



DECISION

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

Victorian Farmers Federation Industrial Association
(E2023/106)

MR STEENSON

SYDNEY, 26 MAY 2023

Arrangement for conduct of election.

[1] On 23 May 2023 the Victorian Farmers Federation Industrial Association (VFFIA) lodged with the Fair Work Commission prescribed information for an election to fill the following offices:

Executive Committee Member	(6)
President	(1)
Vice-President	(1)
Treasurer	(1)

[2] By letter dated 2 May 2023, the VFFIA foreshadowed to the Commission that, at meetings proposed for September this year, the question of whether to cancel or maintain its registration will be considered. I note that if the organisation did resolve to cancel its registration, the steps required by the *Fair Work (Registered Organisations) Act 2009* (RO Act) – such as passing a resolution to apply for cancellation of registration, subsequently making that application, consideration and gazettal of the application for a specified period, considering any objections and then a member of the Commission determining the application – it would be several months after any decision by the organisation before it would take effect. In the meantime, the organisation is required to comply with the requirements imposed on it as a registered organisation.

[3] I note that the Commission’s records indicate that in April 2022 a representative of the VFFIA advised the then-regulator, the Registered Organisations Commission that (a) the previous election had been delayed from 2020 (due to delays in the conduct of elections associated with COVID-related restrictions) and had only been declared in 2021, and (b) the organisation was looking at cancelling its registration at that time. No cancellation application was made in 2022.

[4] A registered organisation is required to conduct elections for office in certain circumstances. Commission staff have advised the organisation that it is not open to the

Commission to exempt an organisation from the requirement to hold elections. Having considered the time that had elapsed since the last VFFIA election was declared by the Australian Electoral Commission (AEC) and the election requirements set out in the organisation's rules, on 10 May 2023 this Commission wrote to the VFFIA seeking lodgement of prescribed information. I acknowledge the organisation's attention in ensuring that the lodgement was then made.

[5] Section 189(2) of the RO Act requires that prescribed information be lodged at least two months before the date that nominations are due to open according to an organisation's rules. However, the General Manager or his authorised Delegate may allow a later date for lodgement. On this occasion, I allow such later date.

[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 AEC. This will ensure that the VFFIA meets its current election-related obligations during the period that its registration continues.



DELEGATE OF THE GENERAL MANAGER

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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, NATHAN FREE, being the PRESIDENT of the Victorian Farmers Federation Industrial Association make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Victorian Farmers Federation Industrial Association.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. No rule alterations are pending that will impact the election.

Signed:  [PRESIDENT] Nathan Free

Dated: 23.05.2023 [DATE]

NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@fwc.gov.au

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
NATIONAL	EXECUTIVE COMMITTEE MEMBER	6	Direct Voting System	Scheduled	Financial members – rule 28
NATIONAL	PRESIDENT	1	Collegiate electoral system	Scheduled	EXECUTIVE COMMITTEE MEMBERS – rule 29.1
NATIONAL	VICE-PRESIDENT	1	Collegiate electoral system	Scheduled	EXECUTIVE COMMITTEE MEMBERS – rule 29.1
NATIONAL	TREASURER	1	Collegiate electoral system	Scheduled	EXECUTIVE COMMITTEE MEMBERS – rule 29.1

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	2 Months before AGM – Rule 28.1	Rule 29.4.1
Nominations CLOSE	Rule 28.1	Rule 29.2
Roll of Voters cut off date	Rule 28.1	Rule 29.2

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as ‘To be determined by the returning officer’. This also applies where rules are silent as to the nominated dates.

If the nomination dates are ‘To be Determined by the Returning Officer’, but your organisation has a preference, please state ‘To be Determined by Returning Officer’ and clearly indicate that your nominated date is a preference.