

Textile, Clothing and Footwear Union of Australia Victorian Branch Offices

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2006/E2006/105

Victorian Branch

Branch President

Candidate

MACPHERSON, Beth

Branch Vice President

Candidate

SMITH, Warren

Branch Secretary

Candidate

O'NEIL, Michele

Branch Assistant Secretary

Candidate

KRUSCHEL, Jenny

Branch Trustee (2)

Candidates

ANDERSON, Brett
PETERSON, Dorothy

Branch Committee Member (5)

Candidates

BATAL, Youssef
FRAZZETTO, Emma
JARVINEN, Timo
NGUYEN, Thi Ngoc Hanh

O'BRIEN, Mark

Branch Organiser

Candidate

PETERSON, Dorothy

National Councillor (2)

Candidates

MACPHERSON, Beth

SMITH, Warren

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

Sunila Patel
Returning Officer

30 May 2006

Australian Electoral Commission /AEC

Workplace Relations Act 1996 – Schedule 1B

RETURNING OFFICER - POST ELECTION REPORT

Client: TEXTILE CLOTHING & FOOTWEAR UNION OF AUSTRALIA (TCFUA)
Contact details: Ms Michele O'Neil
Victorian State Secretary
359 Exhibition St
Melbourne Vic 3000
Email: info@tcfvic.org.au
Tel: (03) 9639 2955

AIR contact officer: Larry Powell
Email: industrial.elections@air.gov.au
Tel: (03) 8661 7993

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2006/105
Election: Victorian Branch Offices

Returning Officer: Name: Sunila Patel

RULES

Rules used for elections Rule ID: [125V: Incorporates alterations of 5 April 2006
(R2006/127)
Rule/s re eligibility to vote: Rule 42
Rules difficult to apply/interpret: N/a
Model Rule reference (if any): N/a
Legal precedents considered: N/a
Action taken under section 193 of RAO
Schedule: N/a

ROLL OF VOTERS

As a Ballot was not required, therefore the Roll of Voters was not requested

ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no written complaints or allegations of irregularities

ATTACHMENT

A) Declaration of Results for Uncontested Offices

Sunila Patel
Returning Officer

30 May 2006

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Candidate

MACPHERSON, Beth

Branch Vice President

Candidate

SMITH, Warren

Branch Secretary

Candidate

O'NEIL, Michele

Branch Assistant Secretary

Candidate

KRUSCHEL, Jenny

Branch Trustee (2)

Candidates

ANDERSON, Brett
PETERSON, Dorothy

Branch Committee Member (5)

Candidates

BATAL, Youssef
FRAZZETTO, Emma
JARVINEN, Timo
NGUYEN, Thi Ngoc Hanh

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Branch Organiser

Candidate

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MACPHERSON, Beth
SMITH, Warren

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

Sunila Patel
Returning Officer

30 May 2006

Workplace Relations Act 1996
s.189 of Schedule 1 - arrangement for conduct of an election

Textile, Clothing and Footwear Union of Australia
(E2006/105)

T NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 1 MAY 2006

Arrangement for conduct of an election.

DECISION

[1] On 11 and 13 April 2006, the Victorian Branch of the abovenamed organisation lodged in the Industrial Registry prescribed information under subsection 189(1) of Schedule 1 of the Workplace Relations Act 1996 in relation to an election for the following offices;

Branch President
Branch Vice-President
Branch Secretary
Branch Assistant Secretary
Branch Trustees (2)
Branch Committee Members (5)
National Councillors (2)

[2] At the same time, the organisation lodged prescribed information under subsection 187(3) of Schedule 1 of the Workplace Relations Act 1996 in relation to an election for the following position;

Branch Organiser

[3] I am satisfied that an election for the abovenamed offices and position is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1 of the Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.





TEXTILE CLOTHING & FOOTWEAR UNION OF AUSTRALIA (VIC. BRANCH)

Larry Powell
Australian Industrial Registry
Level 35, Nauru House
80 Collins Street
MELBOURNE VIC 3000

State Secretary
Michele O'Neil

359 Exhibition Street
Melbourne Victoria 3000

PO Box 441
Carlton South Victoria 3053

Phone (03) 9639 2955

Country Members 1800 800 135

Fax (03) 9639 2944

Email info@tcfvic.org.au

Website www.tcfvic.org.au

13 April 2006

Dear Mr Powell

Lodgment of Prescribed information TCFUA Victorian Branch Elections

I refer to the above matter and our recent discussions regarding the status of the position of Branch Organiser as an "office" or otherwise.

We do not accept that the position of elected organiser is not an "office" as defined under section 9 of schedule 1 of the *Workplace Relations Act 1996*. However, in light of the preliminary view you have expressed, given that there will be no practical effect on the forthcoming elections and to avoid unnecessary difficulties, we will complete the requirements of Schedule 1 for elections for positions other than offices. In doing so, we reserve our position, and our agreement to your proposal for this year's elections should not be interpreted as agreement with the preliminary view you expressed.

Accordingly, enclosed for lodgment in the registry is a copy of a letter sent to the AEC pursuant to section 187.

We note that pursuant to s187(3), this information is to be provided to you "at the same time as the prescribed information in relation to the election is lodged". Accordingly we hereby withdraw our previous statement of prescribed information and enclose a new statement containing prescribed information on behalf of the Victorian Branch of the TCFUA to be lodged pursuant to s189 of Schedule 1 of the *Workplace Relations Act 1996*.

It is our view that notwithstanding the additional requirement imposed by s187, s189 and regulation 138 still require us to provide prescribed information in relation to both elections conducted for "offices" and elections conducted for "positions other than offices". This is because the terms of regulation 138, in particular subsection 1, provides: "For subsection 189(1) of the RAO Schedule, the following information is prescribed information for an election conducted for an office or for a position other than an office:..."

Accordingly our statement includes information regarding the Branch Organiser position.

Please feel free to contact me on 9639 2955 to discuss this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M O'Neil', written in a cursive style.

Michele O'Neil
State Secretary

cc: Statement of Lodgment of Prescribed Information
Copy of letter to AEC pursuant to s187 of Schedule 1 of *Workplace Relations Act 1996*

Workplace Relations Act 1996
Schedule 1B Registration and Accountability of Organisations

STATEMENT OF LODGEMENT OF PRESCRIBED INFORMATION

**TEXTILE, CLOTHING AND FOOTWEAR UNION
OF AUSTRALIA, VICTORIAN BRANCH**

I Michele O'Neil, Branch Secretary of the Victorian Branch of the Textile, Clothing and Footwear Union of Australia, state that the following prescribed information in relation to elections for offices and positions in the Victorian Branch of the Textile Clothing and Footwear Union of Australia is lodged pursuant to s189 of *Schedule 1 - Registration and Accountability of Organisations* to the *Workplace Relations Act 1996*.

Attachment A to this statement is a copy of our letter to the AEC pursuant to s187 of Schedule 1 requesting the AEC to conduct an election for the position of Branch Organiser (1). The following information also relates to that election.

REG 138(1)(a): 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 (5)
- Extra National Councillors (2)
- Branch Organisers (1)

REG 138(1)(b): REASON FOR ELECTION

The reason for the 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.

REG 138(1)(c): 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 (5)
- Branch Organisers (1)

- Extra National Councillors (2)

REG 138(1)(d): COMPOSITION OF ELECTORATE

The electorate comprises the members of the Victorian Branch

REG 138(1)(e): 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 made under the rules are to be determined by the Returning Officer in accordance with rule **42(d)(ii)**.

REG 138(1)(f): CLOSING OF ROLL OF VOTERS

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

REG 138(1)(g): KIND OF VOTING SYSTEM

The kind of voting system to be used in the conduct of the elections is a direct voting system.

Signed:



.....
Michele O'Neil

Date: 13 April 2006



TEXTILE CLOTHING & FOOTWEAR UNION OF AUSTRALIA (VIC. BRANCH)

ATTACHMENT A

John Nellor
Director – Industrial Elections
Australian Electoral Commission

By facsimile: 9285 7149

13 April 2006

State Secretary
Michele O'Neil

359 Exhibition Street
Melbourne Victoria 3000

PO Box 441
Carlton South Victoria 3053

Phone (03) 9639 2955

Country Members 1800 800 135

Fax (03) 9639 2944

Email info@tcfvic.org.au

Website www.tcfvic.org.au

TCFUA Victorian Branch Elections

I refer to the above matter.

Pursuant to s187 of Schedule 1 of the *Workplace Relations Act 1996* I hereby request that the AEC conduct elections for the following position in the Victorian Branch:

Branch Organiser (1)

Please contact me should you wish to discuss this request.

Yours sincerely

Michele O'Neil
Victorian State Secretary

cc: Industrial Registry, Australian Industrial Relations Commission



TEXTILE CLOTHING & FOOTWEAR UNION OF AUSTRALIA (VIC. BRANCH)

Iain Stewart
Australian Industrial Registry
Level 35, Nauru House
80 Collins Street
MELBOURNE VIC 3000

7 April 2006

Dear Mr Stewart

**Lodgment of Prescribed information
TCFUA Victorian Branch Elections**

I refer to the above matter.

Enclosed is a statement containing prescribed information on behalf of the Victorian Branch of the TCFUA to be lodged pursuant to s189 of Schedule 1 of the *Workplace Relations Act 1996*.

I also enclose a copy of my letter to you dated 10 March 2006 seeking advice on how to manage the filing of the prescribed information in a context where the union was part way through a rule-change process which impacted the number of ordinary members of the Victorian Branch Committee for which elections are necessary.

In accordance with your previous advice the union proceeded with the rule change and delayed lodgment of the prescribed information.

We were informed on 5 April 2006 that the rule change had been certified. Accordingly we now formally seek that the Registrar allow us to lodge the prescribed information (reflecting the rule change) at this time pursuant to the discretion provided by s189(2) of Schedule 1 of the *Workplace Relations Act 1996*.

Please feel free to contact me on 9639 2955 to discuss this matter.

Yours sincerely,

Michele O'Neil
State Secretary

Enc. Letter
Statement of Lodgment

State Secretary

Michele O'Neil

359 Exhibition Street
Melbourne Victoria 3000

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Carlton South Victoria 3053

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Workplace Relations Act 1996
Schedule 1B Registration and Accountability of Organisations

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Signed:



.....
Michele O'Neil

Date: 7th April 2006