



DECISION

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

Police Federation of Australia
(E2024/196)

MR STEENSON

SYDNEY, 21 JANUARY 2025

Arrangement for conduct of election.

[1] On 23 December 2024 the Northern Territory Police Branch of the Police Federation of Australia (**the Branch**) lodged with the Fair Work Commission (**the Commission**) prescribed information for an election to fill the following offices for a new term of office:

Senior Vice President	(1)
Treasurer	(1)
Branch Executive Members	(5)

[2] The prescribed information foreshadows that the Branch intends to make applications for rule changes under section 159, and applications for exemptions under subsections 144(2) (postal ballot exemption) and 183(1) (elections conducted by the Australian Electoral Commission (AEC) exemption) of the *Fair Work (Registered Organisations) Act 2009* (**RO Act**). The prescribed information also stated that if the exemption applications were to be granted, the Branch would withdraw the prescribed information for this scheduled election **E2024/196**.

[3] On 15 January 2025, Commission staff enquired about the status of the foreshadowed applications. On 16 January 2025, the Branch confirmed that, to date, no applications have been lodged, and the Branch then sought to meet with Commission staff to further discuss the process involved in such applications.

[4] In the previous scheduled election for these same offices (**E2020/211**), the prescribed information lodged on 1 December 2020 also contained a similar statement about the Branch's apparent desire to lodge exemption applications under subsections 144(2) and 183(1), and that if the Branch was successful in its applications, it would withdraw the prescribed information for that election. Ultimately no application was forthcoming.

[5] Branch Rule 52DO(11)(b)(ii) specifically provides that for elections of the Branch Executive Members, nominations shall open '*as near as practicable to the 1st day of March*' in

the election year.¹ The first day of March for 2025 is a Saturday, therefore, nominations for this election (**E2024/196**) are due to open on Monday, 3 March 2025.

[6] While the prescribed information foreshadows the making of applications for exemption from postal ballots and AEC-conducted elections, in practical terms the minimum timeframe for dealing with such an application would put it well beyond the date on which nominations are due to open under the rules.

[7] By way of example, every application under section 183(1) for an exemption from AEC-conducted elections requires the publication of a notice setting out details of the application in a newspaper,² with a notice period of at least 28 days, and period for the lodging of objections and responses.³ Such timeframes, together with the requirement on the Commission to fix a time and place for hearing of the application and any objections,⁴ would put the application process beyond the opening date for nominations – even if the exemption applications and associated rule changes had been lodged today.

[8] I have accordingly issued this election decision without waiting for the lodgement of the foreshadowed applications.

[9] However, the Commission is committed to assisting the Branch in any applications that it may make in due course. Commission staff are therefore engaging with the Branch with a view to providing detailed advice and assistance about the process, including examples of decisions issued in applications made by other organisations, which are available on the Commission’s website.⁵

[10] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the RO Act, I am making arrangements for the conduct of the election by the AEC.



DELEGATE OF THE GENERAL MANAGER

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¹ Rulebook R2024/147.

² Subsection 183(4) exemption requires the General Manager to publish a notice setting out details of the application for the purpose of bringing the notice to the attention of members of the organisation or branch concerned, and Regulation 134 of the Fair Work (Registered Organisations) Regulations 2009 (**RO Regulations**) requires publication of the notice in at least one newspaper within 14 days of the application being lodged.

³ Regulation 135 of the RO Regulations, in respect of objections made under section 184(1) of the RO Act.

⁴ Regulation 136 of the RO Regulations, in respect the requirement to hold a hearing in respect of an exemption application

⁵ For example, Finance Sector Union [2023] FWCD 1033, available at https://regorgs.fwc.gov.au/sites/default/files/2023-05/036N_E2023-48.pdf



NORTHERN TERRITORY
POLICE ASSOCIATION

Working together to protect our future



Police Federation
of Australia

20 December 2024

General Manager
Fair Work Commission Registered Organisations office

Via email: regorgs@fwc.gov.au

Our Ref: 003/24

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

I, NATHAN LEIGH FINN, being the President of the Police Federation of Australia, Northern Territory Branch of Suite 209, 12 Salonika Street Parap in the Northern Territory of Australia make the following statement:

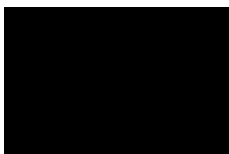
I am authorised to sign this statement containing prescribed information for the Police Federation of Australia, Northern Territory Branch.

The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The elections that are required are set out in the table in Annexure A.

Please note that the Police Federation of Australia Northern Territory Branch intends to make applications for rule changes under section 159 exemptions under section 144(2) (postal ballot exemption) and section 183(1) (AEC exemption) of the *Fair Work (Registered Organisations) Act 2009 (Cth)* in relation this election. If the Police Federation of Australia Northern Territory Branch is granted those exemptions, it will withdraw the prescribed information provided in this correspondence.

Yours Sincerely,



Nathan Finn
President

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Annexure A

- Elections that are required:

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
NT	Senior Vice President	1	Direct Voting System	Scheduled	Financial members of Police Federation of Australia, Northern Territory Branch
NT	Treasurer	1	Direct Voting System	Scheduled	Financial members of Police Federation of Australia, Northern Territory Branch
NT	Branch Executive Members	5	Direct Voting System	Scheduled	Financial members of Police Federation of Australia, Northern Territory Branch

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	Monday 3 March 2025 (Rule 52DO(11)(b)(ii))	N/A
Nominations CLOSE	Monday 31 March 2025 (Rule 52DO (11)(c)(i))	N/A
Roll of Voters cut off date	Monday 24 February 2025 (Rule 52DO (11)(b)(iii))	N/A