

# Form F68—Application for Consent to the Alteration of Eligibility Rules of an Organisation

IN FAIR WORK AUSTRALIA

*FWA use only*

FWA Matter No.:

## APPLICATION FOR CONSENT TO THE ALTERATION OF ELIGIBILITY RULES OF AN ORGANISATION

*Fair Work (Registered Organisations) Act 2009*  
*Fair Work (Registered Organisations) Regulations 2009—paragraph 121(1)(b)*

### Applicant Organisation

<b>Name:</b>	Police Federation of Australia	<b>ABN:</b>	31 384 184 778
<b>Address:</b>	Level 1, 21 Murray Crescent		
<b>Suburb:</b>	GRIFFITH	<b>State:</b>	ACT
		<b>Postcode:</b>	2603
<b>Contact person:</b>	Mark Burgess		
<b>Title:</b>	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> specify:		
<b>Telephone:</b>	02 6239 8900	<b>Mobile:</b>	0438 179 151
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**1. The Applicant applies for consent to the alteration of the eligibility rules of the organisation to the following:**

### 3 - ELIGIBILITY FOR MEMBERSHIP

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

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

provided that:

- (c) persons eligible for membership of the CPSU, or persons who were members of the CPSU as at 30 June 2004, shall not be eligible for membership of the Federation unless those persons are Protective Service Officers or Special Protective Service Officers in the Australian Federal Police.
1. For the purpose of this rule, “Australian Federal Police” means the Australian Federal Police constituted under the Australian Federal Police Act 1979 as amended from time to time.
  2. For the purpose of this rule “Commercial, Community Operations, Federal Operations, or Operational Support” means all Australian Federal Police work structures, functional areas and roles, and any subsequent work structures, functional areas or roles as amended from time to time.
- (ii) persons appointed to any rank, grade, classification or designation of police officer of any Police Force or Service of any State, Territory or Commonwealth Government of Australia; and/or
- (iii) Persons engaged by the Commissioner of Police in Western Australia in any capacity undertaking work currently or traditionally performed by a member of the Police Force appointed under the Police Act 1892 (WA).
- ~~(iii)~~(iv) persons undertaking training (including those persons designated or described as cadets) designed or intended to lead to service in any rank, grade, classification or designation of the positions specified above in 3(i) and 3(ii); and/or
- ~~(iv)~~(v) elected or appointed officers or employees of the Association or any Branch thereof, whether or not employees in the industry
- ~~(v)~~(vi) except as provided in 3(i), any person engaged as staff members or civilian employees in an administrative, clerical, professional, technical or support capacity, (other than in any rank, grade, classification or designation of police officer, by a Police Force, Service or Department) shall not be eligible for membership of the Association.”

**2. The particulars of the proposed alterations for which consent is sought are as follows:**

(a) That Rule 3 “Eligibility for Membership” be amended by –

(i) Inserting new Rule 3 (iii) as follows:

Persons engaged by the Commissioner of Police in Western Australia in any capacity undertaking work currently or traditionally performed by a member of the Police force appointed under the Police Act 1892 (WA)

(ii) Renumbering current Rule 3 (iii) as Rule 3 (iv)

(iii) Renumbering current Rule 3 (iv) as Rule 3 (v)

(iv) Renumbering current Rule 3 (v) as Rule 3 (vi).

### **3. The reason for the proposed alteration is as follows:**

(a) During 2007-08 the Police Federation of Australia (PFA) Executive had a number of discussions concerning national and international trends whereby traditional sworn police roles were either being altered and transferred to non sworn personnel or new roles and functions created where limited police powers were required but the role and function did not require a fully sworn police officer.

(b) In 2008 the PFA sought to amend Rule 3 (iii) in respect to Western Australia and objections were lodged by the Rail, Tram and Bus Union and the Community and Public Sector Union.

(c) The 2010 Police Federation Federal Council has sought to discontinue that application (D2008/125) and proceed with this new application. The reason for this new proposal is to broaden and clarify, in the State of Western Australia, the conditions of eligibility for membership of the PFA consistent with proposed changes to eligibility for membership of the WA Police Union of Workers, the subject of FBM 10 of 2010, currently before the Full Bench of the WAIRC.

### **4. The effect of the proposed alteration is as follows:**

(a) To broaden and clarify, in the State of Western Australia, the conditions of eligibility for membership of the PFA given the national and international trends described in paragraph 3 of this application.

### **5. Declaration**

(a) I hereby declare that the alteration was made in accordance with the rules of the Police Federation of Australia

(b) The action taken under the rules of the PFA to make the alteration was as follows:

(i) On 5 October 2010, the PFA received electronic correspondence from the PFA – Western Australia Police Branch, seeking an amendment to Rule 3 ‘Eligibility for membership’ as it applied to their Branch only.

(ii) On 6 October 2010, I had the PFA CEO send electronic notification to all PFA Federal Council delegates (Annexure 1) notifying them of the proposed rule change in accordance with PFA Rule 33(b) *“Notice of any proposal for the making of a new rule or for the adding to, amendment, rescissions or other alteration of any of these Rules shall be given in writing to each member of the Federal Council at least one month prior to the relevant meeting of the Federal Council or to the commencement of the postal ballot (as the case may be) provided that any such proposal may itself be amended when being considered by the relevant meeting”*. In that notification I had the CEO include as Attachment 1, a memo dated 9<sup>th</sup> October 2008 to 2008 PFA Council Delegates advising of a proposal to amend Rule 3 at the 2008 Council Meeting, together with Attachment 2, the 5 October 2010 electronic correspondence from the PFA – Western Australia Branch re Rule 3.

(iii) In accordance with Rule 17(b), on 21 October 2010 I had the PFA forward to each delegate to the Federal Council and to each Branch, a copy of the Agenda (Annexure 2) which included at Item 16, to be debated at 2pm on Tuesday 9<sup>th</sup> November, a notice to deal with the proposed Rule change to Rule 3. Bound to that Agenda was a copy of Annexure 1 as outlined in point (b) above.

(iv) On the 9<sup>th</sup> November 2010 the Federal Council Meeting endorsed the proposed alterations of Rule 3 “Membership”, with a full quorum as per Rule 31, by virtue of the following resolution which was carried unanimously –

*Moved*                      *Armstrong (WA)*  
*Seconded*                *Weber (NSW)*

*That application D2008/125 before Fair Work Australia, seeking a change to Rule 3 “Eligibility for Membership”, be discontinued.*

**CARRIED**

*Moved*                      *Armstrong (WA)*  
*Seconded*                *Weber (NSW)*

*That existing Rule 3 “Eligibility for Membership” be amended by:*

*Inserting new Rule 3 (iii) to read:*

*Persons engaged by the Commissioner of Police in Western Australia in any capacity undertaking work currently or traditionally performed by a member of the Police Force appointed under the Police Act 1892 (WA).*

*Amend current rule 3 (iii) to become rule 3 (iv)*

*Amend current rule 3 (iv) to become rule 3 (v)*

*Amend current rule 3 (v) to become rule 3 (vi).*

**CARRIED**

(c) I further declare that the information contained in this declaration is true and correct to the best of my belief.

## **6. Notice**

(a) A notice that this application has been lodged in Fair Work Australia has been published on the website of the Police Federation of Australia.

**Date: 20 December 2010**

**Signature or Common Seal:**

A handwritten signature in black ink, appearing to read "V. 10/10/10". The signature is written in a cursive, somewhat stylized font.