



22 March 2016

Mr Gregory McConville
Secretary
United Firefighters' Union of Australia-Australian Capital Territory Branch

By email: secretary@ufuact.asn.au

Dear Mr McConville,

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 [E2015/298]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

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.

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 United Firefighters' Union of Australia-Australian Capital Territory Branch 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

Annastasia Kyriakidis
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 orgs@fwc.gov.au.]

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)

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	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
National	1.1.2014	Secretary	Full Name	Retiring	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Scheduled Election	Full Name	As above	mechanic
...							
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Resignation	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Scheduled Election	Full Name	As above	mechanic
		Treasurer	Full Name	Scheduled Election	vacant	vacant	vacant
...							

From: Marie Malfitana [mailto:Marie.Malfitana@aec.gov.au]
Sent: Tuesday, 22 March 2016 1:34 PM
To: ufuact@gmail.com; Orgs
Cc: Renee Damasena
Subject: Matter E2015/298 - PER and Declaration of Results [DLM=For-Official-Use-Only]

For-Official-Use-Only

Attention: Mr Gregory McConville
Acting Branch Secretary
United Firefighters' Union of Australia – ACT Branch

Via email: ufuact@gmail.com

Dear Mr. McConville,

United Firefighters' Union of Australia (UFUA) – ACT Branch – E2015/298

I refer to the above election for UFUA – ACT Branch.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* (“the Act”) requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a Post Election Report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the Post Election Report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Regulations 2009* requires an organisation or branch to publish a notice on its website advising members that a copy of the Post Election Report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Regards

Ms. Renee Damasena | Senior Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6361 | M: 0423 001 101 | F: (02) 6215 9910



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

For-Official-Use-Only



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

United Firefighters' Union of Australia (UFUA) – ACT Branch

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2015/298

RULES

Rules used for the election: 259V: Incorporates alterations of 1/09/2014
[R2014/166] replaces rulebook dated 10/12/2013
[R2013/95]

Rules difficult to apply/interpret: Rule 74 (1) contains a number of methods for lodging nominations – to simplify the lodgement and to provide flexibility for modern means of lodgement, the rule should simply say that “nominations must be lodged with the Returning Officer before the closing of nominations:

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 331

Number of apparent workplace addresses: Nil

Number of non-current addresses: 2

Other matters pertaining to the roll of voters: Nil

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil



ATTACHMENTS

Declaration for Uncontested Offices – Branch President and Branch Secretary



Declaration for Contested Offices – Branch Junior Vice President



Renee Damasena
Returning Officer
22 March 2016

United Firefighters' Union of Australia UFUA - ACT Branch vacancy election E2015/298

Declaration of Results for Uncontested Offices

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.

ACT Branch

Branch President

Candidates

PERIC, Mate

Branch Secretary

Candidates

MCCONVILLE, Greg

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



Renee Damasena
Returning Officer

10 February 2016

**United Firefighters' Union of Australia
UFUA - ACT Branch vacancy election E2015/298**

Declaration of Results for Contested Offices

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.

ACT Branch

Total number of names on the roll of voters	331
Ballot papers issued	331
Replacement ballot papers issued	2
Total Ballot Papers Issued	333
Ballot papers / envelopes returned for scrutiny	146
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	145
Percentage of ballot papers returned to number issued	43%
Ballot papers returned as unclaimed mail	5
Ballot papers not returned	182

Branch Junior Vice President

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
HALL, Neal	28	28
HOLLOWAY, Damian	117	117
Total votes	145	145
Formal ballot papers	145	145
Informal ballot papers	0	0

I declare Damian Holloway elected.



Renee Damasena
Returning Officer
Australian Electoral Commission

29 February 2016



DECISION

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

United Firefighters' Union of Australia
(E2015/298)

MR ENRIGHT

MELBOURNE, 17 DECEMBER 2015

Arrangement for conduct of election.

[1] On 9 December 2015 the Australian Capital Territory Branch of the United Firefighters' Union of Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following office, due to insufficient nominations received in a previous election (E2015/72):

Branch Junior Vice President

[2] The prescribed information also related to an election to fill casual vacancies, for the remainder of the term of office, in the following offices:

Branch President
Branch Secretary

[3] 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 GENERAL MANAGER

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I, Gregory Francis McConville, being the Acting Secretary of the United Firefighters Union of Australia A.C.T. Branch, make the following statement:

I am the Acting Secretary of the United Firefighters Union of Australia A.C.T. Branch,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the A.C.T. Branch of the United Firefighters Union of Australia, and

I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

Signed: 

Dated: 7 December 2015

Offices/Positions

A	Branch President (Direct Voting System)
	Branch Secretary (DVS)
B	Branch Junior Vice-President (DVS)

Reasons for election:

- Election for offices marked A is required to fill casual vacancies that have recently occurred. Annexure A is a copy of the resignation email received from outgoing Branch President Mr. Brett Baulman. Annexure B is a copy of the resignation of previous Branch Secretary Mr Paul Swain.
- Election for the office marked B is required to fill a casual vacancy which arises because there were no nominations received for this position in election E2015/72.

Elected by:

- The electorate for the direct voting system is the whole of the Branch (Schedule 7 rule 1(b))

Preferred Dates:

The Branch Committee of Management passed a resolution setting out our preferred dates for the election, which appear below. The resolution provided that in the event that should those dates not be able to be accommodated, the Acting Secretary is empowered to draft an alternative timetable for approval by BCOM email ballot.

Nominations open:

- For offices to be elected by direct voting system - the first Monday 21 December 2015.

Nominations close:

- For offices to be elected by direct voting system - 12 noon, Sunday 10 January 2016.

Cut off date for roll:

- In all cases - 7 days prior to the opening date for nominations (rule 27)

Nominations can be withdrawn

- No later than 5 pm Friday 15th January 2016

In the event of a Ballot:

- Ballots to be issued on 22 January 2016
- Ballot closes at 5 pm on 4 February 2016