

GPO Box 4382
Melbourne VIC 3001

Level 8, Casselden Place
2 Lonsdale Street
Melbourne VIC 3000

Reference: VIC 10/233

Contact: Shane Lanning
Phone: 03 9285 7145
Facsimile: 03 9285 7149
E-mail: shane.lanning@aec.gov.au

Ms Sylvia Loveles
Administration Manager
Police Federation of Australia
PO Box 76
CARLTON SOUTH VIC 3053

**Post Election Report For: Police Federation of Australia –Victoria Police Branch
Election E2010/2582**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members. Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Shane T Lanning
Returning Officer

30 August 2010

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Police Federation of Australia –Victoria Police Branch

ELECTION COVERED IN THIS REPORT

Election Decision No: E2010/2582

RULES

Rules used for the election: [200V-Incorporates alterations of 22/07/2009
(R2009/10011)
Rules difficult to apply/interpret: None
Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 11627
Number of apparent workplace addresses: 602
Number of non-current addresses: Nil
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

ATTACHMENTS

Declaration of Results

Shane T Lanning
Returning Officer

6 August 2010

**Police Federation of Australia
Branch Executive Member (Vacancy)**

DECLARATION OF RESULT FOR CONTESTED OFFICE

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.

E2010/2582

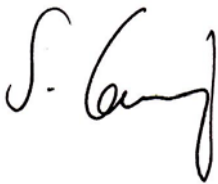
Victoria Police Branch

Total number of persons on the roll of voters	11627
Ballot papers issued	11627
Duplicate ballot papers issued	1
TOTAL BALLOT PAPERS ISSUED	11628
Ballot papers / envelopes returned for scrutiny	2403
Less ballot papers / envelopes rejected at preliminary scrutiny	41
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	2362
Percentage of ballot papers returned to number issued	20%
Ballot papers returned as unclaimed mail	38
Ballot papers not returned	9187

Branch Executive Member

<u>Candidates</u>	<u>Votes Received</u>
DE VRIES, Gerard	514
HOLLAND, Glenn	1846
Total votes	2360
Informal ballot papers	2

I declare Glenn Holland elected.



Shane T Lanning
Returning Officer
Australian Electoral Commission
27 August 2010



DECISION

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

Police Federation of Australia
(E2010/2582)

T. NASSIOS

MELBOURNE, 25 MAY 2010

Arrangement for conduct of election.

[1] On 12, 21 and 25 May 2010 the Victoria Police Branch of the abovenamed organisation lodged with Fair Work Australia the prescribed information in relation to an election for the following office:

Branch Executive Member

[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 GENERAL MANAGER
FAIR WORK AUSTRALIA

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The Police Association

UPHOLDING OUR RIGHTS SINCE 1917



More police on our streets now!
Where it matters most.

Our ref: 20051s.220

11 May 2010

Mr Tim Lee
General Manager
Fair Work Australia
GPO Box 1994
MELBOURNE 3001

Attention: Mr Iain Stewart

Dear Mr Lee

Re: Police Federation of Australia (Victoria Police Branch) – Casual vacancy due to resignation.

I have received the resignation of Rodney Brewer, Senior Vice President of The Police Federation of Australia (Victoria Police Branch).

In compliance with Rule 52 CF (13) of the Police Federation of Australia Victoria Police Branch Rules, we seek your authorisation to instruct the Australian Electoral Commission ("AEC") to commence the process in terms of conducting an election by way of direct voting system. To fill the vacancy, it is our intention to advertise the election by way of The Police Association "InBrief" Newsletter which is distributed to our membership via e-mail which is also posted on our website www.tpav.org.au.

Please find attached a statement in the prescribed form as required, pursuant to the provisions contained in Section 138 Prescribed Information for Election [S189(1)] of the Fair Work (Registered Organisations) Regulations 2009.

Should you have any queries please do not hesitate to contact me, or if I am unavailable, Mr Bruce Watt, Administration Manager, on telephone 9495 6899.

Yours sincerely

BRIAN RIX
President

1 Clarendon Street, East Melbourne Victoria 3002
PO Box 76, Carlton South, Victoria 3053

Tel: 03 9468 2600 Fax: 03 9495 6933

Email: general@tpav.org.au DX: 210680 ABN: 78 004 251 325

www.tpav.org.au

Brian Keith Rix

STATES: I am the Branch President of The Police Federation of Australia (Victoria Police Branch).

Pursuant to the provisions of **Fair Work (Registered Organisations) Regulations 2009 138 Prescribed Information for Election [S189(1)]**,

I advise receipt of the resignation of Rodney Brewer, Senior Vice President of the Police Federation of Australia (Victoria Police Branch) in an e-mail to me dated 29th April 2010 which was accepted by the Branch Executive at their meeting held on Tuesday 4th May 2010.

In compliance with Rule 52 (13) of The Police Federation of Australia (Victoria Branch) Rules, an election is required to be held to fill the Branch Executive vacancy as a result of the resignation of Rodney Brewer, Senior Vice President of the Police Federation of Australia (Victoria Police Branch).

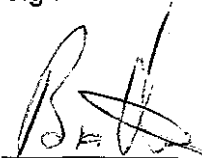
In accordance with Section 138 Prescribed Information for Election [S189(1)] of the Fair Work (Registered Organisations) Regulations, I request that you provide instructions to the Australian Electoral Commission to conduct an election for the casual vacancy created by the resignation of Rodney Brewer; and

Additionally request that you provide instructions to the Australian Electoral Commission to conduct an election to fill the casual vacancy of Branch Officer (Senior Vice President) created by the resignation of Rodney Brewer.

Subject to your instructions we intend to advertise this casual vacancy election in our 'In Brief' Newsletter which is distributed to our Membership via e-mail and also posted on our web site, www.tpav.org.au.

Voting in this casual vacancy election is by direct voting system.

Signed



Brian Keith Rix
President
Police Federation of Australia
(Victoria Police Branch)

End: Copy of email received
Resignation of Rodney Brewer

MEMORANDUM

TO: ADMINISTRATION MANAGER
FROM: ASSISTANT SECRETARY
SUBJECT: RESIGNATION OF EXECUTIVE MEMBER, ROD BREWER
DATE: 5 MAY 2010

At the Victoria Police Branch of the Police Federation of Australia Executive meeting held on 4 May 2010, the following motions were carried: –

1. **“THAT THE RESIGNATION OF ROD BREWER AS AN EXECUTIVE MEMBER AND SENIOR VICE PRESIDENT OF THE VICTORIA POLICE BRANCH OF THE POLICE FEDERATION OF AUSTRALIA, BE ACCEPTED.”**
2. **“THAT IN ACCORDANCE WITH RULE 52 CF (13) OF THE VICTORIA POLICE BRANCH OF THE POLICE FEDERATION OF AUSTRALIA RULES, THE BRANCH EXECUTIVE AUTHORISES THE ADMINISTRATION TO BRIEF FAIR WORK AUSTRALIA AND THE AUSTRALIAN ELECTORAL COMMISSION TO CONDUCT AN ELECTION TO FILL THE CASUAL VACANCY CAUSED BY THE RESIGNATION OF EXECUTIVE MEMBER, ROD BREWER.”**
3. **“THAT IN ACCORDANCE WITH RULE 52 CH (17) OF THE VICTORIA POLICE BRANCH OF THE POLICE FEDERATION OF AUSTRALIA RULES, THE BRANCH EXECUTIVE AUTHORISES THE ADMINISTRATION TO BRIEF FAIR WORK AUSTRALIA AND THE AUSTRALIAN ELECTORAL COMMISSION TO CONDUCT AN ELECTION TO FILL THE VACANT POSITION OF SENIOR VICE PRESIDENT.”**

For information and necessary action.


BRUCE MCKENZIE
Assistant Secretary

Brian Keith Rix

STATES: I am the Branch President of The Police Federation of Australia (Victoria Police Branch).

Pursuant to the provisions of *Fair Work (Registered Organisations) Regulation 2009*, 138 Prescribed Information for Election [S.189(1)],

I advise receipt of the resignation of Rodney Brewer, Senior Vice President of The Police Federation of Australia (Victoria Police Branch) in an email to me dated 29 April 2010 which was accepted by the Branch Executive at their meeting held on Tuesday 4 May 2010.

Under Rule 52CB(2), Branch Executive Members hold office for a period of three years.

Rodney Brewer was elected as a Branch Executive Member of The Police Federation of Australia (Victoria Police Branch) on 7 August 2008 (3 year period – copy of AEC Declaration of results attached).

As the unexpired term of his office as a Branch Executive Member exceeds the provisions contained in Rule 52CH(17)(a)(i), an election is required to fill the casual vacancy.

Rule 52CH(17)(a) requires such vacancy to be filled by secret postal ballot of all financial members of the Branch.

Subject to your instructions, we intend to advertise this casual vacancy election in the July 2010 edition of The Police Association Journal, also in our "InBrief" newsletter which is distributed to our membership via email and posted on our website, www.tpav.org.au.

Under the Rules, voting for this casual vacancy election is by direct voting system.

Signed



Brian Keith Rix
President
Police Federation of Australia
(Victoria Police Branch)

Encl: Copy of emailed resignation of Rodney Brewer, dd 29 April 2010
AEC Declaration of Election Results, dd 7 August 2008

POLICE FEDERATION OF AUSTRALIA

VICTORIA POLICE BRANCH

DECLARATION OF RESULTS

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2008/105

BRANCH EXECUTIVE MEMBERS (4)

Total number of persons on the roll of voters	11280
Ballot papers issued	11280
Duplicate ballot papers issued	1
TOTAL BALLOT PAPERS ISSUED	11281
Ballot papers / envelopes returned for scrutiny	3001
Less ballot papers / envelopes rejected at preliminary scrutiny	25
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	2976
Percentage of ballot papers returned to number issued	26%
Ballot papers returned as unclaimed mail	105
Ballot papers not returned	8175

Candidates	First Preference Votes	Order of Election
FORSYTH, Jenny	108	
BANKS, David	78	
CARTER, John	54	Fourth elected
HEAFIELD, Greg	931	
LAIRD, John	52	Third elected
BREWER, Rodney	72	Second elected
RIX, Brian	1429	First elected
GREEN, Phil	131	

Formal ballot papers 2855
Informal ballot papers 121

I declare Brian RIX, Rodney BREWER, John LAIRD and John CARTER elected.



Michael Pryor
Returning Officer
Australian Electoral Commission

7 August 2008

Shepherd,Scott

From: Shepherd,Scott
Sent: Monday, 24 May 2010 11:24 AM
To: 'Bruce Watt'
Subject: RE: Executive Election and PI for E2010/2582

Dear Bruce

I am writing to reiterate my advice to you during our conversation this morning.

In accordance with rule **52CF(17)(a)(i)** I agree that an eligible member of the Branch **may** be appointed by the Branch Committee to fill the Branch Officer (Senior Vice President) vacancy, as the unexpired portion of the term does not exceed three quarters of the term. I note for your information that the interpretation of rules of this kind has been that they do not deny an organisation the option of filling a casual vacancy by having an election conducted by the Australian Electoral Commission.

Regarding the amended prescribed information, rule **52CH(17)(a)(i)** and rule **52CH(17)(a)** are referred to in relation to the filling of the Branch Executive Member vacancy. My interpretation of the rules is that this rule pertains to casual vacancies in Branch Offices and that the relevant rule for the filling of vacancies of Branch Executive Member is rule **52CF(13)**. Under rule **52CF(13)(b)** an election is due for Branch Executive Member as the unexpired portion of the term exceeds one year. I note that if rule **52CH(17)(a)(i)** was applied, an election for Branch Executive member would not be required, as there is less than three quarters of the term remaining.

Finally, a statement is required in the prescribed information of the day provided for in the rules for the closure of the roll of voters. Under rule **52CF(5)** the roll of voters is closed 7 days before the day on which nominations open.

Regards

SCOTT SHEPHERD
Tribunal Services and Organisations

Fair Work Australia
Tel: 03 8661 7926
Fax: 03 9655 0410
scott.shepherd@fwa.gov.au

11 Exhibition Street, Melbourne Victoria 3000
GPO Box 1994, Melbourne Victoria 3001
www.fwa.gov.au

From: Bruce Watt [mailto:]
Sent: Friday, 21 May 2010 12:22 PM
To: Shepherd,Scott
Subject: FW: Executive Election

Dear Scott,

As discussed per phone the attachment above replaces the Prescribed information document originally supplied by us to FWA requesting an election to fill the casual vacancy created by the resignation of Rodney Brewer for a Branch Executive member and also Branch Officer (Senior Vice President)

BRANCH EXECUTIVE MEMBER

The attachment (Prescribed Information) now relates only to the filling of a casual vacancy for a Branch Executive member. Rodney Brewer was re-elected as a Branch Executive member on 9th August 2008 for a

25/05/2010

period of 3 years and under the Rules an election for the filling of this casual vacancy must be held Rule 52CH (17)(a)

BRANCH OFFICER

Rodney Brewer was elected to the Branch Officer position of Senior Vice President on 9th October 2008 for a 2 year period (Branch Officer positions are for 2 years Rule 52CA(3) as opposed to the 3 years for Branch Executive Members Rule 52CB(2)

I am advised that as all Branch Officer positions are scheduled to be conducted in October 2010 as the unexpired portion of the office is short and an election is imminent (October 2010) the Branch Committee may fill the casual vacancy at a Branch Executive meeting. Rule 17(a) (b) which deals with casual Vacancies of Branch Officers merely states that the Branch Executive shall take immediate action to have such vacancy filled by an election conducted at a meeting of the Branch Executive. This rule differs to the filling of casual vacancies for a Branch Executive member where it clearly advises the process that must be followed.

I would appreciate urgent advice re the correct process to be followed re the filling of the casual vacancy of Branch Officer - Senior Vice-President as the Branch Executive wish to fill the casual vacancy at their next meeting on Tuesday 1st June 2010

Regards,

Bruce Watt
Administration Manager
PH:94956899
Fax: 94956933
Mob: 0418541467
E-Mail [REDACTED]

From: Sylvia Loveless
Sent: Thursday, 20 May 2010 03:31
To: Bruce Watt
Subject: Executive Election

Bruce

Document attached.

Sylvia Loveless
Senior Personal Assistant (Industrial Relations)



Brian Keith Rix

STATES: I am the Branch President of The Police Federation of Australia (Victoria Police Branch).

Pursuant to the provisions of *Fair Work (Registered Organisations) Regulation 2009*, 138 Prescribed Information for Election [S.189(1)],

I advise receipt of the resignation of Rodney Brewer, Senior Vice President of The Police Federation of Australia (Victoria Police Branch) in an email to me dated 29 April 2010 which was accepted by the Branch Executive at their meeting held on Tuesday 4 May 2010.

Under Rule 52CB(2), Branch Executive Members hold office for a period of three years.

Rodney Brewer was elected as a Branch Executive Member of The Police Federation of Australia (Victoria Police Branch) on 7 August 2008 (3 year period – copy of AEC Declaration of results attached).

As the unexpired term of his office as a Branch Executive Member exceeds the provisions contained in Rule 52CF(13), an election is required to fill the casual vacancy by secret postal ballot of all financial members of the Branch.

In accordance with Rule 52CF(5), if more nominations are received than there are vacancies for the position, a ballot will be required.

The roll of eligible voters will close 7 days prior to the date at which nominations will open.

Under the Rules, voting for this casual vacancy election is by direct voting system.

Subject to your instructions, we intend to advertise this casual vacancy election in the July 2010 edition of The Police Association Journal, also in our "InBrief" newsletter which is distributed to our membership via email and posted on our website, www.tpav.org.au.

Signed

A handwritten signature in black ink, appearing to be 'BKR', written over a faint circular stamp or watermark.

Brian Keith Rix
President
Police Federation of Australia
(Victoria Police Branch)

Encl: Copy of emailed resignation of Rodney Brewer, dd 29 April 2010
AEC Declaration of Election Results, dd 7 August 2008