



16 May 2019

Gregory McConville
National President - ACT Branch Secretary
United Firefighters' Union of Australia-Australian Capital Territory Branch
Sent via email: secretary@ufuact.asn.au

cc: National Office -
p.marshall@ufuvic.asn.au

Dear Gregory McConville,

Please note that the following information is intended as a reminder only.
No notification of change is necessary for election E2019/16, as no nomination was received.

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 in matter E2019/16. 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 post-election 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-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. 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.

Yours faithfully,

Christine Hibberd
Registered Organisations Commission

24 April 2019

Post-election report

**United Firefighters' Union of Australia
Australian Capital Territory Branch
Casual Vacancy Election
E2019/16**

Contents

Election(s) Covered in this Report.....	3
Rules	3
Roll of Voters	3
Irregularities	3
Other Matters.....	4
Attachments	4

Election(s) Covered in this Report

Organisation:	United Firefighters' Union of Australia – Australian Capital Territory Branch
Election Decision Number(s):	E2019/16

Rules

Rules used for the election:	259V: Incorporates alterations of 08/03/2018 [R2017/250] replaces rulebook dated 1/9/2014 [R2014/166]
Rules difficult to apply/interpret:	None
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)

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: Nil

Other irregularities identified, and action taken: Nil

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Rule 27(3) states:

“The Returning Officer shall (in the name of the Union when a National Returning Officer or in the name of the Returning Officer's Branch when a Branch Returning Officer) rent a post office private box before the commencement of the ballot and shall personally keep the key and not allow the box to be opened during the ballot.”

This rule is not practical and the Returning Officer utilised the PO Boxes owned and operated by the AEC for the purpose of Industrial Elections

- Rule 71(3) states:

“The Branch Committee of Management or the Branch Executive shall determine the dates for calling nominations, the closing of nominations and the dates of the opening and closing of the ballot.”

The Prescribed Information provided by the Union did not specify the dates for the ballot. Accordingly, action was taken under Section 193(1)(b)(ii) of the *Fair Work (Registered Organisations) Act 2009* to set the ballot period as per the timetable provided.

Signed



Catherine Bernoth
Returning Officer
Australian Electoral Commission
E: nswelectons@aec.gov.au
P: 02 9375 6375

24 April 2019

Attachments

- 1) Declaration of results for Uncontested Offices – Australian Capital Territory

Attachment 1

United Firefighters' Union of Australia
Australian Capital Territory Branch
DECLARATION OF RESULTS - E2019/16
Uncontested Offices

Casual Vacancy 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:

ACT Branch

Trustee (1)

Candidates

No Nominations Received

As no nominations were received this position has not been filled. I declare this election now complete.



Catherine Bernoth
Returning Officer
Telephone: 02 9375 6375
Email: nswelections@aec.gov.au
16/04/2019





AMENDING DECISION

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

**United Firefighters' Union of Australia-Australian Capital Territory
Branch**
(E2019/16)

MR ENRIGHT

MELBOURNE, 28 FEBRUARY 2019

Arrangement for conduct of election.

[1] The decision issued by the Delegate of the Registered Organisations Commission on 19 February 2019 is amended as follows:

By deleting in paragraph [1],

‘ACT – Committee of Management Member (1)’

and inserting in lieu:

‘Trustee (1)’

[2] This error occurred due to an administrative oversight. The prescribed information, lodged by the United Firefighters’ Union of Australia – Australian Capital Territory Branch under s 189(1) on 1 February 2019, specified the name of office as ‘Committee of Management Member’. Attached to the prescribed information was a resignation referring to the office of ‘Trustee’.

[3] The change to paragraph [1] of the decision is to reflect the above correction.



DELEGATE OF THE COMMISSIONER

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DECISION

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

**United Firefighters' Union of Australia-Australian Capital Territory
Branch**
(E2019/16)

MR ENRIGHT

MELBOURNE, 19 FEBRUARY 2019

Arrangement for conduct of election.

[1] On 1 February 2019 the Australian Capital Territory Branch of the United Firefighters' Union of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

ACT - Committee of Management Member (1)

[2] I am satisfied that an election for the abovenamed office 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.



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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, Greg McConville, being the Secretary of the United Firefighters Union of Australia – ACT Branch, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the ACT Branch of 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.
4. The resignation letter is attached for each casual vacancy.
5. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed: ACT Branch Secretary



Dated: 31 January 2019

[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.]

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
ACT	Committee of Management Member	1	DVS	Casual vacancy (the resignation is attached)	All members of ACT Branch (Rule 70)

- Important dates*:

	Direct Voting System
Nominations OPEN	1 April 2019
Nominations CLOSE	15 April 2019
Roll of Voters cut-off date	25 March 2019

*Note: In relation to by-elections, the Rules of the UFU of Australia state that where a casual vacancy occurs and where the unexpired part of the term of the office exceeds three-quarters, or where the Branch Committee of Management so determines, the vacancy shall be filled by ordinary election of a financial member (or a life member still employed in the industry) for the unexpired part of the term of office. In relation to dates and timing, Rule 71(3) states: “The Branch Committee of Management or the Branch Executive shall determine the dates for calling nominations, the closing of nominations and the dates of the opening and closing of the ballot.” (extracted)

[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.]