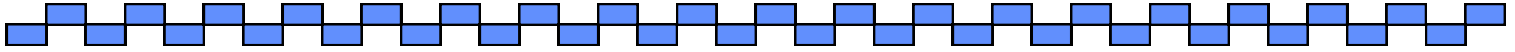


POLICE FEDERATION OF AUSTRALIA NEW SOUTH WALES POLICE BRANCH

Level 4
154 Elizabeth Street
SYDNEY NSW 2000

Telephone : (02) 9265 6777
Facsimilie : (02) 9265 6789



Ref: PG/PFA/ELECTIONS/Western

6 April 2020

Ms. K Brignall
Returning Officer
Australian Electoral Commission
Level 10
59 Goulburn Street
Haymarket
SYDNEY NSW 2000

Dear Ms Brignall

Police Federation of Australia NSW Police Branch Post-election Report E2019/170

I refer to your correspondence dated 10 March 2020 concerning the above election.

I thank you for the ease with which the election was conducted and am sorry we have had to postpone all current elections. With that in mind whilst we will certainly address the ambiguity in the rules you have identified, it will form part of a much larger body of work highlighted by the postponement of the remaining elections.

The Covid 19 Pandemic has identified several rules of both the Federal Branch and State Union that need to be reconsidered, specifically in regard to elections. The rules identified in your post-election report will be part of that review. The Organisation is committed to conducting a complete review of the rules and putting them forward for amendment as soon as practicable after the Pandemic Crisis ends.

Should you require any assistance in respect to this ballot please contact the writer on 9265 6708 or 0413 078 303.

Yours faithfully

Pat Gooley
Branch Administrator



17 March 2020

Tony King
Branch President
Police Federation of Australia-New South Wales Police Branch
Sent via email: info.centre@pansw.org.au

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

Dear Tony King

Organisation must respond to the post-election report of the Australian Electoral Commission: E2019/170

On 10/03/2020 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2019/170. 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 Part CE - 52EG(e) (xi) (b) and Part CE - 52EG (c) (ii). 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 sincerely

Registered Organisations Commission



17 March 2020

Tony King
Branch President
Police Federation of Australia-New South Wales Police Branch
Sent via email: info.centre@pansw.org.au

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

Dear Tony King,

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 offices in matter E2019/170. 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-New South Wales Police 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 sincerely

Registered Organisations Commission

10 March 2020

Post-election report

Police Federation of Australia
New South Wales Police Branch
Casual Vacancy election
E2019/170

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Election(s) Covered in this Report

Organisation: New South Wales Police Branch
Election: Casual Vacancy
Election Decision No/s: E2019/170

Rules

Rules used for the election: 200V: Incorporates alterations of 13 August 2019 [R2019/98]
(replaces rulebook dated 24 May 2019 [R2019/37])

Rules difficult to apply/interpret:

RULE: PART CE - 52EG (e) (xi) (b):

“The full names of candidates, for election for an office shall appear on the ballot paper for that election, shall have been drawn by ballot, at the close of the nominations or, in relation to candidates whose family names are identical, in the alphabetical order of their first or given names”

The Returning Officer recommends that the part of the sentence “or, in relation to candidates whose family names are identical, in the alphabetical order of their first or given names” is removed, as it is contradictory.

RULE: PART CE – 52EG (c) (ii):

Allows for the submission of Candidate Statements by compact disk.

The Returning Officer recommends to remove this option and candidate statements to be sent only by email.

Model Rule reference (if any): NIL

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:	1,144
Number of apparent workplace addresses:	348
Number of non-current addresses:	71
Other matters pertaining to the roll of voters:	NIL

Irregularities

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

Other irregularities identified, and action taken: NIL

Other Matters

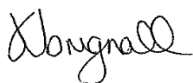
Returning Officer actions required (Section 193): Yes
Details:

As the rules are silent on the withdrawal of nominations, the Returning Officer determined withdrawal of nominations to be the same time as close of nominations

As the rules are silent on the publication of the election notice, the Returning Officer requested the election notice to be published on the organisations website.

As the rules are silent on defective nominations, and as per the *Fair Work (Registered Organisations) Act 2009 s.143 (1) (c) Rules must provide for defective nominations*, the Returning Officer determined a 7 day period after the close of nominations, to allow for the actioning of defective nominations

Signed



Kelly Brignall
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6365
10 March 2020

Attachments

Declaration of Results for Contested Offices

Police Federation of Australia
New South Wales Police Branch
DECLARATION OF RESULTS - E2019/170
Contested Offices

Casual Vacancy 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:

Western Region

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1,144
Number of voters issued with voting material	1,144
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	1,144
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	120
Number of declaration envelopes rejected at preliminary scrutiny (minus)	4
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	116
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	71
Voting material packs not returned by voters by closing date of the ballot	953
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	10 %

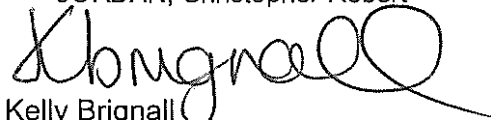
Ordinary Branch Executive Member (1)

<u>Candidates</u>	<u>Final Votes</u>
OZOLS, Fiona	33
JORDAN, Christopher Robert	82

Total ballot papers admitted for this office	116
Formal Ballot papers	115
Informal Ballot papers	1

I declare the following elected:

- JORDAN, Christopher Robert



Kelly Brignall
 Returning Officer

Telephone: 02 9375 6365

Email: nswelections@aec.gov.au

07/02/2020





DECISION

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

Police Federation of Australia-New South Wales Police Branch (E2019/170)

MR ENRIGHT

MELBOURNE, 7 OCTOBER 2019

Arrangement for conduct of election.

[1] On 13 September 2019 the Police Federation of Australia-New South Wales Police Branch lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

Ordinary Branch Executive Member

Western Region

(1)

[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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR351496

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, Anthony King, being the Branch President of the Police Federation of Australia New South Wales Police Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for Police Federation of Australia New South Wales Police Branch.
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 resignation letter or other supporting information is attached for each casual vacancy.
5. No rule alterations are pending that will impact the election.
6. This statement **IS NOT** lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason it is lodged after the prescribed time is:
 - a. This is a casual vacancy and the rules are silent as to date for calling of the election.
7. *If the number of elected representatives is calculated on a formula(s) defined in the rules]:*
 - a. The rule number which specify the formula is Rule 52EG(e)(iii)(b):
 - b. The formula is "on a proportionate basis of one for up to the first one thousand (1,000) members, then one for each and every additional one thousand (1,000) members, in each Region."
 - c. The information for calculating the formula(s) is the number of members of the Region.
 - d. The relevant date for this information is 7 days before the calling of nominations

A handwritten signature in black ink, consisting of a stylized 'T' followed by a 'K' and a 'G'.

Signed:

Dated: 13 September 2019

Annexure A

- Elections that are required [insert as many pages as required]

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
New South Wales Police Branch	Ordinary Branch Executive Member Western Region	1	Direct Voting System	Casual vacancy	<i>Financial members of the Western Region of the Police Federation of Australia, New South Wales Police Branch. – Rule 52EG(b)9j)(1)</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the Returning Officer – Rule 52EH(h)(ii)	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
Nominations CLOSE	To be determined by the Returning Officer Rule 52EH(h)(ii)	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
Roll of Voters cut off date	Rules are silent re Casual Vacancy. Rule 52EG(e)(i)(a) prescribes that the electoral roll will close Seven (7) Days before the calling of nominations in respect to scheduled elections.	Insert date and reference the relevant rule

NOTES: 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'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template Prescribed information for the election of officer and non-officer positions.