

30 July 2021

Post-election report

Police Federation of Australia

PFA - Queensland Police Branch

Scheduled election

E2020/15

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Election(s) Covered in this Report

Organisation: PFA - Queensland Police Branch
Election: Scheduled
Election Decision No/s: E2020/15

Rules

Rules used for the election: 200V: Incorporates alterations of 13 July 2021 [R2021/31]

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Roll of Voters

Based on an analysis of the register of members the Returning Officer has formed the opinion that the:

- Proportion of workplace addresses was unusually large

Total number of voters on the Roll:	11,906
Number of apparent workplace addresses:	approx.. 8,000
Number of non-current addresses:	291

Other Matters

Returning Officer actions required (Section 193): No

Signed



Michelle Carmody
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7131
30 July 2021

Attachments

A. Declaration of results for Contested Offices

Police Federation of Australia
PFA - Queensland Police Branch
DECLARATION OF RESULTS - E2020/15
Contested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Police Federation of Australia - Queensland Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	11,906
Number of voters issued with voting material	11,906
Total number of voters issued with replacement voting material	48
Total number of voting material packs issued	11,954
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	2,777
Number of declaration envelopes rejected at preliminary scrutiny (minus)	16
Number of empty declaration envelopes (minus)	4
COUNT	
Total ballot papers admitted to the count	2,757
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	291
Voting material packs not returned by voters by closing date of the ballot	8,838
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	23 %

Branch Secretary (1)

<u>Candidates</u>	<u>Final Votes</u>
WILCOX, Grant	1,136
BARNES, Mick	1,613

Total ballot papers admitted for this office	2,757
Formal Ballot papers	2,749
Informal Ballot papers	8

I declare the following elected:

- BARNES, Mick

Michelle Carmody
Returning Officer
Telephone: 03 9285 7131
Email: IEEvents@aec.gov.au
30/07/2021



DECISION

Fair Work (Registered Organisations) Act 2009
s.189—Arrangement for conduct of an election

Police Federation of Australia
(E2020/15)

MR ENRIGHT

MELBOURNE, 6 MARCH 2020

Arrangement for conduct of election.

[1] On 21 January 2020 the Queensland Police Branch (**the Branch**) of the Police Federation of Australia lodged with the Registered Organisations Commission (**ROC**) a request for an election under section 187 of the *Fair Work (Registered Organisations) Act 2009* (**the RO Act**), in terms which I acknowledge are consistent with the previous election request in E2015/279, for the following position:

Branch Secretary

[2] Having now had the opportunity to carefully review this request, I note it is clear from correspondence exchanges that the Branch does not consider its Branch Secretary to be an ‘office’ as that word is defined in section 9(1)(a) of the RO Act. If its Branch Secretary were to be an office so defined, it would not be necessary for me to determine whether the Branch has complied with section 187 of the RO Act in determining that an election is required in accordance with section 189.

[3] In my view, a plain reading of section 9(1)(a) of the RO Act raises doubt about whether a person holding the title of ‘Branch Secretary’ can hold a non-office position.

[4] To illustrate that point, the RO Act provides as follows:

9 Meaning of *office*

(1) In this Act, *office*, in relation to an organisation or a branch of an organisation means:

- (a) An office of president, vice president, secretary or assistant secretary of the organisation or branch; or
- (b) ...

[5] I consider the objectives of the RO Act concerning the efficient management of organisations to be important, I am satisfied that the term of office for this position is due to expire in the normal course of events and that an election to fill this position is due. If contrary to the above the Branch Secretary is not an office, I am satisfied for the purposes of s 189(3)(c) that the Branch has complied with s 187 in this case.

[6] Being satisfied that an election for the abovenamed non-office is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.

[7] However, I would urge the Police Federation of Australia to consider making alterations to the Branch rules which clarify whether the Branch Secretary (and accordingly the Branch Assistant Secretary) are persons holding an 'office' in accordance with section 9(1)(a) of the RO Act and I would encourage the organisation to continue its engagement with the ROC to resolve and clarify that issue.



DELEGATE OF THE COMMISSIONER

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**Police Federation
of Australia**
The National Voice of Policing

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Queensland Police Branch
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21 January 2020

Mark Bielecki
Commissioner
Registered Organisations Commission

By email: regorgs@roc.gov.au

ATTN: Chris Enright

Dear Commissioner,

Please find **enclosed** by way of lodgement:

- Prescribed Information for an Election of the Police Federation of Australia, Queensland Police Branch – Branch Conference Delegates not filled in election E2019/144;
- Prescribed Information for an Election of the Police Federation of Australia, Queensland Police Branch – Branch Conference Delegates arising from a casual vacancy; and
- Prescribed Information for an Election of the Police Federation of Australia, Queensland Police Branch – Branch Secretary.
- Notification of Change of Records required to be kept.

The elections are to be conducted in accordance with the Police Federation of Australia, Part CF2 Rules and I confirm that there are no rule changes pending that will the Part CF2 Rules.

I confirm that the Prescribed Information for the election of the Branch Secretary is lodged in accordance with section 187 of the *Fair Work (Registered Organisations) Act 2009* (Cth) as it is a position and not an office.

I **enclose** a copy of the request I will cause to be sent to the Australian Electoral Commission in accordance with section 187.

Yours faithfully

IAN LEAVERS
BRANCH PRESIDENT

PRESCRIBED INFORMATION FOR ELECTION

Section 189 of the Fair Work (Registered Organisations) Act 2009 (Cth)

Section 138 of the Fair Work (Registered Organisations) Regulations 2009 (Cth)

I am an officer of the Queensland Police Branch of the Police Federation of Australia and am authorised to sign this statement which is lodged in accordance with subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009 (Cth)*.

Each office or position for which an election is required – Recall Election

Queensland Police Branch Conference Delegate – Far Northern Region, Cluster 2
Queensland Police Branch Conference Delegate – Central Region, Cluster 9
Queensland Police Branch Conference Delegate – South East Region, Cluster 25
Queensland Police Branch Conference Delegate – South East Region, Cluster 28
Queensland Police Branch Conference Delegate – Metropolitan South Region, Cluster 42

Each office or position for which an election is required – Casual Vacancy Election

Queensland Police Branch Conference Delegate – Headquarters and Support Region, Cluster 48

The reason for the elections

The offices for which an election is required is Cluster 3, 9, 25, 28 and 42 which offices were not filled in election E2019/144, as nominations were not received for the respective office (**Recall Election**).

The office for which an election is required is Cluster 48 which office is vacant as a result of a casual vacancy occurring (**Casual Vacancy Election**).

Electorates

One Conference Delegate will be elected by, and from, the Members of each of the respective Clusters.

Dates and time of nominations opening and closing

The Manager must fix the opening day and closing day for nominations for an office – see Part CF2, sub-rule 45(a).

The closing day must be at least 28 days after notice is given under rule 47 – see Part CF2, sub-rule 45(b).

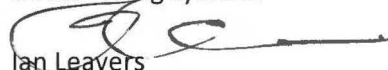
Nominations open at midday on the opening day and close at midday on the closing day – see Part CF2, sub-rule 45(c).

Day provided for in the rules as the day on which the roll of voters is to be closed

30 days before the starting time for nominations – see Part CF2, sub-rule 43(a)(iii) and rule 52.

Voting system

Direct voting system.



Ian Leavers
Branch President
Queensland Police Branch
Police Federation of Australia

PRESCRIBED INFORMATION FOR ELECTION

Section 187 of the Fair Work (Registered Organisations) Act 2009 (Cth)

I am an officer of the Queensland Police Branch of the Police Federation of Australia and am authorised to sign this statement which is lodged in accordance with subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009 (Cth)*.

Each office or position for which an election is required

Queensland Police Branch – Branch Secretary

The reason for the elections

The term of the position has expired or is due to expire in the normal course of events.

Rules

The election is to be conducted in accordance with the Police Federation of Australia, Part CF2 Rules. There are no rule changes pending that will affect this election.

Electorates

The Branch Secretary will be elected by, and from, the members (of the Branch who are financial in accordance with the Part CF2 rules), the Branch Secretary and the Branch Assistant Secretary.

Dates and time of nominations opening and closing

The Manager (the Manager of an election being the person appointed in accordance with the Act to manage and conduct an election) must fix the opening day and closing day for nominations – see Part CF2, sub-rule 45(a).

The closing day must be at least 28 days after notice is given under Part CF2 rule 47 (calling for nomination) – see Part CF2, sub-rule 45(b).

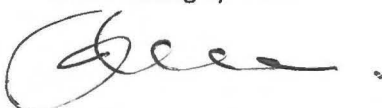
Nominations open at midday on the opening day and close at midday on the closing day – see Part CF2, sub-rule 45(c).

Day provided for in the rules as the day on which the roll of voters is to be closed

30 days before the starting time for nominations - see Part CF2, rules 43(a)(iii), 47(b)(vii) and 52(b)(i)(1).

Voting system

Direct voting system.



Ian Leavers
Branch President
Queensland Police Branch
Police Federation of Australia
Date: 21 January 2020

Notification of change to the records required to be kept in accordance with section 230 of the *Fair Work (Registered Organisations) Act 2009 (Cth)* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009 (Cth)*

I, Ian Leavers, c/o 217 North Quay, Brisbane in the State of Queensland declare:

1. I am the Branch President of the Police Federation of Australia, Queensland Police Branch.
2. I am authorised to make this notification under the Part CF2 of the Police Federation of Australia rules.
3. The names, postal addresses and occupations of the persons holding office as Branch Conference Delegates have changed.
4. I attached as **Schedule 1** and lodge the current list of names, postal addresses and occupations of the persons holding the office of Branch Conference Delegate.
5. This declaration is a correct statement of changes made to the list of the names, postal addresses and occupations of the persons holding office in the Police Federation of Australia, Queensland Police Branch.

Declared at North Quay, Brisbane on *2/* January 2020.

A handwritten signature in black ink, appearing to read 'Ian Leavers', written over a horizontal line.

Ian Leavers

Branch President

Schedule 1

List of Names, Postal Addresses and Occupations of persons holding Office

Queensland Police Branch

Date of Change	Name of Office	Name of New Office Holder	Name of Outgoing Office Holder	Postal Address	Occupation
3 January 2020	Branch Conference Delegate – Headquarters and Support Region, Cluster 48	VACANT	Marshall Bostock	c/o 217 North Quay Brisbane Qld 4000	Police officer





**Police Federation
of Australia**
The National Voice of Policing

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21 January 2020

Commissioner
Australian Electoral Commission

By email: ATTN: Chris McCormack Chris.McCormack@aec.gov.au

ATTN: Chris McCormack

Dear Commissioner,

The Part CF2 Rules of the Police Federation of Australia, Queensland Police Branch require an election to be held for the position of Branch Secretary.

The Police Federation of Australia, Queensland Police Branch requests that the AEC conduct the election in 2020.

The Prescribed Information for the Election for the position of Branch Secretary has been lodged with the Registered Organisations Commission and we **enclose** a copy for your reference.

Yours faithfully

IAN LEAVERS
BRANCH PRESIDENT