



23 March 2023

Andrew Johnson  
Federal Secretary

Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse,  
Public Authorities, Water Boards Union

Sent via email: [andrew.johnson@lgrceu.org](mailto:andrew.johnson@lgrceu.org)

Dear Andrew Johnson



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2022/165**

An election has recently been completed by the Australian Electoral Commission (AEC) for the Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union.

This letter explains the next steps you must take and what information you need to lodge with the Fair Work Commission (the Commission).

**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@fwc.gov.au](mailto:regorgs@fwc.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 (regulation 141). The notice must be on your website for at least three 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 three months. You can always do more than the regulatory minimum.

The Commission 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 (section 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 Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the Commission](#) **within six 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 Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to [regorgs@fwc.gov.au](mailto:regorgs@fwc.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](#).



### **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@fwc.gov.au](mailto:regorgs@fwc.gov.au).

Yours sincerely

**Fair Work Commission**



The Commission 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.

7 March 2023

# Post-election report

Western Australian Shire Councils,  
Municipal Road Boards, Health Boards,  
Parks, Cemeteries And Racecourse,  
Public Authorities, Water Boards Union  
Scheduled election  
E2022/165

# Contents

Election(s) Covered in this Report .....	3
Rules.....	3
Other Matters .....	4
Signed .....	4
Attachments .....	5
A. Declaration of results for Uncontested Offices .....	5

# Election(s) Covered in this Report

---

Organisation: Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries And Racecourse, Public Authorities, Water Boards Union

Election: Scheduled

Election Decision No/s: E2022/165

## Rules

---

Rules used for the election: [297V: Incorporates alterations of 9/1/2014 in matter R2013/38 corrected on 6 June 2016]

(replaces alterations of 10/12/2013 [R2013/473])

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Other Matters

---

Returning Officer actions required (Section 193): Yes

Details:

- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot (via post) which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

## Signed

---

Ben Murray  
Returning Officer  
Australian Electoral Commission  
E: IEEvents@aec.gov.au  
P: 03 9285 7111  
7 March 2023



# Attachments

---

## A. Declaration of results for Uncontested Offices

**Western Australian Shire Councils, Municipal Road  
Boards, Health Boards, Parks, Cemeteries and  
Racecourse, Public Authorities, Water Boards Union**  
**DECLARATION OF RESULTS - E2022/165**  
**Uncontested Offices**

---

**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:

**Union Council**

**President (1)**

Candidates

CRAWFORD Peter

**Vice President (4)**

Candidates

WILTON Richard

**Treasurer (1)**

Candidates

STEPHENS Dean

**Trustee (3)**

Candidates

SIGGLEKOW Graham

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

Ben Murray  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEBevents@aec.gov.au  
07/03/2023



# DECISION

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

**Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union**  
(E2022/165)

MR STEENSON

SYDNEY, 14 SEPTEMBER 2022

*Arrangement for conduct of election.*

[1] On 16 August 2022 the Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union (**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)
Vice President	(4)
Treasurer	(1)
Trustees	(3)

[2] The rules of the Organisation (**Rules**) provide that the relevant offices are to be elected from amongst Union Councillors at the Organisation’s Annual General Meeting (**AGM**).<sup>1</sup> Rule 26 provides that the Union Council shall meet at least once each calendar year and such meeting shall be the **AGM**. The Rules do not prescribe a date and time for the AGM, however it appears to have traditionally been held each December, at which the relevant collegiate elections take place.

[3] The most recent scheduled election for the offices named above (**E2021/106**) followed a decision issued by the Delegate of the Commissioner on 19 June 2020. However, that election was not declared by the Australian Electoral Commission (**AEC**) until 23 March 2022. Delays arose due to the impact of COVID-19 and related restrictions upon the election process.

[4] The timing of the notice of prescribed information lodged by the Organisation on this occasion is consistent with the timing of the lodgement of prescribed information for recent elections for the abovenamed offices. As described above, the most recent elections for these

---

<sup>1</sup> Rule 17 of the Organisation’s rules.

offices were delayed. For the election to be held this year, this would have the effect of shortening the current term of office of the existing officeholders by some three months.

[5] The Organisation has advised the Commission that it lodged proposed rule changes with the Fair Work Commission (FWC) on 29 June 2022 which, if approved, would permit the current office holders to hold office until the next Annual Council Meeting (now scheduled for the second quarter of 2023).

[6] However, staff of the FWC have indicated that it is unlikely that the proposed rule alterations will be certified in the near future. However, if these or similar rule alterations are certified before the opening of nominations for this election, it is open to me or another authorised Delegate of the Registered Organisations Commissioner to issue an amending decision in relation to this matter.

[7] I note that it is open to the AEC to utilise, if appropriate, s. 193 of the *Fair Work (Registered Organisations) Act 2009 (RO Act)* in conducting this election other than at a meeting in late 2022.<sup>2</sup> Section 193 enables an electoral official to ‘in spite of anything in the rules of the organisation...take such action, and give such directions as the electoral official considers necessary...to remedy any procedural defects that appear to the electoral official to exist in the rules...’. The apparent absence from the Rules of provisions about alternate arrangements when the conduct of elections is significantly delayed may provide such circumstances.

[8] 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 RO Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR352325

---

<sup>2</sup> Sub rule 26(1) of the Organisation’s rules provides that the Union Council shall meet at least once each calendar year and such meeting shall be the Annual General Meeting; and that, in addition, **the Union Council may meet at such other times as it may determine.** [my emphasis].



Western Australian Shire Councils, Municipal Road Boards,  
Health Boards, Parks, Cemeteries and Racecourse,  
Public Authorities Water Boards Union  
SECRETARY ANDREW JOHNSON

PO BOX 183 LEEDERVILLE WA 6007  
ABN: 66605459322  
Email: [Andrew.Johnson@lgrceu.org](mailto:Andrew.Johnson@lgrceu.org)  
[www.lgrceu.org](http://www.lgrceu.org)

August 16<sup>th</sup>, 2022

The Delegate,  
Registered Organisations Commission,  
414 Latrobe Street,  
MELBOURNE VIC 3000  
**BY EMAIL: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)**

Dear Delegate,

### UNION EXECUTIVE ELECTION(S) FEDERAL

I am the duly elected Secretary of the Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries, Racecourse, Public Authorities and Water Boards Union, (the Union) having been declared elected for a four-year term by the Returning Officer appointed by the Australian Electoral Commission On the 21<sup>st</sup> of December 2021.

As the duly elected Secretary, and as authorised by the executive committee of management of the Federal Union I hereby make application for the conduct of an election **pursuant to Section 189(1) of the Fair Work (Registered Organisations) Act 2009** to be held for the offices of Union President, Union Vice Presidents (4), Union Trustees (3) and Union Treasurer pursuant to the requirements of Rule 17 of the Union General Rules.

It will be noted from the Rules that the existing election process is **usually** carried out at the Annual Council Meeting and does not provide for an express period for nominations to be lodged or for the closing of the roll. In the request for an election, the Union has nominated time frames that it considers reasonable having regard for the size of the electorate and the union's rules.

In addition to the above and below information the reporting unit request the exercise of discretion (if permitted by law or precedent) that the propose election be deferred to the first quarter of 2023 and by no later than 23<sup>rd</sup> of March 2023. For the following substantive reasons:

1. Due to the impact of the Covid -19 pandemic the scheduled elections the relevant offices set out below were delayed by approximately three months for both the 2020 and 2021 due to resourcing and availability of Returning Officers from the Australian Electoral Commission (AEC).
2. The Election results for 2020 and 2021 were not declared until March 2021 and March 2022 respectively.



*The LGRCEU acknowledges the Whadjak people of the Nyoongar Nation, as the Traditional Custodians of the lands on which our head office is situated today, and pay our respect to Elders past, present and future.*

**I N U N I T Y**

Tel: (08) 9242 5158

Tel: (08) 99444 3283

Fax: (08) 9443 6908

Toll FREE: 1800 199 945



3. Both elections were conducted “online” rather than in person as had been the practise by the AEC since 2005. As a consequence, there has been a disjunct between the holding on the reporting unit’s Annual Council Meeting, which was ordinarily held in December of each calendar year (2005- 2019) and the conduct of the necessary elections which the AEC conducted in person at those meetings.
4. The effect of these changes in these processes has had the effect of foreshortening the terms of office to 9 months. The rules of the Union do not really state anything about the length of the terms other than Rule 17(1) and Rule 26(1) provide the mechanisms and trigger for annual lections for these offices.
5. We have sought guidance from the ROC in respect of our approach (email communication dated August 11, 2022) and the ROC responded through the agency of [REDACTED] on the 12<sup>th</sup> of August 2022 by email with advice.
6. As per [REDACTED] advice received and previous advice received last year the Union has lodged proposed rule changes (arising from an Annual Council meeting conducted in June 2022) with the Fair Work Commission on the 29th of June 2022(FWC No. R2022/75) which if approved would permit current office holders to hold office until the next Annual Council Meeting which would now be in the second quarter of 2023. The proposed rule changes if approved will also provide by way of transition for the relevant offices at that Annual Council Meeting to thereafter hold office until 2005 and then thereafter be elected for terms of four years from the time of the Annual Council Meeting held in 2025. The purposes and reasons behind this are to align the election of the Federal Office reporting Unit Offices election and terms with those of the WA Division Reporting Unit whose next election are due in October 0225.

The details of the request are as set out below.

**1. OFFICES FOR WHICH AN ELECTION IS TO BE CONDUCTED**

- Union President (1-year term)
- Union Vice President (4 positions) (1-year term)
- Union Treasurer (1-year term)
- Union Trustees (3 positions) (1-year term)

**2. REASON FOR THE ELECTION**

The expiration terms of the existing office holders would ordinarily be mid- December 2022.However if the term is based on one full year from date of declaration of the last election conducted by the AEC then the term of expiry would be 22<sup>nd</sup> of March 2023.

**3. ELECTORATE**

In respect of the offices of Union President, Union Vice President, Union Treasurer and Union Trustee the electorate shall mean all members of the Union Council elected in accordance with the Rules of the Division that they represent. This means in practice the WA Division as it is the only Division in the Union.

#### 4. NOMINATION PERIOD

Nominations for the said offices should be called for at the Annual Council Meeting to be held pursuant to Rule 26 of the UNION GENERAL RULES PART 1, by the Returning Officer /Agent determined by the Fair Work Commission pursuant to the requirements of the Fair Work (Registered Organisations) Act 2009.

The Union's rules generally provide that the nominations for office(s) and the elections take place at and on the day(s) of the Union Annual Council Meeting. The Annual Council Meeting will be held in the second quarter of 2023.

#### 5. TYPE OF VOTING SYSTEM

Collegiate

The union requests that in issuing the necessary orders for elections to be held that the current persons holding or acting in the Offices for which an election are to be held, continue until such time as the declaration of results is issued by the Australian Electoral Commission.

a. a. Johnson August 16th, 2022

Signed by Andrew Gerard Johnson as the Officer of the Union authorised to make this application