



7 August 2018

Mr Andrew Cameron
Executive Officer
TFGA Industrial Association
andrew@primaryemployers.com.au

Dear Mr Cameron

Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/273

On 12 July 2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/273 dated 12 July 2018. 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 9.3. 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

Carolyn Moloney

Registered Organisations Commission

12 July 2018

Post-election Report

TFGA Industrial Association E2017/273

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Election(s) Covered in this Report

Election Decision No/s: E2017/273

Rules

Rules used for the election: [002T: Incorporates alterations of 3 July 2015 (R2015/134)]

Rules difficult to apply/interpret: *Rule 9.3 Membership Application.* Every partnership is required to nominate one of its members to act as a nominee on behalf of the partnership or company and hold office in the Association.
The membership database needs to reflect this requirement.

Model Rule reference (if any) N/A

Roll of Voters

Total number of voters on the Roll: 532

Number of apparent workplace addresses: 532

Number of non-current addresses: Nil

Other matters pertaining to the roll of voters: Nil

Irregularities

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

Other Matters

None

Attachments

- 1) Declaration of Results for Contested Offices – TAS
- 2) Declaration of Results for Uncontested Offices – TAS



Rosemary Darwinkel
Returning Officer

12 July 2018

TFGA Industrial Association
DECLARATION OF RESULTS - E2017/273 – Stage 2
Uncontested Offices

Scheduled Election

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 are:

Executive Committee

President (1)

Candidate

RICHARDS, Felicity

Vice President (1)

Candidate

GRUBB, Benjamin

Treasurer (1)

Candidate

BYARD, David

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

R. Darwinkel

Rosemary Darwinkel
Returning Officer
Australian Electoral Commission
29/06/2018





26 June 2018

Mr Andrew Cameron
Executive Officer
TFGA Industrial Association
andrew@primaryemployers.com.au

Dear Mr Cameron,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of stage 1 contested offices for Tasmania [E2017/273]. 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, as soon as practicable after receiving the post-election report, 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 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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 are provided for in the RO Act.

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. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not 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

Christine Hibberd
Registered Organisations Commission

TFGA Industrial Association Stage 1 Election

Declaration of Results for Contested Offices

E2017/273

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	532
Ballot papers issued	532
Replacement ballot papers issued	0
Total Ballot Papers Issued	532
Ballot papers / envelopes returned for scrutiny	131
Less ballot papers / envelopes rejected at preliminary scrutiny	3
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	128
Percentage of ballot papers returned to number issued	25
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	401

Executive Committee Member (10)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
FERGUSON, Melissa	29	72
FOSTER, L.D. (Ferdie)	9	63
TERRY, Stephanie	6	74
ARCHER, Gerald Robert	27	64
WALLER, Damian	2	0
RIGGALL, Sam	9	78
BYARD, David	6	63
RICHARDS, Felicity	10	72
GRUBB, Benjamin	14	76
SUTHERLAND, Emma	5	72
LAWRENCE, Michele	8	73
Total votes	125	
Formal ballot papers	125	
Informal ballot papers	3	

I declare Melissa FERGUSON, Gerald ARCHER, Benjamin GRUBB, Sam RIGGALL, Michele LAWRENCE, Stephanie TERRY, Felicity RICHARDS, David BYARD, Emma SUTHERLAND and L.D. (Ferdie) FOSTER elected.

R. Darwinkel

Rosemary Darwinkel
Returning Officer
Australian Electoral Commission

18 June 2018



DECISION

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

TFGA Industrial Association
(E2017/273)

MR ENRIGHT

MELBOURNE, 26 MARCH 2018

Arrangement for conduct of election.

[1] As part of the Registered Organisations Commission’ (**ROC**) proactive approach to ensuring the democratic functioning of registered organisations, on 1 March 2018 the ROC made inquiries with the TFGA Industrial Association (**the Association**) about whether it intended to lodge prescribed information for an election which appeared, to the ROC, to be required under the Association’s rules.

[2] In response to the ROC’s inquiry, Executive Officer of the Association Mr Andrew Cameron advised that it was his belief that the Association had lodged the relevant prescribed information earlier in 2018.

[3] Analysis of records at the ROC identified that rather than lodge the relevant prescribed information required for an election under s 189(1) of the *Fair Work (Registered Organisations) Act 2009* (**the RO Act**), the Association had actually lodged an Annual Return of Information under s. 233(1) of the **RO Act** on 31 January 2018.

[4] As a result of the ROC’s proactive inquiries, on 5 March 2018 the TFGA Industrial Association lodged prescribed information for an election to fill the following offices:

Executive Committee Member (10)

President

Treasurer

Vice President

[5] It was clear from the document chronology and the actual prescribed information that the organisation did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (**the Regulations**). The prescribed information should have been lodged by 26 February 2018.

[6] The prescribed information lodged on 5 March 2018 declared that it was not being lodged within the prescribed period because the Association had lodged other documents, erroneously believing those other documents to relate to the required election. No request for a later lodgement date was included in the prescribed information.

[7] On 21 March 2018, the ROC invited the organisation to lodge a request for a later date to extend the day of lodgement of the prescribed information. In his response letter of 23 March 2018, Mr Cameron stated the delay in lodging prescribed information was due to the President being unable, for reasons provided in the letter, to attend to Association affairs.

[8] The particular reason for failing to lodge prescribed information within the relevant time period remains unclear, although it may have been a combination of matters referred to by the Association. What is clear is that the Association immediately reacted to the proactive advice provided by the ROC and took steps to remedy the matter.

[9] I have carefully considered all of the available information, including the reasons provided and the relatively short period of time involved and I allow on this occasion a later day for the lodgement of prescribed information under section 189(2) of the RO Act.

[10] 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 RO Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

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<PR351015>

23 March 2018

The Manager
Registered Organisations Commission
414 Latrobe Street,
Melbourne Victoria 3000

Dear Manager,

TFGA Industrial Association

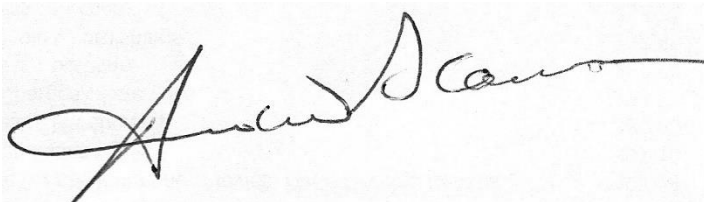
We refer to our telephone conversation.

We seek an extension to the time limit in which to file our Prescribed Information for Elections.

Our President, Felicity Richards, who signs our documentation, was in the final stages of pregnancy, giving birth to a daughter on 22 February, 2018.

With that happening she was otherwise engaged, and unable to attend to Association affairs.

Yours faithfully,



Andrew Cameron
Executive Officer
E: andrew@primaryemployers.com.au
M: 0407 200 909

**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, Felicity Richards, being the President of the TFGA Industrial Association, make the following statement:

1. I am authorised to sign this statement containing prescribed information for TFGA Industrial Association.
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. This statement is not lodged at least 2 months before nominations open for the election below. The reason it is lodged after the prescribed time is:

The Executive Officer, upon talking to the ROC, lodged another form that was otherwise required, in error.

Signed: 

Dated: 2 March, 2018

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
Tasmania	Executive Committee Member	10	DVS	Scheduled	All financial members of TFGA Industrial Association – Rule 30
	President	1	Collegiate	Scheduled	Members of Executive Committee – Rule 31
...	Treasurer	1	Collegiate	Scheduled	Members of Executive Committee – Rule 31
	Vice President	1	Collegiate	Scheduled	Members of Executive Committee – Rule 31
...					

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	26 April, 2018 (Rule 30)	28 June, 2018
Nominations CLOSE	Noon, 9 May, 2018 (Rule 30)	28 June, 2018
Roll of Voters cut off date	Noon, 13 April, 2018	28 June, 2018

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as *'to be determined by the returning officer'*. Casual vacancies must be accompanied by proof of resignation and attached to this statement.

DECLARATION

(1) Here insert name, address and occupation of person making the declaration.

I,

Felicity Richards of PO Box 3014 Launceston, Tasmania 7250

Being the President of the TFGA Industrial Association certify in accordance with Section 233 (1) (a) and (b) of the Fair Work (Registered Organisations) Act 2009 that:

- 1 (a) The Register of Members of the TFGA Industrial Association has for the calendar year 2017 been kept and maintained as required by paragraph 230 (1) (a) and subsection 230 (2) of the Fair Work (Registered Organisations) Act 2009; and
- 1 (b) A copy of the records required to be kept under paragraphs 230 (1) (b), (c) and (d) and Regulation 147 of the Fair Work (Registered Organisations) Act 2009 is a correct statement of the information contained in those records.

(2) Here insert matter declared to. Where the matter is long, add the words "as follows" and set the matter out in numbered paragraphs.

- (2) The principal and only office of the TFGA Industrial Association is situated at 28 Garfield Street, South Launceston, Tasmania.
- (3) The list of offices and details of persons holding office of the TFGA Industrial Association are as follows:

President:

From 1 January, 2017	Glynn Williams
To 21 September, 2017	(Farmer) PO Box 3014, Launceston Tas 7250

From 21 September, 2017	Felicity Richards
To 16 November, 2017	(Farmer) PO Box 3014, Launceston Tas 7250

Acting President:

From 16 November, 2017	Benjamin Grubb
	(Farmer) PO Box 3014, Launceston, Tas 7250

Vice President:

From 1 January, 2017	Gerald Archer
To 21 September, 2017	(Farmer)
Retired	PO Box 3014, Launceston, Tas 7250

From 21 September, 2017	Benjamin Grubb
To 16 November, 2017	(Farmer) PO Box 3014, Launceston, Tas 7250

Treasurer:

From 29 June, 2017	David Byard
To 16 November, 2017	(Farmer) PO Box 3014, Launceston, Tas 7250

Trustee:

From 1 January, 2017	Yvonne Bowling
	(Farmer) PO Box 3014, Launceston Tas 7250

Executive Officer:

From 1 January, 2017 Andrew Stuart Cameron
(Executive Officer)
PO Box 3014 Launceston ,Tas 7250

Executive Committee:

From 1 January, 2017 Warwick O'Connor
(Farmer)
PO Box 3014, Launceston, Tas 7250

From 1 January, 2017 Sam Riggall
(Farmer)
PO Box 3014, Launceston Tas 7250

From 1 January, 2017 Ferdie Foster
(Farmer)
PO Box 3014, Launceston Tas 7250

From 1 January, 2017 Ben Grubb
(Farmer)
PO Box 3014, Launceston Tas 7250

From 1 January, 2017 Felicity Richards
To 16 November, 2017 (Farmer)
PO Box 3014, Launceston Tas 7250

From 1 January, 2017 Damian Waller
(Farmer)
PO Box 3014, Launceston Tas 7250

From 1 January, 2017 David Byard
To 16 November, 2017 (Farmer)
PO Box 3014, Launceston, Tas 7250

From 1 January, 2017 Glynn Williams
(Farmer)
PO Box 3014, Launceston Tas 7250

TFGA Industrial Association is required by its rules to call for nominations for the offices of ten members of the Executive Committee in each year and for the office of Trustee and Executive Officer in each fourth year.

- (4) The four-year term for the office of Trustee and Executive Officer will expire in June 2020.

The Offices of President, Vice President and Treasurer shall be elected annually by and from the members of the Executive Committee.

- (5) In accordance with paragraph 230(1)(d) Regulation 147(f) of the Fair Work (Registered Organisations) Act 2009, the number of members of the TFGA Industrial Association as at the 31st December 2017 was 533.

(3) Signature of
person
making the
declaration

Declared at LAUNCESTON on the 5 March, 2018 by



Felicity Richards
President

ANNEXURE A

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PO Box 3014 Launceston ,Tas 7250

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(3) Signature of
person
making the
declaration

Declared at LAUNCESTON on the 5 March, 2018 by



Felicity Richards
President