



25 October 2023

Oliver Judd
Secretary
National Electrical and Communications Association
Sent via email: oliver.judd@neca.asn.au

cc: NSW Branch necanat@neca.asn.au , SA/NT Branch larry.moore@necasa.asn.au TAS Branch necanat@neca.asn.au; , WA Branch necawa@necawa.asn.au VIC Branch necavic@neca.asn.au ACT Branch; necanat@neca.asn.au QLD Branch neca@nat@neca.asn.au;

Dear Oliver Judd



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/18

An election has recently been completed by the Australian Electoral Commission (AEC) for the National Electrical and Communications Association and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members 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 the Commission at 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 we 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 approved 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 receive 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 *Fair Work (Registered Organisations) Act 2009* (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. 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.

Real-life example of penalties in Court An 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.

Yours sincerely

Fair Work Commission



The Commission has an interim [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.

24 October 2023

Post-election report

National Electrical and Communications
Association
Scheduled election
E2023/18

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Election(s) Covered in Post-Election Report (PER)

Organisation: National Electrical and Communications Association

Election Decision No: E2023/18

Election: Scheduled

Date ballot closed:

Stage 1: 30/06/2023

Stage 1 - Insufficient Nominations: 28/07/2023

(If uncontested) Date the nominations closed:

Stage 1: 15/05/2023

Stage 1 - Insufficient Nominations: 09/06/2023

Stage 2: 25/07/2023

Stage 2 – WA: 25/08/2023

Stage 3: 18/10/2023

Date results declared:

Stage 1 (Uncontested): 18/05/2023

Stage 1 (Contested): 3/07/2023

Stage 1 - Insufficient Nominations (Uncontested): 19/06/2023

Stage 1 - Insufficient Nominations (Contested): 28/07/2023

Stage 2: 25/07/2023

Stage 2 – WA: 25/08/2023

Stage 3: 18/10/2023

Date PER due: 12/11/2023

Relevant legal provisions

Fair Work (Registered Organisations) Act 2009 ('the Act')

197 Post-election report by AEC

Requirement for AEC to make report

- (1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:

- (a) the General Manager; and
- (b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

- (2) The report must include details of the prescribed matters.

Contents of report—register of members

- (3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:
- (a) an unusually large proportion of members' addresses that were not current; or

- (b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;
this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

Contents of report—difficult rules

- (4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

Subsection (3) relevant only for postal ballots

- (5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

190 Organisation or branch must not assist one candidate over another

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

193 Provisions applicable to elections conducted by AEC

- (1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
- (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
 - (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
 - (i) to ensure that no irregularities occur in or in relation to the election; or
 - (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or
 - (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.

- (2) A person commits an offence if the person does not comply with a direction under subsection (1).

Penalty: 30 penalty units.

- (3) Subsection (2) does not apply so far as the person is not capable of complying.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

- (4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.

- (5) An offence against subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:

- (a) action taken under subsection (1); or

- (b) an act done in compliance with a direction under subsection (1).
- (7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:
 - (a) dies or becomes unable to complete the conduct of the election or the taking of the step; or
 - (b) ceases to be qualified to conduct the election or to take the step;
 the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

6 Definitions

irregularity, in relation to an election or ballot, includes:

- (a) a breach of the rules of an organisation or branch of an organisation; and
- (b) an act or omission by means of which:
 - (i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or
 - (ii) a correct ascertainment or declaration of the results of the voting; is, or is attempted to be, prevented or hindered; and
- (c) a contravention of section 190.

Fair Work (Registered Organisations) Regulations 2009 ('the Regulations')

140 Declaration of result of election (s 193)

- (1) Within 14 days after the closing day of an election, the AEC must issue a declaration stating the following:
 - (a) the total number of persons on the roll of voters;
 - (b) the total number of ballot papers issued (if applicable);
 - (c) the total number of envelopes that were returned undelivered by the closing day of the ballot to the AEC (if applicable);
 - (d) the total number of ballot papers received by the electoral official by the closing day of the ballot (if applicable);
 - (e) the result of the election;
 - (f) the total number of informal ballot papers (if applicable).
- (2) In subregulation (1), **closing day**, for an election, means:
 - (a) if a ballot is not required—the day on which nominations for the election close; or
 - (b) if a ballot is required—the closing day of the ballot.
- (3) Immediately after issuing a declaration under subregulation (1), the AEC must give a copy of the declaration to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

141 Post-election report by AEC (s 197(2))

- (1) For subsection 197(2) of the Act, the following matters are prescribed for inclusion in the report (the **post-election report**) given under subsection 197(1) of the Act:
 - (a) the declaration mentioned in regulation 140;
 - (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
 - (c) any matters in relation to the roll of voters including those matters contained in subsection 197(3) of the Act;
 - (d) the number of written allegations (if any) of irregularities made to the AEC during the election;
 - (e) action taken by the AEC in relation to those allegations;
 - (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.

- (2) The AEC must:
 - (a) give the post-election report within 30 days after the closing day of the election; and
 - (b) publish a notice on its web site advising that a copy of the post-election report can be obtained from the AEC on the request of a member who was eligible to vote in the election.
- (3) The AEC must supply a copy of the post-election report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

145 Elections conducted by AEC—no unauthorised action

- (1) For any election conducted by the AEC under Part 2 of Chapter 7 of the Act, a person other than the person conducting the election must not do, or purport to do, any act in the conduct of the election other than as directed or authorised by the person conducting the election.

Note: This subregulation is a civil penalty provision (see regulation 168).

- (2) The AEC must advise the General Manager of a possible contravention of subregulation (1) not later than 21 days after the AEC has become aware of the possible contravention.

Declaration of result of election

In accordance with reg 140 of the Regulations, the AEC issued a declaration of the result of election E2023/18 on the dates specific under **Election(s) Covered in Post-Election Report (PER)**. For a copy, see **Attachment A**.

National Electrical and Communications Association Rules

National Electrical and Communications Association Rules used for the election:

[233V: Incorporates alterations of 4 April 2023 [R2022/148] (replaces rulebook dated 20 April 2021 [R2020/209])

Roll of Voters

Not Applicable.

Written allegations of any irregularities

Not Applicable.

Other irregularities

Not Applicable.

Signed

Benjamin Murray
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
24 October 2023

Attachments

- A. Declaration of Results for Uncontested Offices – Stage 1
- B. Declaration of Results for Contested Offices – Stage 1
- C. Declaration of Results for Uncontested Offices -
Insufficient Nominations Stage 1
- D. Declaration of Results for Contested Offices - Insufficient
Nominations Stage 1
- E. Declaration of Results for Uncontested Offices – Stage 2
- F. Declaration of Results for Uncontested Offices – Stage 2
WA
- G. Declaration of Results for Contested Offices – Stage 3

National Electrical and Communications Association
DECLARATION OF RESULTS - E2023/18 - Stage 3
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:

National Council/National Executive

National President (1)

Candidates

MCINNES David

National Vice President (1)

Candidates

BEVERIDGE Peter

National Treasurer (1)

Candidates

HEEREY Jim

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

Yours sincerely

Darren Wade
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
18/10/2023

National Electrical and Communications Association

DECLARATION OF RESULTS - E2023/18 - Stage 2

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:

Western Australia Branch Council

Branch President (1)

Candidates

TERRANOVA Carmelo

Branch Vice President (1)

Candidates

ALLEN Barry

Branch Treasurer (1)

Candidates

CHARLTON Shay

National Councillor (2)

Candidates

BEVERIDGE Peter

SWEETING Chris

National Executive Member (1)

Candidates

BEVERIDGE Peter

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

Benjamin Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
25/08/2023



National Electrical and Communications Association

DECLARATION OF RESULTS - E2023/18 - Stage 1

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:

Victoria Branch

Branch Councillor (4)

Candidates

HARGREAVES Christopher

JOYCE Stewart

PEIRCE David

Western Australia Branch

Branch Councillor (for a three-year term) (3)

Candidates

LUCAS Andrew

SWEETING Chris

Branch Councillor (for a one-year term) (1)

Candidates

GREGO Jack

South Australia/Northern Territory Branch

Branch Councillor (4)

Candidates

BUTLER Simon

CROSS Andrew

MATTNER Chris

POULTON Jarrod

Tasmania Branch

Branch Councillor (2)

Candidates

HEEREY Jim

HOBSON Wayne

Australian Capital Territory Branch

Branch Councillor (for a two-year term) (2)

Candidates

BURGESS Jason

WATERS Sally

Branch Councillor (for a one year term) (2)

Candidates

BARMBY Joshua

SHELLEY Robert

As a result of the organisation's Rule 56.5 Burgess, Jason and Waters, Sally were elected to the two-year term position for Branch Councillor.

Barmby, Joshua and Shelley, Robert were elected to the one-year term position for Branch Councillor.

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
17/05/2023



National Electrical and Communications Association

DECLARATION OF RESULTS - E2023/18 - Stage 1

Contested 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:

New South Wales Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	2,251
Number of voters issued with voting material	2,251
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	2,251
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	180
Number of declaration envelopes rejected at preliminary scrutiny (minus)	12
Number of ballot papers returned outside declaration envelopes (minus)	2
COUNT	
Total ballot papers admitted to the count	166
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	44
Voting material packs not returned by voters by closing date of the ballot	2,027
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8 %

Branch Councillor (4)

<u>Candidates</u>	<u>Final Votes</u>
BROWN, Jeff	149
CAMBRIDGE, Anthony	52
HARDINGHAM, Andrew	146
KERFOOT, Stephen	145
MCGINTY, Sean	136

Total ballot papers admitted for this office	166
Formal Ballot papers	157
Informal Ballot papers	9

I declare the following elected:	Order Elected
• BROWN, Jeff	1
• HARDINGHAM, Andrew	2
• KERFOOT, Stephen	3
• MCGINTY, Sean	4

Queensland Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	465
Number of voters issued with voting material	465
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	465
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	38
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	38
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	19
Voting material packs not returned by voters by closing date of the ballot	408
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8 %

Branch Councillor (4)

Candidates	Final Votes
ELSDEN, Trish	33
JONSSON, Heidi	28
LETHBRIDGE, David	30
PETERSON, Gavin	36
THOMPSON, Russel	25

Total ballot papers admitted for this office	38
Formal Ballot papers	38
Informal Ballot papers	0

I declare the following elected:	Order Elected
• PETERSON, Gavin	1
• ELSDEN, Trish	2
• LETHBRIDGE, David	3
• JONSSON, Heidi	4

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



National Electrical and Communications Association

DECLARATION OF RESULTS - E2023/18 - Stage 1

Contested Offices

Insufficient Nominations 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:

Western Australia Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1,571
Number of voters issued with voting material	1,571
Total number of voters issued with replacement voting material	1
Total number of voting material packs issued	1,572
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	93
Number of declaration envelopes rejected at preliminary scrutiny (minus)	6
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	87
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	29
Voting material packs not returned by voters by closing date of the ballot	1,450
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	6 %

Branch Councillor (for a three year term) (1)

<u>Candidates</u>	<u>Final Votes</u>
DARCH, Roy	33
WOODBURY, Jaden	53
Total ballot papers admitted for this office	87
Formal Ballot papers	86
Informal Ballot papers	1

I declare the following elected:

- WOODBURY, Jaden

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
28/07/2023



National Electrical and Communications Association

DECLARATION OF RESULTS - E2023/18 - Stage 2

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:

New South Wales Branch Council

Branch President (1)

Candidates

KERFOOT Stephen

Branch Vice President (1)

Candidates

ORR David

Branch Treasurer (1)

Candidates

MADSON Chris Madson

National Councillor (2)

Candidates

DUFF Bruce

KERFOOT Stephen

National Executive Member (1)

Candidates

DUFF Bruce

Victoria Branch Council

Branch President (1)

Candidates

SPICER Dean

Branch Vice President (1)

Candidates

CHATFIELD Russel Chatfield

Branch Treasurer (1)

Candidates

PURNELL Mike

National Councillor (2)

Candidates

JOYCE Stewart

PEIRCE David Peirce

National Executive Member (1)

Candidates

JOYCE Stewart

Queensland Branch Council

Branch President (1)

Candidates

JAMES David

Branch Vice President (1)

Candidates

ELSDEN Trish

Branch Treasurer (1)

Candidates

DAVIS Robert

National Councillor (2)

Candidates

DAVIS Michael

MCINNES David

National Executive Member (1)

Candidates

MCINNES David

South Australia/Northern Territory Branch Council

Branch President (1)

Candidates

CROSS Andrew

Branch Vice President (1)

Candidates

HODBY Greg

Branch Treasurer (1)

Candidates

MATTNER Chris

National Councillor (2)

Candidates

CROSS Andrew

HODBY Greg

National Executive Member (1)

Candidates

HODBY Greg

Tasmania Branch Council

Branch President (1)

Candidates

HOBSON Wayne

Branch Vice President (1)

Candidates

HILL Shane

Branch Treasurer (1)Candidates

HEEREY Jim

National Councillor (2)Candidates

HEEREY Jim

HOBSON Wayne

National Executive Member (1)Candidates

HEEREY Jim

Australian Capital Territory Branch Council**Branch President (1)**Candidates

WATERS Sally

Branch Vice President (1)Candidates

SHELLEY Robert

Branch Treasurer (1)Candidates

BARMBY Joshua

National Councillor (2)Candidates

BURGESS Jason Lee

SHELLEY Robert

National Executive Member (1)Candidates

BURGESS Jason Lee

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Telephone: 03 9285 7111
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5 July 2023

Oliver Judd
Secretary
National Electrical and Communications Association
Sent via email: oliver.judd@neca.asn.au

cc: NSW Branch, Queensland Branch necanat@neca.asn.au

Dear Oliver Judd



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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.

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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](#).

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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](#).

If you have any queries we can be contacted on 1300 341 665 or by email at 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.

National Electrical and Communications Association

DECLARATION OF RESULTS - E2023/18 - Stage 1

Contested 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:

New South Wales Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	2,251
Number of voters issued with voting material	2,251
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	2,251
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	180
Number of declaration envelopes rejected at preliminary scrutiny (minus)	12
Number of ballot papers returned outside declaration envelopes (minus)	2
COUNT	
Total ballot papers admitted to the count	166
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	44
Voting material packs not returned by voters by closing date of the ballot	2,027
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8 %

Branch Councillor (4)

<u>Candidates</u>	<u>Final Votes</u>
BROWN, Jeff	149
CAMBRIDGE, Anthony	52
HARDINGHAM, Andrew	146
KERFOOT, Stephen	145
MCGINTY, Sean	136

Total ballot papers admitted for this office	166
Formal Ballot papers	157
Informal Ballot papers	9

I declare the following elected:	Order Elected
• BROWN, Jeff	1
• HARDINGHAM, Andrew	2
• KERFOOT, Stephen	3
• MCGINTY, Sean	4

Queensland Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	465
Number of voters issued with voting material	465
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	465
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	38
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	38
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	19
Voting material packs not returned by voters by closing date of the ballot	408
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8 %

Branch Councillor (4)

<u>Candidates</u>	<u>Final Votes</u>
ELSDEN, Trish	33
JONSSON, Heidi	28
LETHBRIDGE, David	30
PETERSON, Gavin	36
THOMPSON, Russel	25

Total ballot papers admitted for this office	38
Formal Ballot papers	38
Informal Ballot papers	0

I declare the following elected:	Order Elected
• PETERSON, Gavin	1
• ELSDEN, Trish	2
• LETHBRIDGE, David	3
• JONSSON, Heidi	4

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

National Electrical and Communications Association

DECLARATION OF RESULTS - E2023/18 - Stage 1

Uncontested Offices

Insufficient Nominations 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:

Victoria Branch

Branch Councillor (1)

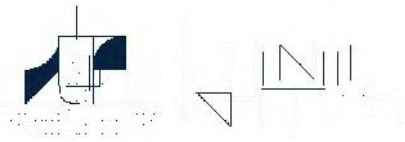
Candidates

SMITH Jarrod

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
19/06/2023





29 May 2023

Oliver Judd
Secretary
National Electrical and Communications Association
Sent via email: oliver.judd@neca.asn.au

cc: wendy.ramjee@neca.asn.au

Dear Oliver Judd



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/18

An election has recently been completed by the Australian Electoral Commission (AEC) for the National Electrical and Communications Association.

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

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. 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.

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.

National Electrical and Communications Association

DECLARATION OF RESULTS - E2023/18 - Stage 1

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:

Victoria Branch

Branch Councillor (4)

Candidates

HARGREAVES Christopher

JOYCE Stewart

PEIRCE David

Western Australia Branch

Branch Councillor (for a three-year term) (3)

Candidates

LUCAS Andrew

SWEETING Chris

Branch Councillor (for a one-year term) (1)

Candidates

GREGO Jack

South Australia/Northern Territory Branch

Branch Councillor (4)

Candidates

BUTLER Simon

CROSS Andrew

MATTNER Chris

POULTON Jarrod

Tasmania Branch

Branch Councillor (2)

Candidates

HEEREY Jim

HOBSON Wayne

Australian Capital Territory Branch

Branch Councillor (for a two-year term) (2)

Candidates

BURGESS Jason

WATERS Sally

Branch Councillor (for a one year term) (2)

Candidates

BARMBY Joshua

SHELLEY Robert

As a result of the organisation's Rule 56.5 Burgess, Jason and Waters, Sally were elected to the two-year term position for Branch Councillor.

Barmby, Joshua and Shelley, Robert were elected to the one-year term position for Branch Councillor.

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
17/05/2023





Fair Work
Commission

DECISION

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

National Electrical and Communications Association
(E2023/18)

MR STEENSON

SYDNEY, 22 MARCH 2023

Arrangement for conduct of election.

[1] On 23 February 2023, the National Electrical and Communications Association (the Organisation) lodged with the Fair Work Commission prescribed information for an election to fill the following offices for a new term of office:

National President	(1)
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National Vice President	(1)
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National Treasurer	(1)
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National Councillors from each Branch (as set out under each of the corresponding Branches below)

National Executive Member from each Branch (as set out under each of the corresponding Branches below)

Australian Capital Territory Branch

Branch Councillor (for a two-year term)	(2)
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Branch Councillor (for a one-year term)	(2)
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Branch President	(1)
------------------	-----

Branch Vice President	(1)
-----------------------	-----

Branch Treasurer	(1)
------------------	-----

National Councillors	(2)
----------------------	-----

National Executive Member	(1)
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New South Wales Branch

Branch Councillor	(4)
Branch President	(1)
Branch Vice President	(1)
Branch Treasurer	(1)
National Councillors	(2)
National Executive Member	(1)

Queensland Branch

Branch Councillor	(4)
Branch President	(1)
Branch Vice President	(1)
Branch Treasurer	(1)
National Councillors	(2)
National Executive Member	(1)

South Australia/Northern Territory Branch

Branch Councillor	(4)
Branch President	(1)
Branch Vice President	(1)
Branch Treasurer	(1)
National Councillors	(2)
National Executive Member	(1)

Tasmania Branch

Branch Councillor	(2)
Branch President	(1)

Branch Vice President	(1)
Branch Treasurer	(1)
National Councillors	(2)
National Executive Member	(1)

Victoria Branch

Branch Councillor	(4)
Branch President	(1)
Branch Vice President	(1)
Branch Treasurer	(1)
National Councillors	(2)
National Executive Member	(1)

Western Australia Branch

Branch Councillors (for a three-year term)	(3)
Branch President	(1)
Branch Vice President	(1)
Branch Treasurer	(1)
National Councillors	(2)
National Executive Member	(1)

[2] On 23 February 2023, the Organisation also lodged prescribed information to fill a casual vacancy in the following office for the remainder of term which ends in 2024:

Western Australia Branch

Branch Councillor	(1)
-------------------	-----

[3] Rule 55.2 of the Organisation's rules provides that each Branch Council will comprise no fewer than four (4) members and no more than ten (10) members plus the Branch Secretary, as determined by the Branch Council from time to time.

[4] In the prescribed information lodged for this election (E2023/18), the Organisation advised that, on 22 April 2022, the Australian Capital Territory (ACT) Branch Council resolved

to reduce the total number of its Branch Councillors *from* six (6) – comprising three Branch Councillors elected in each alternate year for a two year term – *to* four (4) – comprising two Branch Councillors elected in each alternate year for a two year term.

[5] To give effect to the ACT Branch’s resolution to reduce the total number of members of the Branch Council and to preserve the pattern of electing half of the Branch Council each year, all of the current ACT Branch Councillors will retire at this election (E2023/18) and to activate the initial division into two groups of two (2) Branch Councillors elected in alternate years, the two candidates for Branch Councillor who receive the highest number of votes in accordance with the Australian Electoral Commission (AEC) declaration of results in this election (E2023/18), shall hold office for a two year term, and the two candidates for Branch Councillors who receive the next two highest number of votes (i.e. those ranked third and fourth) shall hold office for a one year term – at which time an election for those two offices for a two-year term will occur.¹

[6] 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 AEC.

[7] I also note that, while not included in the prescribed information lodged by the Organisation on 23 February 2023, it is apparent to Commission staff that the lodgement of prescribed information for an election for Branch Secretary in a number of branches, and for the election for National Secretary, is now either due or overdue.

[8] The Commission will engage with the Organisation about this as, despite proposed rule alterations being separately lodged with the Commission, under the RO Act the Organisation is still legally obliged to lodge prescribed information based on its rules as they currently stand. Non-lodgement and late lodgement can leave the Organisation liable to exposure to civil penalties. The Commission is open to discussing the timing of the election of these offices in light of the proposed rule changes – however the prescribed information must still be lodged.



DELEGATE OF THE GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

PR755009

¹ Subrule 55.4A

Fair Work (Registered Organisations) Regulation 138

Prescribed Information for elections by the National Electrical and Communications Association (NECA)

I, Oliver Judd, National Secretary of the National Electrical and Communications Association (NECA), state that the information is lodged under section 189 of the *Fair Work (Registered Organisations) Act 2009* and that I am the person authorised to make the statement.

NECA hereby lodges prescribed information in respect of elections to be conducted by the Australian Electoral Commission.

National Council: Fourteen (14) comprising two (2) National Councillors elected by and from each Branch Council (see below);

National Executive: Seven (7) comprising one (1) National Executive member elected by each Branch Council from the relevant Branch's National Councillors.

National President, National Vice President, National Treasurer, - elected by the members of the National Council and from the National Executive.

New South Wales Branch

- Four (4) Branch Councillors (*for Kerfoot, Brown, Turnbull, Cambridge*) for a 2-year term – DVS.
- Branch President, Branch Vice President, Branch Treasurer – CES.
- Two (2) National Councillors, one of which shall also be the National Executive Member - CES.

Victoria Branch

- Four (4) Branch Councillors (*for Joyce, Peirce, Hargreaves, Falloon*), for a 2-year term – DVS.
- Branch President, Branch Vice President, Branch Treasurer – CES.
- Two (2) National Councillors, one of which shall also be the National Executive Member - CES.

South Australia/Northern Territory Branch

- Four (4) Branch Councillors (*for Butler, Cross, Poulton, Mattner*) for a 2-year term – DVS.
- Branch President, Branch Vice President, Branch Treasurer – CES.
- Two (2) National Councillors, one of which shall also be the National Executive Member - CES.

Western Australia Branch

- Three (3) Branch Councillors (*for Sweeting, Grego, Lucas*) for a 3-year term – DVS
- One (1) Branch Councillor (*for D Bailey*) for a 1-year term – DVS
Note: to fill Bailey vacancy for 1 year term expiring at 2024 election
- Branch President, Branch Vice President, Branch Treasurer – CES.
- Two (2) National Councillors, one of which shall also be the National Executive Member - CES.

Australian Capital Territory Branch

- Four (4) Branch Councillors (*for Decker, Shelley, Waters, Burgess*) – DVS being:
 - two (2) Councillors for a 2-year term
 - two (2) Councillors for a 1-year term

Note: The ACT Branch Council meeting of 21/4/2022 resolved that the number of branch councillors be reduced from 6 to 4 and the reduction of branch councillors shall take effect upon completion of the 2022 Branch Council elections – therefore subrule 55.4A applies to this election.

- Branch President, Branch Vice President, Branch Treasurer
- Two (2) National Councillors, one of which shall also be the National Executive Member - CES.

Queensland Branch

- Four (4) Branch Councillors (**for Elsdon, Thompson, Peterson, Jonsson**) for a 2-year term – DVS.
- Branch President, Branch Vice President, Branch Treasurer – CES
- Two (2) National Councillors, one of which shall also be the National Executive Member - CES.

Tasmania Branch

- Two (2) Branch Councillors (for **Hobson, Heerey**) for a 2-year term – DVS.
- Branch President, Branch Vice President, Branch Treasurer – CES.
- Two (2) National Councillors, one of which shall also be the National Executive Member - CES.

Reason for Election

Scheduled elections as provided in the Rules of the Association.

Electorate

- The electorate for the DVS elections in the Branches is the financial membership of the respective Branch.
- The electorate for the Branch CES elections is the Branch Council of the respective Branch.
- The electorate for the CES election for National President, Vice President and Treasurer is the National Council.

Closure of Roll for Voters

The Roll will close 10 days prior to date nominations for office are invited.

Voting System

The direct voting system is indicated as DVS.

The collegiate electoral system is indicated as CES.

Nominations Open and Close

Branch Councillors Elections by DVS – Stage 1

- Nominations open – on or before 1 May each year - per rule 34.1
- Nominations close – not later than 14 to 28 days after nominations open - per rule 34.1

Annual Branch Elections (incl National Council representatives and National Executive representatives) by CES – Stage 2

Nominations Open: At the first meeting of Branch Council following Branch Council election, such meeting to be held on or before 15 July each year – per rule 34.1

Nominations Close: At the meeting when nominations are called – per rule 34.1

Annual election for National President, National Vice President and National Treasurer by CES - Stage 3

Nominations Open: upon completion of election of National Councillors – per rule 34.1

Nominations Close: not later than 30 Aug each year – per rule 34.1

Pending Rule Alterations

Rule alterations lodged with the FWC on 20 December 2022 (**R 2022/148**) not yet certified to date are not expected to affect the elections for the offices set out in this notice.

The above information is lodged under subsection 189(1) of the Act.

Signed:



.....

Oliver Judd
National Secretary
National Electrical and Communications Association (NECA)

22 February 2023