

25 June 2014
The General Manager
Fair Work Commission
P.O. Box 1994
Melbourne Vic 3001


Dear Sir/Madam,

**RE: ELCTION OF OFFICERS – QUEENSLAND REAL ESTATE INDUSTRIAL
ORGANISATION OF EMPLOYERS**

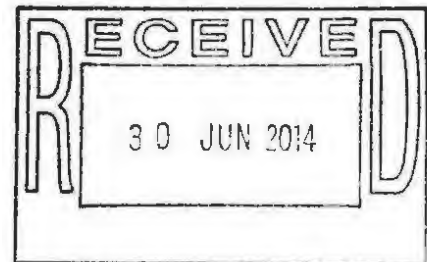
I write as required to advise you of the report of the Australian Electoral Commission concerning the recent election conducted by the AEC for the above organisation.

Accordingly I attach a copy of the AEC report and a copy of our reply.

Yours faithfully,



Bruce Siebenhausen
Secretary/Treasurer



LOOKING AFTER YOU!

PO Box 1337
Oxley QLD 4075
Phone: (07) 3376 1397
Fax: (07) 3715 8902



Our Ref E2014/78

Mr Bruce Siebenhausen
Secretary/Treasurer
3 Jenee St
JINDALEE QLD 4074

Dear Mr Siebenhausen

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Queensland Real Estate Industrial Organisation of Employers

ELECTION/S COVERED IN THIS REPORT

Election Decision No: E2014/78 – Committee of Management

RULES

Rules used for the election:

Part 1 (6 & 15); Part 2 (2); Part 3 (3-9); Part 4 (10-30)

Rules difficult to apply/interpret:

Part 1 (6 & 15). The membership described in Part 1 (6) refers to 'Employers' as well as 'Persons, Firms or Companies'. Part 1 (15) refers in (d) to 'The Officers and other members'.

In applying the rules to the election of the committee of management it is difficult to apply rules in Part 2 (5-7) as the nominations received were for 'individuals' whereas the roll of voters comprised 'employers'. The same issue arose during the ballot, where 'employers' were sent ballot material but 'individuals' vote. Rule 10 in Part 2 refers to the roll include 'The name of each person who is an eligible member of the organisation....'

It is recommended that the rules be amended to:

- Rule 6. Membership: Should provide that the member 'employers/firms/companies' should identify an 'individual' who is authorised to act on behalf of the 'employer/firm/company' for the purposes of the election of the committee of management, and
- Part 2 Manager of Election: Should provide instruction that the 'Secretary/Treasurer' is to provide the Manager of the Election with a roll of members including the name and postal address of the 'individual' who is authorised to act on behalf of the 'employer/firm/company' who are members at the time of the election.
- Rule 5 (a) in Part 2 should specify that the notice be sent to the 'individual' who is identified as the representative of the 'employer/firm/company'

ROLL OF VOTERS

Total number of voters on the Roll: 345

Number of apparent workplace addresses: 345

Other matters pertaining to the roll of voters: A small number of addresses on the provided roll were incorrect. Corrections were made during the conduct of the election where applicable.

IRREGULARITIES

No irregularities were identified.

Yours sincerely



David McKenzie
Returning Officer

10 June 2014

Draft Letter on the Queensland Real Estate Industrial Organisation of Employees Letter head.

David McKenzie
Returning Officer
Australian Electoral Commission
PO Box 6172
KINGSTON ACT 2604

Dear Mr McKenzie,

**RE: ELECTION REPORT INTO THE COMMITTEE OF MANAGEMENT
ELECTIONS IN THE QUEENSLAND REAL ESTATE INDUSTRIAL ORGANISATION
OF EMPLOYERS DATED 10 JUNE 2014.**

I refer to your letter of 10 June 2014 setting out your post election report made pursuant to s 197 of the *Fair Work (registered organisations) Act 2009*. This letter is the Queensland Real Estate Industrial Organisation of Employers' response as required by s 198 of that Act.

This organisation does not share your concerns as to the interpretation of the rules identified in your report. The Queensland Real Estate Industrial Organisation of Employers has a counterpart body registered under the *Industrial Relations Act 1999* (QLD.). It is that counterpart body which instigated the registration of the federal organisation under the *Fair Work (Registered Organisations) Act 2009*. The rules of the organisation registered under the Queensland Act were used as the basis for the rules of the federally registered organisation with amendments made so as to comply with federal legislation. Elections under the Queensland rules have been conducted in Queensland for many years and have not been the subject of any criticism by the Queensland Electoral Commission who has conducted those elections.

In your letter you refer to Rule 6 of the federal organisation's Rules. That rule relates to membership of the federal organisation and is in similar if not identical terms to the Queensland organisation's Rule. It needs to be read with the interpretation rule which defines employer as meaning a "person, firm, company or corporation engaged in, or employing persons working in the industry". Industry is also defined and relates to what is commonly identified as the real estate industry. Accordingly members of the organisation may be individuals, partnerships or companies. The persons who are eligible to be members are those who apply and are accepted as such under the rules of the federal organisation.

When it comes to voting in elections members must vote according to law as well as in accordance with the rules of the federal organisation. To adopt a rule or rules which would require nominated individuals to vote on behalf of partnerships or companies appears to the organisation to be an unwarranted intrusion into the internal affairs of those bodies. It seems to the organisation that votes cast by partnerships, firms or companies are either valid according to law or not. If an authorised person votes on behalf of such bodies then it seems to the organisation that the vote cast is a valid one. Because the composition of such bodies may

change over time the nomination of a specific individual may also alter and accordingly would present difficulties in the administration of elections.

It is for the above reasons and as presently advised that the federal organisation is of the opinion that no amendment should be made to the rules and we do not intend to initiate the amendments suggested by you. If you have a more compelling and sound view please advise and it will certainly be considered. The federal organisation through its committee of management is zealous in ensuring that its elections are conducted with integrity and represent the genuine intentions of its members.

As required by the appropriate legislation the federal organisation will take steps to inform its members of your report and the organisation's response as well as informing the General Manager of the Fair Work Commission.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,



BRUCE SEIBENHAUSEN
SECRETARY/TREASURER

Queensland Real Estate Industrial Organisation of Employees QREIO Committee of Management Election

Declaration of Results for Contested and Uncontested Offices

E2014/78

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.

Queensland

Total number of names on the roll of voters	346
Ballot papers issued	346
Replacement ballot papers issued	0
Total Ballot Papers Issued	346
Ballot papers / envelopes returned for scrutiny	136
Less ballot papers / envelopes rejected at preliminary scrutiny	9
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	127
Percentage of ballot papers returned to number issued	39
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	209

President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
LIN, Fang-ju	8	8
MILTON, Ray	118	118
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	126	126
Formal ballot papers	126	126
Informal ballot papers	1	1

I declare Ray Milton elected.

Vice-President

Candidates

BROOKS, Lyall St John

I declare Lyall St John Brooks elected.

Secretary/Treasurer

Candidates

SIEBENHAUSEN, Bruce

I declare Bruce Siebenhausen elected.

Committee of Management Member (6)

Candidates

ABSOLON, Ann
BROOKS, Lyall St John
SEARL, Colin Robert

I declare Ann Absolon and Colin Robert Searl elected.
No other nominations received.



David McKenzie
Returning Officer
Australian Electoral Commission

10 June 2014



DECISION

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

Queensland Real Estate Industrial Organisation of Employers (E2014/78)

MR ENRIGHT

MELBOURNE, 26 MARCH 2014

Arrangement for conduct of election.

[1] On 26 February and 21 March 2014 the Queensland Real Estate Industrial Organisation of Employers lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

President
Vice-President
Secretary/Treasurer
Committee of Management members (6)

[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

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Bruce Siebenhausen

From: "Bruce Siebenhausen" <bsiebenhausen@bigpond.com>
To: <orgs@fwc.gov.au>
Sent: Friday, 21 March 2014 3:12 PM
Subject: Election of officers
Attn: Liz

I am the Secretary/Treasurer of the Queensland Real Estate Industrial Organisation of Employers, which was granted federal registration on 24 January 2014. The organisation is also registered in the Queensland jurisdiction.

I write to seek an election by the AEC of the organisation's Committee of Management, which under Rule 15 (d) are to be held biannually. Such Officers were last elected on 26 April 2012 by election conducted by the State Electoral Commission.

I am advised by Ms Ros Thiele of the Queensland State Registry that provided our State rules are changed to empower the Registrar to exempt us from conducting a State election if one is conducted by the AEC for our federal organisation, then an election for the State body is not required.

The prescribed information prescribed under s.189 (1) is as follows:-

(a) An election is required for the positions of -

President, Vice-President, Secretary/Treasurer and 6 other members of the Committee of Management

(b) the reason for the election is that -

The term of the offices will expire on 25 April 2014.

(e) the beginning and end of the period in which nominations will be called will be decided by the Manager of the Election under our rules.

(f) the day on which the roll of voters is closed will be decided by the Manager of the Election under our rules.

(g) the kind of voting system to be used is a direct voting system.

I, Graham Bruce Siebenhausen, Secretary/Treasurer of the above organisation hereby declare that the prescribed information is lodged under subsection 189 (1) of the Act and that I am authorised to lodge such prescribed information.


Bruce Siebenhausen
Secretary/Treasurer

From: [Bruce Siebenhausen \(REEA\)](#)
To: orgs@fwc.com.au
Cc: [ELLIOTT, Mark](#)
Subject: Election of officers
Date: Wednesday, 26 February 2014 10:28:42 AM

The General Manager
Fair Work Commission

Attn: Eve Anderson

I am the Secretary/Treasurer of the Queensland Real Estate Industrial Organisation of Employers, which was granted federal registration on 24 January 2014. The organisation is also registered in the Queensland jurisdiction.

I write to seek an election by the AEC of the organisation's Committee of Management, which under Rule 15 (d) are to be held biennially. Such Officers were last elected on 26 April 2012 by election conducted by the State Electoral Commission.

I am advised by Ms Ros Thiele of the Queensland State Registry that, provided our State rules are changed to empower the Registrar to exempt us from conducting a State election if one is conducted by the AEC for our federal organisation, then an election for the State body is not required.

The prescribed information required under s 189 (1) is as follows:-

(a) An election is required for the positions of -

President, Vice-President, Secretary/Treasurer and up to 6 other members of the Committee of Management

(b) the reason for the election is that -

The term of the offices will expire on 25 April 2014.

(e) the beginning and end of the period in which nominations will be called will be decided by the Manager of the Election under our rules.

(f) the day on which the roll of voters is closed will be decided by the Manager of the election under our rules.

(g) the kind of voting system to be used is a direct voting system.

I, Graham Bruce Siebenhausen, Secretary/Treasurer of the above organisation hereby declare that the prescribed information is lodged under subsection 189 (1) of the Act.

Please advise.

Bruce Siebenhausen