



24 April 2019

Vincent Kelly
General Manager, AFPA Branch
Police Federation of Australia-Australian Federal Police Association Branch
Sent via email: vince.kelly@afpa.org.au

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

Dear Vincent Kelly,

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 contested and uncontested offices in matter E2018/215. 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 faithfully,

Christine Hibberd
Registered Organisations Commission

10 April 2019



AFPA
Australian Federal
Police Association

Mr Ishtiaq Ahmed

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

Post-Election Report E2018/215

I refer to your post-election report dated 9 April 2019.

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 Fair Work Commission and the Registered Organisations Commissioner.

The report raised matters relating to following Rules:

- 94
- 94.3(j)
- 96(3)

The issue identified in your comments relating to Rule 94 we believe to be specific to Rule 94(1)(c). The matter was dealt with by amendment to the relevant Rule by the National Council on 21 March 2019. The amendment has been submitted to the Fair Work Commission for certification.

The matters identified in your report relevant to Rules 94.3(j) and 96(3) are acknowledged. These matters will be addressed following the certification of current amendments under consideration by the Fair Work Commission and conclusion of the elections required under Rule 95 in June/July 2019.

You also identify in your report that no closing time for the withdrawal of nominations is identified within the Rules. It is likely the remedy to this issue will require further minor amendment to current Rule 94(3)(a) and Rule 95 (5).

This matter will be addressed following the certification of current amendments under consideration by the Fair Work Commission and conclusion of the elections required under Rule 95 in June/July 2019.

Any proposed amendments will require the approval of the National Council pursuant to Rule 79 of the Rules.

Yours Sincerely,

Adrian Smith,

Branch Secretary/Treasurer

9 April 2019

Post-election report

**Police Federation of Australia - Australian
Federal Police Association Branch - E2018/215**

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Election(s) Covered in this Report

Organisation: Police Federation of Australia - Australian Federal Police Association Branch

Election Decision Number(s): E2018/215

Rules

Rules used for the election:200V: Incorporates alterations of 27 November 2018 [R2018/278]
(replaces rulebook dated 19 November 2018 [R2018/246])

Rules difficult to apply/interpret: Rule 94 which is related to the election of Association Executive Officers does not mention the electorate of Secretary/ Treasurer.

It is recommended that this issue be resolved.

Rule 96 (3) is difficult to apply as the system of voting is first –past the post system according to rule 94.5 (a). Therefore the issue of primary vote is not relevant to resolve the situation where a candidate may be declared elected to a higher office where the same person may also be a candidate for election to a lower office.

It is recommended that this issue be resolved.

Model Rule reference (if any): None

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

Total number of voters on the Roll: 46

Australian Electoral Commission

Number of apparent workplace addresses: None
Number of non-current addresses: None
Other matters pertaining to the roll of voters: None

Irregularities

Details of written allegations of irregularities, and action taken by AEC: No

Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions required (Section 193): Yes

Details: The rules of the Association do not include closing time of withdrawal of nomination. The Returning Officer closed the nomination withdrawal period in line with the nomination closing time.

Rule 94.3 (j) mentions that in case of the event of a tie, the result shall be determined by the returning officer drawing lots in the presence of the tied candidates. This may not be followed always if the tied candidates are not present or do not want to be present to witness the draw. To finalise the ballot outcome, the returning officer will still conduct the draw to determine the tied result.

It is recommended that this issue be resolved.

Signed



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
E: Ishtiaq.ahmed@aec.gov.au
P: 02 93756331
Date: 09/04/2019

Attachments

- 1) Declaration of results for all Offices

Police Federation of Australia
Australian Federal Police Association Branch
DECLARATION OF RESULTS - E2018/215
Uncontested Offices

Scheduled Election

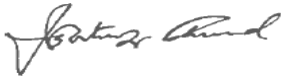
The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Branch Secretary/Treasurer (1)

Candidates

SMITH Adrian

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



Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: nswelections@aec.gov.au
04/04/2019



Police Federation of Australia
Australian Federal Police Association Branch
DECLARATION OF RESULTS - E2018/215
Contested Offices

Scheduled 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:

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	46
Number of voters issued with voting material	34
COUNT	
Total ballot papers admitted to the count (b)	33
PARTICIPATION	
Percentage of voting material packs returned by voters	97 %

Branch Executive Member (6)

<u>Candidates</u>	<u>Final Votes</u>
PAVLOVICH, Ellanor	11
CARUANA, Alex	27
JOHNSON, Kane	28
PANNELL, Vince	23
CAULFIELD, Scott	16
TONGE, Mathew	10
HENDERSON, Scott	25
FITZPATRICK, Clare	28
HIGGINS, Rod	24

Total ballot papers admitted for this office	33
Formal Ballot papers	32
Informal Ballot papers	1

I declare the following elected:	Order Elected
• FITZPATRICK, Clare	1
• JOHNSON, Kane	2
• CARUANA, Alex Borg	3
• HENDERSON, Scott	4
• HIGGINS, Rod	5
• PANNELL, Vince	6

Ishtiaq Ahmed

Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: nswelections@aec.gov.au
04/04/2019





DECISION

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

Police Federation of Australia
(E2018/215)

MR ENRIGHT

MELBOURNE, 2 NOVEMBER 2018

Arrangement for conduct of election.

[1] On 11 October 2018 the Australian Federal Police Association Branch of the Police Federation of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch Secretary/Treasurer
Branch Executive Members (6)

[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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<PR351205>

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.

Signed:



AFPA
Secretary/Treasurer
Dated: 10 October 2018

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
<i>AFPA</i>	<i>Secretary/Treasurer</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council - Rule 94(2)</i>
<i>AFPA</i>	<i>Executive Member</i>	<i>6</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council - Rule 94(2)</i>

- Important dates:

	Collegiate Electoral System
Nominations OPEN	<i>60 days prior to the meeting of the National Council in an election year – Rule 94(3)(a) – National Council commences 20 March 2019</i>
Nominations CLOSE	<i>Not less than 7 days prior to the meeting of the National Council in an election year – Rule 94(3)(a) – National Council commences 20 March 2019</i>
Roll of Voters cut off date	<i>The roll of voters for these elections shall close no later than seven (7) days prior to the date upon which nominations are to be called – Rule 94(3)(a)</i>