

Notice to members – Committee of Management Election

Members are advised that a copy of the AEC post-election Report is available from this office on request.

Further, the following extract from the report is also available –

“Rules difficult to apply/interpret – Rule 6 enables a company or firm to apply for membership however there is no provision within the Rules which provides guidance to the Returning Officer regarding the identity of the person who is to participate in an election on behalf of a company or firm. It is recommended that rules require that a company or firm identifies a person to act on behalf of the entity in an election, ie to be a candidate or vote.”

Our response to the AEC Report – re Rule 6

“In that regard I refer to a letter to the Commission dated 18 June 2014 in which we explained why we did not intend to amend the rule. We stated that 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 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 frequently changes over time the nomination of a specific individual may also change and accordingly would represent an administrative nightmare for the organisation.

As the same circumstances apply as in 2014 whereafter we were not required to amend our rules, we again do not intend to amend the rules for the same reasons.

We however prepared to consider any recommendations you may have.”

## Bruce Siebenhausen

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**From:** Bruce Siebenhausen <bsiebenhausen@bigpond.com>  
**Sent:** Friday, 16 September 2016 10:28 AM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** Post Election Report

This is to respond to the Post Election Report for the Queensland Real Estate Industrial Organisation of Employers, as requested.

In the Report the AEC referred to Rule 6 of our Rules under the heading of *Rules difficult to apply/interpret*.

In that regard I refer to a letter to the Commission dated 18 June 2014 in which we explained why we did not intend to amend the Rule. We stated that 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 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 frequently changes over time the nomination of a specific individual may also change and accordingly would represent an administrative nightmare for the organisation.

As the same circumstances apply as in 2014 whereafter we were not required to amend our Rules, we again do not intend to amend the Rules for the same reasons.

We are however prepared to consider any recommendation you may have.

Bruce Siebenhausen  
Secretary/Treasurer  
Queensland Real Estate Industrial Organisation of Employers



12 September 2016

Mr Bruce Siebenhausen  
Secretary/Treasurer  
Queensland Real Estate Industrial Organisation of Employers  
bsiebenhausen@bigpond.com

Dear Mr Siebenhausen

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/104**

On 3 August 2016 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/104. 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 6. 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](mailto: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](mailto:orgs@fwc.gov.au)

Yours sincerely

Jennifer Raeburn

Regulatory Compliance Branch



12 September 2016

Mr Bruce Siebenhausen  
Secretary/Treasurer  
Queensland Real Estate Industrial Organisation of Employers  
**By email: [bsiebenhausen@bigpond.com](mailto:bsiebenhausen@bigpond.com)**

Dear Mr Siebenhausen,

### **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 [E2016/104]. 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.

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 Queensland Real Estate Industrial Organisation of Employers 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.
  
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;

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

Telephone: (03) 8656 4737  
Email : [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

- 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. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't 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

Jennifer Raeburn  
Regulatory Compliance Branch

# Queensland Real Estate Industrial Organisation of Employers

## 2016 Scheduled Election

### Declaration of Results for Uncontested Offices

**E2016/104**

Below are the results of the election for the following offices, conducted in accordance with the provisions of Section 189 of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

#### Queensland

##### President

Candidates

No nomination was received

##### Vice-President

Candidates

No nomination was received

##### Secretary/Treasurer

Candidates

SIEBENHAUSEN, Bruce

##### Committee of Management Member (6)

Candidates

SEARL, Colin Robert

ST. JOHN BROOKS, Lyall

No other nomination was received

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



Lee Jones  
Returning Officer

3 August 2016



Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**Client:** Queensland Real Estate Industrial Organisation of Employers

**ELECTIONS COVERED IN THIS REPORT**

**Election Decision No/s:** E2016/104

**RULES**

**Rules used for elections Rule ID:** [014Q: Rules as at registration on 24 January 2014 in D2013/116]

**Rules difficult to apply/interpret:**

Rule 6 enables a company or firm to apply for membership however there is no other provision within the rules which provides guidance to the Returning Officer regarding the identity of the person who is to participate in an election on behalf of a company or firm. It is recommended that the rules require that a company or firm identifies a person to act on behalf of the entity in an election, ie to be a candidate and/or vote.

**Model Rule reference (if any):**

None apply.

**ROLL OF VOTERS**

**Total number of voters on the roll** N/A

**Number of apparent workplace addresses**

**Number of non-current addresses**

**Other Matters** Nil

**ALLEGATIONS OF IRREGULARITIES RECEIVED**

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

**ATTACHMENTS**

A: Uncontested Declaration QREIO E2016-104

Lee Jones  
Returning Officer  
3 August 2016





**Reference:** N16/204

Mr Bruce Siebenhausen  
Secretary/Treasurer  
Queensland Real Estate Industrial Organisation of Employers

Via email: [bsiebenhausen@reea.org.au](mailto:bsiebenhausen@reea.org.au)

Dear Mr Siebenhausen,

**Queensland Real Estate Industrial Organisation of Employers  
Scheduled Election  
E2016/104**

Nominations closed at 12 noon on 27 July 2016 and I have declared the results in the above uncontested election.

Attached is a copy of my declaration and the AEC's Post Election Report. Please advise the successful candidates.

The election is now completed.

Yours sincerely

Lee Jones  
Returning Officer

3 August 2016

**From:** [Lee Jones](#)  
**To:** [Bruce Siebenhausen \(REEA\) \(bsiebenhausen@reea.org.au\)](#)  
**Cc:** [Industrial Elections: Orgs](#)  
**Subject:** Post Election Report - OREIO Election 2016/104 [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 3 August 2016 9:39:25 AM  
**Attachments:** [image001.gif](#)  
[image002.png](#)  
[image003.gif](#)  
[image004.png](#)  
[Cover letter uncontested declaration.pdf](#)  
[Post Election Report OREIO E2016-104.pdf](#)  
[Uncontested Declaration OREIO E2016-104.pdf](#)

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Dear Mr Siebenhausen

Please find attached correspondence including uncontested declaration for the above election. The Post Election Report requires your action.

Note regarding the attached Post Election Report.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 ("the Act") 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 the Act 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) Regulations 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.

Regards.

*Lee Jones*  
Returning Officer

**Lee Jones | Project Officer**  
Industrial & Commercial Elections | NSW State Office  
Australian Electoral Commission  
T: (02) 9375 6395 | M: 0427 422 829 | F: (02) 6215 9910

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## DECISION

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

### **Queensland Real Estate Industrial Organisation of Employers** (E2016/104)

MR ENRIGHT

MELBOURNE, 5 MAY 2016

*Arrangement for conduct of election.*

[1] On 15 March 2016 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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**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, Graham Bruce Suebenhausen, being the Secretary/Treasurer of the Queensland Real Estate Industrial Organisation of Employers, make the following statement:

1. I am authorised to make this statement containing prescribed information for the Queensland Real Estate Industrial Organisation of Employers
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. This statement is lodged at least 2 months before nominations open for the election below.

Signed



Secretary/Treasurer

Date 15 March 2016

STATEMENT OF PRESDRIBED INFORMATION

## ANNEXURE A

Elections that are required

<b>Name of Office</b>	<b>Number Required</b>	<b>Voting System</b>	<b>Reason for Election</b>	<b>Electorate</b>
President	1	First past post	Scheduled	Queensland
Vice President	1	First past post	Scheduled	Queensland\
Secretary/Treasurer	1	First past post	Scheduled	Queensland
Other Members	6	First past post	Scheduled	Queensland

- Important dates

### **Direct Voting System**

<b>Nominations OPEN</b>	Refer Rule 30
<b>Nominations CLOSE</b>	Refer Rule 30
<b>Roll of Voters cut off date</b>	Refer Rule 30

STATEMENT OF PRESCRIBED INFORMATION

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