



FAIR WORK  
AUSTRALIA

## DECISION

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

**National Union of Workers-Victorian Branch; National Union of Workers**  
(E2010/2656)

T. NASSIOS

MELBOURNE, 10 SEPTEMBER 2010

*Arrangement for conduct of election.*

[1] On 13 August 2010 the National Union of Workers-Victorian Branch; National Union of Workers lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

General Branch Committee of Management Member (South Australia Electorate)  
Victorian Branch Organiser  
Victorian Branch National Council Delegate

[2] 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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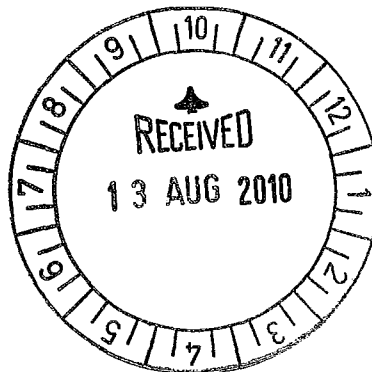
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PR/RB

10C-L23

9 August 2010

General Manager  
Fair Work Australia  
Melbourne



Dear Sir/Madam,

Re: **S189 – Fair Work (Registered Organisations) Act 2009**

Please find enclosed an application for the conduct of an election in relation to casual vacancies arising within the organisation.

Should you require any further information please contact Assistant General Secretary Paul Richardson on 03 9287 1850.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Charles Donnelly".

**CHARLES DONNELLY**  
**GENERAL SECRETARY**

**nuwassist**

**1300 275 689**

**nuw.org.au**

FOR WORKPLACE SUPPORT

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**FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009**

**Section 189 – Conduct of elections**

**FAIR WORK (REGISTERED ORGANISATIONS) REGULATIONS 2009**

**Section 139 – Prescribed information for conduct of an election**

**National Union of Workers**

**PRESCRIBED INFORMATION FOR CONDUCT OF ELECTION IN  
RELATION TO CASUAL VACANCIES**

A. The following information is in relation to an election that is to be conducted by the Australian Electoral Commission (“AEC”).

1. **The name of each office or position for which an election is required:**  
[Regulation 139 (1) (a)]

<u><i>Electorate</i></u>	<u><i>Office</i></u>	<u><i>Number of Offices</i></u>
<i>General Branch</i>	Committee of Management Member from the following electorate, as defined at Rule 37 (3) (b):	
	Rule 37 (3) (d)	1
<i>Victorian Branch</i>	Organiser	1
	National Council Delegate	1
	Reserve National Council Delegate	1

2. **The reason for the election as it applies to the General Branch is as follows.** [Regulation 138 (1) (b) (i)]

2.1 On 25 June 2010, the AEC completed an election for various offices and positions within the General Branch. A copy of the declaration is attached to this Application and marked with the letter “A”.

2.2 Rule 13 (30) provides that persons elected take office on the sixth day of September in the year of an election.

2.3 Trish Watts (“Watts”) was elected unopposed to the position of Committee of Management member.

2.4 Watts is a member of the current Committee of Management. On 22 July 2010, Watts resigned from her office as a Committee of Management member and indicated that she did not wish to be a member of the Committee of Management with effect from 6 September 2010.

2.5 Accordingly, a casual vacancy exists and is imminent.

**3. The reason for the election as it applies to the Victorian Branch is as follows: [Regulation 138 (1) (b) (i)]**

3.1 On 25 June 2010, the AEC completed an election for various offices or positions within the Victorian Branch. A copy of the declaration is attached and marked with the letter "B".

3.2 Rule 13(3) provides that persons elected take office on the sixth day of September in the year of an election.

3.3 David Hocking ("Hocking") was elected unopposed to the office of Organiser and to the position of National Council Delegate.

3.4 On 13 July 2010, Hocking provided to the Branch, correspondence stating that in light of a new offer of employment, it would not be appropriate for him to assume the office of Organiser.

3.5 Accordingly, a casual vacancy is imminent.

3.6 The number of delegates to National Council representing the Victorian Branch is 19. The number is reduced by one given that the first delegate for each Branch shall be the Branch Secretary in accordance with Rule 7(1)(e).

3.7 Tim Kennedy ("Kennedy") was elected to both the office of Branch Secretary and General Vice President. Rule 7(1)(f) provides that in this circumstance, the Branch is entitled to an additional delegate who shall be the Reserve Delegate.

3.8 Gregory Lee ("Lee") was elected to the position of Reserve National Council Delegate and by virtue of the operation of Rule 7(1)(f) becomes a delegate.

3.9 The intentions of Hocking and the operation of Rule 7(1)(f) mean that a casual vacancy for the position of National Council delegate is imminent; and

3.10 The combined effect of Hocking's decision and the application of the Union's rules, mean that the position of Reserve National Council Delegate will be vacant on 6 September 2010.

4. **Regulation 138 (1) (c) does not apply to this application.**
5. **The electorates comprising only members of a branch, section or division of the organisation appears at paragraph A.1 above. [Regulation 138 (1) (d)]**
6. **The organisation's Rules require that as far as practicable an election for a casual vacancy be conducted in a manner consistent with an ordinary election (Rules 43 and 13) On this basis the Union submits that the date and time of the beginning of the nomination period should be determined by the Australian Electoral Commission ("AEC") acting as the returning officer, provided that the nomination period be open and close for a period of at least 20 days. [Regulation 138 (1) (e)]**
7. **The day upon which the roll of voters closes is seven days prior to the opening of nominations in accordance with Rule 13 (e) (5) and as will be determined by the AEC. [Regulation 138 (1) (f)].**
8. **The kind of voting is direct voting (i.e. first past the post"). [Regulation 138 (1) (g)]**

B. A statement in accordance with Regulation 138 (2) is attached hereto.

**DATED: 5 August 2010**

**FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009**

**Section 189 – Conduct of elections**

**FAIR WORK (REGISTERED ORGANISATIONS) REGULATIONS 2009**

**Section 139 – Prescribed information for conduct of an election**

**National Union of Workers**

**AUTHORISED STATEMENT**

I, Charles Donnelly, General Secretary of the National Union of Workers state as follows:

1. The information attached is lodged in accordance with and under subsection 189 (1) of the *Fair Work Act 2009*; and
2. I am an officer of the organisation authorised to sign this statement.



**CHARLES DONNELLY**  
**GENERAL SECRETARY**

**DATE: 5 AUGUST 2010**

# National Union of Workers General Division Elections

## DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2010/2532

### **General Branch (represents SA, WA, QLD & Tas/NT and Market Research members & Forepersons)**

#### **Branch President**

Candidate

STEVENS, Doug

#### **Branch Vice President**

Candidate

WARNE, Alan

#### **Branch Secretary**

Candidate

ROBERTS, Sam

#### **Committee of Management Member - Forepersons/Defence/Other**

Candidate

WIGG, Rod

#### **Committee of Management Member - Market Research (2)**

Candidates

BURNS, Marc  
MCINTOSH, Alex

#### **Committee of Management Member - Tasmania/Northern Territory**

Candidate

BATT, Jill

**Committee of Management Member - Queensland (5)**Candidates

BARTON, Mick  
HELSHAM, George  
SHANAHAN, Dani  
TARTAGLIA, Mayumi  
WIESE, Helmut

**Committee of Management Member - South Australia (3)**Candidates

MATTHEWS, Wally  
O'CONNELL, Richard  
WATTS, Trish

**Committee of Management Member - Western Australia**Candidate

MANN, Keith

**National Council Delegate (6)**Candidates

BATT, Jill  
BEENHAM, John  
BURNS, Marc  
FALCONER, Alex  
SCHMIDT, Mark  
WIGG, Rod

**Reserve National Council Delegate**Candidate

MCGRATH, Paul

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

John Nemcic  
Returning Officer

25 June 2010



# National Union of Workers Victorian Branch Offices

## DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2010/2532

### **Branch President**

Candidate

WARREN, Julie

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

Candidates

ALLISON, Susie  
GLOVER, John

### **Branch Junior Vice President**

Candidate

DOBSON, Brad

### **Branch Secretary**

Candidate

KENNEDY, Tim

### **Branch Assistant Secretary**

Candidate

CURNOW, Esmond

### **Organiser (5)**

Candidates

BURMEISTER, Gayle  
CALVERT, Christopher  
HOCKING, David  
JACOBI, Belinda  
KALOMIRIS, Chris

**Committee of Management Member (12)**

Candidates

BYRNE, Patrick  
CHAPMAN, Craig  
CLAUDIUS, Les  
COGHLAN, Gary  
CUPPLES, Pamela  
FINNIGAN, Brendan  
JACOBSON, Tracey  
MIGUEL, Luis  
REDGWELL, Clifford  
ROUEL, John  
VELJANOVSKI, Michael  
WILSON, Danial

**National Council Delegate (18)**

Candidates

ALLISON, Susie  
ALTAY, Rifat  
CALVERT, Christopher  
CARTWRIGHT, Justin  
CURNOW, Esmond  
DOBSON, Brad  
GLOVER, John  
GRIFFITHS, Russell  
HARRIS, Sophie  
HOCKING, David  
HOWIE, Steven  
JACOBI, Belinda  
KALOMIRIS, Chris  
MAAS, Gary  
NAVUSOLO, Keni  
RILEY, Andrew  
STILES, Darren  
WARREN, Julie

**Reserve National Council Delegate**

Candidate

LEE, Gregory

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



Tony King  
Returning Officer

25 June 2010

**From:** [Paul Richardson](#)  
**To:** [WAUGH, Ben](#)  
**Subject:** E2010/2656 - Conduct of Election  
**Date:** Thursday, 9 September 2010 6:08:02 PM

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Dear Ben

I refer to the above and our recent phone conversation and your email dated 30 August 2010.

I apologise for the delay in this reply.

After further consideration the Union seeks to amend its application so as to remove the reference to Victorian Reserve National Council delegate.

Thus the amended application seeks an election in respect of:

1. General Branch Committee of Management Member from the South Australian electorate
2. Victorian Branch Organiser
3. Victorian Branch National Council Delegate.

As we have indicated there is some tension between the operation of Rule 7 (1) (f) and Rule 43 (3). The former allows for the reserve delegate to fill a position on the Branch delegation if the Secretary holds a Presidential role on the Council. The latter applies where a Council delegate position becomes vacant.

It is unclear to us as to whether or not the Reserve Delegate assumes the role of a replacement to the delegate over the Secretary's vacancy however the point is somewhat moot insofar as the net result is there is one fewer delegate than the Branch is entitled to.

Rule 9 allows a Branch to nominate a proxy delegate where a delegate is unable or unwilling to attend the Council. My view would be that this does not extend to this situation as the incumbent (Hocking) could not be described as being "unable or unwilling" – he is barred from attending given his resignation.

I trust this is of assistance and look forward to receiving your response at the earliest opportunity

Please feel free to contact me if you wish to discuss further

Regards

Paul Richardson | Assistant National Secretary | National Union of Workers

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[prichardson@nuw.org.au](mailto:prichardson@nuw.org.au)