

Textile, Clothing and Footwear Union of Australia

Scheduled Branch Election NSW SA TAS

Declaration of Results for Uncontested Offices

E2014/162

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.

New South Wales South Australian and Tasmanian Branch

President

Candidates

NGUYEN, Hung

Vice-President

Candidates

MAUSOLF, Dylan James

Secretary

Candidates

OWEN, John

Assistant Secretary

Candidates

EDWARDS, Mark

Trustee (2)

Candidates

LAM, Eric
SUTANTO, Christine

Committee Member (3)

Candidates

COVENTRY, James
HUEPPAUFF, Mathew
RUTHERFORD, Michael Scott

Branch Organiser

Candidates

NGUYEN, Hung

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



Ishtiaq Ahmed
Returning Officer

29/09/2014





Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: **Textile, Clothing and Footwear Union of Australia**
New South Wales South Australian Tasmanian Branch

Contact details: Barry Tubner
Secretary
Textile, Clothing and
Footwear Union of Australia
New South Wales South
Australian Tasmanian Branch
28 Anglo Road
CAMPSIE, NSW - 2194

Email: tcfuansw@tcfua.org.au
Tel: 0297046000

FWC contact officer: Nick Salzberg
Email: orgs@fwc.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2014/162

RULES

Rules used for elections Rule ID: 125V: Incorporates alterations 31/7/2014
[R2014/136] (replaces rulebook dated 22/11/2013
[R2013/384] version)

Rules difficult to apply/interpret: None.

Model Rule reference (if any): N/A

ROLL OF VOTERS N/A

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: N/A

Other irregularities identified, and action taken: N/A

ATTACHMENTS

A: Declaration of results for uncontested offices - Scheduled Branch Election NSW SA TAS.

Ishtiaq Ahmed
Returning Officer
17/10/2014

CORRECTION TO DECISION

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

Textile, Clothing and Footwear Union of Australia
(E2014/162)

MR ENRIGHT

MELBOURNE, 1 SEPTEMBER 2014

Arrangement for conduct of election.

[1] Following further information lodged by the Textile, Clothing and Footwear Union of Australia on 29 August 2014, the decision issued by the Fair Work Commission on 11 August 2014 [[2014] FWCD 5446, PR554135] is corrected as follows:

In paragraph [1] of the decision delete “National Councillor” and “Branch Organiser”.



DELEGATE OF THE GENERAL MANAGER

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<Price code A, PR554915>

From: ELLIOTT, Mark
To: ["ishtiaq.ahmed@aec.gov.au"](mailto:ishtiaq.ahmed@aec.gov.au)
Cc: john@tcfua.org.au; vwiles@tcfvic.org.au; ["industrial.elections@aec.gov.au"](mailto:industrial.elections@aec.gov.au)
Subject: E2014/162 - TCFUA - correction decision
Date: Monday, 1 September 2014 11:48:00 AM
Attachments: [E2014_162_correction_decision.pdf](#)
[TCFUA corr to FWC \(C.Enright\)_29Aug14 \(final\).pdf](#)

Good morning Mr Ahmed,

Further to our discussion this morning, please find attached a correction decision issued in the abovementioned matter. Also attached for your records is a copy of the correspondence from the TCFUA which led to the correction.

Regards,

Mark Elliott
Regulatory Compliance Branch
Fair Work Commission



TEXTILE CLOTHING & FOOTWEAR UNION OF AUSTRALIA

National Secretary
Michele O'Neil

National Office
359 Exhibition Street
Melbourne VIC 3000

PO Box 441
Carlton South
VIC 3053

Phone (03) 9639 2955

Fax (03) 9639 2944

Email
nationaloffice@tcfvic.org.au

Website www.tcfua.org.au

29 August 2014

Mr Chris Enright
Delegate to the General Manager
Fair Work Commission
Level 4, 11 Exhibition Street
MELBOURNE VIC 3000

Dear Mr Enright,

Re: E2014/162
Application/Notification by the Textile, Clothing and Footwear Union of Australia (New South Wales, South Australia, Tasmania Branch)
Arrangement for conduct of election

I refer to our earlier telephone discussions today between Vivienne Wiles (TCFUA National Industrial Officer) and Ms Eve Anderson (FWC) regarding your decision [2014] FWCD 5446 issued 11 August 2014, arranging for the conduct of elections for the TCFUA (NSW/SA/Tas Branch).

As discussed between Ms Wiles and Ms Anderson, the TCFUA has identified an error, such that the position of 'National Councillor' was mistakenly included in the list of officers due for election contained in the Amended Prescribed Information previously filed by the TCFUA (NSW/SA/Tas Branch). The error arose from an incorrect interpretation of the application of Rule 21(a) & (b) of the TCFUA Rules, specifically the number of national councillors to which the TCFUA (NSW/SA/Tas Branch) is entitled.

In this context, I can confirm that the financial membership of the TCFUA (NSW/SA/Tas Branch) as at 31 March 2014 was 2059.

Consequently, there is no required election for the National Councillor position.

For these reasons, the TCFUA seeks that a Correcting Decision be issued reflecting the actual position as required under the TCFUA Rules. Due to the set timeframe for the conduct of the elections for the TCFUA (NSW/SA/Tas Branch) we respectfully request that a Correcting Decision be issued as a matter of urgency.

The TCFUA apologises for the error and greatly appreciates the assistance of the Commission staff in this matter.

Yours Sincerely

Michele O'Neil
National Secretary
TCFUA



DECISION

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

Textile, Clothing and Footwear Union of Australia (E2014/162)

MR ENRIGHT

MELBOURNE, 11 AUGUST 2014

Arrangement for conduct of election.

[1] On 13 June 2014 the New South Wales South Australian Tasmanian Branch of the Textile, Clothing and Footwear Union of Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

President
Vice President
Secretary
Assistant Secretary
Trustees (2)
Committee Members (3)
National Councillor
Branch Organiser

[2] At the same time, the Branch lodged prescribed information under subsection 187(3) of the *Fair Work (Registered Organisations) Act 2009* in relation to an election for the following position:

Branch Organiser

[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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<Price code A, PR554135>

1st August, 2014

The General Manager
Fair Work Commission
Level 4, 11 Exhibition Street
MELBOURNE VIC 3000

Dear Sir/Madam,

RE: TEXTILE, CLOTHING & FOOTWEAR UNION OF AUSTRALIA, NEW SOUTH WALES, SOUTH AUSTRALIAN AND TASMANIAN BRANCH - REQUEST THAT AN ELECTION BE HELD

The TCFUA (NSW/SA/Tas Branch) previously lodged with the Fair Work Commission (FWC) a Statement of Prescribed Information (13 June 2014) in relation to the holding of elections for the branch.

Since that lodgement, the federal organisation, the TCFUA has made application to the FWC for the alteration of its Rules, specifically rule 37(b) relating to the size and composition of the TCFUA NSW/SA/Tas Branch Executive [R2014/136].


On 31 July 2014, a decision of Mr Chris Enright, Delegate of the General Manager was issued certifying the alteration to rule 37(b) of the TCFUA Rules (please see attached).

In the light of the aforementioned decision, we have advised the Electoral Commission of the amended number of positions for which elections are to be held. Please find attached the relevant documentation requesting the General Manager to arrange for the conduct of an election for the following position in the TCFUA NSW/SA/TAS Branch:

- President
- Vice President
- Secretary
- Assistant Secretary
- Trustees (2)
- Committee members (3)
- National Councilor
- Branch Organiser

Please find enclosed the amended copy of the Statement of lodgement for prescribed information to The Australian Electoral Commission.

Yours sincerely



Barry Tubner
Secretary
Textile Clothing and Footwear Union
NSW/SA/TAS Branch

1st August 2014

Australian Electoral Commission
Senior Returning Officer
PO Box 496
HAYMARKET NSW 1239

**STATEMENT OF LODGEMENT OF PRESCRIBED INFORMATION
TEXTILE, CLOTHING AND FOOTWEAR UNION
OF AUSTRALIA, NSW/SA/TAS BRANCH**

I, Barry Tubner, being the Branch Secretary of the Textile Clothing and Footwear Union of Australia NSW/ SA/TAS Branch, make the following statement:

I am the Branch Secretary of the Textile Clothing and Footwear Union of Australia NSW/ SA/TAS Branch,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the NSW/SA/TAS branch of the Textile Clothing and Footwear Union of Australia, and

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

OFFICE OR POSITIONS FOR WHICH ELECTION REQUIRED

The offices or positions for which an election is required are as follows:

- President
- Vice President
- Secretary
- Assistant Secretary
- Trustees (2)
- Committee Members (3)
- National Councillor
- Organiser

REASON FOR ELECTION

The reason for election of each office or position set out above is that the term of each office or position has expired or is due to expire in the normal course of events.

OFFICES OR POSITIONS WITH SAME NAME

The number of offices or positions with the same name which are able to be determined before the prescribed day are as follows:

- Trustees (2)
- Committee Members- (3)

COMPOSITION OF ELECTORATE

The electorate comprises the members of the NSW/South Australia Branch/ Tasmania Branch

PERIOD FOR CALLING OF NOMINATIONS

The date and time of the beginning and end of the period in which nominations of candidates will be called for or may be under the rules are to be determined by the Returning Officer in accordance with rule 42(d)(ii) of the TCFUA Registered Rules.

CLOSING OF ROLL OF VOTERS

Pursuant to rule 42(d)(iv)(ba) of the TCFUA Registered Rules the roll of voters will close on the seventh day before the date determined for the opening of nominations.

KIND OF VOTING SYSTEM

The kind of voting system to be used in the conduct of the elections is a Direct Voting System.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Barry Tubner', written over a horizontal line.

Barry Tubner
Secretary
Textile Clothing and Footwear Union
NSW/SA/TAS Branch



DECISION

Fair Work (Registered Organisations) Act 2009
s.159—Alteration of other rules of organisation

Textile, Clothing and Footwear Union of Australia (R2014/136)

MR ENRIGHT

MELBOURNE, 31 JULY 2014

Alteration of other rules of organisation

[1] On 21 July 2014 the Textile, Clothing and Footwear Union of Australia (**the organisation**) lodged with the Fair Work Commission (**the Commission**) a notice and declaration setting out particulars of alterations to the rules of the organisation.

[2] The particulars set out alterations to rule 37 of the rules of the organisation. The alterations modify the composition of Branch Committees by decreasing the number of Committee members and amend circumstances in which a Committee member may cease to hold office.

[3] On the information contained in the notice, I am satisfied the alterations have been made under the rules of the organisation.

[4] In my opinion, the alterations comply with and are not contrary to the *Fair Work (Registered Organisations) Act 2009*, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law. I certify accordingly under subsection 159(1) of the *Fair Work (Registered Organisations) Act 2009*.



DELEGATE OF THE GENERAL MANAGER

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<Price code A, PR553702>

From: [Vivienne Wiles](#)
To: [Orgs](#)
Cc: [ANDERSON, Eve](#); [GALLICHIO, Sam](#)
Subject: TCFUA (NSW/SA/Tas Branch) - Holding of Elections (2014)
Date: Friday, 1 August 2014 1:39:08 PM
Attachments: [TCFUA \(NSW\) Cvr ltr to FWC re Elections PI \(1Aug2014\).pdf](#)
[TCFUA \(NSW\) Statement PI \(AEC\) 1Aug 2014.pdf](#)
[R2014-136 Decision \(Delegate\) 31Jul14.pdf](#)
[R2014-136 TCFUA Rules Consolidated \(31Jul14\).doc](#)
Importance: High

Dear General Manager,

TCFUA (NSW/SA/Tas Branch)
Holding of Elections – 2014
Amended Prescribed Information

Please find attached the following documentation:

- Correspondence from Barry Tubner, TCFUA NSW/SA/Tas State Secretary to the FWC (1 August 2014)
- (Amended) Statement of Lodgement of Prescribed Information (TCFUA, NSW/SA/Tas Branch) to the AEC (1 August 2014)
- Copy of Decision of Mr Chris Enright Delegate to the General Manager in matter R2014/136 (31 July 2014) – Alteration to Rules of the TCFUA
- Consolidated Rules Book of the TCFUA (R2014/136) (31 July 2014)

If you have any questions or concerns please do not hesitate to contact me.

Yours Sincerely

Vivienne Wiles
(National Industrial Officer)
Textile Clothing & Footwear Union of Australia (National Office)
(t) 03 9639 2955 (f) 03 9639 2944
(m) 0419 334 102 (e) vwiles@tcfvic.org.au

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Copy of Prescribed Information

Title of Matter: Application/Notification by Textile, Clothing and Footwear Union of Australia-New South Wales South Australian Tasmanian Branch
Section: s.189(1) RO Act - Notification of elections for office
Subject: Scheduled election for Branch: President, Vice President, Secretary, Assistant Secretary, Trustees (2), Committee Members (11), Extra National Council Member, Organiser - non office position (see FWRO Act s187)
Matter Number(s): E2014/162

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

16 JUNE 2014

From: [Louisa Brutto](#)
To: [Orgs](#)
Subject: FW: Message from sa5c2041101092.tcfua.org.au
Date: Friday, 13 June 2014 1:57:50 PM
Attachments: [Ssa5c20411014061312580.pdf](#)

Please find attached prescribed information to hold an election for the TCFUA .

Louisa Brutto

Textile, Clothing and Footwear Union
NSW/SA/TAS Branch
Advocacy Support and Project Officer
Ph: 02 9704 6000
Fax: 02 9787 1561
Email: tcfuansw@tcfua.org.au



Please consider the environment before printing this email

From: Tracy LeFevre
Sent: Friday, 13 June 2014 12:47 PM
To: Louisa Brutto
Subject: FW: Message from sa5c2041101092.tcfua.org.au

From: scanner@tcfua.com.au [<mailto:scanner@tcfua.com.au>]
Sent: Friday, 13 June 2014 12:59 PM
To: Tracy LeFevre
Subject: Message from sa5c2041101092.tcfua.org.au

13th June 2014



The General Manager
Fair Work Commission
Level 4, 11 Exhibition Street
MELBOURNE VIC 3000

Dear Sir/Madam,

RE: TEXTILE, CLOTHING & FOOTWEAR UNION OF AUSTRALIA, NEW SOUTH WALES, SOUTH AUSTRALIAN AND TASMANIAN BRANCH REQUEST THAT AN ELECTION BE HELD

Please find attached the relevant documentation requesting the General Manager to arrange for the conduct of an election for the following position in the TCFUA NSW/SA/TAS Branch:

- President
- Vice President
- Secretary
- Assistant Secretary
- Trustees (2)
- Committee members (11)
- National Councilor
- Branch Organiser

Please find enclosed a copy of the Statement of lodgement of prescribed information to The Australian Electoral Commission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Barry Tubner', with a long horizontal flourish extending to the right.

Barry Tubner
Secretary
Textile Clothing and Footwear Union
NSW/SA/TAS Branch

Textile Clothing and Footwear Union of Australia
(NSW/SA/TAS Branch)

28 Anglo Rd Campsie NSW 2194

Email: tcfuansw@tcfua.org.au Ph: 02 9704 6000 Fax: 9787 1561

ABN 61 061 584 172 Secretary: Barry Tubner

yourrightsatwork
worth fighting and voting for

13th June 2014

Australian Electoral Commission
Senior Returning Officer
PO Box 496
HAYMARKET NSW 1239

**STATEMENT OF LODGEMENT OF PRESCRIBED INFORMATION
TEXTILE, CLOTHING AND FOOTWEAR UNION
OF AUSTRALIA, NSW/SA/TAS BRANCH**

I, Barry Tubner, being the Branch Secretary of the Textile Clothing and Footwear Union of Australia NSW/ SA/TAS Branch, make the following statement:

I am the Branch Secretary of the Textile Clothing and Footwear Union of Australia NSW/ SA/TAS Branch,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the NSW/SA/TAS branch of the Textile Clothing and Footwear Union of Australia, and

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

OFFICE OR POSITIONS FOR WHICH ELECTION REQUIRED

The offices or positions for which an election is required are as follows:

- President
- Vice President
- Secretary
- Assistant Secretary
- Trustees (2)
- Committee Members- NSW
- Committee Members- SA
- National Councillor
- Organiser

REASON FOR ELECTION

The reason for election of each office or position set out above is that the term of each office or position has expired or is due to expire in the normal course of events.

OFFICES OR POSITIONS WITH SAME NAME

The number of offices or positions with the same name which are able to be determined before the prescribed day are as follows:

- Trustees (2)
- Committee Members- NSW (7)
- Committee Members- SA (4)

COMPOSITION OF ELECTORATE

The electorate comprises the members of the NSW/South Australia Branch/ Tasmania Branch

PERIOD FOR CALLING OF NOMINATIONS

The date and time of the beginning and end of the period in which nominations of candidates will be called for or may be under the rules are to be determined by the Returning Officer in accordance with rule **42(d)(ii)** of the TCFUA Registered Rules.

CLOSING OF ROLL OF VOTERS

Pursuant to rule 42(d)(iv)(ba) of the TCFUA Registered Rules the roll of voters will close on the seventh day before the date determined for the opening of nominations.

KIND OF VOTING SYSTEM

The kind of voting system to be used in the conduct of the elections is a Direct Voting System.

Yours sincerely

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Barry Tubner
Secretary
Textile Clothing and Footwear Union
NSW/SA/TAS Branch