

**Musicians' Union of Australia
Scheduled Election - Sydney Branch**

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.

E2012/300

Sydney Branch

Branch President

No nomination was received

Branch Vice Presidents (2)

No nominations were received

Branch Treasurer

No nomination was received

Branch Committee Members (7)

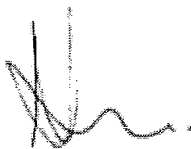
No nominations were received

Branch Trustees (3)

No nominations were received

I declare no candidates elected.

The election is now complete.



Nicole Hoy
Returning Officer

10 September 2012



**AEC**

Australian Electoral Commission

Fair Work (Registered Organisations) Act 2009**POST ELECTION REPORT**

Client: Musicians' Union of Australia

Contact details: Terry Noone
Federal Secretary
Musicians' Union of Australia
150 Bell St.
COBURG VIC 3058

FWA contact officer: Stephen Kellett

Email: musiciansua@aol.com
Tel: 03 9355 7620

Email: Industrial.elections@fwa.gov.au
Tel:

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2012/300

RULES

Rules used for elections Rule ID: [013N: Incorporates alterations of 28/07/2009 in matter R2009/10008]

Rules difficult to apply/interpret: N/A

Model Rule reference (if any):

ROLL OF VOTERS

As there were no contested offices, no roll of voters was required.

ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Other irregularities identified, and action taken: NIL

ATTACHMENTS

A: Declaration

Nicole Hoy
Returning Officer
10 September 2012



FAIR WORK
AUSTRALIA

DECISION

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

Musicians' Union of Australia
(E2012/300)

AILSA CARRUTHERS

MELBOURNE, 5 JULY 2012

Arrangement for conduct of election.

[1] On 18 June 2012 the Sydney 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 20 June 2012, the Secretary of the Sydney 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] On 27 June 2012, the Secretary lodged a further letter in respect of the request for an extension of time, in which he outlined in more detail the reasons for the delay in lodging the prescribed information.

[4] The notification of an election was significantly overdue, the nominal 2 year term of office which commenced after the previous election having expired in April 2011. It appears that only one of the two-year term offices was filled at the previous election which resulted in co-management of the Branch by the Federal Office. It also appears that internal disputes and losses in membership have contributed to deficiencies in the Branch's ability to manage its own affairs. The Secretary has stated that during this period attention was not given to the requirements of the legislation and the rules of the organisation regarding the timing of elections.

[6] I accept that the request for an extension of time has been made in good faith. After considering all the circumstances, I am satisfied that the current officeholders of the Sydney Branch are now aware of the requirements of the legislation and the rules of the organisation and will take steps to ensure compliance in the future. On that basis, I am prepared to exercise the discretion to allow a later day for lodgment of the prescribed information up to the date of actual lodgment, namely 18 June 2012, and grant the extension requested.

[7] 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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FAIR WORK
AUSTRALIA

5 July 2012

Electoral Commissioner Through
Australian Electoral Officer (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 2012/300

RE: Musicians' Union of Australia - Sydney Branch

Positions:

See Decision

Relevant Information:

Contact: Mr Ken Laing, Branch Secretary c/- Terry Noone, Federal Secretary

Phone: (Ken Laing) (02) 4125 3053; (mobile) 0412 530530
(Terry Noone) (03) 9899 8915

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.

Stephen Kellett
Organisations, Research and Advice Branch
Fair Work Australia

MAC, Kiet

From: MAC, Kiet
Sent: Thursday, 5 July 2012 11:33 AM
To: 'industrial.elections@aec.gov.au'
Subject: E2012/300
Attachments: E2012_300 MUA SYDNEY_letter to AEC_05072012.doc; MUA E2012_300 Sydney Signed decision_05072012.pdf

Dear AEC

Please find attached a copy of the Decision for the upcoming election of the Musicians' Union of Australia, Sydney Branch (E2012/300).

Kiet Mac

Organisations, Research and Advice

Fair Work Australia

Tel: 02 8374 6628

Fax: 02 9380 6990

8/80 William Street, East Sydney, NSW 2011

www.fwa.gov.au

MAC, Kiet

From: KELLETT, Stephen
Sent: Thursday, 5 July 2012 9:16 AM
To: 'Ken Laing'
Subject: RE: Sydney Branch Election - granted
Attachments: E2012 300 Sydney Musicians Decision.pdf; E2012 300 Letter to Union 5 July 2012.docx

Dear Mr Laing,

Please see attached documentation in relation to the election (1) Delegate's Decision; (2) accompanying letter. A signed copy of the letter will be posted to you for your hard copy record.

Yours sincerely

Stephen Kellett
Organisations, Research and Advice Branch
FAIR WORK AUSTRALIA



FAIR WORK
AUSTRALIA

5 July 2012

Mr Ken Laing
Secretary, Sydney Branch
Musicians' Union of Australia
c/- 150 Bell Street
COBURG VIC 3058

Dear Mr Laing

Re: Election - Musicians' Union of Australia, Sydney Branch (E2012/300)

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

The General Manager
Fair Work Australia
80 William Street
EAST SYDNEY
NSW 2011 and

22/6/12



THE MUSICIANS' UNION
OF AUSTRALIA
SYDNEY BRANCH

Re: Sydney Branch elections - request for extension of time - s189(2) Fair Work (Registered Organisations) Act 2009

I refer to my previous two communications regarding the above subject and will now outline my reasons for respectfully requesting an exercise of the General Manager's discretion to allow a later day for lodgement be exercised and an appropriate extension of time for lodgement be granted.

In 2006 the Secretary and Committee of the Sydney Branch resigned and in a complicated process attempted to take the members of the branch into an amalgamation with another union using a NSW state registered body as a vehicle. These actions led to the Federal Executive of the Musicians' Union of Australia instructing the Federal Secretary to take over the affairs of the Sydney Branch. Lengthy proceedings in the NSW Industrial Court followed.

In late 2008 the Federal Secretary applied for an election and the results of this election were declared on 14 April 2009. Unfortunately only two nominations had been received so the Branch was left with just a Secretary and one Vice-President. The deficiency in office holders led to the affairs of the Sydney Branch being effectively co-managed by the Federal Office. In response to the minimal interest shown by members in nominating for office, efforts were made to identify members who might be convinced to participate in the running of the Branch.

Over this period of the attempted rebuilding of the Sydney Branch (which had also suffered a serious decline in membership due to the situation described above) we unfortunately did not turn our minds to the requirements of the Act and the rules of the Musicians' Union of Australia regarding the timing of elections. These requirements have been recently pointed out to us. Now that they have, we respectfully request the exercise of the General Manager's discretion to enable us to ensure that the membership of the Branch has the opportunity to participate in the democratic process of selecting officers to run the Branch.

Please contact me if you have any questions.

Yours sincerely

Ken Laing
Secretary
Musicians' Union of Australia
(Sydney Branch)

10 Black St, Mont Albert, VIC 3127

t: (03) 9899 8915

f: (03) 9008 7823

e: musiciansua@aol.com

The General Manager
Fair Work Australia
80 William Street
EAST SYDNEY
NSW 2011

20/6/12



THE MUSICIANS' UNION
OF AUSTRALIA
SYDNEY BRANCH

Re: Request for elections

On 18 June 2012, I lodged a Statement of Prescribed Information in respect of offices for the Sydney Branch. The previous election for these offices was held in 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 prescribed day 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.

Please contact me if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ken Laing".

Ken Laing
Secretary
Musicians' Union of Australia
(Sydney Branch)

10 Black St, Mont Albert, VIC 3127

t: (03) 9899 8915 f: (03) 9008 7823 e: musiciansua@aol.com

MAC, Kiet

From: KELLETT, Stephen
Sent: Monday, 18 June 2012 11:28 AM
To: 'industrial.elections@aec.gov.au'
Subject: FW: Dispatch advice of electronic filing - Registered Organisations - Matter Number E2012/300
Attachments: MUA Election Notice.pdf

Dear Electoral Officer

Please see attached a statement of prescribed information under section 189(1) of the Fair Work (Registered Organisations) Act 2009 and copy of the current rules of the Musicians Union of Australia.

Yours sincerely

Stephen Kellett
Organisations, Research and Advice Branch FAIR WORK AUSTRALIA
(ph) (02) 6723 7097

Contact Details

Title: Mr
Given name(s): Ken
Surname: Laing
Position: Secretary
Organisation: Musicians Union Sydney Branch
Address: PO Box 334
Miranda NSW
Postcode: 1490
Phone No: 0241253053
Mobile Phone No: 0412530530
Fax No:

Email Address: kenlaing@mac.com

Comments:

Attachments:

Application for exemption from secret postal ballot: MUA Election Notice.pdf

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Notice and Statement of Prescribed Information for an Election


I, **Ken Laing**, being the **Branch Secretary** of the **Musicians' Union of Australia (Sydney Branch)**, make the following statement:

I am the **Branch Secretary** of the **Musicians' Union of Australia (Sydney Branch)**,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the **Sydney 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: 

Offices/Positions

A	Branch President (Direct Voting System)
	Branch Vice-Presidents (2) (DVS)
	Branch Treasurer (DVS)
	Branch Executive Committee Members (7) (DVS)
B	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 or are currently vacant.

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 Ken Laing
Secretary, Sydney Branch
Musicians' Union of Australia
c/- Federal Secretary
150 Bell Street
COBURG VIC 3058

Dear Mr Laing,

Re: Elections – Musicians' Union of Australia, Sydney Branch

I refer to the Annual Return of Information lodged 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 Sydney Branch.

The last election conducted for the Branch was E2008/286, declared 14 April 2009. The expiry of term for the office of Secretary will occur in April 2013 and prescribed information will have to be lodged sufficiently in advance of the commencement of the election process to comply with section 189(2) of the Act. Section 189(2) provides that this must be lodged "before the prescribed day". Regulation 138(3) defines the prescribed day as "the day occurring 2 months before the first day when a person may, under the rules of the organization or branch, become a candidate in an election." That is, the prescribed information must be lodged 2 months prior to the opening date of nominations.

However, under the rules, elections for other offices must be held biennially. Therefore the term of office for other offices expired in April 2011. The election is therefore overdue by just over one year and prescribed information must be lodged for the other offices in order to give timely effect to the rules of the organization and comply with the statutory obligations.

I attach an extract from Regulation 138 which sets out the required information.

Yours sincerely,

Stephen Kellett

Organisations, Research and Advice Branch

FAIR WORK AUSTRALIA

cc. Mr Terry Noone, Federal Secretary

Terrace Towers
80 William Street
East Sydney NSW 2011

Telephone: (02) 8374 6666
International: (612) 8374 6666
Facsimile: (02) 9380 6990
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