



30 June 2016

Ms Angela Smith
President
Police Federation of Australia-Australian Federal Police Association Branch
afpa@afpa.org.au

Dear Ms Smith

Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/137 and E2016/60

On 24 June 2016 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/137 and E2016/60 dated 24 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 rule(s) 96 (e)(ii) and 97 (c)(iv) Rule 66(a) and Rule 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 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 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.

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

Yours sincerely

Debbie Ball

Assistant Adviser

Regulatory Compliance Branch

The Fair Work Commission

Tel: (03) 8656 4775

Fax: (03) 9655 0410

Debbie.Ball@fwc.gov.au

11 Exhibition Street, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

www.fwc.gov.au



27 June 2016

Ms Angela Smith
President
Police Federation of Australia-Australian Federal Police Association Branch
afpa@afpa.org.au

Dear Ms Smith,

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 [E2016/137] for AFPA Branch. 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].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 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]:³
 - 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.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ 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 Branch

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2016/60 and E2016/137

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 96 (e) (ii) – The rule states that nominations shall be delivered to the Returning Officer at the Office of the Branch. It is highly recommended that the Association considers changing this rule to state simply that nominations must be delivered to the Returning Officer, similar to Rule 73 (c) (iv). This allows flexibility for more modern means of lodgement.

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)

** Note: Assessment of “rules difficult to apply/interpret” have been applied to Part D of the rules – Australian Federal Police Association Branch Rules only, as they relate.*

Model Rule reference (if any): See above

ROLL OF VOTERS

Total number of voters on the roll	NA - Uncontested
Number of apparent workplace addresses	NA – Uncontested
Number of non-current addresses	N/A – Uncontested
Other Matters	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. E2016/60 - Declaration of Results
2. E2016/137 – Declaration of Results

Renee Damasena
Returning Officer
24 June 2016

**Police Federation of Australia
Australian Federal Police Association Branch**

E2016/137 Vacancy Election

Declaration of Results for Uncontested Offices

E2016/137

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

Branch Vice President AFP Close Operations Portfolio

Candidates

CARUANA, Alex Borg

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



Renee Damasena
Returning Officer

24 June 2016



DECISION

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

Police Federation of Australia
(E2016/137)

MR ENRIGHT

MELBOURNE, 30 MAY 2016

Arrangement for conduct of election.

[1] On 4 May 2016 and 25 May 2016 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 for the following office, due to insufficient nominations received in a previous election (E2016/60):

Branch Vice President AFP Close Operations Portfolio

[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 GENERAL MANAGER

[2016] FWCD 3244

Printed by authority of the Commonwealth Government Printer

<Price code A, PR580643>

Statement of Prescribed Information for an Election

I, Angela Smith, being the National President of the Australian Federal Police Association Branch of the Police Federation of Australia, make the following statement:

I am the National President of the Australian Federal Police Association Branch of the Police Federation of Australia.

I am authorised to lodge the following prescribed information concerning forthcoming elections of 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: 24 May 2016

Offices/Positions

Branch Vice President Close Operations Portfolio

Reasons for election:

- Election for office is required to fill a casual vacancy in the office of Branch Vice President Close Operations Portfolio (documentary information relating to the resignation of the person holding the office of Branch Vice President AFP Close Operations Portfolio)

Elected by:

- The electorate for collegiate electoral system is the Branch National Council, totalling 37 persons (Rule 73(d)(ii))

Roll of Voters

- The Roll of voters shall close on a date to be determined by the Returning Officer

Nominations and ballot open and close:

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

Electoral system

- The electoral system to be used in the election is a collegiate electoral system

Police Federation of Australia E2016/60 Vacancy Election

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.

Australian Federal Police Association

Branch Vice President AFP Close Operations Portfolio

Candidates

No nomination was received



Renee Damasena
Returning Officer

21 April 2016

ELLIOTT, Mark

From: Kathryn Montgomery <Kathryn.Montgomery@aec.gov.au>
Sent: Friday, 6 May 2016 2:23 PM
To: ELLIOTT, Mark
Cc: Rhys Richards
Subject: PFA declaration as requested [SEC=UNCLASSIFIED]
Attachments: E2015-60 VP Close Op Dec of Results.pdf

UNCLASSIFIED

Good afternoon

Copy of declaration as requested

Regards,
Kathryn Montgomery | Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6375 | F: (02) 6215 9910



UNCLASSIFIED

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Copy of Prescribed Information

Title of Matter: Application/Notification by Police Federation of Australia-Australian Federal Police Association Branch
Section: s.189(1) RO Act - Notification of elections for office - Casual vacancy or insufficient nominations
Subject: Branch Vice-President AFP Close Operations Portfolio
Matter Number(s): E2016/137

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

5 MAY 2016

Notice and Statement of Prescribed Information for an Election

I, Angela Smith, being the National President of the Australian Federal Police Association Branch of the Police Federation of Australia, make the following statement:

I am the National President of the Australian Federal Police Association Branch of the Police Federation of Australia.

I am authorised by the National Executive of the Australian Federal Police Association Branch of the Police Federation of Australia, 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: 04.05.2016

Offices/Positions

Branch Vice President Close Operations Portfolio

Reasons for election:

- Election for office is required to fill a casual vacancy in the office of Branch Vice President Close Operations Portfolio.
- The position had been filled temporarily by appointment pursuant to Rule 73(d)(1)(b). The period for that appointment has now exceeded the mandated maximum period of 3 months, resulting in the position being now deemed vacant.

Elected by:

The electorate for collegiate electoral system is the Branch National Council, totalling 37 persons (Rule 73(d)(ii))

Nominations and ballot open and close:

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

ELLIOTT, Mark

From: Ian Bridle <Ian.Bridle@afpa.org.au>
Sent: Wednesday, 4 May 2016 2:32 PM
To: ELLIOTT, Mark
Subject: Prescribed information for an election AFPA
Attachments: Notice and Statement of Prescribed Information for an Election signed.pdf

Good afternoon Mark,

Please find attached a Prescribed Information in relation to a casual vacancy that exists on the Executive of the Australian Federal Police Association (the Association) Branch of the Police Federation of Australia. The Association is again keen to seek an election to fill the vacancy. The vacancy exists for the office of Vice President Close Operations Portfolio, a position that was recently filled by appointment for a maximum period of three months as allowed by the Rules of the Association. The appointment was made by resolution of the National Executive on 20 January 2016 and subsequently expired on 20 April 2016.

This vacancy was the subject of previous correspondence and a Prescribed Information forwarded to you by Angela Smith dated 15 January 2016. An election for the other vacancy also advised at that time is currently on foot with the AEC. Nominations for the current role in question were also previously sought by the Australian Electoral Commission Returning Officer, but due to a technical 'glitch', the only nomination was received after the closing date.

The attached Prescribed information has been signed by the Associations National President, Angela Smith, pursuant to a delegation given to her by the Branch national executive under branch Rule 80(d) to lodge such documentation in the absence of the CEO who remains on extended personal leave (sick).

Should you require any alterations to the document or require any other detail from the Association, please get back to me on the details below, as Angela is travelling this week.

Kind regards



Ian Bridle

Vice President- Operations
Australian Federal Police Association
23 Murray Crescent, Griffith ACT 2603
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