



19 July 2017

Mr Gabe Doyle
Secretary
Police Association Salaried Officers Union of New South Wales
gabe.doyle@pansw.org.au

Dear Mr Doyle,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices for Committee of Management [E2017/104]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Police Association Salaried Officers Union of New South Wales must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and

 - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Christine Hibberd
Registered Organisations Commission

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

Post-Election Report

Police Association Salaried Officers Union of
NSW

E2017/104



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Election(s) Covered in this Report

Election Decision No/s: E2017/104

Rules

Rules used for the election: [135N: Incorporates alternations of 13/05/2014 in matter R2013/62]

Rules difficult to apply/interpret: N/A

Module Rule reference (if any) N/A

Roll of Voters

Total number of voters on the Roll: N/A

Number of apparent workplace addresses:

Number of non-current addresses:

Other matters pertaining to the roll of voters:

Irregularities

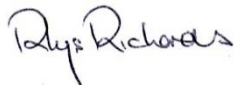
Details of written allegations of irregularities, and action taken by AEC:

Other irregularities identified, and action taken:

Other Matters

Attachments

- 1) Declaration of result (1)



Rhys Richards
Returning Officer

17 July 2017

Police Association Salaried Officers Union of New South Wales

Declaration of Results for Uncontested Offices

E2017/104

Below are 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.

New South Wales

President

Candidates

BEAR, Tony

Vice President

Candidates

POPE, Sarah

Secretary

Candidates


DOYLE, Gabe

Treasurer

Candidates

BRETT, Courtney

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Rhys Richards
Returning Officer

12 July 2017



DECISION

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

Police Association Salaried Officers Union of New South Wales (E2017/104)

MR ENRIGHT

MELBOURNE, 25 MAY 2017

Arrangement for conduct of election.

[1] On 10 May 2017 the Police Association Salaried Officers Union of New South Wales lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Committee of Management

President	(1)
Vice President	(1)
Secretary	(1)
Treasurer	(1)

[2] 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 *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

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From: Gabe Doyle <Gabe.Doyle@pansw.org.au>
Sent: Wednesday, 10 May 2017 11:30 AM
To: ROC - Registered Org Commission
Cc: GALLICHIO, Sam; Tony Bear; Sarah Pope; Courtney Brett
Subject: Matter E2017/104 PASOUNSW Prescribed Information for an election
Attachments: PASOUNSW PI for Election 10.5.2017.pdf

Dear Sir/Madam

Please find attached the Prescribed Information required to call an Election for the Committee of Management of the Police Association Salaried Officers Union of NSW. Please do not hesitate to contact me should you wish to discuss or clarify.

Kind Regards

Gabe Doyle
Secretary, PASOUNSW
Email: gabe.doyle@pansw.org.au
Phone: 02 9265 6729

Mr Chris Enright
Executive Director, Office of the Registered Organisations Commissioner
Registered Organisations Commission
GPO Box 2983
Melbourne VIC 3001

By email

Dear Sir

RE E2017/104 notification pursuant to Subsection 189 (1) of the Fair Work (Registered Organisations) Act 2009 Re: An Election

I refer to the above matter and enclose copies of the following:

1. Prescribed Information in Respect of an Election.
2. Statement in accordance with Subsection 189 (1) of the Act.

I trust that these are in order.

Yours faithfully



Mr Gabe Doyle
Secretary

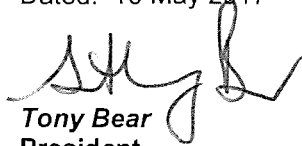
Police Association Salaried Officers Union of NSW
c/o Level 4/154 Elizabeth St Sydney
P.O. Box A1097 Sydney South NSW 1232
02 9265 6729

**STATEMENT IN ACCORDANCE WITH
SUBSECTION 189 (1) OF THE ACT**

I, Anthony David Bear, President, hereby state that I am authorised to lodge the prescribed information in accordance with subsection 189 (1) of the Act on behalf of the Police Association Salaried Officers Union of New South Wales.

I say that the information lodged is in accordance with subsection 189 (1) of the Act.

Dated: 10 May 2017



Tony Bear
President

Fair Work (Registered Organisations) Act, 2009

Registered Organisations Commission

**STATEMENT IN ACCORDANCE WITH
SUBSECTION 189 (1) OF THE ACT**

The Police Association Salaried Officers Union of NSW, hereby gives notice as follows:

a) In accordance with rule 40 an election is required for the offices of the Committee of Management. Specifically the positions of President (1), Vice President (1), Secretary (1) and Treasurer (1). The period of office intended to be filled via the elections is the full term of office of 2 years in accordance with our rule 36.

b) The election is required as scheduled, the terms of office for the positions will expire on 31 May 2017 in the normal course of events.

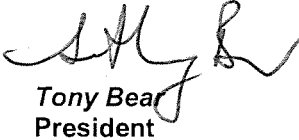
c) The electorate comprises only financial members of the Police Association Salaried Officers Union of NSW. Rule 40 (j).

e) The electoral roll of members will close seven (7) days before the Returning Officer gives notice that nominations are required. Rule 39.

f) The returning officer shall determine the dates for the opening and closing of nominations and the opening and closing of the ballot in accordance with the procedures under our Rule 40.

f) The kind of voting system to be used in the conduct of the election is a direct voting System. Rule 40.

Dated: 10 May 2017



Tony Bear
President



Australian Government

Registered Organisations Commission

10 May 2017

Mr Gabe Doyle
Secretary
Police Association Salaried Officers Union of New South Wales

Sent via email: gabe.doyle@pansw.org.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Doyle,

Election Overdue

We refer to our courtesy letter dated 4 April 2017 which reminded you of your obligation to lodge the prescribed information in relation to the impending election for offices within the organisation. According to the rules of the organisation, the calling of nominations for the election appears to commence in the month of July.

It is noted that the prescribed information for your organisation's election has not been lodged with the Registered Organisations Commission (the ROC) as at the date of this letter, which was due two months before nominations open for the election. Neither has an application been made to the Commissioner seeking a later date for lodgement of your organisation's prescribed information under the *Fair Work (Registered Organisations) Act 2009* (the 'Act') and the *Fair Work (Registered Organisations) Regulations 2009*. It therefore appears that your organisation is now in breach of s.189(2) of the Act.

Accordingly, it is requested that your organisation lodge the required prescribed information for election of Committee of Management (Office-Bearers) within fourteen days (14) of the date of this letter. Should the relevant prescribed information not be received within this time, the matter will be referred to the Commissioner for determination of the further action to be undertaken. **This may include applying under s.310(1) of the Act to the Federal Court of Australia for a pecuniary penalty order.**

We strongly encourage you to lodge the required documents electronically to regorgs@roc.gov.au quoting [E2017/104]

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sam Gallichio', written in a cursive style.

Sam Gallichio
Adviser
Registered Organisations Commission



4 April 2017

Mr Gabe Doyle
Secretary
Police Association Salaried Officers Union of New South Wales
Sent via email: gabe.doyle@pansw.org.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Doyle,

Courtesy Letter - Election for offices [E2017/104]

The rules of the Police Association Salaried Officers Union of New South Wales indicate that an election for offices within the organisation is due to commence shortly.

- Committee of Management (Office-bearers)

It appears that nominations for the election for the above-named offices open in July this year

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Fair Work Commission (the Commission) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the Commission know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <https://www.fwc.gov.au/registered-organisations/fact-sheets-templates-webinars>.

The prescribed information should be emailed to orgs@fwc.gov.au. If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the General Manager within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the General Manager will consider such an application, there is no assurance that consent to a later day will be allowed.

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The Commission intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the Commission cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2017/104]

Should you seek any clarification in relation to the above, please contact the Commission on orgs@fwc.gov.au.

Yours sincerely,



Sam Gallichio
Adviser
Regulatory Compliance Branch