

20 July 2016

Chief Executive
TFGA Industrial Association
primaryemployers@bigpond.com

Dear Chief Executive,



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 [E2015/309]. 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 TFGA Industrial Association 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;
 - 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

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)
Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. [include OLD name and address and NEW name and address of every branch that has changed]
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED/CEASED operation:
 1. [include name of each new branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

TFGA Industrial Association

ELECTIONS COVERED IN THIS REPORT

Election Decision Number: E2015/309

RULES

Rules used for the election: 002T: alterations of 3/7/2015 [R2015/134]

Rules difficult to apply/interpret: None

Model Rule reference: N/A

ROLL OF VOTERS

Total number of voters on the Roll for election of Executive Committee: 580

Number of workplace addresses: 236
(Rule 8 states that employers in the industry are eligible for membership)

Number of non-current addresses: 1

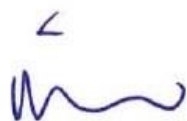
Other matters pertaining to the roll of voters: N/A

IRREGULARITIES

No irregularities were identified.

ATTACHMENTS

- 1) Declaration of Results for Uncontested Offices – Executive Committee
- 2) Declaration of Results for Contested and Uncontested Offices – Executive Committee Officers



Michael Horwood
Returning Officer

15 July 2016

TFGA Industrial Association

Stage 2 Elections

Declaration of Results for Contested and Uncontested Offices

E2015/309

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.

Executive Committee

Treasurer

Total number of names on the roll of voters	11
Ballot papers issued	10
Replacement ballot papers issued	0
Total Ballot Papers Issued	10
Ballot papers / envelopes returned for scrutiny	10
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	10
Percentage of ballot papers returned to number issued	100
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	0

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
BYARD, David	5	5
MILES, Keeton	5	5
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	10	10
Formal ballot papers	10	10
Informal ballot papers	0	0

Under Rule 31.12 of the TFGAIA, in the event of a tie – the Returning Officer determines the successful candidate by drawing lots. The result of this draw is attached.

As a result of the draw by lot - I declare David Byard elected.

President

Candidates

WILLIAMS, Glynn

I declare Glynn Williams elected.

Vice-President

Candidates

ARCHER, Gerald Robert

I declare Gerald Robert Archer elected.



Michael Horwood
Returning Officer
Australian Electoral Commission

15 July 2016

DRAW TO RESOLVE TIED BALLOT

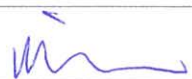
As per TFGAIA Rule 31.12

<i>Organisation:</i>	TFGIA
<i>Stage:</i>	Executive Elections – Stage 2
<i>Decision:</i>	E2016/89
<i>Scrutiny Date:</i>	15/07/2016
<i>Returning Officer:</i>	Michael Horwood

Record of draw to determine the result of election

<i>Office:</i>	TFGAIA Treasurer
<i>Number of vacancies:</i>	1

<i>Candidates:</i>	<i>Votes:</i>	<i>Order of draw:</i>
MILES, Keeton	5	2
BYARD, David	5	1

<i>Drawn by:</i>	<i>Date:</i>
MICHAEL HORWOOD 	15/07/2016

<i>Witnessed by:</i>	<i>Date:</i>
LOUISE STOKELL 	15/07/2016

TFGA Industrial Association Stage 1 Elections

Declaration of Results for Contested and Uncontested Offices

E2015/309

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.

Tasmania

Total number of names on the roll of voters	580
Ballot papers issued	580
Replacement ballot papers issued	0
Total Ballot Papers Issued	580
Ballot papers / envelopes returned for scrutiny	155
Less ballot papers / envelopes rejected at preliminary scrutiny	5
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	150
Percentage of ballot papers returned to number issued	26
Ballot papers returned as unclaimed mail	2
Ballot papers not returned	423

Executive Committee Member (10)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
ARCHER, Gerald	49	49
BAKER, Tony	1	0
FOSTER, L.D. (Ferdie)	7	7
MASON, Felicity	10	10
O'CONNOR, Warwick	8	8
WILLIAMS, Glynn	20	20
WALLER, Damian	2	3
BYARD, David	7	7
GRUBB, Benjamin	15	15
RIGGALL, Sam	21	21
MILES, Keeton	9	9
Total votes	149	149
Formal ballot papers	149	149
Informal ballot papers	1	1

I declare Gerald Archer, David Byard, L.D. (Ferdie) Foster, Benjamin Grubb, Felicity Mason, Keeton Miles, Warwick O'Connor, Sam Riggall, Damian Waller and Glynn Williams elected.

TFGA Industrial Association Stage 1 Elections

Declaration of Results for Contested and Uncontested Offices

E2015/309

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.

Tasmania

Total number of names on the roll of voters	580
Ballot papers issued	580
Replacement ballot papers issued	0
Total Ballot Papers Issued	580
Ballot papers / envelopes returned for scrutiny	155
Less ballot papers / envelopes rejected at preliminary scrutiny	5
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	150
Percentage of ballot papers returned to number issued	26
Ballot papers returned as unclaimed mail	2
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Executive Committee Member (10)

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ARCHER, Gerald	49	49
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WILLIAMS, Glynn	20	20
WALLER, Damian	2	3
BYARD, David	7	7
GRUBB, Benjamin	15	15
RIGGALL, Sam	21	21
MILES, Keeton	9	9
Total votes	149	149
Formal ballot papers	149	149
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I declare Gerald Archer, David Byard, L.D. (Ferdie) Foster, Benjamin Grubb, Felicity Mason, Keeton Miles, Warwick O'Connor, Sam Riggall, Damian Waller and Glynn Williams elected.

Executive Officer

Candidates

No nomination was received

No candidates elected.

Trustee

Candidates

BOWLING, Yvonne

I declare Yvonne Bowling elected.



Michael Horwood
Returning Officer
Australian Electoral Commission

14 June 2016



DECISION

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

TFGA Industrial Association (E2015/309)

MR ENRIGHT

MELBOURNE, 4 APRIL 2016

Arrangement for conduct of election.

[1] On 9 February 2016 the TFGA Industrial Association (the organisation) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to an election for the following offices:

Executive Committee member (10)

President

Vice President

Treasurer

Trustee

[2] At the same time the organisation lodged prescribed information in relation to an election for the position listed below. On 1 April 2016 the organisation lodged with the Commission a copy of a request to the Australian Electoral Commission (AEC) made under section 187 of the *Fair Work (Registered Organisations) Act 2009* to conduct an election for the following position:

Executive Officer

[3] Subsection 187(3) requires a copy of the request to the AEC made under subsection 187(1) to be lodged with the Commission at the same time as the prescribed information. The failure to lodge with the Commission a copy of the request at the same time as the prescribed information does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[4] I am satisfied that an election for the abovenamed offices and the above-named position 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 AEC.



DELEGATE OF THE GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

<Price code A, PR578304>

PRICE, Rachel

From: Gerald Archer [REDACTED]
Sent: Friday, 1 April 2016 1:50 PM
To: PRICE, Rachel
Subject: Fwd: TFGA Executive Officer Vacancy [SEC=UNCLASSIFIED]

Sent from my iPad

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Make sure you're **enrolled to vote**.
Visit www.aec.gov.au

[REDACTED]

From: Gerald Archer [REDACTED]
Sent: Thursday, 31 March 2016 10:06 PM
To: Michael Horwood [REDACTED]
Subject: Re: TFGA Executive Officer Vacancy [SEC=UNCLASSIFIED]

Dear Michael,

Thank you for helping with our election procedure.

As discussed today I am putting the request in writing.

The TFGA Industrial Association requests the Australian Electoral Commission to assist in the conduction of the election of our Executive Officer. It is also requested that this election be held in conjunction with the other 11 committee positions which fall due this year.

Could you please advise Primary Employers Tasmania of any requirements the Australian Election Commission may have to conduct the election for this office over and above those which are already required for the election for the other positions that the AEC is required to conduct under Fair Works Decision.

I hope this letter will suffice and once again I appreciate your assistance in this matter.

Sent from my iPad

On 31 Mar 2016, at 5:49 pm, Michael Horwood [REDACTED] wrote:

Yours Sincerely

Gerald Archer.

DISCLAIMER:

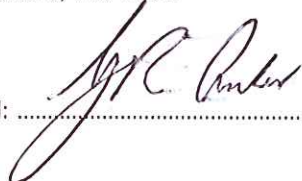
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Statement of Changes – 2016 Annual Elections

- (d) All financial members of the TFGA Industrial Association, with the exception of the President, Vice President and Treasurer where the electorate is the Executive Committee.
- (e) Call for nominations: To be determined by the Returning Officer
Close of nominations: To be determined by the Returning Officer
- (f) Close of Roll of Voters: 7 days before Nominations open
- (g)
 - (i) Direct voting system for Executive Committee.
 - (ii) Direct voting system for Trustee and Executive Officer.
 - (iii) Collegiate electoral system for President, Vice President and Treasurer

Regulation 138 (2)

I, Gerald Archer, hereby state that I am the Vice President of the TFGA Industrial Association. I am authorised to lodge the abovementioned prescribed information in relation to the forthcoming elections of the Association and I confirm the information is being lodged under Subsection 189 (1) of the Fair Work (Registered Organisations) Act 2009.

Signed: 

Date: 30/3/2016

3rd February 2016

General Manager
Fair Work Australia
GPO Box 1994S
MELBOURNE VIC 3001

orgs@fwc.gov.au

Dear Sir/Madam,

Re: TFGA Industrial Association – 2016 Annual Elections – Sub Section 189 (1) Regulation 138 of the Fair Work (Registered Organisations) Act 2009.

The following prescribed information is provided pursuant to Sub-Section 189 (1) and Regulation 138 (1) and (2) of the Fair Work (Registered Organisations) Act 2009.

- Regulation 138 (1)
- (a)
 - (1) Executive Committee
 - (2) President
 - (3) Vice President
 - (4) Treasurer
 - (5) Trustee
 - (6) Executive Officer
 - (b) The term of office is due to expire in the normal course of events;
 - (c)
 - 1. Ten (10) Executive Committee members
 - 2. One (1) Trustee
 - 3. One (1) Executive Officer
 - (d) All financial members of the TFGA Industrial Association
 - (e) Call for nominations: Friday 7th April 2016 at 12 noon
Close of nominations: Friday 21st April 2016 at 12 noon
 - (f) Close of Roll of Voters: Friday 1st April 2016 at 12 noon
 - (g)
 - (i) Direct voting system for Executive Committee.
 - (ii) Collegiate electoral system for President, Vice President and Treasurer

Regulation 138 (2)

I, Gerald Archer, hereby state that I am the Vice President of the TFGA Industrial Association. I am authorised to lodge the abovementioned prescribed information in relation to the forthcoming elections of the Association and I confirm the information is being lodged under Subsection 189 (1) of the Fair Work (Registered Organisations) Act 2009.

Signed: 

Date: 3rd FEBRUARY 2016

Yours sincerely,


Gerald Archer
Vice President