



AMENDING DECISION

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

Police Federation of Australia
(E2020/47)

MR ENRIGHT

MELBOURNE, 30 OCTOBER 2020

Arrangement for conduct of election.

[1] On 17 February 2020 the South Australia Police Branch (the Branch) of the Police Federation of Australia lodged with the Registered Organisations Commission (the Commission) prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

Ordinary Branch Committee Member (1)

[2] On 19 March 2020, I issued a decision making arrangements for the conduct of an election for that office by the Australian Electoral Commission, as I was satisfied that an election for the abovenamed office was required to be held under the rules of the organisation at that time and under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*.

[3] Given the decision of the Australian Electoral Commission to suspend the conduct of most industrial elections due to the COVID-19 pandemic, the election in **E2020/47** has yet to be conducted.

[4] On 13 October 2020, the Branch wrote to the Commission requesting that I rescind the election decision for this casual vacancy because the remaining unexpired period of the term will shortly end and the scheduled election will soon be conducted where the same office (Ordinary Branch Committee Member) is required to be filled in both elections.

[5] On 19 October 2020, the Branch lodged prescribed information for a scheduled election (**E2020/195**) to fill several offices including the offices of Ordinary Branch Committee Members, one of which was the subject of the casual vacancy in election decision **E2020/47**.

[6] Today I issued a decision making arrangements for the conduct of the scheduled election **E2020/195** (Decision [2020] ROCD 168) by the Australian Electoral Commission.

[7] Accordingly, there is the potential for the two elections **E2020/47** (the casual vacancy) and **E2020/195** (a scheduled election for the new term of office) to occur simultaneously or in close temporal proximity to each other where one of the offices (one Ordinary Branch Committee Member) is required to be filled in both elections. The outcome of conducting both

elections either simultaneously or close together would likely present difficulties for the Branch.

[8] In order to prevent a duplication of elections, this amending decision is to advise that the casual vacancy election arising from my decision dated 19 March 2020 in **E2020/47** is no longer required.



DELEGATE OF THE COMMISSIONER

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PR351784



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Ref: BZ:cb:0330/20

13 October 2020

Mr Enright
Delegate for the Commissioner
Registered Organisations Commission

By email: regorgs@roc.gov.au

Dear Mr Enright

**Re: Matter number E2020/47
Request to rescind Decision to conduct election**

On 17 February 2020 the Police Federation of Australia (PFA) – South Australia Police Branch lodged with the Registered Organisations Commission (ROC) prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

Branch Ordinary Committee Member (1)

On 19 March 2020 I received a copy of the Decision made by Mr Enright, delegate for the Commissioner, vide rule s.189 *Fair Work (Registered Organisations Commission) Act 2009* that he was satisfied that an election for the abovenamed position was required.

On 19 March 2020 I was notified by the Australian Electoral Commission (AEC) that the ROC had made arrangements with the AEC to conduct the above election.

On 24 March 2020 the AEC advised it had determined that as of close of business that night, all industrial elections would cease due to the Coronavirus COVID-19's impact on the way the AEC could conduct its business.

As you would understand, COVID-19 has particularly affected police resources and this has had a negative impact on the South Australia Police Branch of the PFA, particularly with regards to how it conducts its business through the branch committee.

As a result of this, at its meeting of 8 October 2020, the committee of management moved to appoint a branch member to its committee vide rule 44B(k)(i)(B) of the PFA rules for the South Australia Police Branch, under Part C.

I further advise that under Rule 44B(f)(i) an election for the positions of Officers of the Branch (vide rule 44B(a)(i)) and Ordinary Members of the Branch Committee (vide rule 44B(a)(ii)) are to be completed by 1 April 2021.

To that end, it was my intention to prepare the relevant prescribed information for that election and to have subsequently lodged it with the ROC in the first week of November 2020, thereby allowing sufficient time to set a schedule for the conduct of that election.

Due to the closeness of the pending full election of positions for the committee, including the position previously notified as a casual vacancy (which has now been filled by appointment of a branch member), I am seeking your reconsideration of the decision to conduct that election, given the position will be "picked-up" in the pending full election.

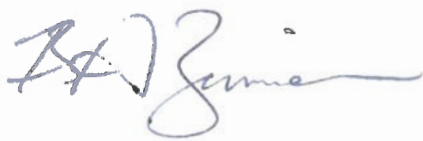
It is my understanding that it would be a relatively futile exercise to conduct an election for the casual vacancy when the full election (encompassing the same position) would presumably be in operation at some point, simultaneously, with the former election process.

As such, I am asking that the delegate for the commissioner consider rescinding or cancelling his original decision to conduct an election for the casual vacancy for matter number E2020/47 on that basis.

In the intervening period, pending a decision by the delegate regarding this request, I would ask that the AEC be notified of our request to the ROC, so as to suspend the conduct of the election until a decision has been made by the delegate. It is my understanding that the AEC is about to make arrangements to conduct this election.

If you require any further information or clarification regarding the contents of this letter, please do not hesitate to contact me.

Yours sincerely



BERNADETTE ZIMMERMANN
SECRETARY
SOUTH AUSTRALIA POLICE BRANCH OF THE PFA

cc: Mr Scott Weber
CEO, Police Federation of Australia
By email: [REDACTED]

Ms Deb Martiniello
Office Manager, Police Federation of Australia
By email: [REDACTED]



DECISION

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

Police Federation of Australia
(E2020/47)

MR ENRIGHT

MELBOURNE, 19 MARCH 2020

Arrangement for conduct of election.

[1] On 17 February 2020 the Police Federation of Australia-South Australia 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:

Branch Ordinary Committee Member (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

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PR351603



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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, BERNADETTE ZIMMERMANN, being the SECRETARY of the POLICE FEDERATION OF AUSTRALIA, SOUTH AUSTRALIA POLICE BRANCH make the following statement:

1. I am authorised to sign this statement containing prescribed information for POLICE FEDERATION OF AUSTRALIA, SOUTH AUSTRALIA 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 election that is required is 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.

Signed:

BERNADETTE ZIMMERMANN, SECRETARY

Dated:

17th

February 2020

Annexure A

- Elections that are 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
PFA-SA BRANCH	Branch Ordinary Committee Member	1	Direct Voting System	Casual Vacancy (The resignation is attached)	All financial members of the Branch (Rule 44B(b)(i))

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the returning officer	
Nominations CLOSE	To be determined by the returning officer	
Roll of Voters cut off date	Seven (7) days before the day that nominations are declared open (Rule 44B(e)(i))	