



12 September 2019

John Laird  
Branch President  
Police Federation of Australia-Victoria Police Branch  
Sent via email: general@tpav.org.au

cc: pfa@pfa.org.au

Dear John Laird,

### **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 in matter E2019/9. 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, as soon as practicable after receiving the post-election report, 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-Victoria 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.

Yours faithfully,

**Romy Kaur**  
**Registered Organisations Commission**

9 September 2019

# Post-election report

**Police Federation of Australia**

Victoria Police Branch

Scheduled election

E2019/9

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# Election(s) Covered in this Report

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Organisation: Police Federation of Australia - Victoria Police Branch  
Election: Scheduled  
Election Decision No/s: E2019/9

## Rules

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Rules used for the election: 200V: Incorporates alterations of 24 May 2019 (R2019/37)  
Rules difficult to apply/interpret: Nil, however, see “Other Matters”  
Model Rule reference (if any): [N/A](#)  
For more details see the Model Rules on the AEC website:  
([https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections))

## Roll of Voters

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Total number of voters on the Roll: 16,827  
Number of apparent workplace addresses: 603  
Number of non-current addresses: 475

It is acknowledged that the membership of the Police Federation of Australia – Victoria Police Branch is large and that the workforce is mobile, such that it is difficult to have a completely accurate “point in time” list of members. The PFA provided considerable assistance to the RO to resolve problems with the submitted Roll of Voters so as to allow for the posting of ballot material. A consequence of this work was that the final Roll of Voters included 16,827 eligible members, this being one more member than the number certified by the PFA (16,826).

## 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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Returning Officer actions required (Section 193): Nil, however please note the comments below

The PFA Victoria Police Branch election is conducted using the Standard Preferential System. This is due to precedent and an interpretation of Rule 52CG – System of Voting, which requires members to issue preferences.

Unlike the PFA Tasmania Police Branch rules (for example Rule 52BF (7)) there is no indication in the PFA Victoria Police Branch rules of a limit to the number of preferences required for a vote to be deemed a formal vote, and, unlike the PFA Queensland Police Branch rules (for example Rule 67 (b)), the PFA Victoria Police Branch rules do not specifically define informality.

Using the Standard Preferential System, a voter must place a number on the ballot paper against all names in the order of their preference. This is communicated to voters through the instruction on the ballot paper to *“number the boxes from 1 to 13 in order of your choice”* (noting that there were 13 candidates for E2019/9).

However, and potentially as a consequence of Rule 52CF (2A), which allows candidates to *“lodge **with their nominations** (my emphasis) a statement in support of their election....”* candidates may be inadvertently misleading voters and increase the risk that votes by their supporters are deemed informal.

That is, based on Rule 52CF (2A), candidates can only provide guidance on how they would like members to order their preferences to other candidates within a “team” and/or who they are aware have nominated, rather than to all candidates who nominate.

If a member then uses the candidate statement to complete their ballot paper, and does not follow the instructions on the ballot paper, this may penalise the candidate (by missing out on votes) and disenfranchise the member (whose vote is deemed informal).

The PFA Victoria Police Branch may wish to consider an amendment to their rules in an attempt to reduce the number of informal votes.

One possible amendment, which is considered the most likely mechanism to reduce the number of informal votes, would be to amend rule 52CF (2A) such that the lodgement of candidate statements occurs one week following the close of nominations.

This would mean that candidates know who they are competing against, and would allow them the opportunity to provide more complete information about how they would like a ballot paper completed, hopefully reducing the risk that the vote is deemed informal.

Alternatively, including a rule similar to that of the Tasmania Police Branch (defining the number of preferences required) may address this issue, as could a definition of informality, as appears in the PFA Queensland Police Branch rules.

Should the PFA be unable to amend the Victoria Police Branch rules for future elections, the AEC will seek to apply Section 193 powers in an attempt to reduce the high number of informal votes to include wording on all candidate statements to the effect of *“to make your vote count, follow the instructions on the ballot paper”*, this applied as additional words so as to have no impact to the 250 word limit for candidate statements (Rule 52CF (2A)).

# Signed

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David Murphy  
Returning Officer  
Australian Electoral Commission  
E: [vicelections@aec.gov.au](mailto:vicelections@aec.gov.au)  
P: 03 9285 7104  
9 September 2019

# Attachments

## A. Declaration of results for Contested Offices

**Police Federation of Australia**  
**Victoria Police Branch**  
**DECLARATION OF RESULTS - E2019/9**  
**Contested Offices**

**Scheduled Election**

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 are:

**Police Federation of Australia - Victoria Police Branch**

| <b>VOTING MATERIAL ISSUED</b>  |               |
|--|---------------|
| Total number of people on the roll of voters (a)   | 16,827        |
| Number of voters issued with voting material   | 16,827        |
| Total number of voters issued with replacement voting material   | 3             |
| <b>Total number of voting material packs issued</b>  | <b>16,830</b> |
| <b>VOTING MATERIAL RETURNED</b>  |               |
| Total number of envelopes returned for scrutiny by closing date of ballot (b)                          | 3,311         |
| Number of declaration envelopes rejected at preliminary scrutiny (minus)                               | 19            |
| Number of ballot papers returned outside declaration envelopes (minus)                                 | 3             |
| <b>COUNT</b>   |               |
| Total ballot papers admitted to the count  | 3,289         |
| <b>LATE OR UNRETURNED VOTING MATERIAL</b>  |               |
| Voting material returned as unclaimed mail by closing date of ballot                                   | 475           |
| Voting material packs not returned by voters by closing date of the ballot                             | 13,043        |
| Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a) | 20 %          |

**Branch Executive Members (4)**

| <u>Candidates</u>   | <u>First Preference Votes</u> | <u>Final Votes</u> |
|---------------------|-------------------------------|--------------------|
| AMOS, Mark          | 422                           | Excluded           |
| REYNOLDS, David     | 108                           | Excluded           |
| ALETRAS, Nik        | 44                            | Excluded           |
| SUTHERLAND, Angus   | 305                           | Excluded           |
| ARNOLD, Emma        | 301                           | Excluded           |
| AVON, Dermot        | 198                           | 1,517              |
| DAVID, Karl         | 873                           | 1,526              |
| MCLAUGHLIN, James   | 57                            | Excluded           |
| STANLEY, Scott      | 34                            | Excluded           |
| LEAHY, Eamon Thomas | 94                            | 1,788              |
| JACKSON, Max        | 89                            | 1,746              |
| MARTIN, Peter       | 82                            | Excluded           |
| BRIDGEMAN, Amma     | 348                           | Excluded           |



|  |       |
|--|-------|
| Total ballot papers admitted for this office | 3,289 |
| Formal Ballot papers                         | 2,955 |
| Informal Ballot papers                       | 334   |

| I declare the following elected: | Order Elected |
|----------------------------------|---------------|
| • DAVID, Karl                    | 1             |
| • AVON, Dermot                   | 2             |
| • JACKSON, Max                   | 3             |
| • LEAHY, Eamon Thomas            | 4             |

*David Murphy*

David Murphy  
Returning Officer  
Telephone: 03 9285 7104  
Email: [vicelections@aec.gov.au](mailto:vicelections@aec.gov.au)  
28/08/2019





## DECISION

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

**Police Federation of Australia**  
(E2019/9)

MR ENRIGHT

MELBOURNE, 4 APRIL 2019

*Arrangement for conduct of election.*

[1] On 4 March 2019 the Victoria Police Branch of the Police Federation of Australia lodged with the Registered Organisations Commission prescribed information in relation to an election to fill the following offices:

Branch Executive Members (4)

[2] I am satisfied that an election for the above-named 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 COMMISSIONER

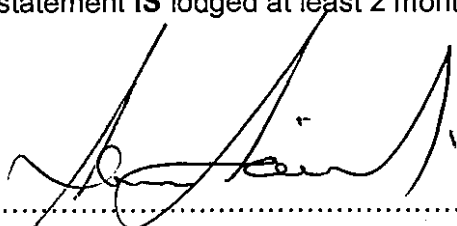
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**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009***

I, JOHN CAMPBELL LAIRD, being the PRESIDENT of the POLICE FEDERATION OF AUSTRALIA, VICTORIA POLICE BRANCH, make the following statement:

1. I am authorised to sign this statement containing prescribed information for POLICE FEDERATION OF AUSTRALIA, VICTORIA 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 elections that are required are set out in the table in Annexure A.
4. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:   
.....  
President

Dated: 4/3/19......

*[PLEASE NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

**ANNEXURE A**

- Elections that are required [*insert as many pages as required*]:

| <b>Branch</b>          | <b>Name of Office</b>          | <b>Number required</b> | <b>Voting System</b>   | <b>Reason for Election</b>   | <b>Electorate</b>                                 |
|------------------------|--------------------------------|------------------------|--|--|---|
|                        |                                |                        | <i>Direct voting system;<br/>Collegiate electoral system</i> | <i>Scheduled;<br/>Casual vacancy;<br/>New office created;<br/>Insufficient nominations</i> |   |
| <i>Victoria Police</i> | <i>Branch Executive Member</i> | <i>4</i>               | <i>Direct voting</i>   | <i>Scheduled</i>   | <i>Victoria Police Branch Members (rule 52CF)</i> |
|                        |                                |                        |  |  |   |

- Important dates:

|                                    | <b>Direct Voting System</b>                               |
|------------------------------------|---|
| <b>Nominations OPEN</b>            | <i>By no later than 31 May 2019 (rule 52CF(1))</i>        |
| <b>Nominations CLOSE</b>           | <i>12 noon Friday 21 June 2019 (rule 52CF(2))</i>         |
| <b>Roll of Voters cut off date</b> | <i>7 days prior to nominations opening (rule 52CF(5))</i> |

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as ‘to be determined by the returning officer’. Casual vacancies must be accompanied by proof of resignation and attached to this statement.