

**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

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## 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
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>5609</b>
Ballot papers / envelopes returned for scrutiny	1547
Less ballot papers / envelopes rejected at preliminary scrutiny	20
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>1527</b>
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
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>5609</b>
Ballot papers / envelopes returned for scrutiny	1547
Less ballot papers / envelopes rejected at preliminary scrutiny	20
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>1527</b>
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** (E2010/2553)

T. NASSIOS

MELBOURNE, 1 APRIL 2010

*Arrangement for conduct of election.*

[1] On 31 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 office:

Branch Executive Member from the following Region:

Metropolitan 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

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Police Federation  
of Australia

Western Australia Police Branch  
639 Murray street  
WEST PERTH WA 6005

March 30 2010  
My ref: C 0458

General Manager  
Fair Work Australia  
GPO Box 1994  
MELBOURNE Vic 3001

Thank you for your Decision (E2010/2545) of March 24 2010 in regard to casual vacancies on the executive of Police Federation of Australia (Western Australia Police Branch) and making arrangements for the conduct of the election by the Australian Electoral Commission.

I have attached a copy of a further resignation from Executive Member Bernard Marinus IRIKS which was the subject of my notification of change Declaration of even date, copy also appended for your information.

As recently discussed with Mr Mark Elliott of your office, it would be useful to the membership of the PFA (WA Police Branch) if the resultant election to fill the most recent vacancy created by resignation of Mr Iriks, could be incorporated into the election authorized by your referenced Decision, which is in the planning phase with AEC.

I would be pleased if you would engage the Australian Electoral Commission to undertake this wider task and allow the Returning Officer appointed by the AEC to expand the brief given by you so that there would be one only ballot paper covering two casual vacancies in the Metropolitan Region and one vacancy in the East (Goldfields/Esperance) Region.

Informal discussions with management of AEC in Western Australia suggests that this efficiency can be achieved, subject to your agreement and instructions which I now request, please.

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

### DECLARATION

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

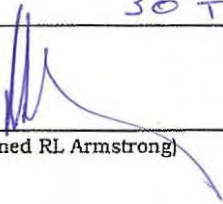
In accordance with S.233 of the Act, I Russell Lee Armstrong, President of Police Federation of Australia, Western Australia Police Branch of 639 Murray Street West Perth WA 6005 in the State of Western Australia do hereby notify change to the records kept under S.230(1)(b) as follows;

Bernard Marinus IRIKS has resigned from the office of Branch Executive Member from the Metropolitan Region, underdate of March 26 2010.

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

Declared at SYDNEY ..... in the State of NEW SOUTH WALES this

30 TH day of MARCH 2010.

  
\_\_\_\_\_  
(signed RL Armstrong)

President



[2010] FWAD 2404



## 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

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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**

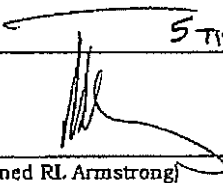
In accordance with S.233 of the Act, I Russell Lee Armstrong, President of Police Federation of Australia, Western Australia Police Branch of 639 Murray Street West Perth WA 6005 in the State of Western Australia do hereby notify changes to the records kept under S.230(1)(b) as follows;

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

5<sup>TH</sup> day of MARCH 2010.

  
\_\_\_\_\_  
(signed RL Armstrong)

President