

25 May 2021

Post-election report

United Firefighters' Union of Australia

UFUA - Tasmania Branch

Scheduled election

E2021/16

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Election(s) Covered in this Report

Organisation: United Firefighter's Union of Australia - Tasmania Branch
Election: Scheduled
Election Decision No/s: E2021/16

Rules

Rules used for the election: 259V: Incorporates alterations of 24 December 2020 [R2020/200]
Replaces rulebook dated 24/06/2020 [R2020/48]

Rules difficult to apply/interpret: N/A

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: N/A

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Timetable: Section 193 of the Act was required to adjust the election timetable due to COVID-19 pandemic.
- 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 was applied for nominations to be lodged electronically through AEC's nomination portal or via email. This was to ensure that all stakeholders could participate in the nomination process during the current COVID-19 pandemic.

Signed



Robert Zammit
Returning Officer
Australian Electoral Commission
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P: 03 9285 7111
25 May 2021

Attachments

A. Declaration of Results for Uncontested Offices – TAS

United Firefighters' Union of Australia (UFUA)
Tasmania Branch
DECLARATION OF RESULTS - E2021/16
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:

UFUA - Tasmania Branch

President (1)

Candidates

DOBSON Mark

Secretary (1)

Candidates

HILLS Leigh

Vice President (1)

Candidates

WENDELL-SMITH Alex

Junior Vice President (1)

Candidates

PATTERSON Jeremy

Trustee (6)

Candidates

HOLLOWAY John

MALES Vincent

PLUMMER Justin

RIPPER Jeremy

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

Robert Zammit
Returning Officer
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07/05/2021



DECISION

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

United Firefighters' Union of Australia
(E2021/16)

MR STEENSON

SYDNEY, 1 MARCH 2021

Arrangement for conduct of election.

[1] On 18 January 2021 the United Firefighters' Union of Australia-Tasmania Branch (the Branch) lodged prescribed information, and on 25 February 2021 lodged amended prescribed information, with the Registered Organisations Commission for an election to fill the following offices:

President	(1)
Secretary	(1)
Vice President	(1)
Junior Vice President	(1)
Trustee	(6)

[2] 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*. The prescribed day, as defined in regulation 138(3), is a date two months before nominations are due to open under the organisation's rules.

[3] Rule 27(10)(a) of the organisation's rules specifies that in a Branch election:

[the] date for the opening of nominations shall be the first weekday occurring on or after 14th March

[4] The date for nominations to open for the 2021 Branch election is therefore 15 March 2021, meaning that prescribed information needed to be lodged by 15 January 2021. As indicated above, the initial lodgement of information with the Commission occurred on 18 January 2021. In its correspondence dated 25 February 2021, the Branch Secretary stated the delay was due to 'administrative oversight and error'.

[5] 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, in particular their own rules.

[6] Lodgement of prescribed information is fundamental to the process of arranging for elections in registered organisations. This process requires considerable work by the Australian Electoral Commission (AEC). Consistent with the importance of this obligation, failure to lodge the prescribed information necessary for an election to be arranged, including the failure to do so before the prescribed day, is a civil penalty provision pursuant to section 189(2) of the Act.

[7] The information lodged on 18 January 2021 was also deficient in that it was not signed by a prescribed officer and did not contain other information required by Commission staff to determine the matter.

[8] On this occasion, in accordance with section 189(2), as Delegate of the Commissioner I allow a later date for the lodgement of prescribed information. However, the Branch should not be in any doubt that further late lodgements may not result in a later date being permitted but may instead be the subject of further compliance action by the Commission.

[9] Regardless of whether a later date for lodgement is permitted, the Delegate of the Commissioner must nevertheless determine whether an election is required under the organisation's rules.

[10] 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 Act, 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, Leigh Hills, being the Secretary of the United Firefighters Union of Australia, Tasmania Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for United Firefighters Union of Australia, Tasmania 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. No rule alterations are pending that will impact the election.
5. This statement **IS NOT** lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason it is lodged after the prescribed time is:
 - a. Administrative oversight and error. The relevant information had been provided, but it was not on the correct form or the correct format.
 - b. We respectfully request an extension of time to lodge this information.

Signed: 

Dated: 25 February 2021

Annexure A

Elections that are required:

Branch	Name of Office	Number required	Voting System <i>Direct voting system;</i> <i>Collegiate electoral system</i>	Reason for Election <i>Scheduled;</i> <i>Casual vacancy;</i> <i>New office created;</i> <i>Insufficient nominations</i>	Electorate
Tasmania	Secretary	1	Direct Voting System	Scheduled	'all members of a Branch who are financial members at the time of the close of the roll of voters shall be entitled to vote in the election of the President, Vice-Presidents, Secretary, Assistant Secretary where required, and Trustees of the Branch' – Rule 70.(3)(a)
Tasmania	President	1	Direct Voting System	Scheduled	'all members of a Branch who are financial members at the time of the close of the roll of voters shall be entitled to vote in the election of the President, Vice-Presidents, Secretary, Assistant Secretary where required, and Trustees of the Branch' – Rule 70.(3)(a)
Tasmania	Vice President	1	Direct Voting System	Scheduled	'all members of a Branch who are financial members at the time of the close of the roll of voters shall be entitled to vote in the election of the President, Vice-Presidents, Secretary, Assistant Secretary where required, and Trustees of the Branch' – Rule 70.(3)(a)
Tasmania	Junior Vice President	1	Direct Voting System	Scheduled	'all members of a Branch who are financial members at the time of the close of the roll of voters shall be entitled to vote in the election of the President, Vice-Presidents, Secretary, Assistant Secretary where required, and Trustees

					of the Branch' – Rule 70.(3)(a)
Tasmania	Trustee	6	Direct Voting System	Scheduled	'all members of a Branch who are financial members at the time of the close of the roll of voters shall be entitled to vote in the election of the President, Vice-Presidents, Secretary, Assistant Secretary where required, and Trustees of the Branch' – Rule 70.(3)(a)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	0900 Monday 15 March 2021- 'date for the opening of nominations shall be the first weekday occurring on or after 14th March' Rule 27(10)(a)	NA
Nominations CLOSE	1700 Wednesday 31 March 2021 – 'the time on which nominations close shall be 5pm on the first weekday occurring on or after 31st March' Rule 27(10)(b)	NA
Roll of Voters cut off date	Monday 8 March 2021 – 'The roll of voters for any election to be conducted pursuant to this rule is to be closed seven days before the day on which nominations are opened in relation to elections by a direct voting system for all offices in the Union' Rule 27	NA