

# Post-Election Report

## Police Federation of Australia

E2016/284



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# Election(s) Covered in this Report

Election Decision No/s: E2016/284

## Rules

Rules used for the election: [200V: Incorporates alternations of 30/11/2016  
[R2016/272]

Rules difficult to apply/interpret: None  
Module Rule reference (if any) N/A

## Roll of Voters

No contested offices

Total number of voters on the Roll:  
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 results for Uncontested Offices (2)



Rhys Richards  
Returning Officer

15 March 2017

# Police Federation of Australia Federal Officers

## Declaration of Results for Uncontested Offices

**E2016/284**

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.

### **Federal Executive**

#### **Federal President**

Candidates

CARROLL, Mark

#### **Federal Vice Presidents (2)**

Candidates

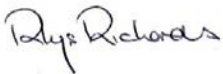
LEAVERS, Ian John  
WEBER, Scott

#### **Federal Treasurer**

Candidates

LAIRD, John

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

10 March 2017

# Police Federation of Australia Stage 1 - Federal Executive Members

## Declaration of Results for Uncontested Offices

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.

### Federal Council

#### Federal Executive Members (8)

##### Candidates

ALLEN, Patrick James  
CARROLL, Mark John  
LAIRD, John Campbell  
LEAVERS, Ian John  
MCCUE, Paul  
SMITH, Angela  
TILBURY, George  
WEBER, Scott

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



Renee Damasena  
Returning Officer  
30 January 2017



## DECISION

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

### **Police Federation of Australia** (E2016/284)

MR ENRIGHT

MELBOURNE, 7 DECEMBER 2016

*Arrangement for conduct of election.*

[1] On 1 December 2016 and 6 December 2016 the Police Federation of Australia (the organisation) lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Federal Executive Members (8)

Federal President

Federal Vice Presidents (2)

Federal Treasurer

[2] This is not the first time an election for these offices has been sought this year. Prescribed information was previously lodged by the organisation on 30 June 2016 in relation to an attendance ballot which was proposed to be conducted at the Annual Federal Council meeting scheduled to be held in New Zealand in November 2016 (E2016/172).

[3] Having regard to a range of relevant factors, including that the Australian Electoral Commission (AEC) had previously conducted similar elections for the organisation in New Zealand, on 9 August 2016 I issued a decision [[2016] FWCD 5238] under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009* (RO Act) arranging for the conduct of the election by the AEC.

[4] Following the issue of my decision, concerns were raised about the legitimacy of the AEC conducting elections for an Australian registered organisation in New Zealand.

[5] Upon subsequent review, I determined that the relevant provisions of the RO Act do not have extra-territorial effect, and therefore for an election to be validly conducted under the RO Act, it must be conducted in Australia. Once I determined that an attendance ballot under the RO Act could not validly be conducted in New Zealand, a clear implication emerged that my decision of 9 August 2016 could not be given effect by the AEC.

[6] Staff of the Commission then engaged with the organisation, which transacted rule alterations to facilitate an election by secret postal ballot in 2016. These alterations were

certified on 30 November 2016 [[2016] FWCD 8452]. The prescribed information lodged in December 2016 contemplates an election under the new rules.

[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 RO Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.

[8] For the avoidance of doubt this decision replaces [2016] FWCD 5238.



DELEGATE OF THE GENERAL MANAGER

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Police Federation  
of Australia  
The National Voice of Policing

**AMENDED PRESCRIBED INFORMATION IN RESPECT OF ELECTION  
– S.189 of the Fair Work (Registered Organisations) Act 2009**

I am an officer of the Police Federation of Australia and am authorised to sign this statement, which is lodged in accordance with s.189 of the Fair Work (Registered Organisations) Act 2009.

1. The office in respect of which the elections are required are, the election of Federal Office holders –
  - a) The election of eight (8) Federal Executive Members as per Rule 20 (a) (i) by and from members of the Federal Council as outlined in Rule 14;
  - b) The election of Federal President, two (2) Federal Vice Presidents and Federal Treasurer as per Rule 20 (a) (ii).
2. The reason for which the elections are required is that the term of office has expired. The Police Federation of Australia Federal Council met in New Zealand on 14<sup>th</sup> and 15<sup>th</sup> November 2016 and delegates carried a motion to amend the PFA Rules to allow the conduct of the 2016 Elections following certification of the new Rule 22(a), following the 2016 Federal Council meeting.
3. It is a collegiate election. The electorate for the elections are:
  - a) For the Federal Executive the electorate is the Federal Council as per Rule 20 (a) (i);
  - b) For the Federal President, Federal Vice Presidents and Federal Treasurer the electorate is the Federal Executive as per Rule 20 (a) (ii).
4. The closure of rolls for voting in the election will be as per Queensland Police Branch rule 47(b)(vii)
5. The voting system to be used in the conduct of the elections is first-past-the-post system of voting.

Mark Carroll  
President, Police Federation of Australia  
6 December 2016



# Police Federation of Australia

The National Voice of Policing

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1 December 2016

Chris Enright  
Director  
Regulatory Compliance Branch  
Fair Work Commission  
GPO Box 1994  
MELBOURNE VIC 3001

Dear Chris

**RE: Elections under S.189 of the Fair Work (Registered Organisations)  
Act 2009**

Following the Delegate's decision and Certification of the Amendment to PFA Rules (New Rule 22A), regarding the 2016 election of office holders, I seek arrangements to be made for the conduct of elections for the following officers:

Federal Executive members	(8)
Federal President	(1)
Federal Vice Presidents	(2)
Federal Treasurer	(1)

I attach a statement, signed by an officer of the organisation, providing the information required under s.189 of the Fair Work (Registered Organisations) Act 2009.

I look forward to hearing from you soon.

Yours sincerely

Mark Burgess  
Chief Executive Officer



Police Federation  
of Australia

The National Voice of Policing

**PRESCRIBED INFORMATION IN RESPECT OF ELECTION  
– S.189 of the Fair Work (Registered Organisations) Act 2009**

I am an officer of the Police Federation of Australia and am authorised to sign this statement, which is lodged in accordance with s.189 of the Fair Work (Registered Organisations) Act 2009.

1. The office in respect of which the elections are required are:  
  
The election of Federal Office holders –
  - a) The election of eight (8) Federal Executive Members as per Rule 20 (a) (i) by and from members of the Federal Council as outlined in Rule 14;
  - b) The election of Federal President, two (2) Federal Vice Presidents and Federal Treasurer as per Rule 20 (a) (ii).
2. The reason for which the elections are required is that the Federal Council met in New Zealand on 14<sup>th</sup> and 15<sup>th</sup> November 2016 and delegates carried a motion to amend the PFA Rules to allow the conduct of the 2016 Elections following certification of the new Rule 22(a), following the 2016 Federal Council meeting.
3. The electorate for the elections are:
  - a) For the Federal Executive the electorate is the Federal Council as per Rule 20 (a) (i);
  - b) For the Federal President, Federal Vice Presidents and Federal Treasurer the electorate is the Federal Executive as per Rule 20 (a) (ii).
4. The date and time that nominations open and close will be set by the Manager of the Elections.
5. The voting system to be used in the conduct of the elections is first-past-the-post system of voting.

Mark Carroll  
President, Police Federation of Australia  
1 December 2016