



# Australian Federal Police Association

Protecting, representing and caring for our members every day.

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16 June 2016

Renee Damasena  
Assistant Director – Industrial & Commercial Elections  
Australian Electoral Commission  
Level 10  
59 Goulburn Street  
Haymarket NSW 2000  
[Renee.Damasena@aec.gov.au](mailto:Renee.Damasena@aec.gov.au)

Dear Renee,

I refer to the Post Election Report ('the Report') dated 1 June 2016.

I am aware that a written response to this Report is required under s198 of the *Fair Work (Registered Organisations) Act 2009* ('the RO Act') and is to be provided within 30 days of receipt of the Report. I will ensure a copy of the Report and AFPA's written response will be available on the AFPA's website, and will be available for minimum three months. I will also ensure that the Report and response will be provided to the members either by way of publication on the website or published in the AFPA's journal, whichever is the earliest. Additionally, a copy of the Report and response will be made available to the Fair Work Commission.

This report alerts us to the discrepancy in language between 'Rule 114 – Dual Offices' and 'Rule 66(a) – Officers of the Branch and Workplace Delegates to National Council'. There is also an incomplete order of precedence for all offices as per these two listed rules.

We are currently undergoing a complete reworking of the AFPA Branch Rules and we are happy for suggestions as to how the Rules can be improved and better interpreted. The changes suggested by the AEC will be included. Any proposed drafts of proposed alterations to the AFPA Rules will be forwarded to the Fair Work Commission for its perusal.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Angela Smith', with a decorative flourish at the end.

Angela Smith  
National President



15 June 2016

Ms Angela Smith  
President  
Police Federation of Australia-Australian Federal Police Association Branch

afpa.office@afpa.org.au

Dear Angela Smith,

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2015/296**

On 1 June 2016 the Fair Work Commission (the Commission) received a Post Election Report from the Australian Electoral Commission (AEC) for election E2015/296 dated 1 June 2016. 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 Police Federation of Australia – Australian Federal Police Association Branch Rule(s) 66(a) and 114. 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 written response must be provided to the AEC**

Section 198 of the RO Act requires that a written response is 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)).

**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)).

**Extract of report and written response 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.

A copy of the organisation's response 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))

11 Exhibition Street  
Melbourne VIC 3000  
GPO Box 1994  
Melbourne VIC 3001

Telephone: (03) 8661 7777  
Email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Facsimile: (03) 9655 0410  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

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 Commission 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 Commission for assistance by email to [orgs@fwc.gov.au](mailto:orgs@fwc.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 Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Yours sincerely,

*Debbie Ball*

**Debbie Ball**

Assistant Adviser

Regulatory Compliance Branch

**The Fair Work Commission**

Tel: (03) 8656 4775

Fax: (03) 9655 0410

[Debbie.Ball@fwc.gov.au](mailto:Debbie.Ball@fwc.gov.au)

11 Exhibition Street, Melbourne Victoria 3000

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[www.fwc.gov.au](http://www.fwc.gov.au)



2 June 2016

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

Dear Mr Gellatly,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2015/296]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require 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 should be provided for in your organisation's rules.

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. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't 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.

Regards

Debbie Ball  
Regulatory Compliance Branch

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. [include OLD name and address and NEW name and address of every branch that has changed]
  2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED/CEASED operation:
    1. [include name of each new branch]
    2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

**[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]**

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

## ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							



Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**Client:** Police Federation of Australia - Australian Federal Police Association

**ELECTIONS COVERED IN THIS REPORT**

**Election Decision No/s:** E2015/296

**RULES**

**Rules used for elections Rule ID:** 200V: Incorporates alterations of 28/01/2016 [R2015/202, R2015/248 & R2015/261]) (replaces rulebook dated 19/08/2015 [R2015/180])

**Rules difficult to apply/interpret:** Rule 114 – Dual Offices  
The rule has an incomplete order of precedence for all offices listed in Rule 66(a). The name of some offices listed in rule 114 are different to rule 66(a)

**Model Rule reference (if any):**

**ROLL OF VOTERS**

<b>Total number of voters on the roll</b>	38
<b>Number of apparent workplace addresses</b>	0
<b>Number of non-current addresses</b>	N/A
<b>Other Matters</b>	Nil

**ALLEGATIONS OF IRREGULARITIES RECEIVED**

Details of written allegations of irregularities, and action taken by AEC:	None
Other irregularities identified, and action taken:	None

**ATTACHMENTS**

1: Declaration of Contested Offices

Renee Damasena  
Returning Officer  
1 June 2016



# Police Federation of Australia – Australian Federal Police Association Branch E2015/296 Vacancy Election

## Declaration of Results for Contested Offices

### E2015/296

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.

#### Australian Federal Police Association

Total number of names on the roll of voters	38
Ballot papers issued	38
Replacement ballot papers issued	0
<b>Total Ballot Papers Issued</b>	<b>38</b>
Ballot papers/envelopes returned for scrutiny	21
Less ballot papers/envelopes rejected at preliminary scrutiny	0
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>21</b>
Percentage of ballot papers returned to number issued	55%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	17

#### Branch Vice President AFP Chief Operating Officer Portfolio

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
DAWE, Tim	9	9
SMITH, Adrian	12	12
Total votes	21	21
Formal ballot papers	21	21
Informal ballot papers	0	0

I declare Adrian Smith elected.

Renee Damasena  
Returning Officer  
Australian Electoral Commission

1 June 2016





## DECISION

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

**Police Federation of Australia**  
(E2015/296)

MR ENRIGHT

MELBOURNE, 16 DECEMBER 2015

*Arrangement for conduct of election.*

[1] On 4 December 2015 the Australian Federal Police Association Branch of the Police Federation of Australia lodged with the Fair Work Commission the prescribed information in relation to an election to fill a casual vacancy in the following office:

Branch Vice President AFP Chief Operating Officer

[2] Further information in relation to the election was provided on 11 December 2015.

[3] 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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## **Notice and Statement of Prescribed Information for an Election**

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

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

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Australian Federal Police Association Branch of the Police Federation of Australia, and

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

Signed:



Dated: 04/12/15

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### **Offices/Positions**

Branch Vice President AFP Chief Operating Officer Portfolio

### **Reasons for election:**

- Election for office is required to fill casual vacancies that have recently occurred (documentary information relating to the resignation of the persons holding the offices of Branch Vice President AFP Chief Operating Officer Portfolio is enclosed)

### **Elected by:**

- The electorate for collegiate electoral system is the Branch National Council, totalling 42 persons (Rule 73 (d)(ii))

### **Nominations and ballot open and close:**

- To be determined by the Returning Officer (Rule 73 (d)(ii))