

14 December 2021

Post-Election Report

Police Federation of Australia

PFA - Australian Federal Police

Association Branch

Scheduled Election

E2021/38

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Election(s) Covered in this Report

Organisation: PFA - Australian Federal Police Association Branch
Election: Scheduled
Election Decision No/s: E2021/38

Rules

Rules used for the election: 200V: Incorporates alterations of 21 June 2021 [R2021/35] Note: Also includes alterations certified on 12 April 2021 [R2020/195] which were inadvertently not included in this rulebook when it was published on 21 June 2021.
(replaces rulebook dated 14 September 2020 [R2020/90])

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/

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.
- Rules specifying the method of lodgement of nominations were set aside as the AEC holds concerns that the coronavirus pandemic will impact on the ability for potential candidates to nominate. Instead nominations will be received electronically, via email/the AEC's portal.

Signed

Tiffany Nguyen
Returning Officer
Australian Electoral Commission
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P: 02 9375 6395
14 December 2021

Attachments

A. Declaration of results for Uncontested Offices - AFPA

B. Declaration of Results for Contested Offices - AFPA

Police Federation of Australia
Australian Federal Police Association Branch
DECLARATION OF RESULTS - E2021/38
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:

Community Policing Zone

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	825
Number of voters issued with voting material	825
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	825
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	141
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	140
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	29
Voting material packs not returned by voters by closing date of the ballot	655
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	17 %

Zone Convenor (1)

Candidates	Final Votes
PAVLOVICH, Ellanor	36
O'SULLIVAN, Bridget	103
Total ballot papers admitted for this office	140
Formal Ballot papers	139
Informal Ballot papers	1

I declare the following elected:

- O'SULLIVAN, Bridget

Zone Workplace Delegate (7)

<u>Candidates</u>	<u>Final Votes</u>
HOULIHAN, Luke	125
POWER, David	130
BYRNE, Jason	120
SIMOES, Diana	125
OWENS, Ben	114
HUNTER, Brent	66
PAVLOVICH, Ellanor	81
O'SULLIVAN, Bridget *	
ASHTON, Mark	121

* Candidate has been elected to a higher position

Total ballot papers admitted for this office	140
Formal Ballot papers	138
Informal Ballot papers	2

I declare the following elected:

- POWER, David
- BYRNE, Jason
- OWENS, Ben
- SIMOES, Diana
- PAVLOVICH, Ellanor
- HOULIHAN, Luke
- ASHTON, Mark

New South Wales Zone

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	418
Number of voters issued with voting material	418
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	418
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	52
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	52

LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	15
Voting material packs not returned by voters by closing date of the ballot	351
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	12 %

Zone Convenor (1)

<u>Candidates</u>	<u>Final Votes</u>
READ, Luke	41
WATTS, Nathan	11

Total ballot papers admitted for this office	52
Formal Ballot papers	52
Informal Ballot papers	0

I declare the following elected:

- READ, Luke

Western Australia Zone

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	167
Number of voters issued with voting material	167
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	167
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	44
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	43
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	10
Voting material packs not returned by voters by closing date of the ballot	113
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	26 %

Zone Convenor (1)

<u>Candidates</u>	<u>Final Votes</u>
WESTHEAD, Mal	21
GUARINO, Eric	22
Total ballot papers admitted for this office	43
Formal Ballot papers	43
Informal Ballot papers	0

I declare the following elected:

- GUARINO, Eric

Tiffany Nguyen
Returning Officer
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07/12/2021



Police Federation of Australia
Australian Federal Police Association Branch
DECLARATION OF RESULTS - E2021/38
Uncontested 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:

Canberra Zone

Zone Convenor (1)

Candidates

TONGE Mathew

Zone Workplace Delegate (6)

Candidates

GOOLEY David

Executive and International Zone

Zone Convenor (1)

Candidates

No Nominations Received

Zone Workplace Delegate (2)

Candidates

QUINN Andrea

Forensics Zone

Zone Convenor (1)

Candidates

SCHWARTZ Joshua

Zone Workplace Delegate (1)

Candidates

GREEN Jodie

Protective Service Officers Zone

Zone Convenor (1)

Candidates

MARRIOTT Simon

Zone Workplace Delegate (4)

Candidates

GOLDRING Joel

Specialist Response Group Zone

Zone Convenor (1)

Candidates

No Nominations Received

Zone Workplace Delegate (1)

Candidates

WONG John

Intelligence Canberra Zone

Zone Convenor (1)

Candidates

No Nominations Received

New South Wales Zone

Zone Workplace Delegate (4)

Candidates

ANDREWS Aaron

MCKEOWN Cameron

SKUTHORPE Merinda

WATTS Nathan

Queensland Zone

Zone Convenor (1)

Candidates

MURPHY Tim

Zone Workplace Delegate (2)

Candidates

LAYCOCK Julian

South Australia Zone

Zone Convenor (1)

Candidates

CLARK DAVID

Western Australia Zone

Zone Workplace Delegate (1)

Candidates

WESTHEAD Mal

Northern Territory Zone

Zone Convenor (1)

Candidates

No Nominations Received

Victoria & Tasmania Zone

Zone Convenor (1)

Candidates

BRYANT Jason

Zone Workplace Delegate (4)

Candidates

BRYCE Nicholas

CASTLES Brendan

FRASER Edward

RODRIGUEZ Daniel

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

Tiffany Nguyen, Returning Officer
Telephone: 02 9375 6395
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07/12/2021





DECISION

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

Police Federation of Australia
(E2021/38)

MR STEENSON

SYDNEY, 19 APRIL 2021

Arrangement for conduct of election.

[1] On 22 March 2021 the Australian Federal Police Association Branch of the Police Federation of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch Zone Convenor and Branch Zone Workplace Delegate/s (number to be determined in accordance with the rules) for each of the following zones:

Community Policing Zone
Canberra Zone
Executive & International Zone
Forensics Zone
Protective Service Officers Zone
Specialist Response Group Zone
Intelligence Canberra Zone
New South Wales Zone
Victoria & Tasmania Zone
Queensland Zone
South Australia Zone
Western Australia Zone
Northern Territory Zone

[2] I note that the organisation's rules are such that the cut-off date for determining the number of Workplace Delegates to be elected for each Zone, by and from members of those Zones, does not occur until after the prescribed date in the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations) occurs. The prescribed date is two months before nominations open. Indeed, the cut-off date for determining the number does not occur until a future date after the issue of an election decision by the Commission.¹

¹ This same issue was addressed in [2021] ROCD 5, a decision in relation to the *Australian Salaried Medical Officers Federation* in matter E2020/222.

[3] Sub-regulation 138(3) of the Regulations requires that prescribed information for an election must be lodged by an organisation at least two months prior to the date on which nominations are to open.

[4] The organisation's rules, in particular rule 72(3) provide a formula for determining the number of Delegates in each Zone, based on the number of members in that Zone. However, rule 95(2)(c) of the organisation's rules provides that the number of Delegates is only determined after the close of the roll of voters for the election.

[5] These provisions have meant, in practice, for both the current election (**E2021/38**) and for the previous scheduled election (**E2019/73**)², that the election decision has had to be issued without listing the number of each office to be elected. While the numbers to be elected are ultimately included in the call for nominations issued by the AEC, the rules as they currently stand necessitate further work by the AEC in order for this to occur.

[6] Therefore, as part of the Commission's function of providing advice and assistance to registered organisations, I propose to separately engage with the organisation to discuss means by which the above issues may be able to be addressed before the next scheduled election is due. This was foreshadowed with the organisation on 16 April 2021.

[7] 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

Printed by authority of the Commonwealth Government Printer

PR351896

² [2019] ROCD 91

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, Adrian Graeme Smith, being the Secretary/Treasurer of the Australian Federal Police Association Branch of the Police Federation of Australia make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Federal Police Association Branch of the Police Federation of Australia.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The Zone elections that are required are set out in the table in Annexure A.
4. Rule 72(3) and 95 (2)(c) specify the formulas for determining the number of delegates required for election in each zone.
5. The formula is:

(i)	1 to 100 members:	one delegate;
(ii)	101 to 200 members:	two delegates;
(iii)	201 to 300 members:	three delegates;
(iv)	301 to 400 members:	four delegates;
(v)	401 to 500 members:	five delegates;
(vi)	501 to 600 members:	six delegates;
(vii)	601 to 700 members:	seven delegates;
(viii)	701 members and above	eight delegates
6. The information for calculating the formula is the number of members in each zone.
7. The relevant dates for this information is the closure of the roll.

Signed:



Secretary/Treasurer

Dated: 22 March 2021

Annexure A

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
<i>AFPA Branch - Community Policing Zone</i>	<i>Zone Convenor</i>	<i>1</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - Community Policing Zone</i>	<i>Zone Workplace Delegate/Council Delegate</i>	<i>7</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - Canberra Zone</i>	<i>Zone Convenor</i>	<i>1</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Proposed Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - Canberra Zone</i>	<i>Zone Workplace Delegate/Council Delegate</i>	<i>7</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - Executive & International Zone</i>	<i>Zone Convenor</i>	<i>1</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Proposed Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - Executive & International Zone</i>	<i>Zone Workplace Delegate/Council Delegate</i>	<i>2</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>

AFPA Branch Police Federation of Australia - Prescribed Information for the election of officers
Zone Convenors & Workplace Delegates

AFPA Branch - Forensics Zone	Zone Convenor	1	Direct	Scheduled	Proposed Rule 95(3A) - Zone Election Rule
AFPA Branch - Forensics Zone	Zone Workplace Delegate/Council Delegate Council	1	Direct	Scheduled	Rule 95(3A) - Zone Election Rule
AFPA Branch - Protective Service Officers Zone	Zone Convenor	1	Direct	Scheduled	Rule 95(3A) - Zone Election Rule
AFPA Branch - Protective Service Officers Zone	Zone Workplace Delegate/Council Delegate	4	Direct	Scheduled	Rule 95(3A) - Zone Election Rule
AFPA Branch - Specialist Response Group Zone	Zone Convenor	1	Direct	Scheduled	Proposed Rule 95(3A) - Zone Election Rule
AFPA Branch - Specialist Response Group Zone	Zone Workplace Delegate/Council Delegate	1	Direct	Scheduled	Rule 95(3A) - Zone Election Rule
AFPA Branch - Intelligence Canberra Zone	Zone Convenor	1	Direct	Scheduled	Rule 95(3A) - Zone Election Rule

AFPA Branch Police Federation of Australia - Prescribed Information for the election of officers
Zone Convenors & Workplace Delegates

<i>AFPA Branch - New South Wales Zone</i>	<i>Zone Convenor</i>	<i>1</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - New South Wales Zone</i>	<i>Zone Workplace Delegate/Council Delegate</i>	<i>4</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - Victoria & Tasmania Zone</i>	<i>Zone Convenor</i>	<i>1</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - Victoria & Tasmania Zone</i>	<i>Zone Workplace Delegate/Council Delegate</i>	<i>4</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - Queensland Zone</i>	<i>Zone Convenor</i>	<i>1</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - Queensland Zone</i>	<i>Zone Workplace Delegate/Council Delegate</i>	<i>2</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>
<i>AFPA Branch - South Australia Zone</i>	<i>Zone Convenor</i>	<i>1</i>	<i>Direct</i>	<i>Scheduled</i>	<i>Rule 95(3A) - Zone Election Rule</i>

AFPA Branch Police Federation of Australia - Prescribed Information for the election of officers
Zone Convenors & Workplace Delegates

AFPFA Branch - Western Australia Zone	Zone Convenor	1	Direct	Scheduled	Rule 95(3A) - Zone Election Rule
AFPFA Branch - Western Australia Zone	Zone Workplace Delegate/Council Delegate	1	Direct	Scheduled	Rule 95(3A) - Zone Election Rule
AFPFA Branch - Northern Territory Zone	Zone Convenor	1	Direct	Scheduled	Rule 95(3A) - Zone Election Rule

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	1 June 2021- Rule 95(5)(a)	NA
Nominations CLOSE	1 July 2021- Rule 95(5)(b)	NA
Roll of Voters cut off date	21 days prior to nominations opening - Rule 95(5)(e)	NA