

14 October 2022

# Post-election report

The Breweries and Bottleyards  
Employees' Industrial Union of Workers  
of Western Australia  
Scheduled election  
E2022/143

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# Election(s) Covered in this Report

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Organisation: The Breweries and Bottleyards Employees' Industrial Union of Workers of Western Australia

Election: Scheduled

Election Decision No/s: E2022/143

## Rules

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Rules used for the election: 005W: Incorporates alterations of 5 April 2018 [R2018/44] (replaces 28 July 2014 [R2014/55] version)

## Other Matters

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Returning Officer actions required (Section 193):

Details:

- to rectify a procedural defect by utilising S.193 (1)(b)(ii) to enable the Returning Officer to conduct a draw to decide the order in which names are to appear on the ballot paper if the President and any other Officer of the Union is present or not.
- also, by utilising S.193(1)(b)(ii) to enable the Returning Officer to use the existing Australian Electoral Commission Industrial Elections Post Office Boxes.
- the Roll closure timeframe is outside the provision of the Act, therefore the close of rolls will stand as per the timetable provided by the AEC

## Signed

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Jacqueline McHenry  
Returning Officer  
Australian Electoral Commission  
E: IEEvents@aec.gov.au  
P: 03 9285 7111  
14 October 2022

# Attachments

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## A. Declaration of results for Uncontested Offices – WA



10 October 2022

Emma Alliss  
Secretary  
The Breweries and Bottleyards Employees' Industrial Union of Workers of Western Australia  
Sent via email: [emma@beu.org.au](mailto:emma@beu.org.au)



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2022/143**

Dear Emma Alliss,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Breweries and Bottleyards Employees' Industrial Union of Workers of Western Australia.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

### **What you must do right now**

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

This letter explains these steps and the tools available to help you.

### **STEP 1: Notify members**

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



**Can I put more information on our website?**

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](#).

### **STEP 2: Financial training**

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC within 6 months](#) of beginning to hold office.



### Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

## STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au). An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

**Note:** One election may result in many notifications of change.



### Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

#### ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

## Questions?



### **Why do I need to tell you the results of the election when you've already received them?**

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

### **What if the officer has already done training?**

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours sincerely

## Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

**The Breweries and Bottleyards Employees' Industrial  
Union of Workers of Western Australia**  
**DECLARATION OF RESULTS - E2022/143**  
**Uncontested Offices**

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**Scheduled 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:

**The Breweries and Bottleyards Employees' Industrial Union of Workers of Western Australia**

**President (1)**

Candidates

BUNCE Robert George

**Trustee (1)**

Candidates

ERIKSEN Claus

**Committee of Management Member (2)**

Candidates

BAUGHEN Tracy Ann

BAUGHEN Clifford Charles

**Secretary (1)**

Candidates

ALLISS Emma

**Treasurer (1)**

Candidates

DONALD Vanessa Louise

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

Jacqueline McHenry  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEEvents@aec.gov.au  
10/10/2022

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## DECISION

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

### **The Breweries and Bottleyards Employees' Industrial Union of Workers of Western Australia** (E2022/143)

MR STEENSON

SYDNEY, 16 AUGUST 2022

*Arrangement for conduct of election.*

[1] On 21 July 2022 the Breweries and Bottleyards Employees' Industrial Union of Workers of Western Australia (**organisation**) lodged with the Registered Organisations Commission (**Commission**) prescribed information for an election to fill the following offices for a new term of office:

President	(1)
Trustee	(1)
Committee of Management member	(2)
Secretary	(1)
Treasurer	(1)

[2] The organisation's rules provide for a rotational election cycle, whereby the President, one Trustee and two Committee members are elected in one year for a two-year term, and the Vice President, two Trustees and one Committee member are elected in alternate years for a two-year term.<sup>1</sup> It is noted that the offices of Secretary and Treasurer are separate to the rotational election cycle, with the elections for those offices occurring every 4 years.<sup>2</sup>

[3] The last election for the President, Trustee and two Committee members (being **E2020/145**) was significantly delayed due to Covid-19 and associated restrictions on the conduct of industrial elections. The rules provide that the election ballot will close by 5pm on the third Wednesday in November.<sup>3</sup> However, election E2020/145 was declared substantially later, on 7 January 2022.

[4] Therefore, the conduct of this election (**E2022/143**) in the timeframe provided for in the rules would have the effect of substantially shortening the two-year term of these officers. However, if this election was delayed to allow the current term to run for the full two years, that would have significant and ongoing impacts on the current rotational election cycle.

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<sup>1</sup> R2018/44, rule 10(5)(c)

<sup>2</sup> R2018/44, rules 13(4) and 14(4)

<sup>3</sup> R2018/44, rule 23(A)(1)

[5] The Commission has consulted with the organisation, which has indicated its preference to maintain the current rotational election cycle, referred to in the rules as the ‘rotation principle’.<sup>4</sup> Holding this election in late 2022, in accordance with the organisation’s rules, would enable the organisation to achieve this objective of maintaining the rotation principle, with the election for the alternate set of offices (Vice President, two Trustees and one Committee of Management member)<sup>5</sup> falling due in the latter part of 2023.

[6] On the basis that truncating terms of office must be bona fide and that the current holders of offices being truncated should understand the effect of this, the Commission has received individual correspondence from the current holders of the offices of President, Trustee and two Committee members indicating their understanding and acceptance that their current term will be truncated by the holding of this election in order to maintain the rotational election cycle.

[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 COMMISSIONER

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<sup>4</sup> R2018/44, rule 22(1)

<sup>5</sup> Elected in E2021/143

**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, Emma Alliss, being the Secretary of The Breweries and Bottleyards Employees' Industrial Union of Workers of Western Australia, make the following statement:

1. I am authorised to sign this statement containing prescribed information for The Breweries and Bottleyards Employees' Industrial Union of Workers of Western Australia.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election in Annexure A.

Signed:



Dated:

20th July 2022

## ANNEXURE A

- Elections that are required

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
<i>National</i>	<i>President</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All of the Unions Financial Members in accordance with Rule 8</i>
<i>National</i>	<i>Trustee</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All of the Unions Financial Members in accordance with Rule 8</i>
<i>National</i>	<i>Ordinary Members of the Committee</i>	<i>2</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All of the Unions Financial Members in accordance with Rule 8</i>
<i>National</i>	<i>Secretary</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All of the Unions Financial Members in accordance with Rule 8</i>
<i>National</i>	<i>Treasurer</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All of the Unions Financial Members in accordance with Rule 8</i>

- Important dates:

	Direct Voting System
<b>Nominations OPEN for scheduled election</b>	<i>Nominations shall be called at least one month before the commencement of any ballot and nominations shall remain open for not less than 14 days (Rule 23 (B) (1)). The period of time between the commencement and close of the ballot shall be not less than 14 days and shall close by 5pm on the third Wednesday in November (Rule 23 (A) (1))</i>
<b>Nominations CLOSE for scheduled election</b>	<i>Not less than 14 days after nomination is open (Rule 23 (B) (1))</i>
<b>Roll of Voters cut off date</b>	<i>The last day of the calendar quarter immediately preceding the calendar quarter in which nominations open (rule 8.1)</i>
<b>Nominations OPEN for insufficient nominations vacancy</b>	<i>To be determined by returning officer</i>
<b>Nominations CLOSE for insufficient nominations vacancy</b>	<i>To be determined by returning officer</i>
<b>Roll of Voters cut off date</b>	<i>The last day of the calendar quarter immediately preceding the calendar quarter in which nominations open (rule 8.1)</i>

