

25 February 2020

Ms Catherine Bernoth

Returning Officer – Industrial and Commercial Elections NSW State Office
Australian Electoral Commission
Level 10 59 Goulbourn Street
Haymarket NSW 2000

Email: catherine.bernoth@aec.gov.au

Post-Election Report E2019/211

I refer to your post-election report dated 20 February 2020.

I am aware that the AFPA is required to give a written response to the Report within 30 days of receipt of it, in accordance with Section 198 of the Fair Work (Registered Organisations) Act 2009 ('the RO Act').

I will ensure that the Report and this response to that Report will be provided to members by publication on the AFPA website for a minimum period of three months from 28 February 2020. Additionally, a copy of the Report and response will be made available to the Registered Organisations Commissioner.

I note your observation relating to the withdrawal of nominations.

The AFPA has a National Council meeting scheduled for 24 March 2020 the following new rule is proposed to address the issue identified:

95(5)(bA) Nominations may be withdrawn up to and including 5 working days after the time and date the Returning Officer has declared that nominations shall close. The withdrawal of such nomination shall be in the form determined by the Returning Officer and shall be signed by the nominee.

Yours Sincerely,



Adrian Smith,
Branch Secretary/Treasurer



25 February 2020

Adrian Smith
Branch Secretary Treasurer
Police Federation of Australia-Australian Federal Police Association Branch
Sent via email: adrian.smith@afpa.org.au

cc: Mark Burgess, Police Federation of Australia,
pfa@pfa.org.au

Dear Adrian Smith,

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 E2019/211. 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-Australian Federal Police Association Branch 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 sincerely

Registered Organisations Commission

20 February 2020

Post-election report

Police Federation of Australia

Australian Federal Police Association Branch

Casual Vacancy Election

E2019/211

Contents

| | |
|--|---|
| Election(s) Covered in this Report | 3 |
| Rules..... | 3 |
| Roll of Voters | 3 |
| Irregularities..... | 3 |
| Other Matters | 4 |
| Signed | 4 |
| Attachments | 4 |
| Declaration of Results for Uncontested Offices – Queensland Zone | 4 |

Election(s) Covered in this Report

Organisation: Australian Federal Police Association Branch
Election: Casual Vacancy
Election Decision No/s: E2019/211

Rules

Rules used for the election: 200V: Incorporates alterations of 24 May 2019 [R2019/37]
(replaces rulebook dated 8 May 2018 [E2019/26])

Rules difficult to apply/interpret: Nil

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

Roll of Voters

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

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

Returning Officer actions required (Section 193): Yes

Details: The rules are silent on the withdrawal of nominations therefore direction was given by the Returning Officer for nomination withdrawals to close at the time nominations close.

Signed



Catherine Bernoth
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6375
20 February 2020

Attachments

Declaration of Results for Uncontested Offices – Queensland Zone

Police Federation of Australia
Australian Federal Police Association Branch
DECLARATION OF RESULTS - E2019/211
Uncontested Offices

Casual Vacancy 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:

Queensland Zone

Zone Workplace Delegate (1)

Candidates

SLATER Peter

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

C Bernoth .

Catherine Bernoth
Returning Officer
Telephone: 02 9375 6375
Email: nswelections@aec.gov.au
05/02/2020





DECISION

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

Police Federation of Australia
(E2019/211)

MR ENRIGHT

MELBOURNE, 5 DECEMBER 2019

Arrangement for conduct of election.

[1] On 20 November 2019 the Police Federation of Australia-Australian Federal Police Association Branch lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

Zone Workplace Delegate/ National Council Delegate (1)
(Queensland Zone)

[2] I am satisfied that an election for the abovenamed office 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

PR351516

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 elections that are required are set out in the table in Annexure A.
4. The relevant dates for this information is the closure of the roll.

Signed:



Adrian Smith

Secretary/Treasurer

Dated: 20 November 2019

Annexure A

| Branch | Name of Office | Number Required | Reason for Election | Electorate |
|-------------------------------|---|------------------------|--|--|
| <i>AFPA Branch – Qld Zone</i> | <i>Zone Workplace Delegate/ National Council Delegate</i> | <i>1</i> | <i>Casual Vacancy – Resignation - Bradley Kirwan 30 October 2019</i> | <i>Election requested in accordance with AFPA Branch PFA Rule 95</i> |

- Important dates:

| | Direct Voting System | Collegiate Electoral System |
|------------------------------------|---|------------------------------------|
| Nominations OPEN | <i>To be determined by the AEC Returning Officer</i> | <i>NA</i> |
| Nominations CLOSE | <i>To be determined by the AEC Returning Officer</i> | <i>NA</i> |
| Roll of Voters cut off date | <i>Rule 95(5)(e) 21 days prior to nominations opening – to be determined by the AEC Returning Officer</i> | <i>NA</i> |