



21 March 2016

Mr Peter J Marshall
National & Victorian Branch Secretary
United Firefighters' Union of Australia

By email: p.marshall@ufuvic.asn.au

Dear Mr Marshall,

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 [E2015/277]. 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 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

Anastasia 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 |
|-----------------|---|---------------------------------------|---------------------------------------|---------------------------|----------------------------------|--|--|
| <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> |
| ... | | | | | | | |

United Firefighters' Union of Australia National Offices

Declaration of Results for Uncontested Offices

E2015/277

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.

National President

Candidates

NORTHCOTT, Greg

National Secretary

Candidates

MARSHALL, Peter James

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



Danielle Paterson
Returning Officer

24 February 2016

Reference: V16/9

Mr Peter Marshall
National Secretary
United Firefighters' Union of Australia
410 Brunswick Street
FITZROY VIC 3065

**Post Election Report For: United Firefighters' Union of Australia
Election E2015/277 – National Offices**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia 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 Schedule 1 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) Act 2009 requires an organisation or branch to publish a notice on its web site 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.

Danielle Paterson
Returning Officer

18 March 2016

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

United Firefighters' Union of Australia

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2015/277

RULES

Rules used for the election: 259V: Incorporates alterations of 1/9/2014 [R2014/166]
replaces rulebook dated 10/12/2013 [R2013/95]

Rules difficult to apply/interpret: 23(4)(c)
The candidate's nomination is received by the National Returning Officer at a predetermined postal address notified pursuant to Sub-Rule (3) hereof.

23(3) call for nominations for election to National Officer ... by notification ... Such notification shall include the address to which nominations are to be forwarded.

A review of these rules is recommended to allow the Returning Officer to determine the method of lodgement of nominations. The Returning Officer could then provide a range of options to allow for efficient and cost-effective methods for lodgement of nominations.

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 18 (Ballot not required)

Number of apparent workplace addresses: 3 (16.6%)

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: Nil

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results

Danielle Paterson
Returning Officer

18 March 2016



DECISION

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

United Firefighters' Union of Australia
(E2015/277)

MR ENRIGHT

MELBOURNE, 27 NOVEMBER 2015

Arrangement for conduct of election.

[1] On 20 November 2015 the United Firefighters' Union of Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

National President
National Secretary

[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 GENERAL MANAGER

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Notice and Statement of Prescribed Information for an Election¹

I, Peter Marshall being the National Secretary of the United Firefighters Union of Australia make the following statement:

I am the National Secretary of the United Firefighters Union of Australia.

I am authorised to lodge the following prescribed information concerning forthcoming elections for the National Secretary and National President 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: 20 November 2015

Offices/Positions

| | |
|---|---------------------------------|
| A | National Secretary (Collegiate) |
| | National President (Collegiate) |

Reasons for election:

- Election for offices marked A are required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Elected by:

- The electorate for collegiate electoral system is by and from the National Committee of Management totalling 18 at the Annual Meeting 2016 (Rule 23(1) which will be held on 22 March.

Nominations open:

- In all cases on 21 January 2016 (Rule 23(3))

Nominations close:

- In all cases on 21 February 2016 (Rule 23(4)(c))

Cut off date for roll:

- In all cases on 7 March 2016 (Rule 23(7))
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