



DECISION

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

Police Federation of Australia (E2015/116)

MR ENRIGHT

MELBOURNE, 14 APRIL 2015

Arrangement for conduct of election.

[1] On 17 March 2015 and 9 April 2015 the Australian Federal Police Association Branch of the Police Federation of Australia (the Branch) lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Branch Vice President AFP ACT Operations Portfolio
Branch Vice President AFP Chief Operating Officer Portfolio
Branch Vice President AFP Close Operations Portfolio
Branch Vice President AFP Executive & AFPA Associate Portfolio
Branch Vice President AFP National Security Portfolio
Branch Vice President AFP Operations Portfolio

[2] The prescribed information was not lodged before the prescribed day as required by section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[3] On 9 April 2015 Mr Dennis Gellatly, Chief Executive Officer of the Australian Federal Police Association Branch of the Police Federation of Australia, provided a request for an extension of time for lodgement of the prescribed information. The request provides that the delay in lodgement arose due to the decision to hold the biennial meeting in June rather than April/May due to scheduling conflicts.

[4] Rule 73(c)(i) of the rules of the Branch provides that nominations for the relevant offices are called for “sixty days prior to the meeting of Branch National Council, in an election year”. In accordance with Branch rule 69, the Branch National Executive has determined that the meeting will be held on 16 June 2015. Therefore, according to the rules of the Branch, the first day when a person may become a candidate in the election is 17 April 2015. Accordingly, the prescribed information was required to be lodged before 17 February 2015. The prescribed information was lodged on 17 March 2015, one month late.

[5] With regard to the request for an extension of time for lodgement of the prescribed information, I have considered the explanation for the delay in lodging the prescribed information provided by Mr Gellatly. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the Act but also in instruments or references pertaining to the

governance arrangements formulated by organisations themselves, I decline on this occasion to allow, in the formal sense intended by section 189(2) of the Act, a later day for lodgement. The failure of the organisation to lodge the prescribed information before the prescribed day contravenes section 189(2) of the Act which is a civil penalty provision. Failures by organisations to comply with civil penalty provisions may be the subject of applications by the Fair Work Commission for orders in the Federal Court.

[6] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[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 GENERAL MANAGER

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14 April 2015

Mr Dennis Gellatly
Chief Executive Officer
Police Federation of Australia-Australian Federal Police Association Branch
email: afpa.office@afpa.org.au

Dear Mr Gellatly,

Elections - Notification - s.189 *Fair Work (Registered Organisations) Act 2009* - Police Federation of Australia, Australian Federal Police Association Branch (E2015/116)

I refer to your notifications lodged on 17 March 2015 and 9 April 2015, including prescribed information in relation to an election for offices in the Branch.

I have granted the election and my Decision is attached.

With regard to your request for an extension of time for lodgement of the prescribed information, I have considered your explanation for the delay in lodging the prescribed information. Having regard to the fact that the prescribed information was lodged one month late taking into account the decision to hold the biennial meeting in June, and the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the Act but also in instruments or references pertaining to the governance arrangements formulated by the organisations themselves, I decline on this occasion to allow, in the formal sense intended by sub-section 189(2), a later day for lodgement.

The refusal of an extension of time under s189(2) does not, however, affect a determination of an election notification matter for the purposes of section 189(3).

I have granted the election and my Decision is attached.

Yours sincerely,

Chris Enright
Director Regulatory Compliance Branch



Australian Federal Police Association

Protecting, representing and caring for our members every day.

The General Manager
Fair Work Commission
GPO Box 1994
Melbourne Vic 3001

8 April 2015

Dear Ms O'Neill,

AMENDED STATEMENT AND NOTICE OF PRESCRIBED INFORMATION UNDER REGULATION 138

In accordance with 69 (a) of the AFPA Branch Rules, the Branch National Executive have met and determined that the Branch National Council biennial meeting will be held, 15 -16 June 2015, with Branch Officers election scheduled for Tuesday 16 June at the commencement of the afternoon session.

The decision to hold the biennial meeting in June rather than April/May was due to scheduling conflicts and as such, we seek your approval for an extension of time for the lodgement of the Prescribed Information from the 17 February to the 17 March 2015.

I, Dennis Gellatly, Chief Executive Officer of the Australian Federal Police Association Branch of the Police Federation of Australia, make the following statement:

I am the Chief Executive Officer of the Australian Federal Police Association Branch of the Police Federation of Australia;

I am authorized to lodge the following prescribed information concerning forthcoming election in the Australian Federal Police Association Branch of the Police Federation of Australia; and

I can confirm that the following information in Annexure A is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Gellatly'.

Dennis Gellatly
Chief Executive Officer

ANNEXURE A

Name of Offices/Positions requiring election is as follows - 138 (1) (a)
The positions are for:-

- (a) The Officers of the Branch shall be:-
- (iii) the Branch Vice President AFP ACT Operations Portfolio;
 - (iv) the Branch Vice President AFP Chief Operating Officer Portfolio;
 - (v) the Branch Vice President AFP Close Operations Portfolio;
 - (vi) the Branch Vice President AFP Executive & AFPA Associate Portfolio;
 - (vii) the Branch Vice President AFP National Security Portfolio; and
 - (viii) the Branch Vice President AFP Operations Portfolio.

Reason for elections - 138 (1) (b)(i)

The term of the office of the Branch Vice Presidents are due to expire in the normal course of events;

The electorate for the collegiate voting system is by and from the Branch National Council as per Rule 73(a)(ii):-

| | | |
|--------------------|--------------------|--|
| Roll of voters: | N/A | (members of the National Council) |
| Nominations Open: | Friday 17/04/2015 | (60 days prior to the close of ballot) |
| Nominations Close: | Tuesday 16/06/2015 | |
| Ballot Opens: | Tuesday 16/06/2015 | |
| Ballot Close: | Tuesday 16/06/2015 | |

Contact: Dennis Gellatly, Dennis.Gellatly@afpa.org.au, Ph 02 6285 1677



Australian Federal Police Association

Protecting, representing and caring for our members every day.

The Manager
Fair Work Australia
GPO Box 1994
Melbourne Vic 3001

16 March 2015

Dear Sir

STATEMENT AND NOTICE OF PRESCRIBED INFORMATION UNDER REGULATION 136

I, Dennis Gellatly, Chief Executive Officer of the Australian Federal Police Association Branch of the Police Federation of Australia, make the following statement:

I am the Chief Executive Officer of the Australian Federal Police Association Branch of the Police Federation of Australia;

I am authorized to lodge the following prescribed information concerning forthcoming election in the Australian Federal Police Association Branch of the Police Federation of Australia; and

I confirm that the following information in Annexure A is being lodged under Subsection 189(1) of the RAO schedule.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Gellatly'.

Dennis Gellatly
Chief Executive Officer
Australian Federal Police Association

ANNEXURE A

Name of Offices/Positions requiring election is as follows - 138 (1) (a)
The positions are for:-

- (a) The Officers of the Branch shall be:-
- (iii) the Branch Vice President AFP ACT Operations Portfolio;
 - (iv) the Branch Vice President AFP Chief Operating Officer Portfolio;
 - (v) the Branch Vice President AFP Close Operations Portfolio;
 - (vi) the Branch Vice President AFP Executive & AFPA Associate Portfolio;
 - (vii) the Branch Vice President AFP National Security Portfolio; and
 - (viii) the Branch Vice President AFP Operations Portfolio.

Reason for elections - 138 (1) (b)(i)

The term of the office of the Branch Vice Presidents are due to expire in the normal course of events;

The electorate for the direct voting system is each Zone as per Rule 66 (b):-

| | | |
|--------------------|--------------------|--|
| Roll of voters: | N/A | (members of the National Council) |
| Nominations Open: | Friday 17/04/2015 | (60 days prior to the close of ballot) |
| Nominations Close: | Tuesday 16/06/2015 | |
| Ballot Opens: | Tuesday 16/06/2015 | |
| Ballot Close: | Tuesday 16/06/2015 | |

Cut-off date for roll in all cases: 7 days prior to the opening date for nominations - rule 22(g).

Contact: Dennis Gellatly, Dennis.Gellatly@afpa.org.au, Ph 02 6285 1677