



30 August 2018

Mr Neil Kean

Senior Returning Officer – Industrial and Commercial Elections NSW State
Office Australian Electoral Commission
Level 10 59 Goulburn Street
Haymarket NSW 2000

Post-Election Report E2018/121

I refer to your post-election report dated 8 August 2018.

I am aware that the AFPA is required to give a written response to the Report within 30 days of receipt of it, in accordance with Section 198 of the Fair Work (Registered Organisations) Act 2009 ('the RO Act').

I will ensure that the Report and this response to that Report will be provided to members by publication on the AFPA website for a minimum period of three months from the date of this letter. Additionally, a copy of the Report and response will be made available to the Registered Organisations Commissioner.

The report raised matters relating to the Rules:

- 96(e)(ii)

Part D of the current rule book was endorsed by the AFPA National Council on 21 March 2017 and certified by the delegate of the General Manager of the Fair Work Commission on 25 May 2017.

Amendments are currently being drafted for the consideration of the Biennial National Council on 20 and 21 March 2019 to address this matter and other matters raised in recent post-election reports provided by the AEC.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'AS', is placed below the closing text.

Adrian Smith,
Branch Secretary/Treasurer



13 August 2018

Mr Adrian Smith
Branch Secretary Treasurer
Police Federation of Australia-Australian Federal Police Association Branch
jetka100@icloud.com

Cc: pfa@pfa.org.au

Dear Mr Smith

Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/121

On 8/08/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/121 dated 8/08/2018. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule 96 (e) (ii). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

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 regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission



13 August 2018

Mr Adrian Smith
Branch Secretary Treasurer
Police Federation of Australia-Australian Federal Police Association Branch
jetka100@icloud.com

Dear Mr Smith,

cc: pfa@pfa.org.au

Reminder of actions required when persons elected to office

Please note that the following information is intended as a reminder only.
No notification is necessary for election E2018/121, as no nomination was received.

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-Australian Federal Police Association 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

8 August 2018

Police Federation of Australia
Australian Federal Police Association
Casual Vacancy election
E2018/121

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Election(s) Covered in this Report

Organisation: Australian Federal Police Association
Election: Casual Vacancy
Election Decision No/s: E2018/121

Rules

Rules used for the election: 200V: Incorporates alterations of 17 May 2018 [R2018/47] (replaces rulebook dated 8 August 2017 [R2017/76])

Rules difficult to apply/interpret: Rule 96 (e) (ii) – The rule states that nominations shall be delivered to the Returning Officer at the Office of the Branch. It is highly recommended that the Association considers changing this rule to state simply that nominations must be delivered to the Returning Officer, similar to Rule 73 (c) (iv).

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)

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

Returning Officer actions required (Section 193):

Nil

Signed



Neil Kean
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6362
8 August 2018

Attachments

A. Declaration of Results for Uncontested Offices

Police Federation of Australia
Australian Federal Police Association Branch
DECLARATION OF RESULTS - E2018/121
Uncontested Offices

Casual Vacancy 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:

PSO Zone Workplace Delegate/Delegate to National Council (1)

Candidates

No Nominations Received

As no nominations were received for this position, I declare no candidate elected.



Neil Kean
Returning Officer
Australian Electoral Commission
8 August 2018





DECISION

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

Police Federation of Australia
(E2018/121)

MR ENRIGHT

MELBOURNE, 5 JULY 2018

Arrangement for conduct of election.

[1] On 25 May 2018 the Australian Federal Police Association Branch of the Police Federation of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following office, due to insufficient nominations received in a previous election (**E2018/10**):

PSO Zone Workplace Delegate/Delegate to National Council

[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 COMMISSIONER

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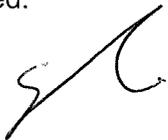
<PR351107>

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, Adrian Graeme Smith, being the Secretary/Treasurer of, the Australian Federal Police Association Branch of the Police Federation of Australia, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Federal Police Association Branch of the Police Federation of Australia (the Branch).
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The offices for which an election is required are set out in Annexure A as are the reason for the election, the number of persons to be elected, the electorate and the manner of election.

Signed:



AFPA
Secretary/Treasurer
Dated: 25 May 2018

Annexure A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
	<i>PSO Zone Workplace Delegate/Delegate to National Council</i>	1	<i>Direct First past the post secret Ballot</i>	<i>Insufficient Nominations</i>	<i>AFPA Zone Election Rule 95</i>

- Important dates:

	Direct Voting System	
Nominations OPEN	<i>to be determined by the returning officer</i>	
Nominations CLOSE	<i>to be determined by the returning officer</i>	
Roll of Voters cut off date	<i>to be determined by the returning officer</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.