



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Police Federation of Australia - Australian Federal Police Association Branch

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2015/140 (Court Ordered Election NSD 1038/2015)

RULES

Rules used for elections Rule ID: 200V: Incorporates alterations of 31/03/2015 [R2015/61] (replaces rulebook dated 19/12/2014 [R2014/15])

Rules difficult to apply/interpret:

The following comments are made in relation to the Zone Officers Election only. The Branch should however review the comments for other elections and offices to ensure consistency and best practice across the Branch. The AEC's Model Rules Guide ([link](#)) may assist the Branch with further review.

Rule 90 (a) Zones

The Rule states that the "Branch may establish Zones as the Branch National Executive may from time to time decide". This rule contributed to errors in the membership structure for the original election and resulted in a Court Ordered election. For best practice, it is recommend that Rule 90 (a) incorporates a date where no new or re-structuring of Zones can occur, for example, after 1 March in an election year. This would be consistent with Rule 96 (e)(i) and would provide sufficient time for the Branch to implement any new variations made just prior 1 March and for the membership to be informed of their new Zone membership just before an election is called on 1 June.

Note that 1 March is only given by way of an example.

Rule 66 (b) Workplace Delegates

Similar to the issues outlined with Rule 90 (a), this rule also creates ambiguity for an election. It is recommended that a date be set for determining the number of workplace delegates. For the Court Ordered election I have determined this date to be the date at close of rolls. Other dates that the Branch can consider would be, the date of the Election Decision

as determined by Fair Work Commission, or [insert number of days] days prior to the close of rolls/calling of nominations. These options would allow for flexibility for a schedule election commencing 1 June and any casual/vacancy elections that may arise.

Rule 96 (c) Qualifications for Office

Add that a nominee for any office should also be a member of the “Zone” as well as the Branch – this would make Rule 96 (c) consistent with Rule 96 (e)(ii).

Rule 96 (e) Conduct of Elections

Add “(including electronic means)” after circular into sub-rule (i), which would reflect the current modern practice and take into account the Branch’s dispersed membership across Australia and overseas.

Delete “and shall issue nominations forms to any financial member requesting the same” from sub-rule (i), so that the Returning Officer can make nomination forms generally available without request.

Delete “at the office of the Branch” from sub-rule (ii). This rule limits the method of lodging nominations. Deleting this rule would allow for flexible lodgement methods such as email and fax as well as hand and postal delivery. Deleting this rule would also allow lodgement to be directly with the Returning Officer and would not require the Branch’s involvement to manage.

The 15th day of August in sub-rule (v) does not provide sufficient time between the close of nominations on 1 July and closing of ballot on 15 August to accept nominations, prepare ballot materials, post materials, and the voting period for members if all Zone positions are contested. It is recommended that the rules be changed to allow more time, ideally the voting period would be at least 4 weeks after the closing of nominations (which would allow the Branch and Returning Officer to complete eligibility checks of nominations) and the ballot closing 4 weeks after opening (which would allow sufficient time for mail to be posted across Australia and overseas and for the membership to return their vote).

Sub-rule (xiii) should be amended to say “The Returning Officer will provide a report of the result of the election for the next Branch National Executive Meeting” as it is not always possible for the Returning Officer to be physically available, but a report could be provided with the required items.

Rule 96 (f) Scrutineers

Delete “before the closing of the nominations” – it is recommended that this rule be changed to allow candidates to appoint scrutineers at any time throughout the election process. It may be impractical to appoint a scrutineer before the closing of nominations as it is not yet known whether an office/s is contested. It is also impractical because if the appointed scrutineer is unavailable, there is no other mechanism for the candidate to appoint a representative.

Model Rule reference (if any): See above

ROLL OF VOTERS

Total number of voters on the roll	Various – see Declaration
Number of apparent workplace addresses	Not provided
Number of non-current addresses	Nil
Other Matters	Nil

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC:	None
Other irregularities identified, and action taken:	None

ATTACHMENTS

1: Declaration of Results



Renee Damasena
Returning Officer
7 November 2016