

Post Election Report For:

Election E No 2010/2545 and 2010/2553

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Register Organisation) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Industrial Registrar 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 of Schedule 1 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 (RAO) Regulations 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.

Simon Bulloch
Returning Officer

POST ELECTION REPORT

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s:2010/2545 &
2553

RULES

Rules used for the election: 200V: Incorporates alterations of
22/07/2009 [R2009/10011]
(replaces 16/06/2009 R2009/308
version)

Rules difficult to
apply/interpret:

Rule 52AA(2)(b) states, in part, 'The Executive shall be elected by and from the financial membership of the Branch.' ('Branch' defined as the Western Australia Police Branch as a whole), additionally, Rule 52AO(1) states 'Election to the Executive shall be conducted by a secret postal ballot of all financial members of the Branch, in accordance with this rule.'

However, what appears to contradict the above is rule 52AO(6)(b) 'The Returning Officer shall be provided by the Branch with a roll of the persons who are entitled to vote in the election, and that roll shall: (iv) show the region in which each member is eligible to vote. By implication, this requirement is to establish who is eligible to vote and from what region, therefore only those attached to the region which is the subject of the ballot would be eligible.

It is clear that Rule 52AO(6)(b)(iv) implies that only members from the particular region being balloted may vote in that ballot which contradicts Rule 52AA(2)(b) and 52AO(1).

After discussion with the PFA WA Branch they advised that the intent was the Executive shall be elected by and from the financial membership of the Branch.' Therefore rule 52AO(6)(b)(iv) needs to be amended.

Model Rule reference (if any): N/A

ROLL OF VOTERS

The roll of voters was requested by the Returning Officer and prepared by the Police Federation, WA Branch.

IRREGULARITIES

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

Other irregularities identified, and action taken: NIL

ATTACHMENTS

Declaration of Results for contested Offices

Simon Bulloch
Returning Officer

**Police Federation of Australia
E2010/2545 & 2553**

DECLARATION OF RESULTS FOR CONTESTED OFFICES

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.

E2010/2545 & E2010/2553

Western Australia Police Branch

Total number of persons on the roll of voters	0
Ballot papers issued	5609
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	5609
Ballot papers / envelopes returned for scrutiny	1547
Less ballot papers / envelopes rejected at preliminary scrutiny	20
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	1527
Percentage of ballot papers returned to number issued	27%
Ballot papers returned as unclaimed mail	51
Ballot papers not returned	4011

Branch Executive Member representing Metropolitan Region (2)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
SHORTLAND, Brandon Chad	229	785
CULLIFORD, Serena Joy	179	0
OSWALD, Adam Timothy	35	0
O'KEEFFE, Grant Paul	117	0
O'NEILL, Douglas Murray	107	0
PATERSON, Jamie Douglas	167	0
REGAN, Geoffery James	112	0
EASTMAN, Ross Leslie	132	680
MCDONALD, Kevin Patrick	151	0
BARLOW, Philip John	55	0
SAYER, David	69	0
LEWINGTON, Graeme Bradley	112	0
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	1465	1465
Formal ballot papers	1465	1465
Informal ballot papers	62	62

I declare Ross Leslie Eastman and Brandon Chad Shortland elected.

Total number of persons on the roll of voters	0
Ballot papers issued	5609
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	5609
Ballot papers / envelopes returned for scrutiny	1547
Less ballot papers / envelopes rejected at preliminary scrutiny	20
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	1527
Percentage of ballot papers returned to number issued	27%
Ballot papers returned as unclaimed mail	51

Ballot papers not returned

4011

Branch Executive Member representing East Region

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
WHARTON, Raymond Arthur	490	646
JOHNSTON, Colin Anthony	546	799
WELLS, Richard Paul	409	0
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	1445	1445
Formal ballot papers	1445	1445
Informal ballot papers	82	82

I declare Colin Anthony Johnston elected.

Simon Bulloch
Returning Officer
Australian Electoral Commission
2 July 2010



FAIR WORK
AUSTRALIA

DECISION

Fair Work (Registered Organisations) Act 2009
s.189(1) RO Act - Notification of elections for office

Police Federation of Australia - Western Australia Police Branch (E2010/2545)

T. NASSIOS

MELBOURNE, 24 MARCH 2010

Arrangement for conduct of election.

[1] On 19 March 2010 the Police Federation of Australia – Western Australia Police Branch lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Branch Executive Members from the following Regions:

Metropolitan Region
East (Goldfields/Esperance) Region

[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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR995382>



Police Federation of Australia

Western Australia Police Branch
639 Murray street
WEST PERTH WA 6005

March 15 2010
My ref: C 0458

General Manager
Fair Work Australia
GPO Box 1994
MELBOURNE Vic 3001

I refer to the attached copy of my recent declaration of changes to the Executive of this Union which created Casual Vacancies.

In accordance with Rule 52AB of the constitution of the Police Federation of Australia, the Executive of the Western Australia Police Branch met on March 3 2010 to determine the course for filling the casual vacancy. The relevant part of Rule 52AB provides:-

52AB – CASUAL VACANCIES

*(1) Any casual vacancies in the positions of President, Vice President, Deputy Vice President, Treasurer, **Executive Member**, and Delegate to Federal Council, shall be filled as soon as practicable by an ordinary election for so much of the unexpired part of the term as exceeds:*

(a) 12 months; or

(b) three-quarters of the term of the office;

whichever is the greater. Otherwise, any such casual vacancy shall be filled as soon as practicable by way of an appointment of an eligible person to the position by the executive.

The unexpired term of the vacated offices exceed 12 months and three-quarters of the term of the Office and therefore the Casual Vacancy must be filled by elections, one for candidates from the Metropolitan Region and one from East (Goldfields/Esperance) Region. I would be pleased if you would engage the Australian Electoral Commission to undertake the task and responsibility of Returning Officer as soon as practicable, as provided in the Rules.

R L (Russell) Armstrong
PRESIDENT



Police Federation
of Australia

ABN 31 384 184 778
Western Australia Police Branch
639 Murray Street
West Perth WA 6005

COPY

DECLARATION

**Sections 230-233 of the Fair Work (Registered Organisations) Act 2009
and Regulations 147-151 of the Fair Work (Registered Organisations) Regulations
2009**

In accordance with S.233 of the Act, I Russell Lee Armstrong, President of Police Federation of Australia, Western Australia Police Branch of 639 Murray Street West Perth WA 6005 in the State of Western Australia do hereby notify changes to the records kept under S.230(1)(b) as follows;

1. Noreen O'Rourke has resigned from the office of Branch Executive Member from the Metropolitan Region, effective February 10 2010.
2. Christopher John Cassidy has resigned from the office of Branch Executive Member from the East (Goldfields/Esperance) Region, effective March 2 2010.
3. The above resignations were tabled as inward correspondence at the Executive meeting of the Police Federation of Australia Western Australia Police Branch held March 3 2010, and noted.

AND I make this declaration conscientiously believing the same to be true.

Declared at West Perth in the State of Western Australia this

5TH day of MARCH 2010.


(signed RL Armstrong)

President