

24 January 2017

Allison Valentine
Returning Officer
Australian Electoral Commission
2 Lonsdale Street
MELBOURNE VIC 3205

Re: NECA Victoria Chapter Post-Election Report E2016/223

Dear Allison

I note your post-election report on the election recently carried out on behalf of the National Electrical and Communications Association, Victoria Chapter.

Contained within the report is the report specifically relating to “rules difficult to apply/interpret”.

The Victoria Chapter notes these issues. The rules of the Chapter are currently under review. The point you raise will be considered by the Chapter Council.

The Chapter intends to have these difficult for interpretation and/or application rules altered.

The alterations will be drafted with a view to overcome any difficulties identified by the AEC in its post-election report. Draft rule alterations will be presented at the Chapter Council Meeting and the proposed changes will then be presented to the Executive Council for consideration.

Please let me know if there is any issue with this response.

Kind Regards



Dean Spicer
President
NECA Victoria Chapter



23 January 2017

Mr Dean Spicer
President
National Electrical Contractors Association, The-Victorian Chapter
dean@recips.com.au

Cc:VIC Branch/national office

Dear Mr Spicer

Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/223

On 19 December 2016 the Fair Work Commission (the Commission) received a Post Election Report from the Australian Electoral Commission (AEC) for election E2016/223 dated 19 December 2016. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule(s) 26. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

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 regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
 - lodges with the Commission a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the Commission for assistance by email to orgs@fwc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to orgs@fwc.gov.au

Yours sincerely

Debbie Ball

Regulatory Compliance Branch

James Keegan
Executive Director
Victoria Chapter
National Electrical Contractors Association
Level 12, 222 Kings Way
SOUTH MELBOURNE VIC 3205

**Post Election Report For: National Electrical Contractors Association
Election 2016/223**

I refer to the above election for your organisation.

Section 197(1) of Schedule 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 Schedule 1 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) 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.



Allison Valentine
Returning Officer

19 December 2016

POST ELECTION REPORT

National Electrical Contractors Association

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2016/223

RULES

Rules used for the election: Victorian Chapter Rules
[233V-VIC: Incorporates alterations of 12
September 2014 [R2013/372]] Replaces rulebook
dated 5 April 2011 [R2010/3]
and
National Rules
[233V: Incorporates alterations of 18 April 2016
[R2016/51]]

Rules difficult to apply/interpret: 1) *Rule 26 Chapter Secretary* states that the
Returning Officer shall deliver or post to
each member of the Chapter Committee
nomination forms for the office of Chapter
Secretary. The Association may wish to
consider allowing for alternative means of
delivery such as email for faster/more
efficient communication.

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 1199
Number of apparent workplace addresses: Nil
Number of non-current addresses: Nil
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 – E2016-223



Allison Valentine
Returning Officer

19 December 2016

The National Electrical Contractors Association

E2016/223 - Casual Vacancy - Victorian Chapter Secretary

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.

Victorian Chapter

Chapter Secretary

Candidates

KEEGAN, James

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

24 November 2016



8 December 2016

Suresh Manickam
National Secretary/CEO
National Electrical Contractors Association, The
necanat@neca.asn.au

Dear Mr Manickam,

cc: Victorian Chapter by email: necavic@neca.asn.au

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election of the Chapter Secretary for the Victorian Chapter [E2016/223]. 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 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require 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. A list of approved training providers is attached.

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 should be provided for in your organisation's rules.

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 National Electrical Contractors Association, The-Victorian Chapter 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.

11 Exhibition Street
Melbourne VIC 3000
GPO Box 1994
Melbourne VIC 3001

Telephone: (03) 8656 4698
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

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

Catherine Bebbington
Regulatory Compliance Branch



Reference: V16/507

Mr James Keegan
Chief Executive Officer
The National Electrical Contractors Association
Level 12, 222 Kingsway
SOUTH MELBOURNE VIC 3205

Dear Mr Keegan,

**The National Electrical Contractors Association
E2016/223 - Casual Vacancy - Victorian Chapter Secretary**

The declaration of the election for uncontested offices is attached.

The election is now complete.

Yours sincerely



Allison Valentine
Returning Officer

24 November 2016

cc all candidates

The National Electrical Contractors Association

E2016/223 - Casual Vacancy - Victorian Chapter Secretary

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.

Victorian Chapter

Chapter Secretary

Candidates

KEEGAN, James

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

24 November 2016



DECISION

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

The National Electrical Contractors Association (E2016/223)

MR ENRIGHT

MELBOURNE, 17 OCTOBER 2016

Arrangement for conduct of election.

[1] On 13 September 2016, the Victorian Chapter of the National Electrical Contractors Association lodged with the Fair Work Commission the prescribed information in relation to an election to fill a casual vacancy, for the remainder of the term of office, in the following office:

Victorian Chapter Secretary

[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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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Dean Spicer, being the President of the National Electrical Contractors Association Victoria Chapter, make the following statement:

1. I am authorised to sign this statement containing prescribed information for National Electrical Contractors Association Victoria Chapter.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. The resignation letter is attached for each casual vacancy.
5. This statement **IS** lodged at least 2 months before nominations open for the election below.

NOTE: this is civil penalty provision and a failure to lodge on time can lead to penalties under the RO Act. Extensions of time should be requested at least 2 months before nominations open.

Signed:



Dated: 12 September 2016

[PLEASE NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to orgs@fwc.gov.au.]

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
VIC	Secretary	1	<i>Collegiate</i>	Casual vacancy	All members of the VIC Chapter (Rule 26 of the National Rules)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>To be determined by the returning officer</i>	<i>To be determined by the returning officer</i>
Nominations CLOSE	<i>To be determined by the returning officer</i>	<i>To be determined by the returning officer</i>
Roll of Voters cut-off date	<i>To be determined by the returning officer</i>	<i>To be determined by the returning officer</i>

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as ‘to be determined by the returning officer’. Casual vacancies must be accompanied by proof of resignation and attached to this statement.