



31 May 2017

Mr Colin Goodsell  
Acting President  
Police Federation of Australia-Northern Territory Police Branch  
admin@ntpa.com.au

Dear Mr Goodsell,

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 for the election of contested offices for Northern Territory Branch [E2017/6]. 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-Northern Territory 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.

Regards

Christine Hibberd  
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].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  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]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*
    2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

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](mailto: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 <u>New</u> 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
...						

25 May 2017

# Post-election Report

**Police Federation of Australia – Northern  
Territory Police Branch – E2017/6**

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## Election Covered in this Report

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Election Decision No: E2017/6

### Rules

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Rules used for the election:	200V: Incorporates alterations of 15/2/2017 [R2016/317] (replaces rulebook dated 23/12/2016 [R2016/283])
Rules difficult to apply/interpret: Module Rule reference (if any)	None N/A

### Roll of Voters

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Total number of voters on the Roll:	1387
Number of apparent workplace addresses:	864
Number of non-current addresses:	6
Other matters pertaining to the roll of voters:	None

### Irregularities

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

Other irregularities identified, and action taken: Nil

## Other Matters

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N/A

## Attachment

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- 1) Declaration of Results



Chris Roper  
Returning Officer

25 May 2017



**Police Federation of Australia  
Northern Territory Police Branch**

**Scheduled Election 2017**

**Declaration of Results for Contested Offices**

**E2017/6**

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.

Total number of names on the roll of voters	<b>1387</b>
Ballot papers issued	<b>1387</b>
Replacement ballot papers issued	<b>2</b>
<b>Total Ballot Papers Issued</b>	<b>1389</b>
Ballot papers / envelopes returned for scrutiny	<b>453</b>
Less ballot papers / envelopes rejected at preliminary scrutiny	<b>4</b>
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>449</b>
Percentage of ballot papers returned to number issued	<b>32%</b>
Ballot papers returned as unclaimed mail	<b>6</b>
Ballot papers not returned	<b>930</b>

**Branch Vice President (1)**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
WILSON, Chris	340	340
BAHNERT, Geoff	107	107
Total votes	<b>447</b>	<b>447</b>
Formal ballot papers	<b>447</b>	<b>447</b>
Informal ballot papers	<b>2</b>	<b>2</b>

I declare Chris Wilson elected.

## Branch Executive Members (5)

<u>Candidates</u>	<u>Primary Votes</u>
MARSHALL, Matt	247
ELLIOTT, Dean	227
NANKIVELL, Ian Stuart	283
QUEDLEY, Colin Michael	78
BAHNERT, Geoff	235
SIMPSON, Terry	260
CARSON, Patrick Phillip	232
COTTIER, Brett	365
EVANS, Jakson	273
Formal primary votes	<b>2200</b>
Primary votes each ballot paper	<b>Divided by 5</b>
Formal ballot papers	<b>440</b>
Informal ballot papers	<b>9</b>

I declare Brett Cottier, Jakson Evans, Matt Marshall, Ian Stuart Nankivell and Terry Simpson elected.



Chris Roper  
Returning Officer  
Australian Electoral Commission

15 May 2017



## DECISION

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

### **Police Federation of Australia** (E2017/6)

MR ENRIGHT

MELBOURNE, 21 FEBRUARY 2017

*Arrangement for conduct of election.*

[1] On 27 January 2017 the Northern Territory Police Branch (the Branch) of the Police Federation of Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Vice President  
Branch Executive Members (5)

[2] The Branch did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations). The prescribed information should have been lodged by 1 January 2017.

[3] In its previous election (E2016/54), the Branch lodged the relevant prescribed information outside the time prescribed by regulation 138(3) of the Regulations although, having considered the reasons for late lodgement on that occasion, I allowed a later day for lodgement. Taking into account the circumstances of this matter, the Branch has for each of its two most recent requests for the conduct of an election failed to lodge the prescribed information in a timely way. The failure by the Branch in E2016/54 potentially exposed it to a civil penalty provision and the failure on this occasion has converted that potential into a reality. In other words, the Branch has contravened its statutory obligations and is now liable for a civil penalty provision pursuant to section 189(2) of the Act.

[4] In correspondence dated 16 February 2017, Mr Rob Perry, the Industrial and Legal Officer of the Branch, stated that the delay was due to a misconception as to the relevant legislative requirements. I note that Mr Perry has undertaken to review the Branch's governance processes with respect to its statutory obligations to ensure that such delays are not repeated.

[5] I am not satisfied that the above reason is a sufficient ground to justify the failure to comply with a statutory obligation. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references pertaining to their own governance formulated by the organisations themselves, I decline on this occasion to allow, under section 189(2) of the Act,

a later day for lodgement. As I have indicated above, the failure to lodge prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the Act.

[6] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[7] 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 GENERAL MANAGER

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27 January 2017

Our Ref: 0003/17

Delegate  
Fair Work Australia  
By email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Dear Sir/Madam

### NT Police Association Executive Elections 2017

I, **Colin James Goodsell** state as follows:

I am the Acting President of the Northern Territory Police Association Inc and the Police Federation of Australia Northern Territory Police Branch, organisations registered under the *Fair Work Act 2009*, and am authorised to make this statement.

The following information in respect of an election is being lodged in accordance with s.189(1) of the *Fair Work (Registered Organisations) Act 2009*:

(a) an election is required in respect of the following offices of the Northern Territory Police Association:

**Vice President (1)**

**Branch Executive Members (5)**

(b) the reason for the election being:

**Vice President** the term of office is due to expire in the normal course of events

**Executive Members** the term of office is due to expire in the normal course of events

(c) the electorate for this election is the financial members of the Police Federation of Australia, Northern Territory Branch. Pursuant to Regulation 138(1)(f) and Rule 52DO (11)(iii) the roll of voters shall close on 17 February 2017.

(d) the voting system to be used in this election is the Direct Voting System.

(e) the date and time of the commencement and expiration of the period for nomination is as follows:

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#### Northern Territory Police Association

Level 2, Suite 209 'Spirit on The Avenue' 12 Salonika Street, Parap NT 0820 | GPO Box 2350, Darwin NT 0801  
ABN 36 709 591 145 | P +61 (0) 8 8995 9520 | E [reception@ntpa.com.au](mailto:reception@ntpa.com.au) | [www.ntpa.com.au](http://www.ntpa.com.au)

**Nominations open: 1 March 2017**

**Nominations close: 31 March 2017**

I ask that you please make arrangements with the Australian Electoral Commission for the above elections.

Yours Sincerely



**Colin Goodsell  
Acting President**



27 January 2017

Our Ref: 0003/17

Delegate  
Fair Work Australia  
By email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

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**Nominations open: 1 March 2017**

**Nominations close: 31 March 2017**

I ask that you please make arrangements with the Australian Electoral Commission for the above elections.

Yours Sincerely



**Colin Goodsell  
Acting President**