

Fair Work (Registered Organisations) Act 2009

RETURNING OFFICER - POST ELECTION REPORT

Client: Shop, Distributive and Allied Employees Association – Tasmanian Branch

Contact details: Paul Griffin
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ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2013/287

Election: Shop, Distributive and Allied Employees Association
Tasmanian Branch – General Secretary/Treasurer

Returning Officer: Dale Emery

RULES

Rules used for elections Rule ID: 006N: Incorporates alterations of 15/12/2004 [R2004/485]
(replaces 1/10/1998 version)

Rules difficult to apply/interpret:

Model Rule reference (if any):

Legal precedents considered:

**Action taken under section 193 of
RAO Schedule:**

ROLL OF VOTERS

A roll of voters was not obtained, as the election did not go to ballot.

OTHER MATTERS PERTAINING TO ROLL OF VOTERS

N/A

ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no written complaints or allegations of irregularities.

ATTACHMENTS

A Declaration of Results for Uncontested Offices



Dale Emery
Returning Officer
17 February 2014



DECISION

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

Shop, Distributive and Allied Employees Association (E2013/287)

MR ENRIGHT

MELBOURNE, 25 OCTOBER 2013

Arrangement for conduct of election.

[1] On 22 October 2013 the Shop, Distributive and Allied Employees Association - Tasmanian Branch lodged with the Fair Work Commission the prescribed information in relation to an election for the following office:

General Secretary/Treasurer

[2] The prescribed information was not lodged before the day prescribed by Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. That day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election. The Branch has requested that I allow a later day for the lodgement of the prescribed information under subsection 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). Having considered the reason for late lodgement, I allow lodgement on 22 October 2013 in this instance.

[3] 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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Sample Notice and Statement of Prescribed Information for an Election¹

I, Paul Griffin, being the General Secretary/Treasurer of the Shop, Distributive and Allied Employees Association, Tasmanian Branch, make the following statement:

I am the General Secretary/Treasurer of the Shop Distributive and Allied Employees Association, Tasmanian Branch

I am authorised to lodge the following prescribed information concerning forthcoming election in the Tasmanian Branch of the Shop Distributive and Allied Employees Association and

I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.



Signed:

Dated: 22/10/13

Offices/Positions

A	
	General Secretary/Treasurer (DVS)

¹ Adjust declaration as appropriate to reflect the facts.

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Reasons for election:

- Election for the office and position marked A respectively is required as the term of office is due to expire in the normal course of events under the rules of the organisation.

Elected by:

- The electorate for the direct voting system is the whole of the Branch (rule 22).

Nominations open:

- For offices to be elected by direct voting system - the first Monday in November (Rule 25b)
4th November, 2013

Nominations close:

- For offices to be elected by direct voting system - 12 noon, Third Monday in November (rule 25b).
18th November, 2013.
- Cut off date for roll:
- In all cases - 7 days prior to the opening date for nominations (Rule 25 b)

The above sample Notice and Statement would satisfy each of the particulars required under s.189(1) and the relevant regulations.

Make sure the declaration is adjusted as appropriate to reflect the facts.

The Notice and Statement are required to be lodged at least 2 months before the first day of nominations as set out in the rules of the organisation – the General Manager of the Fair Work Commission may allow for a later day (see subsection 189(2) and regulations).

The requirement to lodge election information under s.189(2) is a civil penalty provision (see s.305).

Fair Work Commission,

Attention: General Manager

Dear Sir,

I write seeking an extension to the period whereby notice is made to the Fair Work Commission, in relation to an election of the General Secretary/Treasurer of the Branch.

Due to an Administrative oversight that, in accordance with the Act, notice to the Commission was to be made no less than two months prior to applications being called for the position.

Unfortunately, such time span had inadvertently been overlooked and it is now found that there is less than a month prior to nominations being called for the aforementioned position.

Yours Sincerely

A stylized, handwritten signature in black ink, featuring a large, looped initial 'P' and a long, sweeping horizontal stroke at the end.

General Secretary/Treasurer