



# Police Federation of Australia

The National Voice of Policing

ABN 31 384 184 778

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29 October 2019

Australian Electoral Commission  
NSW State Office  
Level 10  
59 Goulburn Street  
HAYMARKET NSW 1240

To whomever it may concern

## **Police Federation of Australia (PFA) – E2019/133 Post Election Report**

I am writing in response to the email from Ishtiaq Ahmed (Returning Officer) dated 17 October 2019 which contained the Post Election Report that identified a number of rules that were difficult to interpret or apply.

A copy of the full Post Election Report has today been uploaded to the PFA website for the information of members.

The PFA Executive is scheduled to meet on 22 November 2019 and this issue has been listed for discussion at that meeting. It is our proposal that a sub-committee be formed and a full review of the PFA Rules be conducted early in the new year. This is in line with a task set in the PFA's current strategic plan. The rules that have been identified by the AEC as difficult to interpret will be addressed during the review as a priority. It should be noted that the next scheduled election of the Federation's officeholders is not scheduled until September 2021.

Please don't hesitate to contact me should you require any further information.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S. Weber', with a long horizontal line extending to the right.

Scott Weber  
Chief Executive Officer



25 October 2019

Mark Carroll  
National President  
Police Federation of Australia  
Sent via email: pfa@pfa.org.au

Dear Mark Carroll,

### **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 in matter E2019/133. 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, as soon as practicable after receiving the post-election report, 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 Federation of Australia 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.

Yours faithfully,

**Romy Kaur**  
**Registered Organisations Commission**



25 October 2019

Mark Carroll  
National President  
Police Federation of Australia  
Sent via email: pfa@pfa.org.au

Dear Mark Carroll

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2019/133**

On 17-10-2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2019/133. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular Rules 13 and 21(c) (v). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

**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 regs 141(4) and (5)).

**A written response must be provided to the AEC**

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

**Extract of report must be made available to members**

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

**Written response must be made available to members**

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- within 30 days of giving the response to the AEC:
  - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
  - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

### **Penalties may apply**

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

### **If the organisation or branch decides to alter its rules in response to the AEC's report**

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

**Romy Kaur**  
**Registered Organisations Commission**

**Police Federation of Australia**  
**DECLARATION OF RESULTS - E2019/133**  
Uncontested Offices

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**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:

**Federal Executive Members (8)**

Candidates

ARNOTT Harry  
CARROLL Mark John  
KING Anthony  
LAIRD John  
LEAVERS Ian John  
MCCUE Paul Damien  
RILEY Colin Gordon  
SMITH Angela

**Federal President (1)**

Candidates

CARROLL Mark John

**Federal Vice President (2)**

Candidates

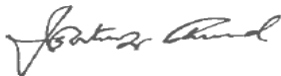
LEAVERS Ian John  
MCCUE Paul Damien

**Federal Treasurer (1)**

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.



Ishtiaq Ahmed  
Returning Officer  
Telephone: 02 9375 6331  
Email: nswelections@aec.gov.au  
18/09/2019

17 October 2019

# Post-election report

**Police Federation of Australia- E2019/133**

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# Election(s) Covered in this Report

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**Organisation:** Police Federation of Australia

Election Decision Number:

E2019/133

## Rules

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Rules used for the election:200V: Incorporates alterations of 24 May 2019 [R2019/37]

(replaces rulebook dated 8 May 2018 [R2019/26])

Rules difficult to apply/interpret: Rule 13 and Rule 21(c) (v) are contradictory in regards to holding multiple offices. Rule 13 allows a nominee to hold both the offices of Vice President and Treasurer whereas rule 21(c) (v) states that a nominee cannot be eligible to hold more than one position.

The Returning Officer recommends that this issue be resolved.

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

[https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

## Roll of Voters

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As there were no contested offices, no Roll of Voters was required.

## Irregularities

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

Other irregularities identified, and action taken: N/A

## Other Matters

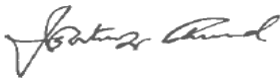
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Returning Officer actions required (Section 193): Yes

Details: The rules of the institute do not include closing time of withdrawal of nomination. The Returning Officer closed the nomination withdrawal period in line with the nomination closing time.

## Signed

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Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission  
E: Ishtiaq.ahmed@aec.gov.au  
P: 02 93756331

Date: 17/10/2019

## Attachments

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- 1) Declaration of results for Uncontested Offices



## **DECISION**

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

**Police Federation of Australia**  
(E2019/133)

MELBOURNE, 12 JULY 2019

*Arrangement for conduct of election.*

[1] On 2 July 2019 the Police Federation of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Federal Executive Member	(8)
Federal President	(1)
Federal Vice President	(2)
Federal 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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The National Voice of Policing

ABN 31 384 184 778

Level 1, 21 Murray Crescent  
GRIFFITH ACT 2603

Tel: (02) 6239 8900

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2 July 2019

Mr Mark Bielecki  
Commissioner  
Registered Organisations Commission  
GPO Box 2983  
MELBOURNE VIC 3001

Dear Mr Bielecki

**RE: 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 am writing to seek arrangements to be made for the conduct of elections for the following officers of the Police Federation of Australia:

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.

Please note that the Police Federation of Australia (PFA) 2019 Annual Federal Council meeting will be held on 18 September 2019 at The Hotel Realm in Canberra.

Finally, on 19 June 2019, proposed rule alterations were lodged with the Fair Work Commission (Matter Number R2019/74) for the purpose of extending the term of office for Police Federation of Australia officers from one to two-year terms. As soon as the proposed rule alterations are registered, an amended Prescribed Information will be submitted.

I look forward to hearing from you soon.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S. Weber', with a long horizontal line extending to the right.

Scott Weber  
Chief Executive Officer



# Police Federation of Australia

The National Voice of Policing

**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, Mark CARROLL, being the President of the Police Federation of Australia, make the following statement:

1. I am authorised to sign this statement containing prescribed information for 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 elections that are required are set out in the table in Annexure A.
4. Proposed rule alterations affecting this election have been lodged with the Fair Work Commission. The proposed alterations were lodged on 19 June 2019 (Matter Number R2019/74). The purpose of the rule alterations are only to extend the term of office for Police Federation of Australia officers from one year to two years.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:

Dated: 2 July 2019

## Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
National	Federal Executive Members	Eight (8)	Collegiate	Scheduled	Federal Council (as per PFA Rule 20(a)(i))
National	Federal President	One (1)	Collegiate	Scheduled	Federal Executive (as per PFA Rule 20(a)(ii))
National	Federal Vice Presidents	Two (2)	Collegiate	Scheduled	Federal Executive (as per PFA Rule 20(a)(ii))
National	Federal Treasurer	One (1)	Collegiate	Scheduled	Federal Executive (as per PFA Rule 20(a)(ii))

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	Not applicable	Wednesday 18 September 2019 (as per PFA Rule 21(c)(i)), at a time to be determined by returning officer, preference commencement of afternoon session
<b>Nominations CLOSE</b>	Not applicable	Wednesday 18 September 2019 (as per PFA Rule 21(c)(i)), at a time to be determined by returning officer
<b>Roll of Voters cut off date</b>	Not applicable	to be determined by returning officer