



Police Federation
of Australia

The National Voice of Policing

ABN 31 384 184 778

Level 1, 21 Murray Crescent
GRIFFITH ACT 2603

Tel: (02) 6239 8900
Fax: (02) 6239 8999

**NOTICE OF PROPOSED RULE CHANGE
PFA FEDERAL COUNCIL MEETING
14-15 NOVEMBER 2016**

Delegates have already been notified of the 2016 Federal Council meeting to be held at The Spencer on Byron Hotel, 9-17 Byron Avenue, Takapuna Beach, Auckland, New Zealand.

The PFA has been advised by the Fair Work Commission that legal advice has confirmed that the Australian Electoral Commission (AEC) are not empowered by legislation to conduct the PFA's elections, as per our rules, at the 2016 Federal council meeting. This is despite our 1999 and 2007 elections both being conducted in New Zealand by the AEC.

The issue was discussed at the PFA Executive meeting on 18 September. The Executive, noting that the 2016 meeting was well advanced in being organized, decided it was inappropriate to seek to change the meeting venue back to Australia at such short notice. It was agreed therefore that the PFA should seek to amend its rules to allow the 2016 PFA elections to be conducted outside of the Federal Council meeting.

Note: Current PFA rule 21(c)(i) states "The election of Honorary Officers shall commence immediately upon the commencement of the afternoon session on the second day of the Annual Federal Council Meeting..."

The 2016 Federal Council Meeting will therefore be asked to consider the following amendment to the PFA rules (NOTE: this will be for the 2016 Elections only and we will seek to delete the clause at a subsequent Council or Special Council meeting) –

NEW Rule 22A is inserted as follows:

2016 Election of Federal Executive, Federal President, Federal Vice Presidents and Treasurer

- (1) This rule governs the 2016 election of Delegates to Federal Executive and the subsequent election of the Federal President, Federal Vice Presidents
- (2) and Treasurer.

- (2) The rule shall prevail over all other rules of the Federation to the extent of any inconsistency.
- (3) As soon as practicable after the certification of this rule, the Returning Officer shall conduct an election for Federal Executive Delegates in accordance with Rule 20(a).
- (4) The manner of election of the Federal Executive Delegates shall be in accordance Queensland Police Branch Part CF2 rules 42(g), 43 – 50 and 52 - 71, mutatis mutandis provided:
 - (i) Nominations shall be open for seven days and not at least 28 days;
 - (ii) A nominee for the office of Federal Executive Delegate shall be a financial member of the Federation as at the date of his/her nomination and a member of the Federal Council;
 - (iii) Nominations shall be signed by the nominee and two nominators (who shall be members of the Federation); and
 - (iv) If only one valid nomination is received in respect of any office, the nominee shall be declared elected.
- (5) Federal Executive Delegates shall take office from the declaration of their election, and shall hold office until the conclusion of 2017 Federal Conference, or until a successor thereto has been elected and taken office.
- (6) As soon as practicable after the declaration of the election of Federal Executive Delegates, the Returning Officer shall conduct an election for the offices of Federal President, Federal Vice Presidents (2) and Treasurer.
- (7) The Federal President, Federal Vice Presidents (2) and Treasurer shall be elected by and from the Federal Executive Delegates who recently took up office.
- (8) The manner of election of the Federal President, Federal Vice Presidents (2) and Treasurer shall be in accordance Queensland Police Branch Part CF2 rules 42(g), 43 – 50 and 52 - 71, mutatis mutandis provided:
 - (i) Nominations shall be open for seven days and not at least 28 days;
 - (ii) A nominee for the office of Federal President, Federal Vice Presidents (2) and Treasurer shall be a financial member of the Federation as at the date of his/her nomination and a Federal Executive Delegate;
 - (iii) Nominations shall be signed by the nominee and two nominators (who shall be members of the Federation); and
 - (iv) If only one valid nomination is received in respect of any office, the nominee shall be declared elected.
- (9) The Federal President, Federal Vice Presidents (2) and Treasurer shall take office from the declaration of their election, and shall hold office until

the conclusion of 2017 Federal Conference, or until a successor thereto has been elected and taken office.

RELEVANT QUEENSLAND BRANCH RULES FOR THE INFORMATION OF DELEGATES:

- (g) Nominations may be provided by facsimile or electronically by PDF.

43 - DEFINITIONS FOR ELECTION PROCEDURE RULES

- (a) In these Election Procedure Rules:
- (i) "ballot box" means a ballot box kept under **rule 57**;
 - (ii) "candidate" for an election, means a person:
 - (1) who has nominated as a candidate for the office or the position the election is about;
 - (2) whose nomination has been accepted under **sub-rule 48(c)**; and
 - (3) whose nomination has not been withdrawn;
 - (iii) "eligible member" means a person who was a Member of the Branch 30 days, before the starting time for nominations;
 - (iv) "initialled" by the Manager includes being marked with a facsimile of the Manager's initials;
 - (v) "Manager" means the Manager of an election being the person appointed in accordance with the Act to manage and conduct an election required by these rules;
 - (vi) "return envelope" has the meaning provided by **sub-rule 56(a)(ii)**;
 - (vii) "roll" for an election means the roll of voters prepared for an election under **rule 52**;
 - (viii) "scrutineer" means:
 - (1) a candidate who acts personally as a scrutineer; or
 - (2) a person appointed as a scrutineer for a candidate under **rule 63**;
 - (ix) "voter" means a person:

- (1) who is an eligible member; and
- (2) whose name is on the roll under **rule 52**;
- (x) “voting material” has the meaning provided by **sub-rule 56(a)**.

44 - MANAGER - FUNCTIONS AND POWERS

- (a) The Manager:
 - (i) must not influence, or attempt to influence, the outcome of an election;
 - (ii) must conduct an election under these rules;
 - (iii) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which an election is conducted are transparent; and
 - (iv) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.
- (b) The Manager, other than an electoral officer, may take the action, and give the directions, the Manager considers reasonably necessary:
 - (i) to ensure no irregularities happen in the election; or
 - (ii) to remedy a procedural defect that appears to the Manager to exist about the election.
- (c) To ensure the integrity of an election, the address for return of ballot papers must not be the Branch’s usual postal address.

45 - CLOSING DAY AND TIME FOR NOMINATIONS

- (a) The Manager must fix the opening day and closing day for nominations for an office or for a position.
- (b) The closing day must be at least 28 days after notice is given under **rule 47**.
- (c) Nominations open at midday on the opening day and close at midday on the closing day.

46 - STARTING AND FINISHING DAYS OF BALLOT

- (a) If a ballot becomes necessary under **rule 50**, the Manager must fix the start and finish days for the ballot to decide the result of the election.

- (b) The start day must not be before the closing day for nominations for the offices or the positions to be filled at the election.

47 - CALLING FOR NOMINATIONS

- (a) The Manager must call for nominations for the offices or the positions to be filled by notice given to Members in one of the following ways:
 - (i) by post to each Member at the address recorded in the Branch Register;
 - (ii) if the Branch publishes a journal or newsletter that it gives to its members free of charge, by advertisement in that journal or newsletter; or
 - (iii) in a daily newspaper circulating in the area where the Branch's members live or work.
- (b) The notice must state:
 - (i) The opening day for nominations;
 - (ii) the closing day for nominations;
 - (iii) that nominations for an office or a position:
 - (1) open at midday on the opening day; and
 - (2) close at midday on the closing day;
 - (iv) who may nominate as a candidate in the election;
 - (v) that nominations for an office or a position must be written, signed by the nominee, be in accordance with **rule 42** and be given to the Manager before nominations close;
 - (vi) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under **rule 50**;
 - (vii) that only a person who was a Member 30 days before the opening time for nominations may vote in the election; and
 - (viii) that the ballot will be decided by a first-past-the-post system of voting.
- (c) Without limitation to sub-rule (b) the Manager may provide a nomination form for the purposes of nominating.

48 - NOMINATION PROCEDURE

- (a) A nomination for an office or a position must be written, signed by the nominee, be in accordance with **rule 42** and be given to the Manager before nominations close.
- (b) A person may not nominate for more than 1 office or 1 position, provided that a Member nominating for an office of the Branch may also nominate for an office of a Sub-branch.
- (c) The Manager must accept a nomination if:
 - (i) it complies with sub-rule (a) and **rule 42**;
 - (ii) the nominee is a Member; and
 - (iii) the election is for a position for which the candidate is entitled to nominate.
- (d) A candidate may withdraw their nomination by written notice given to the Manager no later than 7 days after nominations close.

49 - WHAT HAPPENS IF A NOMINATION IS DEFECTIVE

- (a) The Manager must reject a nomination given to the Manager after nominations have closed.
- (b) If a nomination for an office or a position is defective, other than because the nominee is not qualified to hold the office or position or because the nomination was made after the closing time, the Manager must:
 - (i) reject it;
 - (ii) give the nominee notice of the defect; and
 - (iii) if practicable, give the nominee an opportunity to remedy the defect.
- (c) If practicable, the notice must be given before nominations close.
- (d) Failure to give the notice does not invalidate the election.

50 - WHEN A BALLOT MUST BE HELD

- (a) If there are more candidates for election to an office or a position than the number to be elected, the Manager must conduct a secret postal ballot in accordance with these Election Procedure Rules.

52 - ROLL – PREPARATION

- (a) A roll for a ballot must be prepared at the direction of the Manager.

- (b) The Manager must ensure the roll:
 - (i) states:
 - (1) the name of each person who is an eligible member of the Branch in alphabetical order; and
 - (2) each eligible member's address, opposite their name; and
 - (ii) is completed when nominations for the election close.
- (c) The Branch must give the Manager:
 - (i) a copy of its Branch Register or part of the Branch Register relevant to the election being conducted, as the case may be; and
 - (ii) access to the Branch's records reasonably necessary for the Manager to ensure the roll is accurate.

53 - ROLL – INSPECTION

- (a) The Manager must make the roll for the election available for inspection:
 - (i) in the period that:
 - (1) starts on the day after the roll must be completed under **rule 52**; and
 - (2) ends 30 days after the result of the election is declared;and
 - (ii) at the Manager's office during business hours.
- (b) A candidate, Member or a person authorised by the Manager may inspect the roll, free of charge.
- (c) If during the period stated in sub-rule (a), a candidate or Member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

54 - WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE

- (a) Despite **sub-rule 52(b)**, if an eligible member's name does not appear on the roll, the applicant may apply to the Manager to have the member's name included on the roll.
- (b) If the Manager is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.

55 - BALLOT PAPERS

- (a) A ballot paper for the election must:
 - (i) have a watermark or other distinctive pattern, that prevents it from being reproduced other than by the Manager or a person authorised by the Manager;
 - (ii) be of paper that will hide a vote marked on it from view when it is folded once;
 - (iii) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Branch;
 - (iv) list the names of each candidate once only for each office or each position the election is for, with the surname first, followed by the candidate's other names;
 - (v) state how the voter may vote;
 - (vi) state that the voter must fill in and sign the voting declaration or the vote will not be counted; and
 - (vii) state that the voter must return the ballot paper to the Manager so it is received on or before the finish day of the ballot.
- (b) The order of names on the ballot paper must be decided by lot.
- (c) If 2 or more candidates have the same surname and first names, the candidates must be distinguished in an appropriate way.

56 - DISTRIBUTING VOTING MATERIAL

- (a) The Manager must post the following things (the "voting material") to each voter:
 - (i) a ballot paper initialled by the Manager;
 - (ii) an unsealed reply-paid envelope (a "return envelope") addressed to the Manager;
 - (iii) a declaration envelope;
 - (iv) a personal statement from candidates limited to 200 words; and
 - (v) any other material the Manager considers appropriate for the ballot including directions to the eligible member to comply with these Election Procedure Rules and cast a valid vote.

- (b) Voting material must be posted to each voter:
 - (i) in a sealed envelope to the voter's address on the roll; and
 - (ii) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.
- (c) The voting declaration must state: "I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed".
- (d) If a voter gives the Manager a notice that the voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.
- (e) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.

57 - MANAGER MUST KEEP A BALLOT BOX

- (a) The Manager must get a ballot box and:
 - (i) keep the box in a safe place; and
 - (ii) seal the box in a way that:
 - (1) allows voting material to be put in it until the ballot finishes; and
 - (2) prevents voting material from being taken from it until votes for the ballot are to be counted.

58 - DUPLICATE VOTING MATERIAL

- (a) This rule applies if voting material posted to a voter:
 - (i) has not been received by the voter;
 - (ii) has been lost or destroyed; or
 - (iii) if the document is a ballot paper, has been spoiled.
- (b) The voter may apply to the Manager for a duplicate of the document.
- (c) The application must:
 - (i) be received by the Manager on or before the finish day of the ballot;
 - (ii) state the grounds on which it is made;

- (iii) if practicable, be substantiated by evidence verifying, or tending to verify, the grounds;
 - (iv) state that the voter has not voted at the ballot; and
 - (v) if the document is a spoiled ballot paper, be accompanied by the ballot paper.
- (d) If the application complies with sub-rule (c), the Manager must:
- (e)
- (i) if the document is a spoiled ballot paper:
 - (1) mark "spoilt" on the paper;
 - (2) initial the paper beside that marking and keep the paper; and
 - (3) give a fresh ballot paper to the voter; or
 - (ii) otherwise, give a duplicate of the document to the voter.

59 - HOW LONG BALLOT IS OPEN

- (a) A ballot must remain open for:
- (i) at least 14 days; and
 - (ii) no longer than 21 days.

60 - HOW TO VOTE

- (a) A voter may vote only by completing the following steps:
- (i) completing a ballot paper by:
 - (1) writing a tick or a cross in the square opposite the name or names of the number of candidates the voter may vote for under **rule 61**;
 - (2) complying with the instructions on the paper about how to vote;
 - (3) putting the ballot paper in a ballot envelope;
 - (4) sealing the ballot envelope;
 - (5) filling in and signing the voting declaration for the ballot paper;
 - (6) putting the voting declaration and the ballot envelope in the return envelope;

- (7) sealing the return envelope;
- (8) complying with any direction under **sub-rule 56(a)(v)**; and
- (9) returning the return envelope to the Manager so that the envelope is received on or before the finish day for the ballot.

61 - HOW MANY VOTES MAY BE CAST

- (a) A voter may vote only for one of the candidates on a ballot paper.

62 - HOW MANAGER MUST DEAL WITH VOTING MATERIAL

- (a) The Manager must put all voting material returned to the Manager in the ballot box until voting has ended.
- (b) If, after the finishing day for the election, the Manager receives a return envelope apparently containing a ballot paper for the election, the Manager must:
 - (i) keep the envelope sealed;
 - (ii) mark the envelope "Received by the Manager after the finishing day for the ballot"; and
 - (iii) keep the envelope in safe custody, but separate from return envelopes received before or on the finishing day.

63 - SCRUTINEERS – APPOINTMENT

- (a) A candidate may:
 - (i) act personally as a scrutineer; or
 - (ii) appoint another person (an “appointee”) as a scrutineer for the candidate.
- (b) An appointment must be in writing and signed by the candidate.
- (c) A candidate must notify the Manager of the name of the candidate’s appointee as soon as possible after the appointee is appointed.
- (d) The Manager may refuse to allow an appointee to act as a scrutineer if:
 - (i) the Manager asks to inspect the appointment as a scrutineer; and
 - (ii) the appointee does not produce it.

64 - SCRUTINEERS' RIGHTS

- (a) Subject to **rule 65**, a scrutineer may be present when:
 - (i) ballot papers or other voting material for a ballot are prepared and given to voters;
 - (ii) voting material is received and put in safe custody under **rule 62**; and
 - (iii) votes are counted.

65 - SCRUTINEERS - NUMBERS ATTENDING

- (a) Each candidate may have only 1 scrutineer exercising a right under **rule 64** for each official present where the ballot is being conducted.
- (b) In sub-rule (a):
 - (i) “official” means:
 - (1) if the ballot is being conducted by the electoral commission, an electoral officer; or
 - (2) if the ballot is not being conducted by the electoral commission:
 - (A) the Manager; or
 - (B) any other person appointed by the Manager to exercise the Manager’s powers for the election.

66 - INITIAL SCRUTINY OF VOTING MATERIAL

- (a) As soon as possible after the ballot finishes, the Manager must:
 - (i) seal the ballot box in a way that prevents voting material from being put in it; and
 - (ii) take the ballot box to the place where votes are to be counted.
- (b) The Manager must then:
 - (i) unseal the ballot box;
 - (ii) take out the return envelopes;
 - (iii) open each return envelope;

- (iv) remove and examine the declaration and mark off the voter's name on the roll;
and
- (v) ensure the declaration is signed.
- (c) After complying with sub-rule (b), the Manager must put the ballot envelopes in a container and the declarations into another container if satisfied each declaration is signed.
- (d) However, the Manager must not put a ballot envelope or declaration in the containers mentioned in sub-rule (c) if:
 - (i) the Manager reasonably believes the voter to whom it was sent did not sign the declaration; or
 - (ii) the person named on the declaration is not the person to whom it was sent.
- (e) Sub-rule (d) does not apply if the Manager is satisfied the person who filled in and signed the declaration:
 - (i) is a voter;
 - (ii) has not previously voted in the ballot; and
 - (iii) has a reasonable explanation for using someone else's ballot material.
- (f) The Manager must keep ballot envelopes and declarations excluded under sub-rule (d) separate from other ballot envelopes and declarations.
- (g) A declaration is only valid if:
 - (i) it complies with sub-rule (b)(iv) and (v); and
 - (ii) sub-rule (d) does not apply.
- (h) A valid declaration must be accepted as valid and an invalid declaration must be rejected by the Manager.
- (i) If a declaration is accepted as valid by the Manager, the Manager must:
 - (i) note the acceptance of validity on the declaration; and
 - (ii) record the correct ballot on the roll against the name of the voter who signed the declaration.
- (j) After separating the ballot envelopes and declarations, the Manager must, in the following order:
 - (i) seal the container holding declarations;

- (ii) open the ballot envelopes not excluded under sub-rule (d) and take out the ballot papers;
- (iii) if a ballot envelope contains more than 1 ballot paper for each office the election is for, mark each of the ballot papers from the envelope "informal under **sub-rule 67(b)**"; and
- (iv) put all of the ballot papers in the ballot box.

67 - COUNTING VOTES

- (a) To count votes, the Manager must:
 - (i) admit the formal votes and reject the informal votes;
 - (ii) count the formal votes, and record the number for each candidate; and
 - (iii) count the informal votes.
- (b) A vote is informal only if:
 - (i) the ballot paper is not initialled by the Manager and the Manager is not satisfied the paper is authentic;
 - (ii) the ballot paper is marked in a way that allows the voter to be identified;
 - (iii) the ballot paper is not marked in a way that makes it clear how the voter is meant to vote;
 - (iv) the ballot paper does not comply with a direction given under **sub-rule 56(a)(v)**; or
 - (v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

68 - SCRUTINEERS' OBJECTIONS

- (a) Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.
- (b) When votes are counted, a scrutineer may:
 - (i) object to a ballot paper being admitted as formal or rejected as informal by the Manager; or
 - (ii) advise the Manager that the scrutineer considers an error has been made in conducting the ballot or counting votes.

- (c) If a scrutineer advises the Manager under sub-rules (a) or (b)(ii), the Manager must:
 - (i) decide whether the error has been made; and
 - (ii) if appropriate, direct action to correct or mitigate the error.
- (d) If a scrutineer objects under sub-rule (b)(i), the Manager must:
 - (i) decide whether the ballot paper is to be admitted or rejected; and
 - (ii) note the decision on the ballot paper and initial the note.

69 - DIRECTION BY MANAGER TO LEAVE COUNT

- (a) The Manager may direct a person to leave the place where votes are being counted if the person:
 - (i) does not have the right to be present at the count; or
 - (ii) interrupts the count, other than to exercise a scrutineer's right.

70 - HOW RESULT IS DECIDED

- (a) The method of deciding the result of a ballot is by a first-past-the-post system.
- (b) The candidate, in the election concerned, securing the highest number of votes will be declared elected.
- (c) This rule is subject to **rule 71**.

71 - WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

- (a) If the Manager cannot decide which candidate is elected to an office or a position because of votes cast for 2 or more candidates are equal, the Manager must decide which candidate is elected by drawing lots.
- (b) A decision under sub-rule a) must be made in the presence of any scrutineer who wishes to attend.