



14 August 2023

Oliver Judd  
Secretary  
National Electrical and Communications Association  
Sent via email: [oliver.judd@neca.asn.au](mailto:oliver.judd@neca.asn.au)

Dear Oliver Judd



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2023/104**

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](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 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](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.

**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](mailto: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.

3 August 2023

# Post-election report

National Electrical and Communications  
Association  
Scheduled election  
E2023/104

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# Election(s) Covered in this Report

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Organisation: National Electrical and Communications Association  
Election: Scheduled  
Election Decision No/s: E2023/104

## Rules

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Rules used for the election: 233V: Incorporates alterations of 4 April 2023 [R2022/148]

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/)

## Signed

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

## Attachments

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A. Declaration of Results for Uncontested Offices

**National Electrical and Communications Association**  
**DECLARATION OF RESULTS - E2023/104**  
**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:

**New South Wales Branch**

**Branch Secretary (1)**

Candidates

JUDD Oliver

**Australian Capital Territory Branch**

**Branch Secretary (1)**

Candidates

JUDD Oliver

**Tasmanian Branch**

**Branch Secretary (1)**

Candidates

JUDD Oliver

**South Australia/Northern Territory Branch**

**Branch Secretary (1)**

Candidates

MOORE Larry

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  
31/07/2023







## DECISION

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

**National Electrical and Communications Association**  
(E2023/104)

MR STEENSON

SYDNEY, 22 MAY 2023

*Arrangement for conduct of election.*

[1] On 2 May 2023 the National Electrical and Communications Association (**NECA**) lodged with the Fair Work Commission prescribed information for an election to fill the following offices:

New South Wales Branch Secretary	(1)
Australian Capital Territory Branch Secretary	(1)
Tasmanian Branch Secretary	(1)
South Australia/Northern Territory Branch Secretary	(1)

[2] NECA recently transacted rule changes which have now been certified by the Commission.<sup>1</sup> Relevant to this decision, those rule changes empower each branch, and the National Executive, to determine prior to each new term of office (and when a vacancy arises) whether or not that particular body will have an office of Secretary. The rule changes also reduced the term of office of Secretary from four years to one year.

[3] Accompanying the prescribed information lodged on 2 May 2023 was confirmation that each of the abovenamed Branches had formally resolved to have an elected Branch Secretary for the upcoming term of office. NECA has also confirmed that the Queensland Branch and the National Executive had each resolved not to have an office of Secretary for the coming term of office.<sup>2</sup>

[4] Section 189 of the *Fair Work (Registered Organisations) Act 2009* (RO Act) requires the General Manager or his Delegate to consider whether an election is required under the rules of the organisation. There are several well-recognised principles in relation to offices and

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<sup>1</sup> [2023] FWCG 13, issued 4 April 2023 in matter R2022/148.

<sup>2</sup> In relation to the remaining Branches, the office of WA Branch Secretary was the subject of the recent decision [2023] FWCD 1039, issued 11 May 2023 in matter E2023/89; the office of Victorian Branch Secretary is not yet due for election (if that Branch determines to have a Secretary for the upcoming term of office) as it was most recently declared elected in March 2020 (E2019/213), under a previous version of the NECA Rules, for a four-year term.

elections which must be adhered to. One of those is that the rules to be considered are those which presently apply to the organisation at the time of the decision. In this matter, that means applying the rules which include the alterations certified on 4 April 2023.

[5] On 11 May 2023, following an enquiry from Commission staff, NECA confirmed that the elections for the various offices of Branch Secretary are to be conducted using a direct voting system in accordance with NECA rule 37.10.

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



DELEGATE OF THE GENERAL MANAGER

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## **PRESCRIBED INFORMATION FOR ELECTION**

I, David McInnes, being National President of the National Electrical and Communications Association (NECA), am authorised to make the following statement under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009:

### **Name of Office: NSW Branch Secretary**

**Reason for election:** new office

Resolution of the NECA NSW Branch Council at meeting held on 19 April 2023 to create Branch Secretary for a one-year term.

- Branch Council accepted resignation of incumbent Branch Secretary with effect on and from 19 April 2023.
- Branch Council deliberations in light of resignation of Secretary. Council considered available options and implications going forward (under recently approved rule changes) for the unoccupied office which is to cease to have the office OR to reinstate the office.
- Council determined to reinstate the office of Branch Secretary for a term of one year, noting the option to review the situation (as necessary) under rule 37.7.

### **Resolution**

*The NSW Branch Council hereby resolves THAT:*

*As the office of Branch Secretary is presently vacant, Branch Council, pursuant to rule 37.7(b) determines to re-instate the office of NSW Branch Secretary.*

*In accordance with rule 37.9(b) the election for Secretary is to be conducted pursuant to rules 37.10 to 37.13 inclusive.*

*Under rule 56.6 the Secretary will hold office for a term of one year from the date of their election.*

*The Branch will arrange for NECA National to lodge the necessary Prescribed Information with the FWC, for the AEC to conduct the said election."*

*Proposed David Orr    Seconded Jeff Brown  
Resolution carried*

### **Name of Office: ACT Branch Secretary**

**Reason for election:** new office

Resolution of the NECA ACT Branch Council at meeting held on 20 April 2023 to create Branch Secretary for a one-year term.

- Branch Council accepted resignation of incumbent Branch Secretary with effect on and from 20 April 2023.



- Branch Council deliberations in light of resignation of Secretary. Council considered available options and implications going forward (under recently approved rule changes) for the unoccupied office which is to cease to have the office OR to reinstate the office.
- Council determined to reinstate the office of Branch Secretary for a term of one year, noting the option to review the situation (as necessary) under rule 37.7.

#### Resolution

*The ACT Branch Council hereby resolves THAT:*

*As the office of Branch Secretary is presently vacant, Branch Council, pursuant to rule 37.7(b) determines to re-instate the office of ACT Branch Secretary.*

*In accordance with rule 37.9(b) the election for Secretary is to be conducted pursuant to rules 37.10 to 37.13 inclusive.*

*Under rule 56.6 the Secretary will hold office for a term of one year from the date of their election.*

*The Branch will arrange for NECA National to lodge the necessary Prescribed Information with the FWC, for the AEC to conduct the said election."*

*Proposed Rob Shelley      Seconded Jason Burgess  
Resolution carried*

#### **Name of Office: Tasmania Branch Secretary**

**Reason for election:** new office

Resolution of the NECA Tasmania Branch Council at meeting held on 26 April 2023 to create Branch Secretary for a one-year term.

- Branch Council accepted resignation of incumbent Branch Secretary with effect on and from 26 April 2023.
- Branch Council deliberations in light of resignation of Secretary. Council considered available options and implications going forward (under recently approved rule changes) for the unoccupied office which is to cease to have the office OR to reinstate the office.
- Council determined to reinstate the office of Branch Secretary for a term of one year, noting the option to review the situation (as necessary) under rule 37.7.

#### Resolution

*The Tasmania Branch Council hereby resolves THAT:*

*As the office of Branch Secretary is presently vacant, Branch Council, pursuant to rule 37.7(b) determines to re-instate the office of Tasmania Branch Secretary.*

*In accordance with rule 37.9(b) the election for Secretary is to be conducted pursuant to rules 37.10 to 37.13 inclusive.*

*Under rule 56.6 the Secretary will hold office for a term of one year from the date of their election.*



*The Branch will arrange for NECA National to lodge the necessary Prescribed Information with the FWC, for the AEC to conduct the said election."*

*Proposed Mark Richardson    Seconded Shane Hill  
Resolution carried*

**Name of Office: SA/NT Branch Secretary**

**Reason for election:** Scheduled election (term due to expire around 20 June 2023)

**Resolution**

*The SA/NT Branch Council resolved THAT:*

*The NECASA/NT Branch Council noted that there are new Rules for the Organisation which give power to the Branch Council to determine to cease to have the office of Branch Secretary or reinstate the office of Branch Secretary (Rule 37.7) and that the Branch Council determines that it does not wish to exercise the power to cease to have a Branch Secretary at this time and confirms that it will continue to have a Branch Secretary.*

*Proposed Andrew Russell    Seconded Brad Maurits  
Resolution carried*

**Electorate:** (if a ballot is required): the electorate comprises all financial members of each of the relevant Branches per rule 37.10.

**Date and times for opening and closing nominations:** to be determined by the Returning Officer having regard to rule 37.10.

**Close of the voters roll:** 10 working days prior to calling for such nominations by rule 37.13 which incorporates by reference rule 37.6.

**Voting system** (if a ballot is required): direct voting system by rule 37.13 which incorporates by reference rule 38.9(b).

There are no rule alterations pending for the Association at the present time.

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

.....  
David McInnes  
National President  
National Electrical and Communications Association (NECA)

1 May 2023