



TIMBER TRADE INDUSTRIAL ASSOCIATION

6 February 2018

BY EMAIL to: industrial.elections@aec.gov.au

Attention: Ms Kathryn Montgomery/Returning Officer

Australian Electoral Commission
GPO Box 2983
Melbourne VIC 3001

Dear Madam

Your Ref: Post-Election Report E2017/124

I acknowledge receipt of your email dated 10 January 2018 together with the Post-Election Report E2017/124 dated 10 January 2018.

I note the reference in the above Report to Rule 27(16) of TTIA's Rules. TTIA intends to take action in relation to the rule. This matter will be discussed at the next in session TTIA Council meeting when TTIA's Council will have the opportunity to consider and discuss the Post-Election Report and in particular Rule 27(16). TTIA's Council will also consider the information provided on page 4 of the Post-Election Report with respect to Rule 30 of TTIA's Rules.

If you have any questions, please do not hesitate to contact me. My contact number is 02 9264 0011.

Yours sincerely

Brian Beecroft
Chief Executive Officer
Timber Trade Industrial Association



12 January 2018

Mr Allan Stewart
President
Timber Trade Industrial Association
ttia@ttia.asn.au

Dear Mr Stewart,

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 and 2 uncontested offices for Councillors (8), President (1), Senior Vice-President (1), Vice-President (1) and Secretary-Treasurer (1) [E2017/124]. 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 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 Timber Trade 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

Mitch Webster
Registered Organisations Commission

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 operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

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)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

ANNEXURE A

- 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	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						



12 January 2018

Mr Allan Stewart
President
Timber Trade Industrial Association
ttia@ttia.asn.au

Dear Mr Stewart,

Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/124

On 10/01/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/124 dated 10/01/2018. 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 27 (16). 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

Mitch Webster

Registered Organisations Commission

10 January 2018

Post-Election Report

Timber Trade Industrial Association E2017/124

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Election(s) Covered in this Report

Election Decision No/s: E2017/124

Rules

Rules used for the election:	077N: Incorporates alterations of 01/01/2014 determined on 04/12/2013 (R2013/78)
Rules difficult to apply/interpret:	<p>Rule 27 (16) <i>If any member entitled to vote in the election will be unable to vote due to absence, he may approach the Returning Officer, seek a ballot paper and cast an absent vote prior to the election in accordance with the directions given by the Returning Officer.</i></p> <p>The wording of this rule may be confusing to some members. A member may approach the Returning Officer prior to the election and request ballot material be sent to an alternate address if they will be absent during the ballot period. Ballot material is not available prior to the opening of the ballot. I suggest the wording be revised accordingly.</p>
Model Rule reference (if any)	N/A

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: N/A

Other Matters

Election of Office Bearers Rule 30 completed within 40 days.

The timeframes in Rule 30 are difficult to adhere to and may adversely affect members, consideration should be given to extending the period to take into consideration current mail delivery times, particularly for country and remote areas of the state, and the time allocated for members to complete each stage of the election. Suggested timeline, 8- 9 weeks from notification; Notice of election/nominations sent to members - close of nominations – allow up to 3 weeks for nominees to complete nomination form, obtain signature of their nominator and return the form to Returning Officer. The Returning Officer then needs to complete eligibility checks, and if required allow a minimum 7 day defect period, then prepare and post ballot material if required – allow 2 weeks. Rule 30 (10) provides a minimum ballot period of 14 days, as mail to some non-metro locations can take up to 7 days both ways in transit a minimum ballot period of 3 – 4 weeks is recommended.

Rule 30 (2) The Returning Officer shall deliver by hand or forward by post. Consideration should be given to amending this rule to include delivery of the notice by post or electronic means (email). A posted notice may take up to a week to reach country/remote areas of the state.

Attachments

- 1) Declaration Result Stage 1 Uncontested Councillors
- 2) Declaration Result Stage 2 Uncontested Office Bearers



K Montgomery
Returning Officer

10 January 2018

Timber Trade Industrial Association Councillors Election (Stage 1)

Declaration of Results for Uncontested Offices

E2017/124

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.

Election of Councillors (8)

Candidates

HETHERINGTON, Jill

LEWIS, Wayne

MCINTYRE, Lynette Alison

PRICE, Ashley John

STEWART, Allan

No further nominations were accepted

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



Kathryn Montgomery
Returning Officer

19 September 2017

Timber Trade Industrial Association Office Bearers - Stage 2

Declaration of Results for Uncontested Offices

E2017/124

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.

President

Candidates

STEWART, Allan

Senior Vice-President

Candidates

No nomination was received

Vice-President

Candidates

PRICE, Ashley John

Secretary-Treasurer

Candidates

No nomination was received

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



Kathryn Montgomery
Returning Officer

12 October 2017



DECISION

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

Timber Trade Industrial Association (E2017/124)

MR ENRIGHT

MELBOURNE, 7 JUNE 2017

Arrangement for conduct of election.

[1] On 1 June 2017 the Timber Trade Industrial Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Councillor	(8)
President	(1)
Senior Vice-President	(1)
Vice-President	(1)
Secretary-Treasurer	(1)

[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 COMMISSIONER

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From: Judith Sharp <ttia@ttia.asn.au>
Sent: Thursday, 1 June 2017 10:51 AM
To: ROC - Registered Org Commission
Subject: Election for offices [E2017/124] - Timber Trade Industrial Association
Attachments: 01062017093701-0001.pdf

Importance: High

Find attached Prescribed Information for Elections as requested.

Regards,

Judith Sharp
Admin / Industrial Enquiry Officer
Timber Trade Industrial Association
PO Box 236
Darlinghurst
NSW 1300
Tel: (02) 9264 0011
Fax: (02) 9264 1924

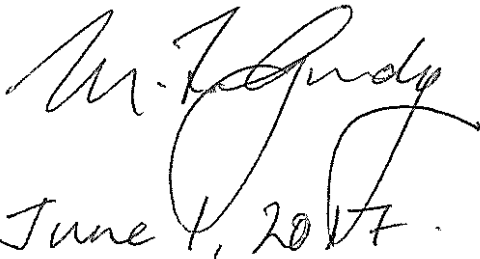
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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, Mark Grundy, being the Secretary/Treasurer of the Timber Trade Industrial Association, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Timber 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** lodged at least 2 months before nominations open for the election below.

Signed:



Dated:

June 1, 2017.

[PLEASE NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.]



8 May 2017

Ms Janet Gilbert
Industrial Officer
Timber Trade Industrial Association

Sent via email: janetgilbert@ttia.asn.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Ms Gilbert,

Courtesy Letter - Election for offices [E2017/124]

The rules of the Timber Trade Industrial Association indicate that an election for offices within the organisation is due to commence shortly.

- Councillors
- Office Bearers

It appears that nominations for the election for the above-named offices open in August this year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to regorgs@roc.gov.au. If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the Commissioner within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that consent to a later day will be allowed.

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2017/124]

Should you seek any clarification in relation to the above, please contact the ROC on regorgs@roc.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sam Gallichio', written in a cursive style.

Sam Gallichio
Adviser
Registered Organisations Commission