

14 October 2021

Post-election report

United Firefighters Union of Australia

UFUA - Aviation Branch

Scheduled election

E2021/6

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Election(s) Covered in this Report

Organisation: UFUA - Aviation Branch
Election: Scheduled
Election Decision No/s: E2021/6

Rules

Rules used for the election: 259V: Incorporates alterations of 22 April 2021 [R2020/174]
Replaces rulebook dated 24 June 2020 [R2020/48]

Rules difficult to apply/interpret: Yes
hold over office

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Irregularities

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

On the 4 May 2021 one of the candidates raised concerns regarding the following issues:

- Campaign material has been published to social media and other networking tools allegedly using UFUA resources
- Employees of the union have provided support for candidates
- Employees of the union have applied and become members of the union
- There are errors in campaign materials

The returning officer reviewed the above concerns and examined the extracts from social media and was not able to conclude whether the union resources were used to assist one candidate over another.

As a precaution, the returning officer wrote to the Branch Secretary on the 18 May 2021 advising that the AEC had received a complaint about the misuse of union resources and issued a directive to ensure that no irregularities occur under section 193(1)(b)(i) of the Act.

There was a second complaint from a member who had concerns that the current union members (who were candidates) were censoring questions on the unions facebook page. The returning officer responded to the member advising that we had already written to the branch secretary issuing a directive to ensure that no irregularities occur under section 193(1)(b)(i) of the Act.

At Stage 2 election for the Vice President positions it was also claimed by Mr Young that he was eligible to stand for the office as he “holds over” the office of Branch Committee of Management Members for New South Wales pending the declaration. The returning officer considered this submission, however, determined that rule 69(7) specified when an existing office ceases to hold office, that is until the declaration of the election. The Returning Officer declared the results of the first stage of E2021/6 on 30

June 2021 and therefore Mr Young ceased to hold office on that date and was not eligible to stand as a candidate for the office of Vice President.

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.
- Lodgement of Nominations: Rule 74(1) of the organisation's rules provides that nominations can be either delivered to the Registered Office of the Branch addressed to the Branch Returning Officer or delivered to the Branch Returning Officer. Section 193 of the Act will be applied and nominations must be lodged electronically, via email. This is to ensure that all stakeholders can participate in the nomination process during the current COVID-19 pandemic.

Signed



Benjamin Murray
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7129
14 October 2021

Attachments

- A. Declaration of Results for Uncontested Offices – Stage 1
- B. Declaration of Results for Contested Offices – Stage 1
- C. Declaration of Results for Contested Offices – Stage 2

United Firefighters Union of Australia
Aviation Branch
DECLARATION OF RESULTS - E2021/6 - Stage 2
Contested Offices

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:

Aviation Branch - Committee of Management

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	9
Number of voters issued with voting material	9
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	9
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	6
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	6
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	3
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	67 %

Vice Presidents (2)

<u>Candidates</u>	<u>Final Votes</u>
VAN LOENHOUT, Zack	2
McDONALD, Michael	4

Total ballot papers admitted for this office	6
Formal Ballot papers	6
Informal Ballot papers	0

In accordance with UFUA rule 56 (2) I declare the following elected:

Senior Vice President (1)

- McDONALD, Michael

Junior Vice President (1)

- VAN LOENHOUT, Zack

Benjamin Murray/ Returning Officer
Telephone: 03 9285 7129
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28/09/2021

United Firefighters Union of Australia
UFUA - Aviation Branch
DECLARATION OF RESULTS - E2021/6 - Stage 1
Contested Offices

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:

Aviation Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	852
Number of voters issued with voting material	852
Total number of voters issued with replacement voting material	29
Total number of voting material packs issued	881
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	373
Number of declaration envelopes rejected at preliminary scrutiny (minus)	3
Number of ballot papers not returned / returned outside declaration envelope (minus)	0
COUNT	
Total ballot papers admitted to the count	370
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	31
Voting material packs not returned by voters by closing date of the ballot	477
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	44 %

President (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
HUNTER, Justin	133	133
McCABE, Rory Thomas	236	236

Total ballot papers admitted for this office	370
Formal Ballot papers	369
Informal Ballot papers	1

I declare the following elected:

- McCABE, Rory Thomas

Secretary (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
VON NIDA, Mark	147	147
GARRETT, Wes	223	223

Total ballot papers admitted for this office	370
Formal Ballot papers	370
Informal Ballot papers	0

I declare the following elected:

- GARRETT, Wes

Aviation Branch - Victoria Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	120
Number of voters issued with voting material	120
Total number of voters issued with replacement voting material	4
Total number of voting material packs issued	124
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	76
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers not returned / returned outside declaration envelope (minus)	2
COUNT	
Total ballot papers admitted to the count	74
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	7
Voting material packs not returned by voters by closing date of the ballot	41
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	63 %

Branch Committee of Management Member (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
LAURIE, Glenn	58	58
SEHLMIEER, Phil	16	16

Total ballot papers admitted for this office	74
Formal Ballot papers	74
Informal Ballot papers	0

I declare the following elected:

- LAURIE, Glenn

Aviation Branch - Northern Queensland Branch

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	142
Number of voters issued with voting material	142
Total number of voters issued with replacement voting material	1
Total number of voting material packs issued	143
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	51
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers not returned / returned outside declaration envelope (minus)	0
COUNT	
Total ballot papers admitted to the count	51
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	4
Voting material packs not returned by voters by closing date of the ballot	88
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	36 %

Branch Committee of Management Member (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
RING, John	23	23
HARPLEY, Justin	28	28

Total ballot papers admitted for this office	51
Formal Ballot papers	51
Informal Ballot papers	0

I declare the following elected:

- HARPLEY, Justin



Ann Dougan
Returning Officer
Telephone: 03 9285 7177
Email: IEBevents@aec.gov.au
30/06/2021

United Firefighters Union of Australia
UFUA - Aviation Branch
DECLARATION OF RESULTS - E2021/6 - Stage 1
Uncontested Offices

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:

Aviation Branch

Workplace Health and Safety National Co-ordinator (1)

Candidates

LIMMER Tim

Aviation Branch - New South Wales Branch

Branch Committee of Management Member (1)

Candidates

No Nominations Received

Aviation Branch - Southern Queensland Branch

Branch Committee of Management Member (1)

Candidates

ROGERS Trevor

Aviation Branch - South Australia Branch

Branch Committee of Management Member (1)

Candidates

No Nominations Received

Aviation Branch - Western Australia Branch

Branch Committee of Management Member (1)

Candidates

JONES Chris

Aviation Branch - Tasmania Branch

Branch Committee of Management Member (1)

Candidates

No Nominations Received

Aviation Branch - Australian Capital Territory Branch

Branch Committee of Management Member (1)

Candidates

McDONALD Michael Allan

Aviation Branch - Northern Territory Branch

Branch Committee of Management Member (1)

Candidates

VAN LOENHOUT Zack

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



Ann Dougan
Returning Officer
Telephone: 03 9285 7177
Email: IEEvents@aec.gov.au
30/06/2021





DECISION

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

United Firefighters' Union of Australia (E2021/6)

MR STEENSON

SYDNEY, 8 FEBRUARY 2021

Arrangement for conduct of election.

[1] On 6 January 2021 the United Firefighters' Union of Australia Aviation Branch (**the Branch**) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Secretary	(1)
Workplace Health and Safety National Co-ordinator	(1)
Branch Committee of management member from each of the following Branches:	
New South Wales	(1)
Victoria	(1)
Northern Queensland	(1)
Southern Queensland	(1)
South Australia	(1)
Western Australia	(1)
Tasmania	(1)
Australian Capital Territory	(1)
Northern Territory	(1)
Senior Vice President	(1)
Junior 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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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 Stephen von Nida, being the Branch Secretary of the United Firefighters Union of Australia Aviation Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Aviation 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. *[In relation to scheduled elections, if lodged 2 months prior to nominations opening]* This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated: 06/01/2021

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 [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
Aviation Branch	Branch President	1	Direct Voting System	Scheduled	All Members Aviation Branch rule 70. 3 b (i)
Aviation Branch	Branch Secretary	1	Direct Voting System	Scheduled	All Members Aviation Branch rule 70. 3 b (i)
Aviation Branch	National WHS Coordinator	1	Direct Voting System	New office created	All Members Aviation Branch rule 70.3 b (i)
Aviation Branch	Branch Committee of Management NSW	1	Direct Voting System	Scheduled	All Members in NSW Aviation Branch rule 70.3 b (ii)
Aviation Branch	Branch Committee of Management TAS	1	Direct Voting System	Scheduled	All Members in Tasmania Aviation Branch rule 70.3 b (ii)
Aviation Branch	Branch Committee of Management VIC	1	Direct Voting System	Scheduled	All Members in Victoria Aviation Branch rule 70.3 b (ii)
Aviation Branch	Branch Committee of Management ACT	1	Direct Voting System	Scheduled	All Members in ACT Aviation Branch rule 70.3 b (ii)
Aviation Branch	Branch Committee of Management NT	1	Direct Voting System	Scheduled	All Members in Northern Territory Aviation Branch rule 70.3 b (ii)

Aviation Branch	Branch Committee of Management SA	1	Direct Voting System	Scheduled	All Members in South Australia Aviation Branch rule 70.3 b (ii)
Aviation Branch	Branch Committee of Management WA	1	Direct Voting System	Scheduled	All Members in Western Australia Aviation Branch rule 70.3 b (ii)
Aviation Branch	Branch Committee of Management Northern QLD	1	Direct Voting System	Scheduled	All Members in Northern Queensland Aviation Branch rule 70.3 b (ii) and rule 61
Aviation Branch	Branch Committee of Management Southern QLD	1	Direct Voting System	Scheduled	All Members Aviation Branch rule 70.3 b (ii) and rule 61
Aviation Branch	Senior Vice President	1	Collegiate electoral system	Scheduled	All Members of the Branch Committee of Management including President, Secretary and WHS Coord rule 56.2
Aviation Branch	Junior Vice President	1	Collegiate electoral system	Scheduled	All Members of the Branch Committee of Management including President, Secretary and WHS Coord rule 56.2

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	15 March 2021; rule 27(10)	As determined by the BCOM post officer election at the first BCOM meeting post election
Nominations CLOSE	1 April 2021; rule 27(10)	
Roll of Voters cut off date	8 March 2021; rule 27	
Posting of Ballot Papers	21 April 2021; rule 27(10)	
Ballot Closes	7 May 2021; rule 27(10)	

NOTES: 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'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#)