

# Musicians' Union of Australia Hobart Branch Elections 2012

## DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/302

### Hobart Branch

#### Branch President

##### Candidate

KINSELLA, Michael

#### Branch Vice-President (2)

##### Candidates

FLETCHER, Douglas

NORRIS, Christopher Allan

#### Branch Treasurer

##### Candidate

DAVIDSON, Peter

#### Branch Committee Member (7)

##### Candidates

ANDREWS, Gerald Dudley

BURGESS, David Allan

FORTESCUE, Michael

GREGS, Anthony John

JOHNSTON, Michael

LAWLER, Philip

YOUNG, John Stanley

#### Trustee (3)

##### Candidates

GREGS, Anthony John

MCCANN, Geoffrey Bernard

YOUNG, John Stanley

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



Dale Emery  
Returning Officer  
19 November 2012



Fair Work (Registered Organisations) Act 2009

## RETURNING OFFICER - POST ELECTION REPORT

**Client:** Musicians' Union of Australia, Hobart Branch

**Contact details:** Mr Denis Shelverton  
Secretary  
MUA Hobart Branch  
PO Box 579  
Moonah TAS 7009

**Email:** denisshelverton@bigpond.com  
**Tel:** 0409 976 050

**FWC contact officer:** Sarah Wilkin

**Email:** industrial.elections@fwc.gov.au  
**Tel:** (03) 8661 7775

### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2012/302

**Election:** Hobart Branch - Scheduled Elections 2012

**Returning Officer:** Dale Emery

### RULES

**Rules used for elections Rule ID:** 013N: Incorporates alterations of 28/07/2009 - R2009/10008

**Rules difficult to apply/interpret:**

**Action taken under section 193 of RAO Schedule:**

### ROLL OF VOTERS

Not required

### OTHER MATTERS PERTAINING TO ROLL OF VOTERS

### ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no written complaints or allegations of irregularities.

### ATTACHMENTS

**NONE** Declaration of Results for Uncontested Offices sent by email 19 November 2012

Dale Emery  
Returning Officer  
16 January 2013



FAIR WORK  
AUSTRALIA

19 July 2012

Mr Denis Shelverton  
Secretary, Hobart Branch  
Musicians' Union of Australia  
Shop 11, 113-115 Main Road  
MOONAH TAS 7009

Dear Mr Shelverton

**Re: Election - Musicians' Union of Australia, Hobart Branch (E2012/302)**

A copy of the decision in relation to the above matter is enclosed.

Fair Work Australia is making arrangements, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Stephen Kellett  
Fair Work Australia

cc. Terry Noone, Federal Secretary



## DECISION

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

**Musicians' Union of Australia**  
(E2012/302)

AILSA CARRUTHERS

MELBOURNE, 19 JULY 2012

*Arrangement for conduct of election.*

[1] On 18 June 2012 the Hobart Branch of the Musicians' Union of Australia lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

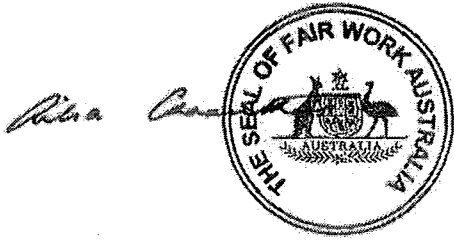
Branch President	(1)
Branch Vice-Presidents	(2)
Branch Treasurer	(1)
Branch Committee Members	(7)
Branch Trustees	(3)

[2] On 17 July 2012, the Secretary of the Hobart Branch lodged a request for an extension of time and for the exercise of the General Manager's discretion to allow a later day for lodgment of the prescribed information.

[3] The notification of an election was overdue, the nominal 2 year term of office which commenced after the previous election having expired in December 2011. In his letter, the Secretary submitted reasons for the delay in lodging the prescribed information.

[4] After considering all the circumstances, I am satisfied that the Secretary of the Hobart Branch is now aware of the requirements of the legislation and the rules of the organisation and will take steps to ensure compliance in the future. Under subsection 189(2) of the *Fair Work (Registered Organisations) Act 2009*, I allow a later day for lodgment of the prescribed information up to the date of actual lodgment, namely 18 June 2012.

[5] 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 *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  
FAIR WORK AUSTRALIA

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**KELLETT, Stephen**

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**From:** KELLETT, Stephen  
**Sent:** Thursday, 19 July 2012 2:45 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** Election E2012/302 - Hobart Branch, Musicians Union of Australia  
**Attachments:** E2012 302 013N-HBA Decision .pdf; E2012\_302 MUA HBA\_letter to AEC\_19072012.doc

Dear Electoral Officer

Please see attached the Delegate's Decision dated today in relation to the above election.

Any queries, please contact me on (02) 6723 7097.

Yours sincerely

Stephen Kellett  
Organisations, Research and Advice  
**FAIR WORK AUSTRALIA**



FAIR WORK  
AUSTRALIA

19 July 2012

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 2012/302**

**RE: Musicians' Union of Australia - Hobart Branch**

Positions:

See Decision

Relevant Information:

Contact: Mr Denis Shelverton, Branch Secretary

Phone: (07) 6228 6142; (mobile) 0409 976 050

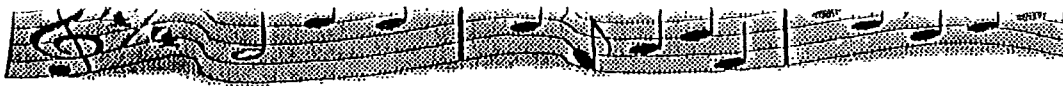
A copy of the decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at [industrial.elections@fwa.gov.au](mailto:industrial.elections@fwa.gov.au).

Stephen Kellett  
Organisations, Research and Advice Branch  
Fair Work Australia







## Musicians' Union of Australia

### Hobart Branch

Shop 11 113 115 Main Road

Moonah 7009

(entrance in Hopkins Street)

Phone 62 286 142

Mobile 0409 976 050

email [denis.shelverton@bigpond.com](mailto:denis.shelverton@bigpond.com)



General Manager

Fair Work Aust.

80 William St.

East Sydney

NSW 2011



Dear Madam,

On the 18<sup>th</sup> June 2012, I lodged a Statement of Proscribed information in respect of offices for the Hobart Branch. The previous election for these offices was held in late 2009. Ordinarily, an election should have been sought before now. The opening day for nominations is not a set date under the rules of the Union. However, as the election for these offices is overdue, and in case it is considered that the Statement was not lodged before the proscribed date mentioned in s189 (2) of the Act, and referred to in regulation 138(3), I respectfully request that the General Manager's discretion to allow a later day for lodgement be exercised and an appropriate extension of time for lodgement be granted.

The failure to request elections earlier by me was to fold, (1) I was of the view the elections were due in 2013.

(2) I have recently been on the sick list.

Yours sincerely,

Denis Shelverton

Honorary Branch Secretary

14/7/12

**KELLETT, Stephen**

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**From:** KELLETT, Stephen  
**Sent:** Monday, 18 June 2012 2:16 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** FW: Musicians' union Hobart election  
**Attachments:** MUA Hob electionnotification.pdf

Dear Electoral Officer,

Please find enclosed prescribed information lodged in relation to an election for offices within the Hobart Branch of the Musicians' Union of Australia.

I will forward a copy of the current rules.

Yours sincerely,

Stephen Kellett  
Organisations, Research and Advice Branch  
**FAIR WORK AUSTRALIA**

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**From:** [Musiciansua@aol.com](mailto:Musiciansua@aol.com) [<mailto:Musiciansua@aol.com>]  
**Sent:** Monday, 18 June 2012 12:11 PM  
**To:** KELLETT, Stephen  
**Subject:** Musicians' union Hobart election

Dear Stephen,

Attached is the Hobart Secretary's signed application for an election for the Hobart Branch of the MUA.

The Sydney Secretary has lodged his application for an election for the Sydney Branch of the MUA using the e-filing system on the FWA website.

Please contact me if you have any questions.

Yours sincerely

Terry Noone  
Federal Secretary  
Musicians' Union of Australia  
Tel: (03)9899 8915  
Fax: (03)9008 7823  
Mob: 0409 405 657  
Email: [musiciansua@gmail.com](mailto:musiciansua@gmail.com)  
Web: [www.musicians.asn.au](http://www.musicians.asn.au)

**KELLETT, Stephen**

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Yours sincerely

Terry Noone  
Federal Secretary  
Musicians' Union of Australia  
Tel: (03)9899 8915  
Fax: (03)9008 7823  
Mob: 0409 405 657  
Email: [musiciansua@gmail.com](mailto:musiciansua@gmail.com)  
Web: [www.musicians.asn.au](http://www.musicians.asn.au)

## Notice and Statement of Prescribed Information for an Election

I, **Denis Shelverton**, being the **Branch Secretary** of the **Musicians' Union of Australia (Hobart Branch)**, make the following statement:

I am the **Branch Secretary** of the **Musicians' Union of Australia (Hobart Branch)**.

I am authorised to lodge the following prescribed information concerning forthcoming elections in the **Hobart Branch** of the **Musicians' Union of Australia**, and

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

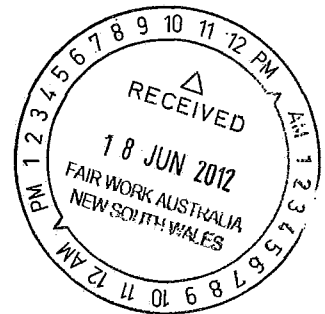
Signed:



Dated: 15/6/12

### Offices/Positions

A	Branch President (Direct Voting System)
	Branch Vice-Presidents (2) (DVS)
	Branch Treasurer (DVS)
	Branch Executive Committee Members (7) (DVS)
	Branch Trustees (3) (DVS)



### Reasons for election:

- Election for offices and positions marked A and B respectively are required as the terms of office have expired in the normal course of events under the rules of the organisation.

### Elected by:

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

### Nominations open:

- For offices to be elected by direct voting system - *To be arranged with the AEC* - one month before close of nominations - rule 73B(a)

### Nominations close:

- For offices to be elected by direct voting system - *To be arranged with the AEC* - one month after 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).



FAIR WORK  
AUSTRALIA

16 May 2012

Mr Denis Shelverton  
Secretary, Hobart Branch  
Musicians' Union of Australia  
Shop 11, 113-115 Main Road  
MOONAH TAS 7009



Dear Mr Shelverton,

**Re: Elections – Musicians' Union of Australia, Hobart Branch**

I refer to the Annual Return of Information lodged by the Federal Secretary under section 233(1) of the *Fair Work (Registered Organisations) Act 2009* ('the Act') which was received by Fair Work Australia on 15 March 2012.

The Return lists, in accordance with regulation 147(e), the offices for which elections are due in 2012. These include all offices, with the exception of office of Secretary, in the Hobart Branch.

This letter is to remind you of the obligation to lodge prescribed information in respect of these offices.

Under the rules, elections for other offices must be held biennially. The last election conducted for the Branch was E2009/10031, granted on 18 August 2009 and declared on 9 December 2009. The expiry of the nominal term was therefore in December 2011 and prescribed information should have been lodged prior to that time. The election is therefore several months overdue.

Under these circumstances, you must lodge the appropriate prescribed information without delay. I attach the extract from Regulation 138 which sets out the required information for your convenience. If you have any questions in relation to this matter, please contact me on (02) 6723 7097.

Yours sincerely,

Stephen Kellett

Organisations, Research and Advice Branch

FAIR WORK AUSTRALIA

cc., Mr Terry Noone, Federal Secretary