

**From:** Ishtiaq Ahmed [mailto:Ishtiaq.Ahmed@aec.gov.au]  
**Sent:** Wednesday, 23 November 2016 9:54 AM  
**To:** musosa@bigpond.net.au; Orgs; Industrial Elections  
**Subject:** E2016/184- Corrected Post Election Report-[DLM=For-Official-Use-Only]

## For-Official-Use-Only

Mr. Sam Moody  
Federal Treasurer  
Musicians' Union of Australia  
Unit 4, 23a King William Road  
UNLEY, SA. 5061

Attention: Stephen Kellett – FWC

Dear Mr Moody

Re: E2016/184 Musicians' Union of Australia

**(Note: Please disregard the email sent earlier regarding the Post -election report of E2016/184)**

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 Fair Work Australia 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 requires an organisation or branch to publish a notice on its web site 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.

Thanks

Kind Regards

**Mr. Ishtiaq Ahmed | Returning Officer**

Industrial & Commercial Elections | NSW State Office  
Australian Electoral Commission  
T: (02) 9375 6331 | M: tba | F: (02) 6215 9910

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**Mr. Ishtiaq Ahmed | Returning Officer**  
Industrial & Commercial Elections | NSW State Office  
Australian Electoral Commission  
T: (02) 9375 6331 | M: tba | F: (02) 6215 9910

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Fair Work (Registered Organisations) Act 2009

## POST ELECTION REPORT

**Client:** The Australian Maritime Officers' Union

**Contact details:** Mr. Sam Moody  
Federal Treasurer  
Musicians' Union of Australia  
Unit 4, 23a King William  
Road  
UNLEY, SA. 5061

**Email:** musosa@bigpond.net.au  
**Tel:** 0409 021 978

**FWC contact officer:** Stephen Kellett  
**Email:** orgs@fwc.gov.au

### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2016/184

### RULES

**Rules used for elections Rule ID:** [ 013N: Incorporates alterations of 29/06/2015 in matter R2015/132 and R2015/1

**Rules difficult to apply/interpret:** None

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

**ROLL OF VOTERS** N/A

### ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Other irregularities identified, and action taken: N/A

### ATTACHMENTS

- A: Declaration of results for uncontested offices - Launeston Branch
- B: Declaration of results for uncontested offices - Brisbane Branch
- C: Declaration of results for uncontested offices - Sydney Branch
- D: Declaration of results for uncontested offices - Adelaide Branch
- E: Declaration of results for uncontested offices - Melbourne Branch
- F: Declaration of results for uncontested offices - Federal Office

  
shihag Ahmed  
Returning Officer

21 November 2016

# Musicians Union of Australia Federal Officers Election

## Declaration of Results for Uncontested Offices

**E2016/184**

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.

### **Federal**

#### **Federal President**

Candidates

CLARKE, Doug

#### **Federal Vice-President (2)**

Candidates

ANDERSON, Gavan  
GLAISTER, James

#### **Federal Secretary**

Candidates

DAVIDSON, Peter

#### **Federal Treasurer**

Candidates

MOODY, Sam

#### **Federal Trustees (3)**

Candidates

GUY, Robert William  
PRICE, Glenn  
RICHARDS, Alan

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



Returning Officer

1 November 2016

# Musicians' Union of Australia Sydney Branch Election 2016

## Declaration of Results for Uncontested Offices

**E2016/184**

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.

### **Sydney Branch**

#### **Branch President**

Candidates

No nomination was received

#### **Branch Vice Presidents (2)**

Candidates

No nominations were received

#### **Branch Secretary - Treasurer**

Candidates

No nomination was received

#### **Branch Committee Members (8)**

Candidates

No nominations were received

#### **Branch Trustees (3)**

Candidates

No nominations were received

As no nominations were received for any position, I declare no candidates elected.



Noopur Madan  
Returning Officer

6 September 2016

# Musicians' Union of Australia Brisbane Branch Election

## Declaration of Results for Uncontested Offices

**E2016/184**

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.

### **Brisbane Branch**

#### **Branch President**

Candidates

No nomination was received

#### **Branch Vice-President (2)**

Candidates

No nominations were accepted

#### **Branch Secretary-Treasurer**

Candidates

No nomination was received

#### **Branch Committee Member (8)**

Candidates

No nominations were received

#### **Branch Trustee (3)**

Candidates

No nominations were received

As the number of nominations accepted did not exceed the number of positions to be filled, I declare no candidates elected.



Noopur Madan  
Returning Officer

13 September 2016

**From:** Michael Horwood [mailto:Michael.Horwood@aec.gov.au]  
**Sent:** Friday, 21 October 2016 11:05 AM  
**To:** Industrial Elections; Orgs; 'glennprice@bigpond.com'; 'musosa@bigpond.net.au'  
**Subject:** SK - Post Election Report: MUA (Launceston) E2016/184 [SEC=UNCLASSIFIED]

UNCLASSIFIED

FWC  
MUA

**Musicians' Union of Australia  
Launceston Branch election  
E2016/184**

Please find attached my Post Election Report and attached documents in relation to the above election.

**Michael Horwood | Returning Officer**  
Tasmania State Office | TAS State Office  
Australian Electoral Commission  
T: (03) 6235 0509 | M: 0408 389 138 | F: (03) 6235 0568

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Action under Sec  
193.pdf



Declaration  
MUAL.pdf



Post Election Report  
MUA E2016 184.pdf



Fair Work (Registered Organisations) Act 2009

## POST ELECTION REPORT

### Musicians' Union of Australia – Hobart Branch

#### **ELECTIONS COVERED IN THIS REPORT**

Election Decision Number: E2016/184

#### **RULES**

Rules used for the election: 013N: alterations of 29/06/2015  
(R2015/133)

Rules difficult to apply/interpret: Rule 73

Model Rule reference: N/A

See attached record of action taken in regards to departure from the procedures set down in Rule 73.

#### **ROLL OF VOTERS**


Membership is now very small, but no issue with Roll of Voters.

#### **IRREGULARITIES**

No irregularities were identified.

#### **ATTACHMENTS**

- 1) Declaration of Results for Uncontested Offices – Launceston Branch
- 2) Record of action taken under Section 193 of Act.



Michael Horwood  
Returning Officer

19 October 2016

Musicians' Union of Australia  
Launceston Branch E2016/184

Action taken under Section 193 of the *Fair Work (Registered Organisations) Act 2009*.

The Rules of the MUA at Section 73 (in part) read:

B - Nominations

- (a) A Returning Officer shall call for nominations at least one month before the close of nominations. Nominations shall open on 1 May in an election year.
- (b) Each nomination shall be in writing and shall be signed by the nominee and at least two financial members of the Branch and shall be delivered to the Returning Officer at the registered office of the Branch prior to the closing of the nominations.

Proposed action is to receive the nominations at the office of the AEC in Hobart – as the MUA (Launceston) Secretary/Treasurer position is vacant, and they have no registered office at which to receive nominations.

Further, as the decision was issued in July there will be a requirement to amend the timetable and open after the date set down in the Rules.



Proposed Michael Horwood  
10 August 2016



Endorsed Dale Emery  
10 August 2016

# Musicians' Union of Australia Launceston Branch Election

## Declaration of Results for Uncontested Offices

**E2016/184**

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.

### **Launceston Branch**

#### **Branch President**

Candidates

No nomination was received

#### **Branch Vice-President (2)**

Candidates

BAINES, Ronald

No further nomination was accepted

#### **Branch Secretary/Treasurer**

Candidates

PRICE, Glenn

#### **Branch Committee Member (8)**

Candidates

No nominations were received

#### **Trustee (3)**

Candidates

No nominations were received

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



Michael Horwood  
Returning Officer

13 September 2016

**From:** Allison Valentine [mailto:Allison.Valentine@aec.gov.au]  
**Sent:** Tuesday, 13 September 2016 4:41 PM  
**To:** Alan Richards; MUA  
**Cc:** Orgs; Noopur Madan  
**Subject:** SK - E2016/184 - Scheduled Election Stage 1 - Musicians Union of Australia - Melbourne Branch [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Dear Parties,

Please find attached the declaration of results for Stage 1 of the above named election. Please let me know if you have any queries.

Regards,  
Allison

**Allison Valentine | Returning Officer**  
Industrial and Commercial Elections | VIC State Office  
Australian Electoral Commission  
T: (03) 9285 7177 | F: (03) 9285 7149

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LETTER



DECLARATION

UNCONTESTED OFFIUNCONTESTED OFFI



**Reference:** V2016/445

Mr Alan Richards  
State Secretary  
Musicians' Union of Australia  
8 Palmerston St  
CAMBERWELL VIC 3124

Dear Mr Richards,

**Musicians Union of Australia  
Melbourne Branch**

The declaration of the election for uncontested offices is attached.

The election is not yet complete.

Yours sincerely



Allison Valentine  
Returning Officer

13 September 2016  
cc all candidates  
Sam Moody

# Musicians Union of Australia Melbourne Branch

## Declaration of Results for Uncontested Offices

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.

### Melbourne Branch

#### Branch Committee Member (8)

##### Candidates

ANDERSON, Gavan  
JAMES, David  
WHITFORD, Peter  
WILLIAMS, Stephen  
No further nominations were accepted

#### Branch President

##### Candidates

No nomination was received

#### Branch Vice-President (2)

##### Candidates

No nominations were received

#### Branch Secretary-Treasurer

##### Candidates

RICHARDS, Alan

#### Branch Trustee (3)

##### Candidates

No nominations were received

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



Allison Valentine  
Returning Officer

13 September 2016

**From:** Jeanette Hill [mailto:Jeanette.Hill@aec.gov.au]  
**Sent:** Monday, 12 September 2016 4:00 PM  
**To:** Orgs  
**Cc:** Industrial Elections  
**Subject:** SK - ON CMS - E2016-184 - Adelaide Branch - Post-election report and Declaration of uncontested offices [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Good afternoon

Please find attached the post-election report for MUA Elections Adelaide Branch E2016/184 and Declaration for uncontested offices.

Regards

**Jeanette Hill | Divisional Returning Officer**  
Southern Divisional Team | Boothby – Kingston- Mayo  
Australian Electoral Commission  
T: (08) 8237 6511 | M: 0413 452 531 | F: (08) 8237 6584



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PER Report MUA SA Declaration report  
Branch E2016-184.pc 120916.pdf



Mr Sam Moody  
Federal Treasurer  
Musicians' Union of Australia  
U4 23A King William Rd  
UNLEY SA 5061

**Post Election Report for: Musicians' Union of Australia E2016/184**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia 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 Fair Work (Registered Organisations) Act 2009 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](mailto: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 organization's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organisation or branch to publish a notice on its web site 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.



Jeanette Hill  
Returning Officer  
12 September 2016



**Fair Work (Registered Organisations) Act 2009**

**POST ELECTION REPORT**

**Musician' Union of Australia - SA Branch**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: E2016/184

**RULES**

Rules used for the election: 013N: Incorporates alterations of 29/06/205 in matter R2015/132 and R2016/133

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: 111 voters

Other matters pertaining to the roll of voters: Nil

**IRREGULARITIES**

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

Declaration of Results – Uncontested



Jeanette Hill  
Returning Officer  
12 September 2016

# Musicians' Union of Australia Adelaide Branch Election 2016

## Declaration of Results for Uncontested Offices

E2016/E2016/184

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.

### Adelaide Branch

#### President

##### Candidates

CLARKE, Doug

#### Vice-President (2)

##### Candidates

FIDDIAN, Ian

No further nomination was accepted

#### Trustee (3)

##### Candidates

GUY, Robert

PEARSE, Dave

SPILSBURY, Brett

#### Committee Member (8)

##### Candidates

GLAISTER, James

LANG, Frank

LEVENDIS, Evniki

PEARSE, Dave

TURNER, Alan

No further nominations were accepted

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



Jeanette Hill

Returning Officer

12 September 2016





# DECISION

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

## **Musicians Union of Australia** (E2016/184)

MR ENRIGHT

MELBOURNE, 11 JULY 2016

*Arrangement for conduct of election.*

[1] On 5 July 2016 the Musicians Union of Australia (‘the organisation’) lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

### **Federal Officers**

Federal President	
Federal Vice-Presidents	(2)
Federal Secretary	
Federal Treasurer	
Federal Trustees	(3)

### **Branch Offices**

#### **Adelaide Branch**

President	
Vice-Presidents	(2)
Committee Members	(8)
Trustees	(3)

#### **Brisbane Branch**

President	
Vice-Presidents	(2)
Secretary-Treasurer <sup>[2]</sup>	
Committee Members	(8)
Trustees	(3)

#### **Launceston Branch**

President	
Vice-Presidents	(2)
Secretary-Treasurer <sup>[2]</sup>	

Committee Members	(8)
Trustees	(3)

Melbourne Branch

President	
Vice-Presidents	(2)
Secretary-Treasurer <sup>[2]</sup>	
Committee Members	(8)
Trustees	(3)

Sydney Branch

President	
Vice-Presidents	(2)
Secretary-Treasurer <sup>[2]</sup>	
Committee Members	(8)
Trustees	(3)

[2] On 8 July 2016, the organisation notified the Fair Work Commission that the Federal Executive had resolved to combine, consistent with rule 71(b), the offices of Secretary and Treasurer in each Branch.

[3] In his notification on behalf of the organisation, the Federal Secretary referred to the lateness of the lodgement of prescribed information, outlined various circumstances, and asked that a later day for lodgement be formally allowed.

[4] Sub-rule 73B(a) has, since its certification on 29 June 2015, provided that nominations for Branch offices shall open on 1 May in an election year, which means that the prescribed day for lodgement would have been 1 March 2016. Indeed, the Regulatory Compliance Branch had signalled to the organisation as early as 21 December 2015 that it should lodge relevant prescribed information, that is, in relation to offices in the Brisbane, Sydney and Melbourne Branches, and to the Federal Officers, by that date. This reflected the fact that the offices for the Brisbane and Sydney Branches had remained unfilled since the last elections in 2012, the offices for the Melbourne Branch (with the exception of the Secretary) and the Federal Officers were already overdue for election at the beginning of 2016, and an election for the office of Federal Secretary was due in 2015 in accordance with sub-rule 31C(aa). Taking into account all the circumstances I find no reason why the relevant prescribed information should not have been lodged by the prescribed day and I decline to formally allow a later day.

[5] The offices of the Adelaide and Launceston Branches, and the office of Melbourne Branch Secretary, on the other hand, were not due for election until the last quarter of 2016, as the nominal terms of office expired in the ordinary course. Keeping in mind the transitional nature of the elections whereby the nominal terms might be slightly longer or shorter than previous terms in order to expire uniformly in 2018, the Regulatory Compliance Branch, had, for the purposes of avoiding undue delay or excessively truncating the current terms, proposed to the organisation that prescribed information for these offices should be lodged by 1 July 2016. As it happened, the prescribed information was lodged four days later on 5 July. Taking into account the intention behind, and the context for, what was a proposed

and, it must be said, arbitrary date for lodgement, and considering that the actual date of lodgement cannot be definitively determined as not being at least 2 months before the opening of nominations, I incline to the view that in this case the prescribed information can be considered to have been lodged not later than might otherwise have been expected in the ordinary course and consequently no allowance of a later day for lodgement is necessary.

[6] I am satisfied that an election for the above-named offices 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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**From:** KELLETT, Stephen  
**Sent:** Monday, 11 July 2016 10:15 AM  
**To:** federal.secretary@musicians.asn.au  
**Cc:** 'musiciansua@aol.com'  
**Subject:** FW: Election - Musicians' Union of Australia - E2016 184 - Decision

Dear Messrs Davidson, Moody,

Please see attached a copy of the Delegate's decision in relation to the election.

Yours sincerely

STEPHEN KELLETT  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
(email) [stephen.kellett@fwc.gov.au](mailto:stephen.kellett@fwc.gov.au)



MUS E2016 184  
Decision.pdf

**From:** KELLETT, Stephen  
**Sent:** Monday, 11 July 2016 10:05 AM  
**To:** 'Industrial Elections'  
**Subject:** Election - Musicians' Union of Australia - E2016 184 - Decision

Electoral Commissioner Through  
Australian Electoral Officer ([industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au))

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the following election by the Australian Electoral Commission:

**E No 2016/184**

**RE: MUSICIANS' UNION OF AUSTRALIA – VARIOUS POSITIONS: SEE  
DECISION**

Contact: Musicians' Union of Australia – Peter Davidson (Federal Secretary) or Sam Moody (Federal Treasurer) - ph. 0409 021 978; email: [musiciansua@aol.com](mailto:musiciansua@aol.com) or [federal.secretary@musicians.asn.au](mailto:federal.secretary@musicians.asn.au)

A copy of the decision is attached. A copy of the current rules is also attached.

I further request that you arrange for this office to be notified when declarations for this election have been made, by email transmission at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

Yours sincerely

STEPHEN KELLETT  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
(email) [stephen.kellett@fwc.gov.au](mailto:stephen.kellett@fwc.gov.au)



MUS E2016 184  
Decision.pdf



RB-013N-R2015-132  
-Effect-2015-06-29.p



**From:** MUA [mailto:musosa@bigpond.net.au]

**Sent:** Friday, 8 July 2016 12:42 PM

**To:** KELLETT, Stephen

**Subject:** Re: Election - E2016 / 184 - Musicians Union of Australia - various Branch offices - collegiate Federal offices

Dear Stephen

Please be advised that the Federal Executive has voted in favour of the following motion;

*"That the Federal Executive implement a policy that the Branches combine the positions of Branch Secretary and Branch Treasurer whilst the Union continues to operate a centralised office for financial record keeping."*

Kind regards

Sam Moody

Federal Treasurer

Musicians' Union of Australia

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**From:** KELLETT, Stephen  
**Sent:** Wednesday, 6 July 2016 2:38 PM  
**To:** 'Industrial Elections'  
**Subject:** Election - E2016 / 184 - Musicians Union of Australia - various Branch offices - collegiate Federal offices

Dear Electoral Commissioner

Please see attached a statement of prescribed information lodged by the Musicians' Union of Australia. A copy of the relevant rules is attached.

Yours sincerely

STEPHEN KELLETT  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
(email) [stephen.kellett@fwc.gov.au](mailto:stephen.kellett@fwc.gov.au)



RB-013N-R2015-132  
-Effect-2015-06-29.p



Statement of  
Prescribed Informatic

**From:** MUA [mailto:musosa@bigpond.net.au]

**Sent:** Tuesday, 5 July 2016 5:48 PM

**To:** Orgs

**Subject:** SK - Statement of prescribed information. Election request

Please find attached the Statement of Prescribed Information 2016 for the Musicians' Union of Australia.



Statement of  
Prescribed Informatio



MUS Election  
schedule letter.pdf

The General Manager  
Level 8 Terrace Towers  
80 William St  
East Sydney  
NSW 2011



Musicians Union of Australia  
Federal Office  
U4 23A King William Rd Unley  
SA 5061  
mob 0409 021 978  
federal.secretary@musicians.asn.au

Dear General Manager,

### **Transitional term elections – Musicians Union of Australia**

Please find attached a Statement and Notice of Prescribed Information in accordance with regulation 138 of the Fair Work (Registered Organisations) Regulations 2009.

The information covers all offices of the organisation except for those in the Hobart Branch and the office of Branch Secretary of the Adelaide Branch. The terms for those offices excepted, last elected in 2014, will expire in the ordinary course in 2018 which will be the first election year in which nominations for all offices will be called at the same time, and elected, under new rules certified in 2015, in R2015/133.

The elections requested are for a transitional term, in accordance with rules 31C(aa) and 73C(aa), in order to re-synchronise the elections for and from the 2018 election at which time all offices will uniformly commence a 3 year term.

I acknowledge that the election request in relation to the office of Federal Secretary is late, according to the terms of transitional rule 31C(aa), because this should have been made in 2015. The circumstances of the delay were in part due to the Union believing that it would be imprudent to conduct an election for the Federal Secretary whilst proceedings against the MUA and the Federal Secretary by FWA were still before the Courts.

I also acknowledge that the election request in relation to all other offices is late, according to the provisional timetable set out in Mr Kellett's letter of 21 December 2015 (attached). The circumstances of the delay were in part due to the task of relocating and compiling the financial and membership records for all Branches to a central location, as has been undertaken to restructure the Union's record keeping practices in order to improve the Union's compliance with the requirements of the *Act*.

Although I would not expect that the late day for lodgment would be formally allowed, to the extent that it may be considered, I formally make the request. The new rules identify very explicitly the date of nominations for the new three year elections that will commence in 2018 and on behalf of the Union, I undertake to lodge the required information no later than the prescribed day in all future elections.

Signed:

A handwritten signature in blue ink, appearing to be 'C. Brown'.

Dated: 5 July 2016

The General Manager  
Level 8 Terrace Towers  
80 William St  
East Sydney  
NSW 2011



Musicians Union of Australia  
Federal Office  
U4 23A King William Rd Unley  
SA 5061  
mob 0409 021 978  
federal.secretary@musicians.asn.au

### Statement and Notice of Prescribed Information for an Election

I, Peter Davidson, Federal Secretary of the Musicians' Union of Australia, make the following statement:

I am the Federal Secretary of the Musicians' Union of Australia,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Adelaide, Brisbane, Launceston, Melbourne and Sydney Branches and the Federal Office of the Musicians' Union of Australia, and

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

Signed:

Dated: 5 July 2016

#### Offices/Positions Brisbane Branch

	<i>Branch President (1) (Direct voting system)</i>
	<i>Branch Vice-Presidents (2) (DVS)</i>
	<i>Branch Secretary / Treasurer (1) DVS</i>
	<i>Branch Executive Committee Members (8) (DVS)</i>
	<i>Branch Trustees (3) (DVS)</i>

#### Reasons for election:

The election for all positions is required as all positions are currently vacant, not having been filled at the previous election in 2012, and for the purposes of a transitional term election [see sub-rule 73C(aa)].

#### Elected by:

The electorate for the direct voting system is the whole of the Branch.

#### Nominations open:

To be determined by the returning officer one month before closing of nominations. Specified as 1 May in an election year, which the Union interprets to apply for all scheduled election years from the first synchronized elections in 2018 inclusive. [Rule 73B(a)]

#### Nominations close:

At least one month after the opening of nominations [ Rule 73B(a)]

#### Cut off date for roll:

In all cases: 7 days prior to the opening date for nominations [Rule 73B(d)]

**Offices/Positions Melbourne Branch**

	<i>Branch President (1) (Direct voting system)</i>
	<i>Branch Vice-Presidents (2) (DVS)</i>
	<i>Branch Secretary / Treasurer (1) DVS</i>
	<i>Branch Executive Committee Members (8) (DVS)</i>
	<i>Branch Trustees (3) (DVS)</i>

**Reasons for election:**

The election for the positions of President, Vice President, Committee Members and Trustees are required as elections for these positions are overdue. [Rule 73C(a)].

The election of Secretary/Treasurer is required as the term of office is due to expire in the normal course of events under the rules of the organization [Rule 73C(a)]

**Elected by:**

The electorate for the direct voting system is the whole of the Branch.

**Nominations open:**

To be determined by the returning officer one month before closing of nominations. Specified as 1 May in an election year, which the Union interprets to apply for all scheduled election years from the first synchronized elections in 2018 inclusive. [Rule 73B(a)]

**Nominations close:**

At least one month after the opening of nominations [ Rule 73B (a)]

**Cut off date for roll:**

In all cases: 7 days prior to the opening date for nominations [Rule 73B(d)]

**Offices/Positions Sydney Branch**

	<i>Branch President (1) (Direct voting system)</i>
	<i>Branch Vice-Presidents (2) (DVS)</i>
	<i>Branch Secretary / Treasurer (1) DVS</i>
	<i>Branch Executive Committee Members (8) (DVS)</i>
	<i>Branch Trustees (3) (DVS)</i>

**Reasons for election:**

The election for all positions is required as all positions are currently vacant, not having been filled at the previous election in 2012, and for the purposes of a transitional term election [see sub-rule 73C(aa)].

**Elected by:**

The electorate for the direct voting system is the whole of the Branch.

**Nominations open:**

To be determined by the returning officer one month before closing of nominations. Specified as 1 May in an election year, which the Union interprets to apply for all scheduled election years from the first synchronized elections in 2018 inclusive. [Rule 73B(a)]

**Nominations close:**

At least one month after the opening of nominations [ Rule 73B(a)]

**Cut off date for roll:**

In all cases: 7 days prior to the opening date for nominations [Rule 73B(d)]

**Cut off date for roll:**

in all cases: 7 days prior to the opening date for nominations - rule 73B (d)

**Offices/Positions Launceston Branch**

	<i>Branch President (1) (Direct voting system)</i>
	<i>Branch Vice-Presidents (2) (DVS)</i>
	<i>Branch Secretary / Treasurer (1) DVS</i>
	<i>Branch Executive Committee Members (8) (DVS)</i>
	<i>Branch Trustees (3) (DVS)</i>

**Reasons for election:**

The election for the positions are required as the terms of office are due to expire in the normal course of events under the rules of the organization [Rule 73 C (a)].

**Elected by:**

The electorate for the direct voting system is the whole of the Branch.

**Nominations open:**

To be determined by the returning officer one month before closing of nominations. Specified as 1 May in an election year, which the Union interprets to apply for all scheduled election years from the first synchronized elections in 2018 inclusive. [Rule 73B(a)]

**Nominations close:**

At least one month after the opening of nominations [Rule 73B (a)]

**Cut off date for roll:**

In all cases: 7 days prior to the opening date for nominations [rule 73B (d)]

**Offices/Positions Adelaide Branch**

	<i>Branch President (1) (Direct voting system)</i>
	<i>Branch Vice-Presidents (2) (DVS)</i>
	<i>Branch Executive Committee Members (8) (DVS)</i>
	<i>Branch Trustees (3) (DVS)</i>

**Reasons for election:**

The election for the positions are required as the terms of office are due to expire in the normal course of events under the rules of the organization. [Rule 73 C (a)].

**Elected by:**

The electorate for the direct voting system is the whole of the Branch.

**Nominations open:**

To be determined by the returning officer one month before closing of nominations. Specified as 1 May in an election year, which the Union interprets to apply for all scheduled election years from the first synchronized elections in 2018 inclusive. [Rule 73B(a)]

**Nominations close:**

At least one month after the opening of nominations, Rule 73B (a)

**Cut off date for roll:** in all cases: 7 days prior to the opening date for nominations - rule 73B (d)



21 December 2015

Mr Peter Davidson  
Acting Federal Secretary  
Musicians' Union of Australia

Sent by email: [peterdavidson@netspace.net.au](mailto:peterdavidson@netspace.net.au), cc Mr Sam Moody, sent by email: [musosa@bigpond.net.au](mailto:musosa@bigpond.net.au)

Dear Mr Davidson

**Re: scheduled Elections - Musicians' Union of Australia - (R2015/289)**

I refer to rules 31 and 73 of the Musicians' Union of Australia, certified on 29 June 2015. These rules provided for 3 year terms of office for all offices in the Union, commencing from the elections to be held in 2018. The rules also provided that any elections scheduled to be held during the period from certification of the rules in 2015 until the elections in 2018 should be for such lengths of term of office that would expire upon the completion of the elections in 2018.<sup>1</sup>

A. The Fair Work Commission has reviewed the status of the offices which are currently held and has identified those offices for which elections should already have been conducted due to the expiry of the nominal 2, 3 or 4 year terms (i.e. those offices for which elections are overdue, under the rules). These offices, arranged by Branches, are as follows:-

Melbourne Branch

President – Vice–Presidents – Treasurer – Committee members – Trustees [*declared elected 10 September 2012*]

Federal Office

President – Vice-Presidents – Treasurer – Trustees – Secretary [*declared elected 2 September 2009*]

B. The Commission has also identified those offices which are currently vacant and for which elections should be held. These offices, arranged by Branches, are as follows:-

Brisbane Branch

President – Vice-Presidents – Treasurer – Committee members -Trustees – Secretary [*not filled at last election in 2012*]

Sydney Branch

President – Vice-Presidents – Treasurer – Committee members – Trustees – [*not filled at last election in 2012*] - Secretary [*last declared elected 14 April 2009*]

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<sup>1</sup> See sub-rules 31(C)(aa) and 73(C)(aa)



C. The Commission has also identified those offices whose terms of office are due to expire in 2016:-

Melbourne Branch

Secretary [*last declared elected 10 September 2012*]

Launceston Branch

President – Vice-Presidents – Treasurer – Committee members – Trustees [*declared elected 20 October 2014*] – Secretary [*declared elected 24 July 2012*]

Adelaide Branch

President – Vice-Presidents – Treasurer – Committee members – Trustees [*declared elected 16 December 2014*]

D. Finally, the Commission has identified those offices whose terms of office are either not due to expire until 2018 in the normal course, or which will expire close enough to 2018 that their current terms may be reasonably extended, and for which no interim election is required. These offices are:-

Adelaide Branch

Secretary [*declared elected 16 December 2014*]

Hobart Branch

Secretary-Treasurer [*declared elected 18 December 2013*] – President – Vice Presidents – Committee members – Trustees [*declared elected 17 April 2015*]

For the purposes of the Branch offices election in 2018, and every triennial Branch offices election held thereafter, sub-rule 73(B)(a) provides that nominations open on 1 May. This means that requests for these elections must be lodged before the prescribed day,<sup>2</sup> or no later than 28 February.

With this in mind, the Commission proposes that the organisation adopt the following schedule, which it believes will address the issue of uniform timely lodgement of prescribed information without (a) prolonging delay<sup>3</sup> or (b) excessively truncating the current terms<sup>4</sup>.

- (a) Prescribed information should be lodged for all offices listed at A. and B. above, as soon as possible, but in any case no later than 28 February 2016.
- (b) Prescribed information should be lodged for all offices listed at C. above, by no later than 1 July 2016.

This means that all offices in A., B. and C. above will have been subject to an election in the two year period prior to the 2018 elections. There will be no need to lodge prescribed information in relation to any of the offices in D. above, unless of course a casual vacancy occurs that, in accordance with sub-rule 73(E)(a), may have to be filled by an election rather than by appointment.

The above information is set out in the attached table.

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<sup>2</sup> See regulation 138(3): "...the prescribed day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in an election."

<sup>3</sup> It was not considered that it would be consistent with the objects of the Act to delay the re-election of Federal officers beyond the beginning of 2016

<sup>4</sup> It was not considered necessary for the objects of the Act to truncate by more than a couple of months the current terms of those elected only in late 2014.

If you wish to discuss this matter, or have any questions, please do not hesitate to contact me on (02) 6746 3283 or by email at [stephen.kellett@fwc.gov.au](mailto:stephen.kellett@fwc.gov.au)

Yours sincerely

A handwritten signature in black ink that reads "Stephen Kellett". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

Stephen Kellett  
Regulatory Compliance Branch  
Fair Work Commission

**Offices/Positions Federal Office**

	<i>Federal President (1) (Collegiate voting system)</i>
	<i>Federal Vice-Presidents (2) (CVS)</i>
	<i>Federal Secretary (1) (CVS)</i>
	<i>Federal Treasurer (1) (CVS)</i>
	<i>Federal Trustees (3) (CVS)</i>

**Reasons for election:**

The election for the positions are required as the terms of office have expired under the rules of the organization [Rule 31 C].

**Elected by:**

The electorate for the collegiate voting system is the whole of the Federal Council as defined in Rule 18.

**Nominations open:**

No later than 14 days after the declaration of elections of all Branch Committee members and Branch Trustees. [Rule 31B (a)]

**Nominations close:**

At least one month after the opening of nominations. Rule 31B (a)

**Cut off date for roll:**

[not applicable, or equivalent to date of formation of Federal Council college ]