

16 April 2019

Ms Catherine Bernoth

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

Email: catherine.bernoth@aec.gov.au

Post-Election Report E2019/173

I refer to your post-election report dated 14 April 2020.

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 time period for withdrawal of nominations.

I advised you on 25 February 2020 that the AFPA had a Special National Council scheduled for 24 March 2020 to consider the following proposed new rule:

95(5)(bA) Nominations may be withdrawn up to and including 5 working days after the time and date the Returning Officer has declared that nominations shall close. The withdrawal of such nomination shall be in the form determined by the Returning Officer and shall be signed by the nominee.

Due to the COVID 19 Pandemic the Special National Council was cancelled and has been rescheduled to 30 July 2020.

Yours Sincerely,



Adrian Smith,
Branch Secretary/Treasurer

14 April 2020

Post-election report

Police Federation of Australia

Australian Federal Police Association

Branch

Insufficient Nominations & Casual

Vacancy Election

E2019/173

Contents

Election(s) Covered in this Report	3
Rules.....	3
Roll of Voters	3
Irregularities.....	3
Other Matters	4
Signed	4
Attachments	4
Declaration of results for Uncontested Offices	4
Declaration of Results for Contested Offices	4

Election(s) Covered in this Report

Organisation: Australian Federal Police Association Branch
Election: Insufficient Nominations & Casual Vacancy Election
Election Decision No/s: E2019/173

Rules

Rules used for the election: 200V: Incorporates alterations of 24 May 2019 [R2019/37]
(replaces rulebook dated 8 May 2018 [R2019/26])

Rules difficult to apply/interpret: Nil

Model Rule reference (if any): N/A

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

	Canberra Zone	Community Policing Zone	Western Australia Zone
Total number of voters on the Roll	636	853	163
Number of apparent workplace addresses	8	61	26
Number of non-current addresses	0	0	0

Other matters pertaining to the roll of voters: Nil

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

Returning Officer actions required (Section 193): Yes

Details: The rules are silent on the withdrawal of nominations therefore direction was given by the Returning Officer for nomination withdrawals to close at the time nominations close.

Signed



Catherine Bernoth
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6375
14 April 2020

Attachments

Declaration of results for Uncontested Offices

Declaration of Results for Contested Offices

Police Federation of Australia
Australian Federal Police Association Branch
DECLARATION OF RESULTS - E2019/173
Contested Offices

Insufficient Nominations 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:

AFPA Branch Community Policing Zone

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	853
Number of voters issued with voting material	853
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	853
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	137
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	136
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	42
Voting material packs not returned by voters by closing date of the ballot	674
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	16 %

Zone Workplace Delegate (2)

Candidates	Final Votes
BYRNE, Jason	72
HUNTER, Brent	22
WONG, John	91
HAWKINS, John	77

Total ballot papers admitted for this office	136
Formal Ballot papers	131
Informal Ballot papers	5

I declare the following elected:	Order Elected
• WONG, John	1
• HAWKINS, John	2

Canberra Zone

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	636
Number of voters issued with voting material	636
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	636
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	91
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	90
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	28
Voting material packs not returned by voters by closing date of the ballot	517
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	14 %

Zone Workplace Delegate (3)

<u>Candidates</u>	<u>Final Votes</u>
CANFIELD, Simon	62
KONIG, Nye	69
GOOLEY, David	56
WILSON, Graham	50

Total ballot papers admitted for this office	90
Formal Ballot papers	79
Informal Ballot papers	11

I declare the following elected:	Order Elected
• KONIG, Nye	1
• CANFIELD, Simon	2
• GOOLEY, David	3

Western Australia Zone

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	163
Number of voters issued with voting material	163
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	163
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	50
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	50
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	8
Voting material packs not returned by voters by closing date of the ballot	105
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	31 %

Zone Convenor (1)

<u>Candidates</u>	<u>Final Votes</u>
THURTELL, Lennon	30
WESTHEAD, Mal	20

Total ballot papers admitted for this office	50
Formal Ballot papers	50
Informal Ballot papers	0

I declare the following elected:

- THURTELL, Lennon

C Bernoth

Catherine Bernoth
Returning Officer
Telephone: 02 9375 6375
Email: nswelections@aec.gov.au
19/03/2020

Police Federation of Australia
Australian Federal Police Association Branch
DECLARATION OF RESULTS - E2019/173
Uncontested Offices

Insufficient Nominations 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:

Executive & International Zone

Zone Workplace Delegate (2)

Candidates

WITSCHI Doug

Protective Service Officers Zone

Zone Workplace Delegate (3)

Candidates

GOLDRING Joel

New South Wales Zone

Zone Convenor (1)

Candidates

HINDS Gregory Adam

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

C Bernoth .

Catherine Bernoth
Returning Officer
Telephone: 02 9375 6375
Email: nswelections@aec.gov.au
11/02/2020



AMENDING DECISION

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

**Police Federation of Australia-Australian Federal Police Association
Branch**
(E2019/173)

MR ENRIGHT

MELBOURNE, 2 DECEMBER 2019

Arrangement for conduct of election.

[1] The decision I issued on 8 November 2019 [[2019] ROCD 185] is amended as follows:

In respect to an election to fill offices for Zone Workplace Delegates/National Council Delegates:

By deleting:

Protective Service Officers Zone (2)

And inserting:

Protective Service Officers Zone (3)

[2] This amending decision rectifies the incorrect number of positions listed on the original decision as a result of the lodgement of further prescribed information by the Police Federation of Australia Australian Federal Police Association Branch on 2 December 2019.



DELEGATE OF THE COMMISSIONER

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PR351514

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. I lodged a declaration in relation to a required election on 19 September 2019 and an amended declaration on 23 October 2019 in relation to a number of vacancies within branch zones.
4. A further declaration was lodged on 29 October 2019 in relation to a casual vacancy in the Community Policing Zone of the Branch.
5. The delegate issued decision E2019/173 in relation to these three declarations on 8 November 2019.
6. On 21 November 2019 following discussions with the Australian Electoral Commission I identified that there is a further vacancy within the Protective Service Officers Zone of the Branch for the office of Zone Workplace delegate/National Council delegate.
7. The further election that is required are set out in the table in Annexure A.

8. The relevant dates for this information is the closure of the roll.

Signed:

A handwritten signature in black ink, appearing to be 'AS' or similar initials, written in a cursive style.

Adrian Smith

Secretary/Treasurer

Dated: 2 December 2019

Annexure A

Branch	Name of Office	Number Required	Reason for Election	Electorate
<i>AFPA Branch - Protective Service Officers Zone</i>	<i>Zone Workplace Delegate/ National Council Delegate</i>	3	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>To be determined by the AEC Returning Officer</i>	<i>NA</i>
Nominations CLOSE	<i>To be determined by the AEC Returning Officer</i>	<i>NA</i>
Roll of Voters cut off date	<i>Rule 95(5)(e) 21 days prior to nominations opening – to be determined by the AEC Returning Officer</i>	<i>NA</i>



DECISION

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

Police Federation of Australia
(E2019/173)

MR ENRIGHT

MELBOURNE, 8 NOVEMBER 2019

Arrangement for conduct of election.

[1] On 18 September, 23 October and 29 October 2019 the Police Federation of Australia Australian Federal Police Association Branch lodged with the Registered Organisations Commission prescribed information for an election to fill casual vacancies in the following office for the remainder of the term:

Zone Workplace Delegate/ National Council Delegate:

AFFPA Branch Community Policing Zone (2)

[2] On 18 September and 23 October 2019 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:

Zone Workplace Delegate/National Council Delegate:

Canberra Zone (3)

Executive & International Zone (2)

Protective Service Officers Zone (2)

Zone Convenor/National Council Delegate:

New South Wales Zone (1)

Western Australia Zone (1)

[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 COMMISSIONER

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PR351505

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.
4. The relevant dates for this information is the closure of the roll.

Signed:

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

Adrian Smith

Secretary/Treasurer

Dated: 29 October 2019

Annexure A

Branch	Name of Office	Number Required	Reason for Election	Electorate
<i>AFPA Branch – Community Policing Zone</i>	<i>Zone Workplace Delegate/ National Council Delegate</i>	<i>1</i>	<i>Casual Vacancy – appointment Troy Gordon to higher office</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>To be determined by the AEC Returning Officer</i>	<i>NA</i>
Nominations CLOSE	<i>To be determined by the AEC Returning Officer</i>	<i>NA</i>
Roll of Voters cut off date	<i>Rule 95(5)(e) 21 days prior to nominations opening – to be determined by the AEC Returning Officer</i>	<i>NA</i>

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.
4. The relevant dates for this information is the closure of the roll.

Signed:

A handwritten signature in black ink, appearing to be 'AS' or similar initials, written in a cursive style.

Adrian Smith

Secretary/Treasurer

Dated: 23 October 2019

Annexure A

Branch	Name of Office	Number Required	Reason for Election	Electorate
<i>AFPA Branch - Canberra Zone</i>	<i>Zone Workplace Delegate/ National Council Delegate</i>	3	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>
<i>AFPA Branch – Community Policing Zone</i>	<i>Zone Workplace Delegate/ National Council Delegate</i>	1	<i>Casual Vacancy – resignation Shaneene Higgins (nee Brunton)</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>
<i>AFPA Branch - Executive & International Zone</i>	<i>Zone Workplace Delegate/ National Council Delegate</i>	2	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>
<i>AFPA Branch - New South Wales Zone</i>	<i>Zone Convenor/ National Council Delegate</i>	1	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>
<i>AFPA Branch - Protective Service Officers Zone</i>	<i>Zone Workplace Delegate/ National Council Delegate</i>	2	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>
<i>AFPA Branch - Western Australia Zone</i>	<i>Zone Convenor/ National Council Delegate</i>	1	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>To be determined by the AEC Returning Officer</i>	NA
Nominations CLOSE	<i>To be determined by the AEC Returning Officer</i>	NA
Roll of Voters cut off date	<i>Rule 95(5)(e) 21 days prior to nominations opening – to be determined by the AEC Returning Officer</i>	NA

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.
4. The relevant dates for this information is the closure of the roll.

Signed:



Secretary/Treasurer

Dated: 18 September 2019

Annexure A

Branch	Name of Office	Number Required	Reason for Election	Electorate
<i>AFPA Branch - Canberra Zone</i>	<i>Zone Workplace Delegate/ National Council Delegate</i>	<i>3</i>	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>
<i>AFPA Branch - Canberra Zone</i>	<i>Zone Workplace Delegate/ National Council Delegate</i>	<i>1</i>	<i>Casual Vacancy</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>
<i>AFPA Branch - Executive & International Zone</i>	<i>Zone Workplace Delegate/ National Council Delegate</i>	<i>2</i>	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>
<i>AFPA Branch - New South Wales Zone</i>	<i>Zone Convenor/ National Council Delegate</i>	<i>1</i>	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>
<i>AFPA Branch - Protective Service Officers Zone</i>	<i>Zone Workplace Delegate/ National Council Delegate</i>	<i>2</i>	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>
<i>AFPA Branch - Western Australia Zone</i>	<i>Zone Convenor/ National Council Delegate</i>	<i>1</i>	<i>Insufficient Nominations</i>	<i>Election requested in accordance with AFPA Branch PFA Rule 95</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>To be determined by the AEC Returning Officer</i>	<i>NA</i>
Nominations CLOSE	<i>To be determined by the AEC Returning Officer</i>	<i>NA</i>
Roll of Voters cut off date	<i>Rule 95(5)(e) 21 days prior to nominations opening – to be determined by the AEC Returning Officer</i>	<i>NA</i>