



## DECISION

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

### **Police Federation of Australia** (E2015/138)

MR ENRIGHT

MELBOURNE, 20 APRIL 2015

*Arrangement for conduct of election.*

[1] On 10 April 2015 the Queensland Police Branch of the Police Federation of Australia (the Branch) lodged with the Fair Work Commission the prescribed information in relation to an election for the following office:

Branch President

[2] The prescribed information was not lodged before the prescribed day as required by section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). I have been advised that the prescribed information was not submitted before the prescribed day because the Branch, which was formed in 2014, is transitioning to a Federal entity.

[3] The rules of the Branch were certified on 16 April 2014. Rule 12 of part CF1 of those rules stipulated that an inaugural election for the relevant office must commence following certification. The result of the inaugural election was declared on 24 September 2014. Rule 40 of part CF2 provides for a new four year term for Branch President, commencing on 1 March 2015.

[4] Although the Branch rules leave to be determined the date for the opening of nominations, it is apparent that an election should have been conducted prior to the commencement of the new term of office on 1 March 2015. The fact that the prescribed information was not lodged until after the term of office was due to commence indicates that it was not lodged within the required timeframe.

[5] I have considered the explanation for the delay in lodging the prescribed information provided by the Branch. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the Act but also in instruments or references pertaining to the governance arrangements formulated by organisations themselves, I decline on this occasion to allow, in the formal sense intended by section 189(2) of the Act, a later day for lodgement. The failure of the organisation to lodge the prescribed information before the prescribed day contravenes section 189(2) of the Act which is a civil penalty provision. Failures by organisations to comply with civil penalty provisions may be the subject of applications by the Fair Work Commission for orders in the Federal Court.

[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 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 GENERAL MANAGER

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# Police Federation of Australia

The National Voice of Policing

## Queensland State Branch

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10 April 2015

The Registrar  
Fair Work Commission  
11 Exhibition Street,  
MELBOURNE 3000

ATTENTION: Ms Rebecca LEE

Via email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Dear Madam,

Re: Request for Australian Electoral Commission to Conduct Elections — Queensland Police Branch of the Police Federation of Australia

This letter supplements my letter to you dated 26 March 2015.

Please find attached 3(three) Prescribed Information Statements relating to the Queensland State Branch of the Police Federation of Australia for the positions of President and two Executive positions.

My apologies for the confusion and probably late notifications whilst we transition into being a Federal entity. I greatly appreciate the assistance from your office during this period.

Please do not hesitate to contact me if you require any further information.

Yours faithfully

MICK BARNES  
INTERIM BRANCH SECRETARY  
QUEENSLAND POLICE BRANCH  
POLICE FEDERATION OF AUSTRALIA



**Police Federation  
of Australia**

The National Voice of Policing

**PRESCRIBED INFORMATION IN RESPECT OF ELECTION  
-s.189(1) of the Fair Work (Registered Organisations) Act 2009**

I am an officer of the Police Federation of Australia and am authorised to sign this statement, which is lodged in accordance with Section 189(1) of the Fair Work (Registered Organisations) Act 2009:

Offices to be elected –

Branch President – 1

Reason for the election –

The incumbent's term expired on 28<sup>th</sup> February 2015.

Electorates –

For the purposes of Branch President all members of the Branch are entitled to vote.

Nomination open & close dates are at the determination of the Returning Officer

Roll of voters close 30 days prior to opening of nominations

Voting system - direct voting system (elected by members)

A statement signed by an officer of the branch (in this case the Branch Secretary) advising that the information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.

A handwritten signature in blue ink, appearing to read 'Mick Barnes'.

MICK BARNES  
SECRETARY  
QUEENSLAND POLICE BRANCH  
POLICE FEDERATION OF AUSTRALIA  
10 April 2015