

28 June 2017

Post-election Report

**E2017/42. Police Federation of Australia –
Queensland Branch Scheduled Election**

Contents

Election(s) Covered in this Report	3
Rules.....	3
Roll of Voters	3
Irregularities.....	5
Other Matters	5
Attachments.....	5

Election(s) Covered in this Report

Election Decision No/s: E2017/42

Rules

Rules used for the election: 200V: Incorporates alterations of 15/2/2017
[R2016/317]

Rules difficult to apply/interpret: None

Module Rule reference (if any) N/A

Roll of Voters

FAR NORTHERN REGION

Total number of voters on the roll	912
Number of apparent workplace addresses	244
Number of non-current addresses	2

CENTRAL REGION

Uncontested – No roll of voters required

SOUTHERN REGION

Total number of voters on the roll	1180
Number of apparent workplace addresses	208
Number of non-current addresses	13

METROPOLITAN NORTH

Uncontested – No roll of voters required

HEADQUARTERS AND SUPPORT REGIONAL OFFICES

Total number of voters on the roll	1347
Number of apparent workplace addresses	107
Number of non-current addresses	13

Other matters pertaining to the roll of voters:

The roll of voters for this election closed on 13 March 2017. A final list of voters was provided to the AEC on 15 May, along with a Declaration that the list included the “name and member information of every member who was financial as at 13 March 2017”. Ballot papers were sent on 22 May 2017 to the relevant members based upon the information provided within that list.

On 2 June 2017, I became aware that the list provided on 15 May 2017 contained information current as at that date, and not as at the roll close date of 13 March 2017. Further investigation revealed that there were:

- 51 Members from balloted Regions that were omitted from the final roll in error
- 5 Members that were on the final roll for an incorrect balloted Region
- 32 Members that were erroneously included on the final roll when they were not entitled to vote in a balloted Region

As a result, 56 ballot papers were mailed to members by Express Post on 7 June 2016, along with an explanation and advice that the return date for those ballot papers had been extended by two weeks to 26 June 2017 (all other votes were required to be returned by the original closing date of 12 June 2017).

The breakdown of affected members is as follows:

Far Northern Region

18 Ballot papers mailed to Members by Express Post
13 Members originally sent ballot papers had them rejected if they return them

HQ & Support Region

18 Ballot papers mailed to Members by Express Post
18 Members originally sent ballot papers had them rejected if they return them

Southern Region

20 Ballot papers mailed to Members by Express Post
6 Members originally sent ballot papers had them rejected if they return them

Irregularities

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

Nil

Other irregularities identified, and action taken:

Nil

Other Matters

There were several anecdotal reports of ballot papers taking two or more weeks to reach voters in regional areas. Rule 59(a)(ii) states that ballot must remain open for no longer than 21 days. Additionally, there were 106 declaration envelopes received in the four days following the closing of the ballot, and they were therefore unable to be counted.

The Union may wish to consider amending that rule to allow more time for postal ballots that include regional members.

Attachments

- 1) Declaration of results for Uncontested Offices
- 2) Declaration of Results for Contested Offices



Darren Drysdale]
Returning Officer

28 June 2017

**Police Federation of Australia
PFA - QLD Police Branch - Scheduled Election E2017/42**

Declaration of Results for Contested Offices

Below are 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.

Branch Regional Representative - Far Northern Region

Ballot papers issued	912
Replacement ballot papers issued	2
Total Ballot Papers Issued	914
Ballot papers / envelopes returned for scrutiny	295
Less ballot papers / envelopes rejected at preliminary scrutiny	6
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	289
Percentage of ballot papers returned to number issued	32%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	619

<u>Candidates</u>	<u>Votes</u>
BANAGHAN, Peter	56
BRISTOW, Martin	169
FIRTH, Hayley Louise	64
Total votes	289
Formal ballot papers	289
Informal ballot papers	0

I declare Martin Bristow elected.

Branch Regional Representative - Southern Region

Ballot papers issued	1180
Replacement ballot papers issued	13
Total Ballot Papers Issued	1193
Ballot papers / envelopes returned for scrutiny	415
Less ballot papers / envelopes rejected at preliminary scrutiny	6
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	409
Percentage of ballot papers returned to number issued	34%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	778

Candidates

Votes

MULLER, Colin Mark	234
PROUDLOCK, Chris	175
Total votes	409
Formal ballot papers	409
Informal ballot papers	0

I declare Colin Mark Muller elected.

Branch Regional Representative - Headquarters and Support Region

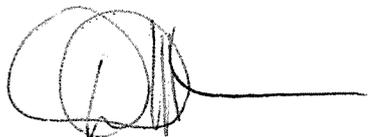
Ballot papers issued	1347
Replacement ballot papers issued	13
Total Ballot Papers Issued	1360
Ballot papers / envelopes returned for scrutiny	407
Less ballot papers / envelopes rejected at preliminary scrutiny	6
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	401
Percentage of ballot papers returned to number issued	29%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	953

Candidates

Votes

KELLY, Michael Francis	157
PRIOR, Shane Allan	243
Total votes	400
Formal ballot papers	400
Informal ballot papers	1

I declare Shane Allan Prior elected.



Darren Drysdale
Returning Officer
Australian Electoral Commission

28 June 2017



23 June 2017

Mr Ian Leavers
Branch President
Police Federation of Australia - Queensland Police Branch
pfaql@qpu.asn.au

Dear Mr Leavers,

cc: Mr Mark Burgess, Chief Executive Officer, Police Federation of Australia

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 uncontested offices for Queensland Branch [E2017/42]. 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 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 - Queensland 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.

Regards

Christine Hibberd
Registered Organisations Commission

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

- Police Federation of Australia
PFA - QLD Police Branch - Scheduled Election E2017/42

Declaration of Results for Uncontested Offices

Below are 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.

Queensland Branch

Branch Regional Representative - Central Region

Candidates

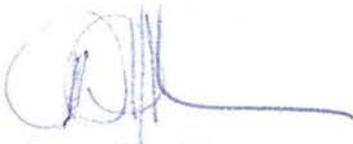
GROTH, Kevin John

Branch Regional Representative - Metropolitan North Region

Candidates

MAXWELL, Shayne Robert

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Darren Drysdale
Returning Officer

15 May 2017



DECISION

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

Police Federation of Australia
(E2017/42)

MR ENRIGHT

MELBOURNE, 21 MARCH 2017

Arrangement for conduct of election.

[1] On 21 February and 10 March 2017 the Queensland Police Branch of the Police Federation of Australia (the Branch) lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Branch Regional Representatives from each of the following Regions:

Far Northern (1)
Central (1)
Southern (1)
Metropolitan North (1)
Headquarters and Support regional offices (1)

[2] The Branch did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. The proposed schedule identifies the opening of nominations as 12 April 2017. Consequently, the prescribed information should have been lodged by 12 February 2017. In his correspondence dated 21 February 2017 the Branch President, Mr Ian Leavers stated the delay was due to the decision of the Branch to provide for an extended ballot period of 21 days to accommodate remote locations of its members and allow sufficient time for mail to be sent to remote locations in circumstances where “the post is not as prompt as it previously was”. The Branch requested that I allow for an extension of time for lodgement of the prescribed information under s. 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[3] I accept that the circumstances outlined by Mr Leavers are such that an extended timetable is necessary in order to facilitate participation in elections of Branch members who reside in what are undeniably remote locations, such as Far Northern Queensland. I consider the request for such an extended timetable reasonable in the circumstances and in accordance with the objects of the Act, which among other things, seek to encourage members to participate in the affairs of organisations to which they belong.

[4] I consequently allow for the extension as requested under s.189(2) of the Act.

[5] However, in allowing the extension, I emphasise the importance of registered organisations and their branches lodging the prescribed information for elections before the prescribed day under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations). Regulation 138(3) defines the prescribed day as “the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in an election”. I note that the failure of an organisation to lodge the prescribed information before the prescribed day is a civil penalty provision and draw the Branch’s attention to my recent observations upon the subject in *Police Federation of Australia* [2016] FWCD 7891.

[6] Consequently, it is my recommendation to the Branch that it ensures that prescribed information for Branch elections are lodged with the Commission in a timely manner. The question of whether an extended timetable is necessary or desirable should be considered earlier. Once the prescribed information is lodged in accordance with the legislation the Branch can engage with the Australian Electoral Commission about an appropriate election timetable.

[7] I am satisfied that an election for the abovenamed 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 GENERAL MANAGER

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AMENDED PRESCRIBED INFORMATION FOR ELECTION

I am an officer of the Queensland Police Branch of the Police Federation of Australia and am authorised to sign this statement which is lodged in accordance with section 189 of the *Fair Work (Registered Organisations) Act 2009* (Cth).

Each office or position for which an election is required

Queensland Police Branch – Far Northern Regional Representative
Queensland Police Branch – Central Regional Representative
Queensland Police Branch – Southern Regional Representative
Queensland Police Branch – Metropolitan North Regional Representative
Queensland Police Branch – Headquarters and Support Regional Representative

The reason for the elections

The term of the position has expired or is due to expire in the normal course of events.

Electorates

The Members of each respective Region – see sub-rule 39(b).

Dates and time of nominations opening and closing

The Manager must fix the opening day and closing day for nominations – see sub-rule 45(a).

The closing day must be at least 28 days after notice is given under rule 47 – see sub-rule 45(b).

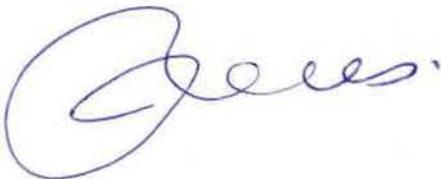
Nominations open at midday on the opening day and close at midday on the closing day – see sub-rule 45(c).

Day provided for in the rules as the day on which the roll of voters is to be closed

30 days before the starting time for nominations.

Voting system

Direct voting system.



Ian Leavers
Branch President
Queensland Police Branch
Police Federation of Australia



**Police Federation
of Australia**
The National Voice of Policing

Ian Leavers
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Queensland Police Branch
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21 February 2017

The Delegate
Fair Work Commission
GPO Box 1994
Melbourne VIC 3001

By email: orgs@fwc.gov.au

Dear Mr Enright,

We enclose by way of lodgement:

1. Prescribed information for election for the offices of Branch Regional Representatives of the Police Federation of Australia, Queensland Police Branch.

Whilst we appreciate that the precise timetable for the election of Branch Regional Representatives is not a matter for the Fair Work Commission, to ensure the effective and orderly transition of office, the following timetable for the election is proposed:

Roll of voters close: 13 March 2017
Nominations Called: 12 April 2017
Nominations Closed: 10 May 2017
Ballot Opens (if required): 17 May 2017
Ballot Closes (if required): Midday, 7 June 2017
Regional Representatives take office: 1 July 2017

The basis for the requested period of ballot is, as the Delegate will have noted, one of the elections is for the Far Northern Regional Representative which will involve mail going to remote locations, in circumstances where the post is not as prompt as it previously was. Part CF2 of the Police Federation of Australia rules provide for a minimum ballot period of 14 days, however we have opted for a period of 21 days to accommodate the remote locations of these members.

To the extent that an extension is necessary (on the proposed timetable in the order of 10 days), under section 189 of the *Fair Work (Registered Organisations) Act 2009* (Cth), we respectfully request that the General Manager allow the extension. In that regard, the Delegate will note that the proposed declaration date is 23 days prior to the last date that would have been available if the officers take office on 1 July 2017 and would, if a later date was adopted, have pushed back the date for opening of the nominations so that an extension was not necessary.

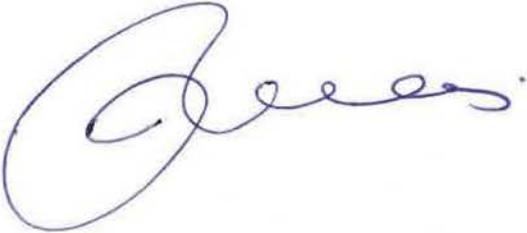
As a consequence of the Branch Regional Representatives being elected, a subsequent election for the following officers will be required:

- Branch Vice President;
- Branch Treasurer;
- Branch Assistant Treasurers; and
- potentially Federal Councillors.
-

A separate Prescribed Information will be filed for this election to be conducted.

If you have any queries with regard to this application, please do not hesitate to contact Mr Dale Blackmore from Hall Payne Lawyers on (07) 3017 2400.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Ian Leavers', with a large, stylized initial 'I'.

IAN LEAVERS
BRANCH PRESIDENT

PRESCRIBED INFORMATION FOR ELECTION

I am an officer of the Queensland Police Branch of the Police Federation of Australia and am authorised to sign this statement which is lodged in accordance with section 187 of the *Fair Work (Registered Organisations) Act 2009* (Cth).

Each office or position for which an election is required

Queensland Police Branch – Far Northern Regional Representative
Queensland Police Branch – Central Regional Representative
Queensland Police Branch – Southern Regional Representative
Queensland Police Branch – Metropolitan North Regional Representative
Queensland Police Branch – Headquarters and Support Regional Representative

The reason for the elections

The term of the position has expired or is due to expire in the normal course of events.

Electorates

The Members of each respective Region – see sub-rule 39(b).

Dates and time of nominations opening and closing

The Manager must fix the opening day and closing day for nominations – see sub-rule 45(a).

The closing day must be at least 28 days after notice is given under rule 47 – see sub-rule 45(b).

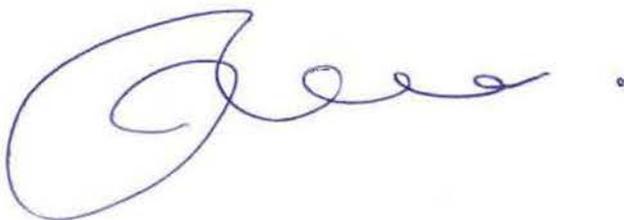
Nominations open at midday on the opening day and close at midday on the closing day – see sub-rule 45(c).

Day provided for in the rules as the day on which the roll of voters is to be closed

30 days before the starting time for nominations.

Voting system

Direct voting system.



Ian Leavers
Branch President
Queensland Police Branch
Police Federation of Australia