



**TIMBER TRADE INDUSTRIAL ASSOCIATION**

21 February 2018

**BY EMAIL to:** [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

**Attention: Ms Christine Hibberd**

Registered Organisations Commission  
GPO Box 2983  
Melbourne VIC 3001

Dear Madam

**Timber Trade Industrial Association  
AEC Post-Election Report E2017/237**

I refer to your letter addressed to Mr Mark Grundy, the Secretary/Treasurer of the Timber Trade Industrial Association (TTIA) dated 24 January 2018 with respect to the above AEC Post-Election Report E2017/237.

In order to ensure compliance with Section 198(6) of the *Fair Work (Registered Organisations) Act 2009* and Regulation 142 of the *Fair Work (Registered Organisations) Regulations 2009*, please find attached:

1. AEC Post-Election Report E2017/237; and
2. A copy of the Timber Trade Industrial Association's Response to the AEC dated 21 February 2018.

To ensure compliance with Section 198(6)(b)(i) of the above Act, I declare that copies of the above documents will be provided to any member of TTIA who so requests this information. This information is also available on TTIA's website. Also, TTIA will meet the requirements outlined in Section 198(6)(b)(ii) of the above Act when the next TTIA Circular goes out to all TTIA members in the near future.

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

Yours faithfully

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

Brian Beecroft  
Chief Executive Officer  
Timber Trade Industrial Association



**TIMBER TRADE INDUSTRIAL ASSOCIATION**

21 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 E2017/237**

I acknowledge receipt of your email dated 23 January 2018 together with the Post-Election Report E2017/124 dated 23 January 2018.

I note the reference in the above Report to Rules 27(16), 27 and 30 with respect to TTIA's Rules. TTIA intends to take action in relation to these rules. 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 Rules 27(16), 17 and 30. 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



24 January 2018

Mr Mark Grundy  
Secretary /Treasurer  
Timber Trade Industrial Association  
ttia@ttia.asn.au

Dear Mr Grundy

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/237**

On 23/01/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/237 dated 23/01/2018. 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 rules 27(16), 27 and 30. 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](mailto: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

**Christine Hibberd**

**Registered Organisations Commission**

23 January 2018

# Post-Election Report

**Timber Trade Industrial Association E2017/237**

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## Election(s) Covered in this Report

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Election Decision No/s: E2017/237

## Rules

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Rules used for the election: 077N: Incorporates alterations of 01/01/2014 determined on 04/12/2013 (R2013/78)

Rules difficult to apply/interpret: Rule 27 (16) *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.*

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.

Withdrawal of Nominations. Election rules 27 and 30 are defective in that they make no provision for the withdrawal of nominations. The rules should be amended to provide direction to candidates of the date and means by which nominations may be withdraw. For example, withdrawal of a nomination must be in writing and be provided to the Returning Officer prior to the date and time nominations close.

Model Rule reference (if any) N/A

## Roll of Voters

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



## Irregularities

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

Other irregularities identified, and action taken: N/A

## Other Matters

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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 minimum. 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

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



K Montgomery  
Returning Officer  
23 January 2018

# Timber Trade Industrial Association Election E2017/237 Office Bearers

## Declaration of Results for Uncontested Offices

**E2017/237**

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.

### Senior Vice-President

Candidates

McINTYRE, Lynette Alison

### Secretary-Treasurer

Candidates

GRUNDY, Mark

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

22 January 2018



10 January 2018

Mr Mark Grundy  
Secretary /Treasurer  
Timber Trade Industrial Association  
ttia@ttia.asn.au

Dear Mr Grundy,

### **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 uncontested offices for Councillors (3) [E2017/237]. 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].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  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]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> 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](mailto: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.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<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>						

# Timber Trade Industrial Association Councillors Election (Stage 1)

## Declaration of Results for Uncontested Offices

**E2017/237**

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 (3)

#### Candidates

GRUNDY, Mark  
CRUMP, Luke

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  
20 December 2017





## DECISION

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

**Timber Trade Industrial Association**  
(E2017/237)

MR ENRIGHT

MELBOURNE, 13 NOVEMBER 2017

*Arrangement for conduct of election.*

[1] On 1 November 2017 the Timber Trade Industrial Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices, due to insufficient nominations received in a previous election (**E2017/124**):

Councillor	(3)
Secretary-Treasurer	(1)
Senior Vice-President	(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:** Wednesday, 1 November 2017 12:23 PM  
**To:** ROC - Registered Org Commission  
**Subject:** TTIA PI Casual election  
**Attachments:** Declaration Uncontested Offices S1 TTIA.pdf; Declaration Result TTIA E2017-124 Office Bearers[1].pdf; Insufficient nominations.doc

**Importance:** High

*To whom it may concern:*

*Further to a conversation with Michael yesterday, I have attached the revised form for "insufficient nominations".*

*With regard to Mr Mark Grundy signing the form as Secretary/Treasurer I refer to the following provisions from our the TTIA rules which, from our reading, we believe apply in this matter.*

26.5                    *Secretary/Treasurer shall remain in office until AGM.*  
30.18 (18)           *After the election of a new Council and until such time as the new office bearers are elected the Retiring office bearers of the Association shall continue to hold office notwithstanding the election of the new Council and any other Rule herein contained but only until such time as the new office bearers are elected.*

*Please let me know if I need to do anything further at this point. Our AGM is scheduled for 14 December 2017.*

*Regards,*

*Judith Sharp  
Admin / Industrial Enquiry Officer*



**Timber Trade**  
**Industrial Association**

*PO Box 236  
Darlinghurst  
NSW 1300  
Tel: (02) 9264 0011*

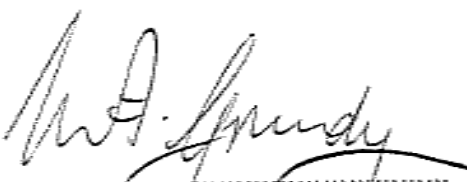
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**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009***

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 Trade 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.

1. Insufficient nominations were received in an earlier election and the declaration of result is attached.



.....  
Secretary/Treasurer – Mark Grundy

Dated: 1 /11/ 2017

**ANNEXURE A**

- Elections that are required [*insert as many pages as required*]:

<b>Branch</b>	<b>Name of Office</b>	<b>Number required</b>	<b>Voting System</b>	<b>Reason for Election</b>	<b>Electorate</b>
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
<i>National</i>	<i>Councillors</i>	<i>3</i>	<i>DVS</i>	<i>Insufficient Nominations</i>	<i>National Council (rule 5)</i>
<i>National</i>	<i>Secretary/Treasurer</i>	<i>1</i>	<i>DVS</i>	<i>Ditto</i>	<i>"</i>
<i>National</i>	<i>Senior Vice President</i>	<i>1</i>	<i>DVS</i>	<i>Ditto</i>	<i>"</i>

- Important dates:

	<b>Direct Voting System</b>
<b>Nominations OPEN</b>	<i>To be determined by the returning Officer</i>
<b>Nominations CLOSE</b>	<i>" "</i>
<b>Roll of Voters cut off date</b>	<i>" "</i>