



7 May 2018

Mr Christopher Read  
Branch Secretary  
United Firefighters' Union of Australia-New South Wales Branch  
ufuansw@gmail.com

Dear Mr Read,

cc: United Firefighters' Union of Australia, p.marshall@ufuvic.asn.au

### **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 NSW Branch [E2018/9]. 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 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-New South Wales 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.

Regards

**Christine Hibberd**  
**Registered Organisations Commission**

**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].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  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]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

**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.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

12 April 2018

# Post-election Report

**United Firefighters' Union of Australia  
NSW Branch  
E2018/9**

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## Election(s) Covered in this Report

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Election Decision No/s: E2018/9

## Rules

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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: *NIL*  
Model Rule reference (if any) *NIL*

## 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: *NIL*

Other irregularities identified, and action taken:

Rule 27, (in particular part 10 (d) and (e)) of the National Rules is procedurally defective because it does not allow enough time for the ballot material to be received and returned by the voters. Returning Officer took action under Section 193(1)(b)(ii) of the *Fair Work (Registered Organisations) Act 2009* to vary the ballot timetable to allow sufficient time for the voters to receive and return their ballot papers.

## Other Matters

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*NIL*



# Attachments

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Declaration of Results for Uncontested Offices – NSW

A handwritten signature in black ink, appearing to be 'Chris Cox', with a stylized flourish at the end.

Chris Cox  
Returning Officer  
3 May 2018

# United Firefighters' Union of Australia New South Wales Branch

## Declaration of Results for Uncontested Offices

E2018/9

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.

### New South Wales Branch

#### Branch President

Candidates

MATTHEWS, Greg

#### Branch Vice President

Candidates

HARMON, Paul

#### Branch Secretary

Candidates

READ, Chris

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



Chris Cox  
Returning Officer  
12 April 2018



## DECISION

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

**United Firefighters' Union of Australia**  
(E2018/9)

MR ENRIGHT

MELBOURNE, 5 FEBRUARY 2018

*Arrangement for conduct of election.*

[1] On 23 January 2018 the New South Wales Branch (**the Branch**) of the United Firefighters' Union of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch President	(1)
Branch Vice President	(1)
Branch Secretary	(1)

[2] The prescribed information should have been lodged by 13 January 2018 although the Branch did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. In the prescribed information dated 23 January 2018, the Branch Secretary, Mr Chris Read, indicated that the Branch had been unaware until the morning of 23 January 2018 that the National Secretary had not filed the relevant prescribed information on behalf of the Branch in circumstances in which it had been the practice of the National Secretary to do so in elections dating back to 1997.

[3] Mr Read further advised that he had no reason to expect that the National Secretary would not be filing the relevant prescribed information in accordance with the regular historical practice although when he did become aware, he moved immediately to do so himself, acknowledged that the prescribed information should have been lodged at least nine days earlier and requested a later day for lodgement.

[4] I have carefully considered the normal and reasonable expectation that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references pertaining to their own governance formulated by the organisations themselves.

[5] In accordance with section 189(2) of the Act, I allow on this occasion a later day for lodgement.

[6] 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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## **svc-adlib5**

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**From:** Branch Secretary <ufuansw@gmail.com>  
**Sent:** Tuesday, 23 January 2018 3:27 PM  
**To:** ROC - Registered Org Commission  
**Subject:** UFUA, NSW Branch elections Prescribed information  
**Attachments:** To ROC re notice and statement of prescribed information for NSW Branch election, 23 January 2018.pdf

Please find attached the prescribed information for this year's NSW Branch elections.

I apologise for not filing this information by the prescribed date, the reason for which is detailed therein.

Chris Read  
NSW Branch Secretary  
United Firefighters Union of Australia

**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, Chris Read, being the Branch Secretary of the United Firefighters' Union of Australia, New South Wales Branch, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the United Firefighters' Union of Australia, New South Wales Branch.
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. This statement **IS NOT** lodged at least 2 months before nominations open for the election below. The reason it is lodged after the prescribed time is:
  - a. The NSW Branch had no reason to expect that the National Secretary would not be filing the prescribed information on behalf of the NSW Branch this year.

I was the NSW Branch Secretary in the 1997, 2000, 2003, 2012 and 2015 tri-ennial election years and the National Secretary filed the prescribed information for all of the Union's Branches for each those elections with the exception of 2012, when late amendments to the NSW Branch rules required the Branch to do so. I was not the NSW Branch Secretary in 2006 or 2009, but understand that the National Secretary filed the prescribed information for all of the Union's Branches for both of those years also, albeit late on both occasions.

Having been unaware until this morning that the National Secretary had not filed this year's prescribed information on behalf of the NSW Branch, I have moved immediately to do so myself and therefore request that the Commissioner permit the prescribed information to be lodged today, nine days later than the prescribed day, under subsection 189(2) of the RO Act. I also undertake, should it remain my responsibility to do so in future election years, to file the prescribed information myself on behalf of the NSW Branch by or before the prescribed day.

- b. Despite the delay in submitting the prescribed information, the NSW Branch does not seek an extension of time to the election timetable provided for within the Union's Rules. In 2012 the prescribed information was not submitted (through no fault of the NSW Branch) until late February and those elections were still conducted by the AEC in accordance with the timetable set out within the Rules.



Tuesday 23 January 2018

## ANNEXURE A

- Elections that are 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
NSW	Branch President	1	DVS	Scheduled	All members of NSW Branch (Schedule 1, Rule (1)(b))
NSW	Branch Vice President	1	DVS	Scheduled	All members of NSW Branch (Schedule 1, Rule (1)(b))
NSW	Branch Secretary	1	DVS	Scheduled	All members of NSW Branch (Schedule 1, Rule (1)(b))

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	<i>The first weekday occurring on after 14<sup>th</sup> March (Rule 27(10)(a))</i>	N/A
<b>Nominations CLOSE</b>	<i>5pm on the first weekday occurring on after 31<sup>st</sup> March (Rule 27(10)(b))</i>	N/A
<b>Nominations may no longer be WITHDRAWN</b>	<i>The first weekday occurring on after 11<sup>th</sup> April (Rule 27(10)(c))</i>	N/A
<b>Roll of Voters cut off date</b>	<i>7 days prior to nominations opening (Rule 27)</i>	N/A
<b>Posting of ballot papers</b>	<i>21<sup>st</sup> April (Rule 27(10)(d))</i>	N/A
<b>Ballot closes</b>	<i>5pm on 7<sup>th</sup> May (Rule 27(10)(e))</i>	N/A