

18 January 2023

Post-election report

Police Federation of Australia
New South Wales Police Branch
Insufficient Nominations election
E2022/177

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Election(s) Covered in this Report

Organisation: PFA - New South Wales Police Branch
Election: Insufficient Nominations
Election Decision No/s: E2022/177

Rules

Rules used for the election: 200V: Incorporates alterations of 13 July 2021 [R2021/31] (replaces rulebook dated 21 June 2021 [R2021/35]).

Rules difficult to apply/interpret: N/A.

Model Rule reference (if any): N/A.

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

Signed

Lachlan Symonds
Returning Officer
Australian Electoral Commission
E: iebevents@aec.gov.au
P: 02 9375 6366
18 January 2023

Attachments

A. Declaration of Results for Contested Office



17 January 2023

Kevin Morton
Branch President
Police Federation of Australia-New South Wales Police Branch
Sent via email: info.centre@pansw.org.au



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/177

Dear Kevin Morton,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Police Federation of Australia-New South Wales Police Branch.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to regorgs@roc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](https://www.roc.gov.au).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC within 6 months](#) of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to regorgs@roc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

Questions?



Why do I need to tell you the results of the election when you've already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours sincerely

Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

Police Federation of Australia - New South Wales Police Branch

DECLARATION OF RESULTS - E2022/177

Contested Offices

Insufficient Nominations 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:

Non-Local Area Command Region Area Two

| VOTING MATERIAL ISSUED | |
|--|--------------|
| Total number of people on the roll of voters (a) | 1,086 |
| Number of voters issued with voting material | 1,086 |
| Total number of voters issued with replacement voting material | 2 |
| Total number of voting material packs issued | 1,088 |
| VOTING MATERIAL RETURNED | |
| Total number of envelopes returned for scrutiny by closing date of ballot (b) | 115 |
| Number of declaration envelopes rejected at preliminary scrutiny (minus) | 5 |
| Number of ballot papers returned outside declaration envelopes (minus) | 0 |
| COUNT | |
| Total ballot papers admitted to the count | 110 |
| LATE OR UNRETURNED VOTING MATERIAL | |
| Voting material returned as unclaimed mail by closing date of ballot | 33 |
| Voting material packs not returned by voters by closing date of the ballot | 940 |
| Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a) | 11 % |

Ordinary Member of Branch Executive (1)

| <u>Candidates</u> | <u>Final Votes</u> |
|---|--------------------|
| WOODS, Christine | 75 |
| CASEY, Ryan | 35 |
| Total ballot papers admitted for this office | 110 |
| Formal Ballot papers | 110 |
| Informal Ballot papers | 0 |

I declare the following elected:

- WOODS, Christine

Lachlan Symonds
Returning Officer
Telephone: 02 9375 6366
Email: iebevents@aec.gov.au
13/01/2023



DECISION

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

Police Federation of Australia
(E2022/177)

MR STEENSON

SYDNEY, 6 OCTOBER 2022

Arrangement for conduct of election.

[1] On 8 September 2022 the New South Wales Police Branch of the Police Federation of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following office, due to insufficient nominations received in previous elections (**E2021/196** and **E2022/132**), for the remainder of the term:

Ordinary Member of the Branch Executive from the
Non-Local Area Command Region Area Two (1)

[2] I am satisfied that an election for the abovenamed 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.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR352342

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Kevin Morton, being the President of the Police Federation of Australia NSW Police Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for Police Federation of Australia NSW Police Branch.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. Insufficient nominations were received in an earlier election(s) and the declaration/s of results is/are attached.
5. **No rule alterations** are pending that will impact the election.

Signed:



Dated: 8 September 2022

NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.

Annexure A

- Elections that are required

| Branch | Name of Office | Number required | Voting System | Reason for Election | Electorate |
|-------------------|--|-----------------|----------------------|--------------------------|---|
| NSW Police Branch | Ordinary Member of Branch Executive Non Local Area Command Region 2 | 1 | Direct Voting System | Insufficient nominations | Financial Non Commissioned Officer members of the Non Local Area Command Area 2 of the Police Federation of Australia, New South Wales Police Branch. – Rule 52EG(e)(iv)E |

- Important dates:

| | Direct Voting System | Collegiate Electoral System |
|------------------------------------|---|--|
| Nominations OPEN | To be determined by the Returning Officer – Rule 52EH(h)(ii) | Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide |
| Nominations CLOSE | To be determined by the Returning Officer Rule 52EH(h)(ii) | Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide |
| Roll of Voters cut off date | The electoral roll of members will close seven (7) days before the calling of nominations. <input type="checkbox"/> Rule 52EH(h)(ii)(a) | Insert date and reference the relevant rule |

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#).