



19 July 2017

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: E2017/36

On 14/07/2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/36 dated 14/07/2017. 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 30 (9)(e). 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 ROC 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 ROC for assistance by email to regorgs@roc.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 ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission

14 July 2017

Post-election Report

**Queensland Real Estate Industrial Organisation
of Employers B2017/36**

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Election(s) Covered in this Report

Election Decision No/s:

B2017/36

Rules

Rules used for the election:

(014Q: Rules as at registration on 24 January 2014 in D2013/116)

Rules difficult to apply/interpret:

Rule 30 (9) states “The manager of the election must declare a candidate elected to an office if –

- (a) Nominations have closed; and
- (b) The candidate does not hold another office;
- (c) The candidate has -
 - i. not nominated for a higher office; or
 - ii. nominated for a higher office and is not elected to the higher office; and
- (d) If the election is for president or secretary - the candidate is the only candidate; or
- (e) If the election is for another type of office - the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.”

The efficiency of the nomination process would be enhanced by the inclusion of the following suggestion in relation to the nomination for another office by a current committee member:

1. Add after Rule 30 (9)(e) “A person is not eligible to be declared elected to a position if, at the time of declaration, they are holding another office on the QREIO Committee of Management.”

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

A small number of addresses on the provided roll were incorrect. Corrections were made during the Nominations phase where applicable.

Attachments

- 1) Declaration of Results for Uncontested Offices – QLD



Jane Donnelly
Returning Officer

14 July 2017

- Queensland Real Estate Industrial Organisation of Employers Vacancy Election QREIO E2017/36

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.

Queensland

President

Candidates

No nomination was received

Vice-President

Candidates

SEARL, Colin Robert

Committee of Management Member (5)

Candidates

BARRETT, Peter

MILTON, Ray

No further nominations were accepted

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


Jane Donnelly
Returning Officer

15 June 2017



DECISION

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

Queensland Real Estate Industrial Organisation of Employers (E2017/36)

MR ENRIGHT

MELBOURNE, 20 MARCH 2017

Arrangement for conduct of election.

[1] On 10 February and 20 March 2017 the Queensland Real Estate Industrial Organisation of Employers (the organisation) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to an election for the following offices, due to insufficient nominations received in a previous election (E2016/104):

President

Vice-President

Committee of Management Members (4)

[2] On the same date the organisation lodged with the Commission the prescribed information in relation to an election for a casual vacancy for the remainder of the term of office in the following office:

Committee of Management Member (1)

[3] 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, Bruce Siebenhausen, being the Secretary/Treasurer of the Queensland Real Estate Industrial Organisation of Employers, make the following statement:

1. I am authorised to sign this statement containing prescribed information for 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. Deleted.
5. Insufficient nominations were received in an earlier election and the declaration of results is attached.
6. This statement is lodged at least 2 months before nominations open for the election below.

Signed:


Bruce Siebenhausen

Date: 6 February 2017

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

STATEMENT OF PRESCRIBED INFORMATION

Name of Office	Number Required	Voting System	Reason for Election	Electorate
President	1	DVS	Insufficient Nominations	Queensland
Vice President	1	DVS	Insufficient Nominations	Queensland
Management C'tee	5	DVS	Insufficient Nominations	Queensland

Nominations OPEN To be determined by the returning officer

Nominations CLOSE To be determined by the returning officer

Roll of Voters cut off date 7 days prior to nominations opening ((rule 12.4)

STATEMENT OF PRESCRIBED INFORMATION

WILKIN, Sarah

From: Bruce Siebenhausen [REDACTED]
Sent: Monday, 20 March 2017 10:48 AM
To: WILKIN, Sarah
Subject: RE: E2017/36 application/notification of an election - insufficient nominations and casual vacancy

Dear Sarah,

Yes, it is for a casual vacancy – the Committee member who was elected in September last year resigned with more than 3/4 of the term left.

Regards

From: WILKIN, Sarah [<mailto:Sarah.WILKIN@fwc.gov.au>]

Sent: Friday, 17 March 2017 1:21 PM

[REDACTED]
Subject: FW: E2017/36 application/notification of an election - insufficient nominations and casual vacancy

Good afternoon,

I'm just following up on the request below. Are you able to confirm in writing that your request for election for one of the members of the Committee of Management is for a casual vacancy?

An email would be fine,

Kind regards

SARAH WILKIN

Regulatory Compliance Branch

Fair Work Commission

Tel: 03 8656 4694

Fax: 03 9655 0410

sarah.wilkin@fwc.gov.au

11 Exhibition Street, Melbourne, Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

www.fwc.gov.au

Working days: Mondays – Thursdays, Fridays AM

Please be aware that my phone number has changed to 03 8656 4694. Please update your records accordingly.

From: WILKIN, Sarah

Sent: Wednesday, 8 March 2017 2:51 PM