



8 August 2023

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

cc: Christopher Sweeting, necawa@necawa.asn.au

Dear Oliver Judd



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/89

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.

20 July 2023

Post-election report

National Electrical and Communications
Association
Scheduled election
E2023/89

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Election(s) Covered in this Report

Organisation: National Electrical and Communications Association

Election: Scheduled

Election Decision No/s: E2023/89

Rules

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

Rules difficult to apply/interpret:

Model Rule reference (if any):

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): No
Details:

Signed

Amit Kumar
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
20 July 2023

Attachments

A. Declaration of results for Uncontested Offices

National Electrical and Communications Association
Western Australian Branch
DECLARATION OF RESULTS - E2023/89
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:

Secretary (1)

Candidates

TERRANOVA Charlie

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

Amit Kumar
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
18/07/2023





DECISION

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

National Electrical and Communications Association
(E2023/89)

MR STEENSON

SYDNEY, 11 MAY 2023

Arrangement for conduct of election.

[1] On 27 April 2023 the National Electrical and Communications Association (NECA) lodged with the Fair Work Commission (Commission) prescribed information seeking an election to fill the following office:

Western Australian Branch Secretary (1)

[2] This office had been vacant since 1 November 2022 following the resignation of the former Branch Secretary. At the time of his resignation, the former Branch Secretary had served one year of what was then a four-year term of office.

[3] However, between the resignation and the lodgement of prescribed information, NECA transacted rule changes which have been certified by the Commission.¹ Relevant to this decision, those rule changes (i) 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 body will have an office of Secretary and (ii) reduce the term of office of Secretary from four years to one year.

[4] Accompanying the prescribed information was confirmation that the Branch had formally resolved, on 19 April 2023, to have an elected Branch Secretary for the upcoming term of office.

[5] 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 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 that I must apply the rules which include the alterations certified on 4 April 2023.

[6] In recent consultations with the organisation following the certification of the rule changes, NECA undertook to advise the Commission of the determination that each of its

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

constituent parts (i.e. its branches and the National Executive) makes in relation to whether they determine to have or not have a Secretary for the next term of office. The advice that the Western Australian Branch has specifically resolved to have a Branch Secretary, and the accompanying prescribed information, is the first such notification. On 2 May 2023, NECA provided advice of the determinations made by a number of other Branches, some of which included the lodgement of prescribed information for an election for these offices (which will be the subject of a separate election decision).

[7] On 11 May 2023, following an enquiry from Commission staff, NECA confirmed that the election for West Australian Branch Secretary is to be conducted using a direct voting system in accordance with NECA rule 37.10.

[8] I am satisfied that an election for the abovenamed office 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 GENERAL MANAGER


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PR755050

26 April 2023

General Manager
Fair Work Commission
GPO Box 1994
Melbourne VIC 3001

Attn: Mr Steenson

By email: 
regorgs@fwc.gov.au

Dear Delegate Steenson

Re: Prescribed Information for election

Enclosed is the prescribed information in respect of an election required to fill the office of

Western Australia Branch Secretary

The election arises consequent upon the rule alterations certified on 4 April 2023 (R2022/148) and the subsequent resolution of the Western Australian Branch Council of 19 April 2023 to, in effect, re-instate the office of Branch Secretary under subrules 37.7(b) and 37.8(c), such that an election for the office is triggered under subrule 37.9(b).

While the office has been unoccupied since 1 November 2022, it is the Association's view, given the nature and effect of the said rule alterations (*including the term for a re-instated office of Branch Secretary to be one year per subrule 56.6*) that the reason for the election under regulation 138(b) can be regarded as a regular election upon the creation of a new office.

Please contact Ms Wendy Ramjee of this office (02 9439 8523) if you have any queries.

Yours sincerely



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

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PREScribed INFORMATION FOR ELECTION

I, Oliver Judd, being Secretary 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: Western Australia Branch Secretary

Reason for election: new office

Resolution of the NECA WA Branch Council at meeting held on 19 April 2023

6.2 *Branch Secretary decision*

The Branch Council discussed the options regarding retaining and filling the Branch Secretary role on an ongoing basis. It was noted that the Branch Council could choose not to fill the role, and instead have the President manage the WA Branch's governance via the National Office.

The Council RESOLVED to retain the role of NECA WA Branch Secretary.

*Moved: Peter Beveridge
All in favour. CARRIED.*

Seconded: Oliver Forster

Electorate: (if a ballot is required): the electorate comprises all financial members of the WA Branch 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.

A handwritten signature in blue ink, appearing to read 'O Judd', written over a dotted line.

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

26 April 2023