



19 April 2017

Mr Ian Leavers
Branch President
Queensland Police Branch
Police Federation of Australia

By email: pfaqld@qpu.asn.au

Dear Mr Leavers,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election of uncontested and contested offices for the Queensland Police Branch (the Branch) [E2016/246]. 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 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require 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. A list of approved training providers is attached.

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 should be provided for in your organisation's rules.

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 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:

11 Exhibition Street
Melbourne VIC 3000
GPO Box 1994
Melbourne VIC 3001

Telephone: (03) 8656 4694
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

- 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

Sarah Wilkin

Sarah Wilkin
Regulatory Compliance Branch

List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 ceo@ahawa.asn.au
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 imacdonald@bic.asn.au
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 jenifer.leuba@aigroup.asn.au
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 members@nat.awu.net.au
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	AICD state-based contacts
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 orgcentre@actu.org.au
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 dennisr@wwr.com.au
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 learning@lgnsw.org.au
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 ceo@aha.org.au
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 tom@dws.net.au
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 vibeprctraining@bigpond.com
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	andrew.johnson@lgrceu.org
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	paulm@mtaq.com.au

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].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 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]:³
 - 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]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

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
...						

21 March 2017

Post-election Report

**Police Federation of Australia PFA (Scheduled)
QLD Police Branch E2016/246**

Contents

Election(s) Covered in this Report.....	3
Rules	3
Roll of Voters	3
Irregularities	3
Other Matters.....	4
Attachments	4

Election(s) Covered in this Report

Election Decision No/s: E2016/246

Rules

Rules used for the election: 200V: Incorporates alterations of 17/8/2016 [R2016/92 & R2016/126]
Rules difficult to apply/interpret: Nil
Module Rule reference N/A

Roll of Voters

Total number of voters on the Roll

ROLL OF VOTERS:	Cluster 5	
Total number of voters on the roll	365	
Number of apparent workplace addresses	66	18.08%

ROLL OF VOTERS:	Cluster 48	
Total number of voters on the roll	68	
Number of apparent workplace addresses	4	5.88%

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

Organisation submitted details of electorates in a format different to that issued in the Decision from the Fair Work Commission. The organisation submitted the roll containing electorates titled "groups". The roll was re-requested in the format using Region, Clusters, Districts.

Attachments

- 1) E2016_246 Dec of uncon offices
- 2) E2016_246 Dec of con offices



Anthea Featherstone
Returning Officer

21 March 2017

Police Federation of Australia QLD Police Branch E2016/246

Declaration of Results for Uncontested Offices

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.

Queensland Branch

Conference Delegate - Far Northern Region, Cluster 1

Candidates

DYETT, Gilbert Anthony

Conference Delegate - Far Northern Region, Cluster 2

Candidates

NOWITZKI, Troy

Conference Delegate - Far Northern Region, Cluster 3

Candidates

LUMMA, Dale

Conference Delegate - Northern Region, Cluster 4

Candidates

No nomination was received

Conference Delegate - Northern Region, Cluster 6

Candidates

No nomination was received

Conference Delegate - Northern Region, Cluster 7

Candidates

LANE, Corey John

Conference Delegate - Central Region, Cluster 8

Candidates

DESPOT, Michael David

Conference Delegate - Central Region, Cluster 9

Candidates

WILKIE, Christopher David

Conference Delegate - Central Region, Cluster 10

Candidates

TEISSL, Heather Ann

Conference Delegate - Central Region, Cluster 11

Candidates

GROTH, Kevin John

Conference Delegate - North Coast Region, Cluster 12

Candidates

WILLIAMS, Russell Drew

Conference Delegate - North Coast Region, Cluster 13

Candidates

No nomination was received

Conference Delegate - North Coast Region, Cluster 14

Candidates

BAILEY, Andrew

Conference Delegate - North Coast Region, Cluster 15

Candidates

ANDERSON, Rob

Conference Delegate - North Coast Region, Cluster 16

Candidates

HORNE, Barry Wayne

Conference Delegate - North Coast Region, Cluster 17

Candidates

No nomination was received

Conference Delegate - Southern Region, Cluster 18

Candidates

WHITE, Andrew

Conference Delegate - Southern Region, Cluster 19

Candidates

RYAN, Stephen Anthony

Conference Delegate - Southern Region, Cluster 20

Candidates

MULLER, Colin Mark

Conference Delegate - Southern Region, Cluster 21

Candidates

ROBINSON, Shelly

Conference Delegate - Southern Region, Cluster 22

Candidates

LOVEDAY, Michael

Conference Delegate - Southern Region, Cluster 23

Candidates

ELLIS, James Alexander Graham

Conference Delegate - South East Region, Cluster 24

Candidates

KAZIMIEROWICZ, William (Billy Kaz)

Conference Delegate - South East Region, Cluster 25

Candidates

CRUICKSHANK, Kylee

Conference Delegate - South East Region, Cluster 26

Candidates

COOK, Peter

Conference Delegate - South East Region, Cluster 27

Candidates

MILLER, Todd

Conference Delegate - South East Region, Cluster 28

Candidates

ARMSTRONG, Terry

Conference Delegate - South East Region, Cluster 29

Candidates

GREEN, Glen

Conference Delegate - South East Region, Cluster 30

Candidates

LOXTON, Stephen B

Conference Delegate - Metropolitan North Region, Cluster 31

Candidates

JACKWAY, Richard

Conference Delegate - Metropolitan North Region, Cluster 32

Candidates

WELLS, Dave

Conference Delegate - Metropolitan North Region, Cluster 33

Candidates

GREEN, Rodney Stuart

Conference Delegate - Metropolitan North Region, Cluster 34

Candidates

No nomination was accepted

Conference Delegate - Metropolitan North Region, Cluster 35

Candidates

ADAMS, Scott J

Conference Delegate - Metropolitan North Region, Cluster 36

Candidates

HAINES, Kerrie

Conference Delegate - Metropolitan South Region, Cluster 37

Candidates

No nomination was received

Conference Delegate - Metropolitan South Region, Cluster 38

Candidates

FLORI, Peter

Conference Delegate - Metropolitan South Region, Cluster 39

Candidates

No nomination was received

Conference Delegate - Metropolitan South Region, Cluster 40

Candidates

TURGEON, Lauren Maree

Conference Delegate - Metropolitan South Region, Cluster 41

Candidates

No nomination was received

Conference Delegate - Metropolitan South Region, Cluster 42

Candidates

No nomination was received

Conference Delegate - Headquarters & Support Region, Cluster 43

Candidates

CLARK, Michael David

Conference Delegate - Headquarters & Support Region, Cluster 44

Candidates

PRIOR, Shane

Conference Delegate - Headquarters & Support Region, Cluster 45

Candidates

GOODWIN, Jason Thomas

Conference Delegate - Headquarters & Support Region, Cluster 46

Candidates

No nomination was received

Conference Delegate - Headquarters & Support Region, Cluster 47

Candidates

LYNAGH, Philip Wayne

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



Anthea Featherstone
Returning Officer

16 February 2017

**Police Federation of Australia
PFA (Scheduled) QLD Police Branch E2016/246**

Declaration of Results for Contested Offices

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.

Conference Delegate - Northern Region, Cluster 5

Total number of names on the roll of voters	365
Ballot papers issued	365
Replacement ballot papers issued	0
Total Ballot Papers Issued	365
Ballot papers / envelopes returned for scrutiny	81
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	80
Percentage of ballot papers returned to number issued	21.92
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	284

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
AHEARN, Damien Anthony	50	50
LORD, Wayne Douglas John	30	30
Total votes	80	80
Formal ballot papers	80	80
Informal ballot papers	0	0

I declare Damien Anthony Ahearn elected.

Conference Delegate - Headquarters & Support Region, Cluster 48

Total number of names on the roll of voters	68
Ballot papers issued	68
Replacement ballot papers issued	0
Total Ballot Papers Issued	68
Ballot papers / envelopes returned for scrutiny	21
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	20
Percentage of ballot papers returned to number issued	29.41
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	47

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
KELLY, Joshua	7	7
HOOKER, Timothy	13	13
Total votes	20	20
Formal ballot papers	20	20
Informal ballot papers	0	0

I declare Timothy Hooker elected.



Anthea Featherstone
 Returning Officer
 Australian Electoral Commission

20 March 2017



DECISION

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

Police Federation of Australia (E2016/246)

MR ENRIGHT

24 NOVEMBER 2016

Arrangement for conduct of election.

[1] On 20 October 2016 the Queensland Police 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:

One Branch Conference Delegate from each of the following clusters (48):

FAR NORTHERN REGION	
Clusters	Districts
1	Aurukun, Bamaga, Cairns, Coen, Cooktown, Edmonton, Gordonvale, Kowanyama, Laura, Lockhart River, Mossman, Pormpuraaw, Port Douglas, Smithfield, Thursday Island, Weipa, Yarrabah, Horn Island, Far Northern Regional H.Q.
2	Babinda, Cardwell, El Arish, Innisfail, Mission Beach, Mourilyan, Silkwood, South Johnstone, Tully
3	Atherton, Chillagoe, Croydon, Dimbulah, Einasleigh, Forsayth, Georgetown, Herberton, Kuranda, Malanda, Mareeba, Millaa Millaa, Mount Garnet, Mount Molloy, Mount Surprise, Ravenshoe, Yungaburra
NORTHERN REGION	
Clusters	Districts
4	Bedourie, Birdsville, Boulia, Burketown, Camooweal, Cloncurry, Dajarra, Doomadgee, Julie Creek, Karumba, Kynuna, McKinlay, Mornington Island, Mount Isa, Normanton
5	Magnetic Island, Townsville, North Queensland Police Academy
6	Deeragun, Kirwan, Mundingburra, Stuart, Townsville Traffic, Townsville Regional Office and Townsville District Office
7	Ayr, Charters Towers, Clare, Giru, Home Hill, Hughenden, Pentland, Prarie, Richmond, Ingham, Halifax, Palm Island, Rollingstone, Greenvale, Ravenswood

CENTRAL REGION	
Clusters	Districts
8	Agnes Waters, Baralaba, Biloela, Calliope, Gladstone, Goovigen, Many Peaks, Miriam Vale, Mount Larcom, Moura, Rosedale, Tannum Sands, Theodore, Wowan
9	Alpha, Aramac, Barcaldine, Blackall, Ilfracombe, Isisford, Jericho, Jundah, Longreach, Muttaborra, Windorah, Winton, Yaraka, Emerald, Capella
10	Calen, Carmila, Clermont, Dysart, Eton, Farleigh, Finch Hatton, Glenden, Mackay, Marian, Middlemount, Mirani, Moranbah, Nebo, Proserpine, Sarina, St. Lawrence, Walkerston, Whitsunday, Mackay Northern Beaches, Collinsville, Bowen
11	Anakie, Blackwater, Duaringa, Emu Park, Gracemere, Lakes Creek, Marlborough, Marmor, Mount Morgan, North Rockhampton, Rockhampton, Rolleston, Springsure, Tieri, Westwood, Woorabinda, Yeppoon, Central Regional H.Q.
NORTH COAST REGION	
Clusters	Districts
12	Bundaberg, Bargara, Childers, Gin Gin, South Kolan
13	Kingaroy, Blackbutt, Cherbourg, Kumbia, Murgon, Nanango, Proston, Wondai, Eidsvold, Monto, Mt. Perry, Mundubbera, Gayndah
14	Gympie, Imbil, Kilkivan, Goomeri, Tin Can Bay
15	Maryborough, Tiaro, Howard, Hervey Bay, Biggenden, Fraser Island
16	Bribie Island, Caboolture, Deception Bay, Kilcoy, Moore, Woodford, Redcliffe
17	Caloundra, Coolum, Cooroy, Eumundi, Kawana Waters, Landsborough, Maleny, Maroochydore, Nambour, Noosa Heads, Palmwoods, Pomona, North Coast Regional Headquarters, Beerwah
SOUTHERN REGION	
Clusters	Districts
18	Adavale, Augathella, Charleville, Cunnamulla, Eromanga, Eulo, Hungerford, Morven, Quilpie, Tambo, Thargomindah, Wyandra
19	Bell, Cecil Plains, Chinchilla, Cooyar, Dalby, Jandowae, Meandarra, Millmerran, Peranga, Tara, Yarraman
20	Boonah, Booval, Esk, Goodna, Harrisville, Ipswich, Kalbar, Karana Downs, Lowood, Marburg, Rosewood, Toogoolawah, Yamanto, Springfield
21	Bollon, Dirranbandi, Dulacca, Injune, Miles, Mitchell, Mungallala, Mungindi, Roma, St. George, Surat, Taroom, Thallon, Wallumbilla, Wandoan, Yuleba
22	Cambooya, Crows Nest, Drayton, Forest Hill, Gatton, Goombungee, Helidon, Jondaryan, Laidley, Oakey, Pittsworth, Toowoomba, Southern Regional H.Q.

23	Allora, Clifton, Goondiwindi, Inglewood, Killarney, Leyburn, Stanthorpe, Talwood, Texas, Wallangarra, Warwick, Yangan, Yelarbon
SOUTH EAST REGION	
Clusters	Districts
24	Broadbeach, Burleigh Heads, Palm Beach, Coolangatta, Robina
25	Southport, Runaway Bay, Water Police
26	Surfers Paradise, SER HQ
27	Coomera, Mudgeeraba, Nerang
28	Logan Central, Browns Plains, District HQ, Crestmead
29	Beenleigh, Loganholme, Springwood
30	Jimboomba, Beaudesert, Canungra, North Tamborine, Rathdowney
METROPOLITAN NORTH REGION	
Clusters	Districts
31	Ferny Grove, Indooroopilly, The Gap
32	Boondall, Clayfield, Hendra, State Traffic (Boondall)
33	Brisbane Watchhouse
34	Albany Creek, Petrie, Sandgate, Dayboro
35	Brisbane City, Metropolitan North Regional H.Q.
36	Fortitude Valley, Stafford
METROPOLITAN SOUTH REGION	
Clusters	Districts
37	Academy, Driver Training
38	Moorooka, Oxley, Sherwood, Mt Ommaney, Acacia Ridge, Inala, Calamvale
39	Carina, Coorparoo, Holland Park, Upper Mt Gravatt, Metropolitan South Regional H.Q.
40	Annerley, Dutton Park, Morningside, Southbank, West End
41	Capalaba, Cleveland, Dunwich, Redland Bay, Wynnum, Water Police, Russell Island, Macleay Island
42	Specialist Services
HEADQUARTERS AND SUPPORT REGION	
Clusters	Districts
43	Forensic Services Branch
44	S.C.O.C. Branch
45	Railway Squad and Alderley Branch
46	Crime and Misconduct Commission Branch
47	Headquarters Branch, Mounted Police, and Legal Services Branch
48	Brisbane Prosecutions

[2] Further information relating to the clusters from which the Branch Conference Delegates are to be elected from was provided on 9 November 2016.

[3] 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 prescribed information should have been lodged by 18 September 2016 at the very latest. Regulation 138(3) defines the prescribed day as “the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in an election”. The rules of the Branch do not provide a date for the opening of nominations. However, rule 40B(e) of Part CF2 of the rules of the Branch states that Conference Delegates shall take office on 1 January after each Annual Election. Rule 59(a) further states that the ballot must remain open for between 14 and 21 days and Rule 45(b) states that the closing day for nominations must be at least 28 days after the calling of nominations. The prescribed information was lodged on 20 October 2016. If nominations open two months later, on 20 December 2016, this leaves insufficient time for the election to be completed before 1 January 2017 should a ballot be required and for nominations to be open for at least 28 days. An extension of time to lodge the prescribed information was lodged on 22 November 2016. Despite being invited to do so, the Branch did not offer any reason for the delay in lodgement.

[4] In the absence of any reason regarding the delay in lodgement, I am not satisfied that the failure to comply with a statutory obligation should be excused. 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. The failure to lodge the prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the Act.

[5] I have indicated above that an extension of time to lodge the prescribed information was lodged on 22 November 2016 although despite being invited to do so, the Branch did not offer any reason for the delay in lodgement. For an abundance of clarity, I make it clear that the Queensland Police Branch of the Police Federation of Australia can confidently expect that contraventions of civil penalty provisions in the Act, such as the demonstrable contravention of section 189(2) in this matter, will be met with a proportionate regulatory response.

[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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR587090>

22 November 2016

Mr Sam Gallichio
Fair Work Commission

By Email: sam.gallichio@fwc.gov.au

Contact

James Stedman
Solicitor
Phone: 07 3017 2400
james@hallpayne.com.au

Our Reference

JS:4161399

Dear Mr Gallichio

Re: Prescribed information – Police Federation of Australia, Queensland Police Branch

We refer to the above and to your correspondence of 11 November 2016.

We are instructed:

1. our client, respectfully, does not accept, as a necessary consequence, that it will be liable if it does not request an extension of time. The liability of the Branch (if any) will depend on all of the relevant circumstances;
2. our client submits in the present circumstances, where the reporting unit has filed the prescribed information of its own volition and without the issuing of a rectification notice by the FWC, that the taking of action against the organisation and/or the Branch would not be in the public interest or in accordance with the FWC's regulatory compliance policy: see clause 9.10;
3. in any event, to put the matter beyond doubt, the Branch formally requests an extension of time for the filing of its prescribed information if doing so will not further delay the issuing of the decision;
4. our client requests that it be noted that the decision to conduct the election without further delay is of considerable importance, on a practical level, as the election must be declared in advance of the Branch Conference scheduled for May 2017; and
5. with respect to the issue of clusters, our client accepts that it is appropriate for the FWC to satisfy itself of the number of clusters to be filled prior to issuing the decision and that the Branch will endeavour to provide this information in future.

If you have any questions in relation to this matter please contact the writer.

Yours faithfully



James Stedman
Hall Payne Lawyers



11 November 2016

Mr James Stedman
Hall Payne Lawyers

Sent via email: james@hallpayne.com.au

Dear Mr Stedman,

Prescribed information – Police Federation of Australia, Queensland Police Branch (E2016/246)

I refer to my email of 2 November 2016 and your response of 9 November 2016.

Thank you for providing the list of clusters and motions determining the clusters.

The lodgement of the prescribed information

You have correctly identified that if, under s189(3) an election is due, then the General Manager or her Delegate must arrange for the conduct of the election by the AEC.

As indicated in my email of 2 November 2016, subsection 189(2) of the RO Act provides:

‘(2) The prescribed information must be lodged before the prescribed day *or such later day as the General Manager allows.*’

(emphasis added)

This section is a civil penalty provision. Therefore, the failure of the Branch to lodge prescribed information by the prescribed day, which was at the very latest 18 September 2016, would result in the Branch being liable to this civil penalty provision.

A request for an extension of time to lodge the prescribed information beyond this date would, if granted, alleviate any liability of the Branch to a civil penalty. Whether or not the Branch wishes to lodge an extension time is entirely a matter for them to determine, however failure to do so may leave the Branch open to Federal Court proceedings. Despite this, I wish to reinforce that this would have no bearing on whether or not the election itself is arranged. Can you please confirm that your client does not seek an extension of time.

The clusters for the election

The information you have provided regarding the clusters of the Branch confirms that by determination of the Branch Executive 48 Branch Conference Delegates are to be elected.

I am informed that a request was not made in relation to the number of Branch Conference Delegates in the 2015 election because at the time the Branch Executive had not yet held a meeting so as to, inter alia, perform its duty under Rule 5(b)(iv) Part CF2. As such, there was no option but to resort to the interim clusters set out in the Rule 17 of Part CF1. Of course, this is no longer the case.

Given the material you provided on 9 November 2016 it will not be necessary to lodge amended prescribed information in the present matter. Nonetheless, if information addressing given the

terms of Rule 5(b)(iv) of Part CF2 is not provided in future prescribed information the General Manager or her Delegate would not be able to be satisfied that an election for 47, or any particular number of Branch Conference Delegates, is required.

Should you wish to discuss the contents of this letter, please feel free to contact Sam Gallichio at any time, either by email at sam.gallichio@fwc.gov.au or via telephone on (03) 8656 4699.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sam Gallichio', written in a cursive style.

Sam Gallichio
Adviser
Regulatory Compliance Branch

9 November 2016

Mr Sam Gallichio
Fair Work Commission

Contact
James Stedman
Solicitor
Phone: 07 3017 2400
james@hallpayne.com.au

Our Reference
JS:4161399

By Email: sam.gallichio@fwc.gov.au

Dear Mr Gallichio

Re: Prescribed information – Police Federation of Australia, Queensland Police Branch

We refer to the above and to your email of 2 November 2016.

Your email deals with two different matters:

1. the lodgement of the prescribed information for election; and
2. the clusters for the election of Branch Conference Delegate.

We will deal with each of these matters in turn.

The lodgement of the prescribed information

1. Subsection 189(3) of the FW(RO) Act provides:

(3) If:

- (a) the prescribed information is lodged with the FWC by the organisation or branch (whether or not before the prescribed day or the later day allowed by the General Manager); and*
- (b) the General Manager is satisfied that an election is required to be held under the rules of the organisation or branch; and*
- (c) if the election is not an election for an office—the organisation or branch has made a request under section 187;*

the General Manager must arrange for the conduct of the election by the AEC.

(emphasis added)

2. Your email acknowledges the filing of prescribed information in relation to Branch Conference Delegates.
3. We do not understand it to be suggested that the General Manager is not satisfied that an election must be held. If our understanding is incorrect please advise by return.

4161077:2376503

4. Consequently the General Manager is required to arrange the conduct of the election by the AEC.
5. Subsection (3) does not appear to provide for a process whereby the FWC must require an organisation to request an extension of time following prescribed information being lodged, instead of, or prior to, arranging for the conduct of the election. If we have misunderstood the application of this subsection of the provision please advise by return how it is suggested the provision operates in the way we understand you contend.
6. The subsection appears sensible and in conformity with the objective of good governance by avoiding further delay in the conduct of a respective election if delay has occurred.
7. it is also consistent with the FWC's policy with respect to regulatory compliance which provides at paragraph 9.10(b):

"...lodgement with the FWC of a request for overdue elections without a rectification notice having been issued by the General Manager is considered to be voluntary compliance. Such a matter would ordinarily be considered to have been resolved through such voluntary compliance."

The clusters for the election

8. We are instructed that on 23 September 2015 meetings of the State Executive of the Queensland Police Union ('the QPUE') and the Branch Executive of the Police Federation of Australia, Queensland Police Branch ('the Branch') were held.
9. The Branch is a federal counterpart body of the QPUE.
10. On 23 September 2015, the Branch Executive determined:

"Unless the Executive determines otherwise, the clusters for the purpose of Conference Delegate elections will be the same as the clusters for the QPUE."
11. We are instructed that on 25 and 26 May 2016, the QPUE and the Branch held conferences.
12. At the QPUE conference, it was determined, in effect, that there would be the following clusters:

FAR NORTHERN REGION	
Clusters	Districts
1	Aurukun, Bamaga, Cairns, Coen, Cooktown, Edmonton, Gordonvale, Kowanyama, Laura, Lockhart River, Mossman, Pormpuraaw, Port Douglas, Smithfield, Thursday Island, Weipa, Yarrabah, Horn Island, Far Northern Regional H.Q.
2	Babinda, Cardwell, El Arish, Innisfail, Mission Beach, Mourilyan, Silkwood, South Johnstone, Tully
3	Atherton, Chillagoe, Croydon, Dimbulah, Einasleigh, Forsayth, Georgetown, Herberton, Kuranda, Malanda, Mareeba, Millaa Millaa, Mount Garnet, Mount Molloy, Mount Surprise, Ravenshoe, Yungaburra
NORTHERN REGION	
Clusters	Districts
4	Bedourie, Birdsville, Boulia, Burketown, Camooweal, Cloncurry,

	Dajarra, Doomadgee, Julie Creek, Karumba, Kynuna, McKinlay, Mornington Island, Mount Isa, Normanton
5	Magnetic Island, Townsville, North Queensland Police Academy
6	Deeragun, Kirwan, Mundingburra, Stuart, Townsville Traffic, Townsville Regional Office and Townsville District Office
7	Ayr, Charters Towers, Clare, Giru, Home Hill, Hughenden, Pentland, Prarie, Richmond, Ingham, Halifax, Palm Island, Rollingstone, Greenvale, Ravenswood
CENTRAL REGION	
Clusters	Districts
8	Agnes Waters, Baralaba, Biloela, Calliope, Gladstone, Goovigen, Many Peaks, Miriam Vale, Mount Larcom, Moura, Rosedale, Tannum Sands, Theodore, Wowan
9	Alpha, Aramac, Barcaldine, Blackall, Ilfracombe, Isisford, Jericho, Jundah, Longreach, Muttaburra, Windorah, Winton, Yaraka, Emerald, Capella
10	Calen, Carmila, Clermont, Dysart, Eton, Farleigh, Finch Hatton, Glenden, Mackay, Marian, Middlemount, Mirani, Moranbah, Nebo, Proserpine, Sarina, St. Lawrence, Walkerston, Whitsunday, Mackay Northern Beaches, Collinsville, Bowen
11	Anakie, Blackwater, Duaringa, Emu Park, Gracemere, Lakes Creek, Marlborough, Marmor, Mount Morgan, North Rockhampton, Rockhampton, Rolleston, Springsure, Tieri, Westwood, Woorabinda, Yeppoon, Central Regional H.Q.
NORTH COAST REGION	
Clusters	Districts
12	Bundaberg, Bargara, Childers, Gin Gin, South Kolan
13	Kingaroy, Blackbutt, Cherbourg, Kumbia, Murgon, Nanango, Proston, Wondai, Eidsvold, Monto, Mt. Perry, Mundubbera, Gayndah
14	Gympie, Imbil, Kilkivan, Goomeri, Tin Can Bay
15	Maryborough, Tiaro, Howard, Hervey Bay, Biggenden, Fraser Island
16	Bribie Island, Caboolture, Deception Bay, Kilcoy, Moore, Woodford, Redcliffe
17	Caloundra, Coolum, Cooroy, Eumundi, Kawana Waters, Landsborough, Maleny, Maroochydore, Nambour, Noosa Heads, Palmwoods, Pomona, North Coast Regional Headquarters, Beerwah
SOUTHERN REGION	
Clusters	Districts
18	Adavale, Augathella, Charleville, Cunnamulla, Eromanga, Eulo, Hungerford, Morven, Quilpie, Tambo, Thargomindah, Wyandra
19	Bell, Cecil Plains, Chinchilla, Cooyar, Dalby, Jandowae, Meandarra, Millmerran, Peranga, Tara, Yarraman
20	Boonah, Booval, Esk, Goodna, Harrisville, Ipswich, Kalbar, Karana Downs, Lowood, Marburg, Rosewood, Toogoolawah, Yamanto, Springfield
21	Bollon, Dirranbandi, Dulacca, Injune, Miles, Mitchell, Mungallala, Mungindi, Roma, St. George, Surat, Taroom, Thallon, Wallumbilla, Wandoan, Yuleba
22	Cambooya, Crows Nest, Drayton, Forest Hill, Gatton, Goombungee, Helidon, Jondaryan, Laidley, Oakey, Pittsworth, Toowoomba, Southern Regional H.Q.
23	Allora, Clifton, Goondiwindi, Inglewood, Killarney, Leyburn, Stanthorpe,

	Talwood, Texas, Wallangarra, Warwick, Yangan, Yelarbon
SOUTH EAST REGION	
Clusters	Districts
24	Broadbeach, Burleigh Heads, Palm Beach, Coolangatta, Robina
25	Southport, Runaway Bay, Water Police
26	Surfers Paradise, SER HQ
27	Coomera, Mudgeeraba, Nerang
28	Logan Central, Browns Plains, District HQ, Crestmead
29	Beenleigh, Loganholme, Springwood
30	Jimboomba, Beaudesert, Canungra, North Tamborine, Rathdowney
METROPOLITAN NORTH REGION	
Clusters	Districts
31	Ferny Grove, Indooroopilly, The Gap
32	Boondall, Clayfield, Hendra, State Traffic (Boondall)
33	Brisbane Watchhouse
34	Albany Creek, Petrie, Sandgate, Dayboro
35	Brisbane City, Metropolitan North Regional H.Q.
36	Fortitude Valley, Stafford
METROPOLITAN SOUTH REGION	
Clusters	Districts
37	Academy, Driver Training
38	Moorooka, Oxley, Sherwood, Mt Ommaney, Acacia Ridge, Inala, Calamvale
39	Carina, Coorparoo, Holland Park, Upper Mt Gravatt, Metropolitan South Regional H.Q
40	Annerley, Dutton Park, Morningside, Southbank, West End
41	Capalaba, Cleveland, Dunwich, Redland Bay, Wynnum, Water Police, Russell Island, Macleay Island
42	Specialist Services
HEADQUARTERS AND SUPPORT REGION	
Clusters	Districts
43	Forensic Services Branch
44	S.C.O.C. Branch
45	Railway Squad and Alderley Branch
46	Crime and Misconduct Commission Branch
47	Headquarters Branch, Mounted Police, and Legal Services Branch
48	Brisbane Prosecutions

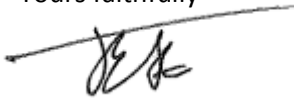
(‘the Clusters’).

13. Neither the Branch Conference, nor the Branch Executive, determined otherwise.
14. We enclose copies of:
 - a. the 23 September 2015 determination of the Branch Executive; and
 - b. the May 2016 determination of the QPUE Conference.
15. Our client submits that this additional information should assist the FWC in making the decision to conduct an election for the offices of ‘Branch Conference Delegates (48)’.

16. Our client notes that in 2015, the FWC arranged for an election to be conducted for the offices of: 'Conference Delegates (47)' without the need for each electorate to be separately identified in the prescribed information.
17. Our client respectfully submits that the prescribed information that has been lodged is correct and that it should not be put to the expense of preparing and lodging further prescribed information.

If you have any questions in relation to this matter please contact the writer.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Stedman', is written over a horizontal line.

James Stedman
Hall Payne Lawyers

DETERMINED AT Police Federation of Australia
Queensland Police Branch
Executive Meeting – September 2015

TOPIC Elections of Officers, Executive Members and Conference Delegates

MOTION:

“remove Collinsville and Bowen Stations from Group 22.8.2 (d) and insert in Group 22.8.3 (c)..

MOVER: Thomas (Executive)

SECONDER: Maxwell (Executive)

RESULT: MOTION CARRIED

TOPIC Conference Delegates

MOTION:

Unless the Executive determines otherwise, the clusters for the purpose of Conference Delegates will be the same as the clusters for the QPUE.

MOVER: Thomas (Executive)

SECONDER: Maxwell (Executive)

RESULT: MOTION CARRIED

DETERMINED AT Queensland Police Union of Employees
Annual Conference May 26-27 2016

TOPIC **Rule 22 – elections of Officers, Executive members and
Conference Delegates**

MOTION:

That the new / Logan South-West' branch be included in the groupings.

Remove Beaudesert, Canungra, North Tamborine and Rathdowney from group 22.8.6 (d).
Remove Jimboomba from group 22.8.6 (e). Create a new group 22.8.6 (g) comprising of
Jimboomba. Beaudesert, Canungra, North Tamborine, Rathdowney.

MOVER: Notaro (Executive)

SECONDER: Maxwell (Executive)

RESULT: **MOTION CARRIED**

GALLICHIO, Sam

From: GALLICHIO, Sam
Sent: Wednesday, 2 November 2016 12:26 PM
To: 'James Stedman'
Subject: RE: Police Federation of Australia, Queensland Police Branch

Dear James,

As discussed in our phone conversation this morning in relation to the PFA-QPB Rules, that the Prescribed Information (PI) cannot have been lodged by the prescribed day under Regulation 138(e) of the *Fair Work (Registered Organisations) Regulations 2009*. This Regulation states that PI must be lodged 2 months before the first day when a person may, under the rules of the branch, become a candidate.

Rule 40B(e) of Part CF2 of the PFA-QPB Rules (the Rules) states that Conference Delegates will take office on 1 January after each Annual Election. Working back from this timeframe, the Rules further state that the ballot must remain open for 14 and 21 days (Rule 59(a)) and that the closing day for nominations must be at least 28 days after the calling of nominations (Rule 45(b)). This suggests that theoretically the latest date the PI can be lodged was 18 September 2016 (however I note in practice the AEC would require approximately 3 weeks to take the additional required steps between the closing of nominations and opening of the ballot).

As a result, we require from the Branch a request for an extension of time under s 189(2) of the *Fair Work (Registered Organisations) Act 2009*, outlining the reasons why the PI was not lodged before the prescribed day.

Furthermore, the Branch has requested the Delegate make arrangements for the election of 48 Conference Delegates. Rule 5(b)(iii) states that the Branch Executive, will, at a meeting held at least 90 days prior to the calling of nominations of the election of Conference Delegates determine the Districts which comprise each of the Clusters. In order for the Delegate to be satisfied that there are 48 Conference Delegates to be elected, we would require a list of these Clusters.

In the circumstances, I suggest the Branch lodges a replacement PI identifying the regions and their associated Clusters and including an extension of time request. Evidence of the Branch Executive meeting in the form of the minutes where the Branch Executive determined the number of Clusters should also be provided.

If you have any further questions regarding this email please feel free to contact me at any time.

Kind Regards

SAM GALLICHIO
Adviser
Regulatory Compliance Branch

Fair Work Commission
Tel: 03 8656 4699
Fax: 03 9655 0410

sam.gallichio@fwc.gov.au

11 Exhibition Street, Melbourne, Victoria 3000
GPO Box 1994, Melbourne, Victoria 3001

www.fwc.gov.au

Please be aware my telephone number has changed. My new phone number is 03 8656 4699. Please update your records accordingly.

From: James Stedman [<mailto:JamesS@hallpayne.com.au>]
Sent: Thursday, 20 October 2016 2:53 PM
To: Orgs
Cc: Ian Leavers (ileavers@qpu.asn.au); 'PFAQLD'
Subject: Police Federation of Australia, Queensland Police Branch

Dear Delegate,

Please find attached by way of lodgement:

1. Prescribed information for election.

Yours faithfully,

James Stedman | Solicitor
Hall Payne Lawyers
T (07) 3017 2400 **F** (07) 3017 2499
www.hallpayne.com.au

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Police Federation of Australia

The National Voice of Policing

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Email: pfaql@qpu.asn.au

PRESCRIBED INFORMATION FOR ELECTION

Section 189 of the Fair Work (Registered Organisations) Act 2009 (Cth)

Section 138 of the Fair Work (Registered Organisations) Regulations 2009 (Cth)

I am an officer of the Queensland Police Branch of the Police Federation of Australia and am authorised to sign this statement which is lodged in accordance with subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009 (Cth)*.

Each office or position for which an election is required

Queensland Police Branch – Conference Delegates (48)

The reason for the elections

The term of office has expired or is due to expire in the normal course of events.

Electorates

One Conference Delegate will be elected by, and from, the Members of each of the respective Clusters.

Dates and time of nominations opening and closing

The Manager must fix the opening day and closing day for nominations for an office – see Part CF2, sub-rule 45(a).

The closing day must be at least 28 days after notice is given under rule 47 – see Part CF2, sub-rule 45(b).

Nominations open at midday on the opening day and close at midday on the closing day – see Part CF2, sub-rule 45(c).

Day provided for in the rules as the day on which the roll of voters is to be closed

30 days before the starting time for nominations.

Voting system

Direct voting system.

Ian Leavers
Branch President
Queensland Police Branch
Police Federation of Australia