



FAIR WORK
AUSTRALIA

DECISION

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

United Firefighters' Union of Australia
(E2010/2564)

T. NASSIOS

MELBOURNE, 16 APRIL 2010

Arrangement for conduct of election.

[1] On 15 April 2010 the Queensland Branch of the abovenamed organisation lodged with Fair Work Australia the prescribed information in relation to an election for the following vacant office for the unexpired part of the term:

Branch Secretary

[2] On 15 April 2010 the organisation also lodged the prescribed information in relation to an election for the following offices arising from insufficient nominations in E2009/10096:

South Western

Branch Committee of Management – Firefighter Delegate

Senior Officers

Branch Committee of Management – Senior Officer Delegate

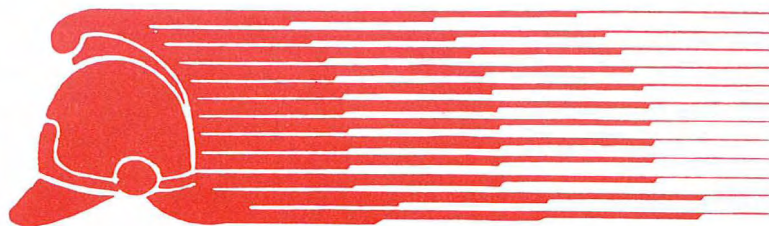
[3] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

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United Firefighters Union of Australia

QUEENSLAND BRANCH

Our reference: ufuq80

9 April 2010

The General Manager
Fair Work Australia
GPO Box 1994
Melbourne VIC 3001

Dear Sir

I refer to the elections conducted in 2010 for the United Firefighters Union of Australia, Queensland Branch.

Advice has been received that Mr Jamie Hawkins has resigned from the office of **Branch Secretary**. Consequently, the elected position he held is now vacant. Documentary evidence of his resignation is attached.

Additionally, no nominations for the following offices were received:

South Western – Branch Committee of Management – Firefighter Delegate
Senior Officers – Branch Committee of Management – Senior Officer

I therefore request a subsequent election be called for these offices.

Prescribed information is attached.

Should you require any additional information, please do not hesitate to contact me.

Yours faithfully

John Oliver
Acting Branch Secretary

United Firefighters' Union - helping firefighters help you

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Notice and Statement of Prescribed Information for an Election

I, **John Oliver**, being the **Acting Branch Secretary** of the **United Firefighters Union of Australia Queensland Branch**, make the following statement:

I am the Acting **Branch Secretary** of the **United Firefighters Union of Australia Queensland Branch**,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the **Queensland Branch** of the **United Firefighters Union of Australia Queensland Branch**, and

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009

Signed:



John Oliver
Acting Branch Secretary
United Firefighters Union of Australia Queensland Branch

Dated: 9th April, 2010

Offices/Positions

A	Branch Secretary (DVS)
B	South Western – Branch Committee of Management – Firefighter Delegate (DVS) Senior Officers – Branch Committee of Management – Senior Officer Delegate (DVS)

Reasons for election:

- For all offices with the exception of the Branch Secretary, no nominations were received
- In the case of the Branch Secretary, Jamie Hawkins has subsequently resigned from the office creating a casual vacancy for this position (documentary information relating to the resignation of the person holding the offices of Branch Committee of Management – Branch Secretary is enclosed – I have also enclosed his resignation as State Secretary)

Elected by:

- The electorate for the direct voting system for:
Branch Secretary – Branch Committee of Management – Branch Secretary is all Firefighters, Officers, Senior Officers, Communication Centres' Officers and Auxiliary Firefighters
South Western – Branch Committee of Management – Firefighter Delegate is all Firefighters and Officers in South Western Region (excluding Auxiliary Firefighters, Senior Officers and Communications Centres' officers).
Senior Officers – Branch Committee of Management – Senior Officer Delegate is all Senior Officer members in the Queensland Branch

Nominations open:

- As determined by the Australian Electoral Commission.

Nominations close:

- As determined by the Australian Electoral Commission.

Cut off date for roll:

- In all cases - 7 days prior to the opening date for nominations - rule 22(g).

CODE 2



THE OFFICIAL
NEWSLETTER OF THE
UNITED FIREFIGHTERS
UNION OF AUSTRALIA,
UNION OF EMPLOYEES,
QUEENSLAND.

Volume 24 Number 20

30 March 2010

Consultation

The State office of the UFU has a number of issues regarding Consultation. I have provided an extract of the Certified Agreement for your information below;

The Certified Agreement of 2009 (CA 2009) Clause 2.7 states;

*“Consultation is the Full, meaningful and frank discussion of issues/proposals and the consideration of each party’s views, **prior** to any final decision being made. For the Purpose of this agreement, consultation will be defined as follows:”* It then goes on in greater detail.

It is a requirement of the CA 2009 that the QFRS and the UFU comply with the provision of Consultation. Please inform the QFRS representative you are dealing with, that it is not sufficient for local or regional UFU delegates to negotiate with them on significant issues without the UFU State Office being notified. The QFRS is well aware of this process and may need to be reminded that any decision that has significant impact will be questioned in terms of its compliance if the process has not been followed correctly.

Smoke Detectors

In recent times a number of house fires have started in ceiling voids. The Union office has been contacted by members regarding statements made by the QFRS to the media and the installation of smoke detectors. Please be aware that our Members **will not** and **should not** attempt to install or place a smoke detector in the ceiling void under any circumstances.

Brisbane and South East Elections

A Ballot with the Australian Electoral Commission will open on Wednesday 31st March for the vacant positions of Brisbane Officer Delegate and South Eastern Firefighters Delegate.

The closing date for the ballot is Monday, 19th April, 2010 at 5:00pm. Please ensure that the ballot is sent to the Australian Electoral Commission and not to the Union office.

State UFU Elections

As members are aware, the State Secretary, Mr. Jamie Hawkins, resigned from his office as State Secretary. He has also resigned from his office of Branch Secretary.

The Rules require that an election now be held for those offices.

The UFUQ has, for quite a number of years, taken steps to ensure that the persons elected in the Queensland Branch (Federal Union) are the same as the officers in the UFUQ (State Union). It is the SCM's intention to deal with the required elections in the same manner as it has in the past. The Queensland Branch will require the AEC to conduct an election for the office of Queensland Branch Secretary and the State Union will then make an application to exempt the corresponding office, in the State Union, from election. This will ensure that the same person holds the office of Branch Secretary and State Secretary.

In accordance with the Act the following notice is given by the UFUQ:

The United Firefighter's Union of Australia, Union of Employees, Queensland (UFUQ) will be making an application for exemption from an election for the office of State Secretary.

The UFUQ is making this application so the same person who fill's the office of Branch Secretary in the Federal Counterpart Body (United Firefighter's Union of Australia, Queensland Branch) will fill the corresponding office in the UFUQ, the state registered organisation.

Members of the UFUQ will not be detrimentally affected as members will have already voted, or been given the opportunity to vote, in the election for the federal counterpart body.

Therefore there will be no election for the UFUQ for the office of State Secretary but there will be an election held for the Branch Secretary position.

John Oliver
Acting State Secretary

Summary

1. Rule 21 of the UFU rules provides for casual vacancies.
2. Appointment of a replacement by the State Committee of Management can only occur where more than $\frac{1}{4}$ of the term has elapsed prior to the resignation occurring.
3. There are two meanings that could be given to "term" in the context of the UFU rules. On one basis this is 3 years from the date of election and on the other it is 28 months.
4. The election was declared on 22 December 2009 and less than 3 months elapsed from the declaration to the resignation, which means on either of the possible interpretations of Rule 21, $\frac{1}{4}$ of the term has not elapsed.
5. An election must be held.
6. In the event that Mr Hawkins resigns from the office of Queensland Branch Secretary, an election should be held in relation to that office and an exemption application made in relation to casual vacancy in the UFU.
7. The Branch Committee of Management should resolve to:
 - (a) seek Mr Hawkins resignation if he has not resigned; and
 - (b) upon receiving the resignation, or if in receipt of the resignation, appoint an acting Branch Secretary to request the conduct of an election.
8. The State Committee of Management should resolve to:
 - (a) determine to hold an election or, in the event that Mr Hawkins resigns from the Qld Branch office of Branch Secretary and an election is held in the Qld Branch, to seek an exemption from election;
 - (b) if seeking an exemption from election that the members be promptly notified of that fact in the usual manner;
 - (c) continue the appointment of the Acting Secretary (or of some other State Committee of Management member) until the election/exemption can be declared.

23rd March 2010 Sun Teleconference

1. The Branch Committee of Management should resolve to:
 - (a) upon receiving the resignation, or if in receipt of the resignation, appoint an acting Branch Secretary to request the conduct of an election.

Motion:

"That John Oliver be appointed as Acting Branch Secretary and continue on in this appointment until the declaration of the result of the election" (Please see rule 71 (3) of the Federal Rules)

"That the Acting Branch Secretary, take all steps necessary to have an election conducted to fill the casual vacancy caused by the resignation of the Branch Secretary"

2. The State Committee of Management should resolve to:
 - (a) determine to hold an election or, in the event that Mr Hawkins resigns from the Qld Branch office of Branch Secretary and an election is held in the Qld Branch, to seek an exemption from election;
 - (b) if seeking an exemption from election that the members be promptly notified of that fact in the usual manner;
 - (c) continue the appointment of the Acting Secretary (or of some other State Committee of Management member) until the election/exemption can be declared.

"That following the declaration of the election for the casual vacancy in the office of Branch Secretary of the Queensland Branch of the UFUA, the UFU make application for the election, by way of a section 580 exemption, to fill the casual vacancy in the office of State Secretary."

"That the Acting State Secretary be directed to take all steps necessary to make application for exemption and to provide notice to the members of the application for exemption."

"That John Oliver continue his appointment as Acting State Secretary until the exemption from election of the State Secretary is granted, and the office of State Secretary is filled."

Moved Mark Gale Sec. Robinson
enacted.