



DECISION

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

National Electrical and Communications Association
(E2025/44)

MR STEENSON

SYDNEY, 18 MARCH 2025

Arrangement for conduct of election.

[1] On 14 March 2025 the New South Wales Branch (**NSW Branch**) of the National Electrical and Communications Association (**organisation**) lodged with the Fair Work Commission (**Commission**) prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

Branch Councillor (1)

[2] Yesterday (17 March 2025), I issued a decision (**E2025/18**) to arrange for the conduct of a scheduled election by the Australian Electoral Commission (**AEC**) for various offices in all branches of the organisation, as well as national officers.

[3] Those offices covered by election decision E2025/18 include an election being required for four (4) NSW Branch Councillors for a new term of office, being two years (i.e. a term expiring in 2027).

[4] This particular election decision (**E2025/44**) is for another NSW Branch Councillor, the office of which is currently vacant due to a casual vacancy. The officer who held that office prior to their resignation was elected in scheduled election E2024/20.

[5] Under rule 29.1(b) of the organisation's rules, all branch officeholders commence in office from the date of the first meeting of the Branch Council after the date of their election.¹ Based on information provided by the organisation, the term of office of the Councillor that is the subject of this current decision commenced from the first NSW Branch Council meeting following the declaration of election E2024/20. That meeting was held on 19 June 2024 and the term of office is therefore due to expire in 2026.

[6] The office has been vacant from 25 November 2024. As such, under rule 31.1 of the organisation's rules, an election is required to fill that office. The organisation is reminded that

¹ Rulebook R2022/148.

it should lodge prescribed information for casual vacancy elections as soon as possible after the vacancy arises.

[7] Given there is an impending scheduled election which includes an election for other NSW Branch Councillors (namely election **E2025/18** referred to above), the Commission requests that the AEC conduct the two elections (**E2025/18** and **E2025/44**) concurrently, albeit that there will be a need to distinguish between the two sets of NSW Branch Councillors – one set of four (4) Councillors to be elected for a term nominally expiring in 2027, and a single Councillor to be elected for a term expiring in 2026.

[8] In regard to the casual vacancy rule in the organisation's rulebook,² it is noted that, while it appears the intention is to mirror the provisions of section 146 of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*, the wording of the rule reads as though the calculation of the office term is dependent on the next election. The organisation may wish to consider amending its rules for clarity, noting the wording of section 146(2) of the RO Act provides clear timeframes around when a casual vacancy must be filled by an election (rather than by appointment). It is further noted that the casual vacancy rule in the organisation's rulebook previously mirrored section 146(2) of the RO Act.³

[9] 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 RO Act, I am making arrangements for the conduct of the election by the AEC.



DELEGATE OF THE GENERAL MANAGER

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² Rulebook R2022/148, rule 31.

³ Rulebook D2019/23, rule 28.

14 March 2025

General Manager
Fair Work Commission
GPO Box 1994
Melbourne VIC 3001

By email: regorgs@fwc.gov.au

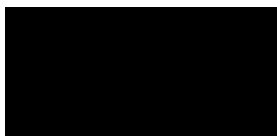
Dear Sir

**National Electrical and Communications Association NSW Branch
Election Notification Arrangements to Fill Casual Vacancy E2025/18**

I herewith submit the prescribed information to fill casual vacancy for NECA NSW Branch Councillor.

Should you have any questions in relation to this matter please contact Ms Wendy Ramjee on 02 9439 8523 or email necanat@neca.asn.au.

Yours sincerely



Oliver Judd
NECA NSW Branch Secretary
Attach



PREScribed INFORMATION FOR ELECTION

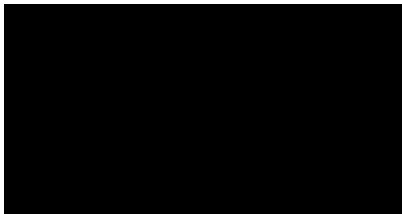
I, Oliver Judd, being the Branch Secretary of the National Electrical and Communications Association NSW Branch (NECA NSW), am authorised to make the following statement on behalf of the organisation under **section 189** of the *Fair Work (Registered Organisations) Act 2009*,

The following information is provided in accordance with:

- The electorate being all financial members of the Branch,
- the voting system is direct voting system (DVS),
- the date that nominations open and close, to be determined by the Returning officer", given this is a casual vacancy election, and
- the date the roll of voters' closes will be 10 working days before nominations open as per rule 38.1.

Name of Office: NECA NSW Branch Councillor

Reason for election: To fill casual vacancy for remainder of 2-year term due to the resignation of NSW Branch Councillor [REDACTED] who resigned on 25 November 2024. Letter of resignation attached.



Oliver Judd
NECA NSW Branch Secretary
14 March 2025

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