

Workplace Relations Act 1996
s.189 of Schedule 1 - arrangement for conduct of an election

United Firefighters Union of Australia
(E2006/173)

T. NASSIOS
ACTING INDUSTRIAL REGISTRAR

MELBOURNE, 8 SEPTEMBER 2006

Arrangement for conduct of election.

DECISION

[1] On 7 July 2006 the Tasmanian Branch of the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to an election for the following offices:

Tasmanian Branch

Junior Vice President
Trustees (2)

[2] I am satisfied that an election for the abovenamed offices are required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1 of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



Printed by authority of the Commonwealth Government Printer

Wednesday, 5 July, 2006

UFU National Office
Level 23, HWT Tower
40 City Road
Southgate, VIC, 3006

Deputy Industrial Registrar
Australian Industrial Relations
Commission
80 Collins St
Melbourne, VIC, 3000

Attention: Mr Ken Ophel

Dear Mr Ophel,

Re: request for the calling of further elections for positions in the Tasmanian Branch of the United Firefighters Union of Australia.

Further to your conversation with Leigh Hubbard of our national office please find attached prescribed information, detailing the necessity for elections to fill the positions of Trustee (2) and Junior Vice President (1) in the Tasmanian Branch of the UFU. I would ask that the AIRC arrange for the Australian Electoral Commission to contact Mr Richard Warwick, Secretary of the Tasmanian Branch of the UFU, to commence the election process.

I trust that the attached information meets the requirements of the Act. If not please call Leigh Hubbard of our office on 03 9674 0414 or 0408936738.

Also attached to the prescribed information are copies of correspondence from the Tasmanian Branch in relation to this matter, including the resignation letters of Mr Batt and Mr Dewhurst.

Yours sincerely,



Peter Marshall
National Secretary
United Firefighters Union of Australia

**S189(1) of Schedule 1B of the WRA and
Regulation 138 of the Workplace Relation (Regulation and Accountability of
Organisations) Regulations 2003**

**LODGMET OF PRESCRIBED INFORMATION
UNITED FIREFIGHTERS UNION OF AUSTRALIA ELECTION**

TASMANIAN BRANCH OFFICE

A - OFFICES FOR WHICH AN ELECTION IS REQUIRED

Tasmanian Branch [pursuant to Schedule 6 Rule 1]

It is requested that there be elections held for the following positions in the Tasmanian Branch:

Branch Junior Vice President (1)
Branch Trustees (2)

B – REASON FOR ELECTION

The last ordinary elections for the Tasmanian Branch were held in 2006 with nominations in March and the ballot concluding on 8 May, 2006.

As at the date of the closing of nominations there was no nomination for the position of Junior Vice President and no election occurred for that position. A vacancy therefore exists under the Rules for the position of Junior Vice President.

The Rules provide that a member may nominate for, and stand for, more than one position. If successful in both elections the successful candidate must then relinquish one of the positions. Mr. Shane Batt stood successfully for both the Vice President position and the position of Trustee. He was advised by letter email letter dated 15 May that he would have to formally resign from one of the positions. By letter to the Tasmanian Branch Secretary (undated) Mr. Batt resigned from the position of trustee and continues in the position of Vice President. A vacancy therefore exists for the position of Trustee.

Effective from 31 May Mr. Leon Dewhurst resigned from the position of Trustee for personal reasons. His resignation is contained in a letter to the Branch Secretary, Mr. Richard Warwick and dated 31 May, 2006. A vacancy therefore exists for the position of Trustee. The correspondence from the Tasmanian Branch Secretary, Mr. Richard Warwick, together with the resignation letters of Mr. Batt and Mr. Dewhurst are contained in Attachment 1.

The elections are made necessary by the provisions of Rule 71. Subrules (1) and (2) provide that a casual vacancy for specified positions (including Vice President and Trustee) may be filled by appointment by the Branch Committee of Management, but only "for so much of the unexpired part of the term of office as does not exceed three-quarters of the term of office" (Subrule (2)).

As the term of office of all of the offices listed in A above will expire as of 31 March 2009 and more than three quarters of the term of office is unexpired, an ordinary election is necessary to fill the unexpired part of the term of office for each position.

C – NUMBER OF OFFICES

Refer to A above

D – COMPOSITION OF ELECTORATE

1. Tasmanian Branch

1.1 The electorate for the positions of *Branch President*, *Branch Vice President*, *Branch Junior Vice President*, *Branch Secretary* and *Branch Trustees* consists of all financial members of the Branch at the time when nominations for the elections close [**Subrule 70(3)(a)**]

E – CLOSING OF ROLLS AND DATE AND TIME OF COMMENCEMENT AND EXPIRATION OF NOMINATION PERIOD

1. There is no provision in the rules of the organisation as to the schedule or timetable for the holding of elections for casual vacancies or unfilled positions. It is proposed that the date for the closing of the roll be a date determined by the Australian Electoral Commission returning officer after consultation with the Tasmanian Branch. This is in accordance with past custom and practice.
2. It is proposed that the general timeframes related to the period for lodging of nominations, the time between the close of nominations and the opening of the ballot and the period of the ballot be consistent with the provisions of Rule 27(10) which provides that:

(10) In a Branch election -

- (a) date for the opening of nominations shall be the first weekday occurring on or after 14th March;
- (b) the time on which nominations close shall be 5pm on the first weekday occurring on or after 31st March;
- (c) the time on which nominations may no longer be withdrawn shall be the first weekday occurring on or after 11th April;
- (d) the date for the posting of ballot papers shall be 21st April;
- (e) the time on which the ballot closes shall be 5pm on 7th May.

3. Rule 74(2) provides that a Branch Returning Officer shall call for nominations by notice, which shall be displayed in the registered office of a Branch and at work areas and be published in the Union journal and in other ways likely to come to the attention of the members of the Branch.

F – VOTING SYSTEM TO BE EMPLOYED

The election of all positions listed in Part A above is conducted by a direct voting system.



United Firefighters Union of Australia

Tasmania Branch

Protecting Firefighters since 1943

File No.: B102.1
File Name: BCOM elections 2006 L Hubbard 6 June 2006

CIRCULATE
ORIGINAL 6/6/06
BCOM 7/6/06
UWPR 7/6/06
ESR
SCC
OUTWARDS
FILE NO.
.....

6 June 2006

Mr Leigh Hubbard
National Executive Officer
United Firefighters Union of Australia
Level 23 HWT Tower
40 City Rd
SOUTHGATE VIC 3006

SIGHTED
.....

Dear Leigh

Re: UFU of A Tasmanian Branch BCOM election 2006

I refer to my previous correspondence dated 23 May 2006 (copy attached).

Please also find attached a copy of a letter from Leon Dewhurst advising his resignation as Trustee on the UFU of A Tasmanian Branch Committee of Management effective from 31 May 2006. Leon has resigned for personal reasons.

This therefore creates a further Trustee vacancy on the Tasmanian Branch Committee of Management

I therefore request that you prepare a submission to the Australian Electoral Commission for the positions of Junior Vice-President (1) and Trustees (2) for the Tasmanian Branch.

Yours faithfully

Richard Warwick
Secretary

PO Box 20 North Hobart Tas 7002
379 Elizabeth Street North Hobart Tas 7000
PH: (03) 6234 9331 FAX: (03) 6234 9505
e-mail ufi.tas@southcom.com.au
web-site: www.ufutas.asn.au

Please address all correspondence to the Secretary or President

Secretary: Richard Warwick
Mobile: 0417 369 282

President: Wayne Seabrook
Phone: (03) 6267 2556 (AH)

UNITED FIREFIGHTERS UNION
OF AUSTRALIA



TASMANIA BRANCH

United Firefighters Union of Australia

Tasmania Branch

Protecting Firefighters since 1943

File No.: B102.1
File Name: BCOM election 2006 L Hubbard 23 May 2006

23 May 2006

Mr Leigh Hubbard
National Executive Officer
United Firefighters Union of Australia
Level 23 HWT Tower
40 City Rd
SOUTHGATE VIC 3006

Dear Leigh

Re: UFU of A Tasmania Branch BCOM election 2006

Unfortunately the election process in Tasmania remains incomplete.

The Junior Vice-Presidential position did not attract a nomination.

One member nominated for two positions and was successful in both. Shane Batt won both the Vice President position and one of the six Trustee positions. You will see from the attached e-mail that Shane has resigned from the Trustee position he won.

Therefore, my understanding is that a further round of elections is required to be conducted by the Australian Electoral Commission.

Could you please prepare a further submission to the Australian Electoral Commission for the positions of Junior Vice-President (1) and Trustee (1) for the Tasmania Branch?

PO Box 20 North Hobart Tas 7002
379 Elizabeth Street North Hobart Tas 7000
PH: (03) 6234 9331 FAX: (03) 6234 9505
e-mail: ufutas@southcom.com.au
web-site: www.ufutas.asn.au

Please address all correspondence to the Secretary or President

Secretary: Richard Warwick
Mobile: 0417 369 282

President: Wayne Seabrook
Phone: (03) 6267 2556 (AH)

Please contact me if this request presents you with any difficulties.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Richard Warwick', written in a cursive style.

Richard Warwick
Secretary

United Firefighters Union

From: "Shane Batt" <Shane.Batt@fire.tas.gov.au>
To: "United Firefighters Union" <ufutas@southcom.com.au>
Sent: Thursday, 18 May 2006 4:01 PM
Attach: Dear Richard.doc
Subject: RE: Branch elections

Hi Richard please find attached my letter of resignation I am currently on annual leave if you need me please contact me on 0400084745

Cheers

Shane

-----Original Message-----

From: United Firefighters Union [mailto:ufutas@southcom.com.au]
Sent: Mon 5/15/2006 10:31 AM
To: Shane Batt
Cc: Hubbard, Leigh
Subject: Branch elections

Shane,

Congratulations and welcome back to the workers parliament.

Please ring me as soon as you can to discuss your decision as to which position you want to hold on the BCOM (you are currently both Vice President and Trustee).

Under the rules you can only hold one of these positions and will have to formally resign from the other.

Subsequent to you doing so there will have to be another election for the JVP position (no nominations) and the position you vacate.

The National Office will have to prepare a new submission to the Australian Electoral Commission for a further election.

Your letter of resignation from one of the positions will have to form part of that paperwork.

I look forward to hearing from you.

Regards

RW

Richard Warwick
Secretary
United Firefighters Union of Australia
Tasmania Branch
Ph: (03) 6234 9331
Mobile: 0417 369 282

WORKPLACE RELATIONS ACT 1996
AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

STATEMENT PURSUANT TO REGULATIONS

I, Peter Marshall, of 410 Brunswick Street Fitzroy, 3065, state as follows:

1. I am the National Secretary of the United Firefighters Union of Australia ("UFUA"). I am authorised to make this statement on behalf of the UFUA.
2. The document accompanying this statement contains information to be lodged in accordance with section S189(1) of the RAO Schedule.



**PETER MARSHALL
NATIONAL SECRETARY
UNITED FIREFIGHTERS UNION OF AUSTRALIA**

Wednesday, 5 July, 2006