



6 June 2017

Mr Daniel Walton
National Secretary
The Australian Workers' Union
members@nat.awu.net.au

Dear Mr Walton,

cc: membership@awusa.asn.au

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the casual vacancy election of a Branch Vice President in the South Australian Branch of The Australian Workers' Union [E2017/65]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, The Australian Workers' Union must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and

- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Carolyn Moloney
Registered Organisations Commission

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. [include name of each new branch]
 2. ...
 - CEASED operation:
 1. [include name of each closed branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au .]

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:
Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

File: 2017/14

Mr Daniel Walton
National Secretary
The Australian Workers' Union
Level 10, 377-383 Sussex Street
Sydney NSW 2000

Dear Mr Walton

Post Election Report For: The Australian Workers' Union South Australian Branch
E2017/65

I refer to the above election for your organisation

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a Post Election Report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the Post Election Report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Regulations 2009* requires an organisation or branch to publish a notice on its website advising members that a copy of the Post Election Report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Jenny Southall
Returning Officer
Australian Electoral Commission

3 May 2017

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Australian Workers' Union South Australian Branch

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: *E2017/65*

RULES

Rules used for the election: *[002N: Incorporates alterations certified on 20/12/2016 in matter R2016/304]*

Rules difficult to apply/interpret: *None*

Model Rule reference (if any): *N/A*

ROLL OF VOTERS

As there were no contested offices, no Roll of Voters was required.

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: *N/A*

ATTACHMENTS

- 1) Declaration of Results for Uncontested Offices – South Australian Branch

Jenny Southall
Returning Officer
Australian Electoral Commission

3 May 2017

**The Australian Workers' Union
E2017/65 SA Branch - Branch Vice President**

Declaration of Results for Contested and Uncontested Offices

2017/14

Below are 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.

**South Australian Branch
Branch Vice President (Honorary) (1)**

Candidates

RAE, Wayne

I declare Wayne Rae elected.



Jenny Southall
Returning Officer
Australian Electoral Commission

2 May 2017





Copy of Signed Decision

Title of Matter: Application/Notification by The Australian Workers' Union
Section: s.189(1) RO Act - Notification of elections for office - Casual vacancy or insufficient nominations
Subject: South Australian Branch - Branch Vice President (1)
Matter Number(s): E2017/65

A copy of the Delegate's decision is attached for your information.

The relevant rulebook can be accessed via the Fair Work Commission's [website](#).

Dear Australian Workers' Union,

Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records to be declared to the Fair Work Commission. This includes changes to officers as a result of elections. Changes must be declared within 35 days and a template is available from the [website](#).

Dear Australian Electoral Commissioner via the Electoral Officer,

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

Contact: Mr Daniel Walton of the organisation, as per the prescribed information.

Please send any declaration(s) and post election report to the Fair Work Commission at orgs@fwc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Carolyn Moloney through orgs@fwc.gov.au.

14 MARCH 2017



DECISION

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

The Australian Workers' Union
(E2017/65)

MR ENRIGHT

SYDNEY, 14 MARCH 2017

Arrangement for conduct of election.

[1] On 7 March 2017 The Australian Workers' Union lodged with the Fair Work Commission the prescribed information in relation to an election for a casual vacancy for the remainder of the term of office in the following office:

South Australian Branch

Branch Vice President (1)

[2] 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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Copy of Prescribed Information

Title of Matter: Application/Notification by Australian Workers' Union, The
Section: s.189(1) RO Act - Notification of elections for office - Casual vacancy or insufficient nominations
Subject:
Matter Number(s): E2017/65

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

8 MARCH 2017

**STRONGER
TOGETHER**

NATIONAL OFFICE
Level 10, 377-383 Sussex Street Sydney NSW 2000
T: (02) 8005 3333 F: (02) 8005 3300
E: members@nat.awu.net.au W: www.awu.net.au
Members Hotline: 1300 885 653
Daniel Walton National Secretary



ABN 28 853 022 982

7 March 2017

The General Manager
Fair Work Commission
Regulatory Compliance Branch
Level 8, Terrace Towers
80 William Street
EAST SYDNEY NSW 2011

Email: orgs@fwc.gov.au

Dear Sir / Madam

Please find enclosed our Statement and Notice of Prescribed Information under Regulation 138.

We formally request, pursuant to section 187 of the Fair Work (Registered Organisations) Act 2009, that the Australian Electoral Commission (AEC) conduct the election for the vacancy of the position of Branch Vice President (Honorary) (South Australian Branch).

Please could you direct this communication and request to the AEC on our behalf.

Should you require any additional information, please don't hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to be 'D. Walton', is written over the 'Yours faithfully' text.

Daniel Walton
NATIONAL SECRETARY

Statement and Notice of Prescribed Information under Regulation 138

I, Daniel Walton, National Secretary of The Australian Workers' Union, make the following statement:

I am the National Secretary of The Australian Workers' Union.

I am authorised to lodge the following prescribed information concerning forthcoming elections in The Australian Workers' Union, and

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.

Signed



Daniel Walton
National Secretary
The Australian Workers' Union

Dated: 7 March 2017

Offices/Positions

South Australian Branch

Branch Vice President (honorary)

Reasons for election:

Resignation of Justin Hanson from the position of Branch Vice President (Honorary) within the first twelve months of the term of office.

Elected by:

The position is elected by direct voting system, the electorate is the entire South Australian Branch.

Nominations open:

To be determined by the Returning Officer

Nominations close:

To be determined by the Returning Officer

Cut off date for roll

Subject to the requirements of Rule (63 (1) (7 days before the opening of nominations).