



26 April 2019

Peter Marshall  
National & Victorian Branch Secretary  
United Firefighters' Union of Australia  
Sent via email: p.marshall@ufuvic.asn.au

Dear Peter Marshall

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/203**

On 28/03/2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/203. 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 23(8) and 23(11). 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**

28 March 2019

# Post-election report

United Firefighters' Union of Australia  
Scheduled election  
E2018/203

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# Election(s) Covered in this Report

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Organisation: United Firefighters' Union of Australia  
Election: Scheduled  
Election Decision No/s: E2018/203

## Rules

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Rules used for the election: 259V: Incorporates alterations of 08/03/2018  
Rules difficult to apply/interpret: Rule 23 (8) and Rule 23 (11) (refer *Other Matters*, below)  
Model Rule reference (if any): N/A  
For more details see the Model Rules on the AEC website:  
([https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections))

## 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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Returning Officer actions required (Section 193): Nil  
Details:

While it was not necessary to apply Section 193 to this election, in the planning for the election the Returning Officer identified that the rules governing this election may need to be amended.

Specifically, the Returning Officer would be unable to comply with both Rule 23 (8) and Rule 23 (11) in the event that the election was to proceed to a ballot for either or both of the National Secretary and National President positions. (I note that this did not occur for E2018/213 as one nomination was received for each vacant position).

Rule 23 (8) states:

*The ballot for National Officer Positions shall close at 5 p.m. on the first day of the National Committee of Management Election Meeting*

Rule 23 (11) states:

*The National Returning Officer shall declare to the National Committee of Management Election Meeting the result of the ballot as soon as the count is completed.....*

I understand that, historically, the National Committee of Management Election Meeting was conducted as a face to face meeting held over multiple days. However the meeting is now held as a teleconference during business hours and on one day only.

If this is correct, it would not be possible to close the ballot at 5pm (as per rule 23 (8)) and declare the result of the ballot at the meeting (as per Rule 23 (11)).

An amendment to Rule 23(8) may be required. One approach could be to amend this rule to enable the Returning Officer to close the ballot on at least one (and preferably two) business days before the National Committee of Management Election Meeting.

## Signed

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David Murphy  
Returning Officer  
Australian Electoral Commission  
E: vicelections@aec.gov.au  
P: 03 9285 7104  
28 March 2019



26 March 2019

Mr Peter J Marshall  
National & Victorian Branch Secretary  
United Firefighters' Union of Australia  
p.marshall@ufuvic.asn.au

Dear Mr Marshall,

### **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 uncontested offices for National Office [E2018/203]. 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 postelection 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 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. 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**



**United Firefighters' Union of Australia**  
**DECLARATION OF RESULTS - E2018/203**  
**Uncontested Offices**

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**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:

**National Secretary (1)**

Candidates

MARSHALL Peter

**National President (1)**

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.



David Murphy  
Returning Officer  
Telephone: 03 9285 7104  
Email: [vicelections@aec.gov.au](mailto:vicelections@aec.gov.au)  
12/03/2019





## DECISION

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

**United Firefighters' Union of Australia**  
(E2018/203)

MR ENRIGHT

MELBOURNE, 3 DECEMBER 2018

*Arrangement for conduct of election.*

[1] On 15 November 2018 the United Firefighters' Union of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

National Secretary	(1)
National 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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**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, PETER MARSHALL, being the NATIONAL SECRETARY of the UNITED FIREFIGHTERS UNION OF AUSTRALIA, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the United Firefighters Union of Australia.
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.

No rule alterations are pending that will impact the election.

4. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:



Dated: 15 November 2018

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

**ANNEXURE A**

- Elections that are required *[insert as many pages as 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
<i>National</i>	<i>Secretary</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Committee of Management (Rule 23(1)) – National Committee of Management election meeting will be held on 22 March 2019 by telephone conference</i>
<i>National</i>	<i>President</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Committee of Management (Rule 23(1)) - National Committee of Management election meeting will be held on 22 March 2019 by telephone conference</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>		<i>21 January 2019 – no less than 2 full months immediately prior to the National Committee of Management election meeting (Rule 23(3))</i>
<b>Nominations CLOSE</b>		<i>21 February 2019 – one full month immediately prior to the National Committee of Management election meeting (Rule 23(4)(c))</i>
<b>Roll of Voters cut off date</b>		<i>7 March 2019 (Rule 23(7))</i>

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.