) (i) In the month of October each election year, the Zone Branch Returning Officer shall call for nominations for positions on the Branch Committee.
- (ii) The Branch Returning Officer shall, cause to be published in either a newspaper circulating widely within the State, the "Police News" or Newsletter, a notice stating that he/she is about to conduct elections for the offices of Zone Branch Committee(s).
- (iii) The notice referred to in the previous paragraph shall set out the title of the office or offices, the form in which nominations are to be made, the place for lodging nominations and the times and dates of the opening and closing of the period for lodging nominations and invite nominations from financial members eligible for election to the office or offices listed.
- (iv) The Zone Branch Returning Officer shall determine the times and dates for the opening and closing of nominations having regard to:-
 - (A) the expiration of the term of office of the holder of the office;
 - (B) the time required to lodge nominations;
 - (C) the time required to complete the election; and
 - (D) the electoral roll of members will close seven (7) days before the calling of nominations
- (v) The Zone Branch Returning Officer shall determine the place for lodging nominations of candidates for election.
- (vi) A nomination must be signed by the nominee and 2 members of the Federation qualified to nominate a candidate for the office.
- (c) Nominees and Nominators in connection with an election at a Zone Branch must be Members of that Zone Branch.
- (d) In respect of any position, if there is only one nomination, then the Zone Returning Officer shall declare the nominee elected.
- (e) In the event of a ballot being necessary, the Branch Returning Officer shall conduct a secret postal ballot in accordance with the provisions of sub-rule 12 of this rule.
- (f) The Branch Returning Officer shall conduct a draw for positions on the ballot paper. The Branch Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply provided that in the event of his/her finding a defect in any nomination he/she shall before rejecting the nomination, notify the person concerned of the defect, and, where practicable to do so, give the person concerned the opportunity of remedying the defect where practicable within not less than 7 days of having been so notified.
- (g) The Branch Returning Officer shall make a declaration of the result of the election to the Branch Committee and the Zone Branch Committee and shall submit to those Committees a full report of the ballot indicating the number of ballot papers printed, the number distributed, and the number on hand and any other relevant matters.

(11) Elections of Executive Members

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

(12) Conduct and Issue of Postal Ballots

- (a) As soon as practicable after the date determined under sub-rule (11) of this rule for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue, by posting by pre-paid post, to each person whose name is on the roll and at the address shown on the roll, a ballot paper and the other ballot material in a sealed envelope.

- (b) The envelope shall contain:
 - (i) a ballot paper initialled by the Returning Officer or bearing a facsimile of those initials;
 - (ii) a declaration envelope, and another envelope in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations, and
 - (iii) facility for the return of the completed ballot paper by post by the voter without expense to the voter.

(12A) Form of Ballot Paper:

- (a) The ballot paper for an election for an office shall be in a form that is determined by the Returning Officer.
- (b) The full names of candidates, for election for an office shall appear on the ballot paper for that election, shall have been drawn by ballot, at the close of the nominations or, in relation to candidates whose family names are identical, in the alphabetical order of their first or given names.
- (c) The Returning Officer shall include on the ballot paper information and instructions to the voter that is substantially in accordance with the following form:
 - (i) the title of the offices to which the election relates;
 - (ii) the time and date of the close of the ballot;
 - (iii) how to mark the ballot paper in order to record a formal vote;
 - (iv) not to put on the ballot paper any mark or writing by which the voter can be identified;
 - (v) to place the ballot paper, when completed, in the declaration envelope and then to seal that envelope;
 - (vi) to complete the details on the declaration envelope; and
 - (vii) to place the declaration envelope in the envelope addressed to the Returning Officer, and then to seal the envelope addressed to the Returning Officer and post it to reach the Returning Officer before the time of the close of the ballot.
- (d) The Returning Officer shall obtain from the printer of the ballot papers a certificate stating the number of ballot papers printed in respect of the election.

(12B) Issue of Duplicate Ballot Paper or Return Envelope:

- (a) Where on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper or return envelope issued to a person whose name is on the electoral roll, has not been received or has been lost, destroyed or spoilt, the Returning Officer shall issue to that person a duplicate ballot paper, or return envelope, as the case may be.
- (b) An application by a person for a duplicate ballot paper, or return envelope, for an election, shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the election and shall, if practicable, be

accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.

(13) Conduct and Counting of Ballots

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

(14) Election of Branch Delegates to Federal Council

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

Extraordinary Vacancies

- (i) Where an extraordinary or casual vacancy (howsoever occurring) in an office of any Officer of the Branch (other than the office of Branch President), ordinary member of the Branch Executive or Branch delegate to the Federal Council, the Branch Executive shall take immediate action to have such vacancy filled provided that:-
 - (a) where the unexpired portion of the term of office in which the vacancy occurs does not exceed three-quarters of the term, the Branch Executive may fill such vacancy by appointment of an eligible member of the Federation; and the

person so appointed shall hold office for the remainder of the term in which the vacancy occurred, or

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

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

52DP - TRANSITIONAL PROVISIONS - NORTHERN TERRITORY POLICE BRANCH

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