

23 February 2018

Mr Ishtiag Ahmed

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

Post-Election Report E2017/207

I refer to your post-election report dated 12 February 2018.

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 the date of this letter. Additionally, a copy of the Report and response will be made available to the Registered Organisations Commissioner.

The report raised matters relating to the Rules:

- 94(6)(a) and 95(4)
- 95(5)(j)
- 95(5)(I)

The current rule book was endorsed by the AFPA National Council on 21 March 2017 and certified by the delegate of the General Manager of the Fair Work Commission on 25 May 2017.

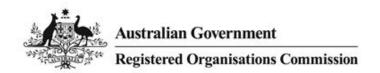
The branch has established a "Zone Structure and Rules" Advisory Committee consisting of three Executive members and three delegates of the National Council to consider all matters relating to the branch zone structure and rules. The committee is to make appropriate recommendations for appropriate zones and rule alterations for the consideration of the Executive and Biennial National Council.

This report will be referred to that committee and to our legal advisor, Mr Peter Punch, Senior Partner in the Employment and Industrial Relations Group at Carroll & O'Dea Lawyers Partner Carroll & O'Dea Lawyers for consideration and recommendation as appropriate to the National Council scheduled for 20 and 21 March 2019.

Yours Sincerely,

Adrian Smith,

Branch Secretary/Treasurer



14 February 2018

President

Police Federation of Australia-Australian Federal Police Association Branch afpa@afpa.org.au

Cc: Police Federation of Australia, pfa@pfa.org.au

Dear President

Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/207

On 12/02/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/207 dated 12/02/2018. 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 94(6)(a), 95(4), 95(j) and 95(l). 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.

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

Christine Hibberd

Registered Organisations Commission

Post-election Report

Police Federation of Australia Australian Federal Police Association Branch E2017/207



Australian Electoral Commission

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Election(s) Covered in this Report

Election Decision No/s: E2017/207

Rules

Rules used for the election: 200V: Incorporates alterations of 8 August 2017 [R2017/76]

(replaces rulebook dated 25 May 2017 [R2017/41])

Rules difficult to apply/interpret: Rule 94(6)(a) and 95(4) is difficult to apply as the Returning Officer is

appointed by Australian Electoral Commission to conduct the election after receiving the Order from Registered Organisations Commission.

Rule 95(j) is difficult to apply. It is recommended that the Rules

incorporate the AEC's Model Rules Guide

(http://www.aec.gov.au/About AEC/AEC Services/Industrial Election

s/files/model-rules-nov2010.pdf), refer to paragraphs 16 & 17.

Rule 95(I) is difficult to apply as 'in the presence of the tied candidates' is not always practicable. The Returning Officer will schedule a time and invite the tied candidates to the draw. The draw will take place at

the allotted time regardless of the presence of candidates.

Model Rule reference: Refer to AEC Model Rules Guide as indicated above.

Roll of Voters

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

Irregularities

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

NIL

Other irregularities identified, and action taken: NIL

Other Matters

None

Attachments

John and

Declaration of results for uncontested Offices.

Ishtiaq Ahmed Returning Officer 12 February 2018 10 January 2018

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

Dear Ms Smith,

cc: Mark Burgess, Chief Executive Officer, Police Federation of Australia

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 [E2017/207] for the election of uncontested offices for:

Executive and International Zone

• 2 X Workplace Delegate/Delegate to National Council

Forensics Zone

- 1 X Zone Convenor
- 1 X Workplace Delegate/Delegate to National Council

Protective Services Officers Zone

- 1 X Zone Convenor
- 2 X Workplace Delegate/Delegate to National Council

New South Wales Zone

• 2 X Workplace Delegate/Delegate to National Council

Canberra Zone

4 X Workplace Delegate/Delegate to National Council

Queensland Zone

1 X Zone Convenor

West Australia Zone

• 1 X Zone Convenor

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 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.

Regards

Mitch Webster Registered Organisations Commission 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

 [include <u>OLD</u> name and address and <u>NEW</u> 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 operation:

1. [include name of each new branch]

2. ...

CEASED operation:

1. [include name of each closed branch]

s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

s.230(1)(d); reg.147(a) & (d)

3 s.230(1)(d); reg.147(b) & (c)

3

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]

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	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of New Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
 NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant

Police Federation of Australia Australian Federal Police Association Branch

E2017/207- Election for Vacant Positions

Declaration of Results for Uncontested Offices

E2017/207

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.

Executive and International Zone

Workplace Delegate/Delegate to National Council (2)

Candidates

QUIRK, Ian

No further nomination was accepted

Forensics Zone

Zone Convenor

Candidates

SCHWARTZ, Joshua

Workplace Delegate/Delegate to National Council

Candidates

GREEN, Jodie

Protective Services Officers Zone

Zone Convenor

Candidates

DEAN, Gary

Workplace Delegate/Delegate to National Council (2)

Candidates

No further nomination was received. Gary DEAN elected to higher office.



New South Wales Zone

Workplace Delegate/Delegate to National Council (2)

Candidates

DE ZILVA, Aaron Nathan READ, Luke

Canberra Zone

Workplace Delegate/Delegate to National Council (4)

Candidates

HOULIHAN, Luke

No further nominations were accepted

Queensland Zone

Zone Convenor

Candidates

MURPHY, Tim

West Australia Zone

Zone Convenor

Candidates

No nomination was received

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

Rei

Renee Damasena Returning Officer

19 December 2017



AMENDING DECISION

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

Police Federation of Australia

(E2017/207)

MR ENRIGHT

MELBOURNE, 18 OCTOBER 2017

Arrangement for conduct of election.

[1] The decision [2017] ROCD 102 issued by the Delegate of the Registered Organisations Commissioner on 20 September 2017 is amended as follows:

By deleting the number '3' next to the Branch Zone Workplace Delegate/s/Delegate/s to National Council for the PSO Zone and inserting in lieu the number '2'.



DELEGATE TO THE COMMISSIONER

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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 (the Branch).

2. On 8 September 2017 I lodged a statement containing prescribed information under subsection 189(1) of the Fair Work (Registered Organisations) Act

2009 (the RO Act). I have subsequently been requested to lodge a further statement containing prescribed information.

3. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) and amends the

statement of 8 September 2017.

4. An election is required for various offices in Zones within the Branch.

5. The offices for which an election is required are set out in Annexure A as are the reason for the election, the number of persons to be elected, the

electorate and the manner of election.

Signed:

AFPA

Secretary/Treasurer

Dated: 11 October 2017

Annexure A

• Elections that are required:

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
AFPA	NSW Zone Workplace Delegate/Delegate to National Council	2	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	Canberra Zone Workplace Delegate/Delegate to National Council	4	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	QLD Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	WA Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	Forensics Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	Forensics Zone Workplace Delegate/Delegate to National Council	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	PSO Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	PSO Zone Workplace Delegate/Delegate to National Council	2	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	Executive and International Zone	2	Direct First past the post secret	Insufficient Nominations	AFPA Zone Election Rule 95

	И	Vorkplace	Ballot	
I	D	Delegate/Delegate to		
	N	lational Council		

Important dates:

	Direct Voting System	
Nominations OPEN	to be determined by the returning officer	
Nominations CLOSE	to be determined by the returning officer	
Roll of Voters cut off date	to be determined by the returning officer	

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'to be determined by the returning officer'. Casual vacancies must be accompanied by proof of resignation and attached to this statement.



DECISION

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

Police Federation of Australia

(E2017/207)

MR ENRIGHT

MELBOURNE, 20 SEPTEMBER 2017

Arrangement for conduct of election.

[1] On 8 September 2017 the Police Federation of Australia-Australian Federal Police Association Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices, due to insufficient nominations received in a previous election (**E2017/51**):

Branch Zone Convenors for each of the following zones:

Queensland Zone	(1)
Western Australia Zone	(1)
Forensics Zone	(1)
PSO Zone	(1)
Branch Zone Workplace Delegate/s/Delegate/s to National Council	
NSW Zone	(2)
Canberra Zone	(4)
Forensics Zone	(1)
PSO Zone	(3)
Executive and International Zone	(2)

[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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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 (the Branch).

2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).

3. An election is required for various offices in Zones within the Branch.

4. The offices for which an election is required are set out in Annexure A as are the reason for the election, the number of persons to be elected, the

electorate and the manner of election.

Signed:

AFPA

Secretary/Treasurer

Dated: 8 September 2017

Annexure A

• Elections that are required:

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
AFPA	NSW Zone Workplace Delegate/Delegate to National Council	2	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	Canberra Zone Workplace Delegate/Delegate to National Council	4	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	QLD Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	WA Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	Forensics Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	Forensics Zone Workplace Delegate/Delegate to National Council	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	PSO Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	PSO Zone Workplace Delegate/Delegate to National Council	3	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95

Executive and International Zone Workplace	2	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
Delegate/Delegate to National Council				

Important dates:

	Direct Voting System	
Nominations OPEN	to be determined by the returning officer	
Nominations CLOSE	to be determined by the returning officer	
Roll of Voters cut off date	to be determined by the returning officer	

<u>Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'to be determined by the returning officer'.</u> Casual vacancies must be accompanied by proof of resignation and attached to this statement.

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 (the Branch).

2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).

3. An election is required for various offices in Zones within the Branch.

4. The offices for which an election is required are set out in Annexure A as are the reason for the election, the number of persons to be elected, the

electorate and the manner of election.

Signed:

AFPA

Secretary/Treasurer

Dated: 8 September 2017

Annexure A

• Elections that are required:

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
AFPA	NSW Zone Workplace Delegate/Delegate to National Council	2	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	Canberra Zone Workplace Delegate/Delegate to National Council	4	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	QLD Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	WA Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	Forensics Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	Forensics Zone Workplace Delegate/Delegate to National Council	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	PSO Zone Convenor	1	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
	PSO Zone Workplace Delegate/Delegate to National Council	3	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95

Executive and International Zone Workplace	2	Direct First past the post secret Ballot	Insufficient Nominations	AFPA Zone Election Rule 95
Delegate/Delegate to National Council				

Important dates:

	Direct Voting System	
Nominations OPEN	to be determined by the returning officer	
Nominations CLOSE	to be determined by the returning officer	
Roll of Voters cut off date	to be determined by the returning officer	

<u>Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'to be determined by the returning officer'.</u> Casual vacancies must be accompanied by proof of resignation and attached to this statement.