
From: Joanne Watson <ufunational@ufunat.asn.au>
Sent: Thursday, 24 May 2018 4:36 PM
To: ROC - Registered Org Commission
Cc: PETER MARSHALL ; Peter Marshall
Subject: HPRM:ON CMS E2018/6 UFUA VIC: Election - adverse report received - Attn Christine Hibberd
Attachments: ORG_Election_adv_report_s189.doc
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Christine,

Thank you for your letter (attached) dated 21 May 2018.

I can confirm that we have responded to the AEC election report.

I can also confirm we are undertaking the other actions listed in your letter in accordance with the Fair Work (Registered Organisations) Act 2009 and relevant regulations.

Yours sincerely,

Peter Marshall
National and Victorian Secretary

Sent on behalf of the National Secretary Peter Marshall

Joanne (Wattie) Watson
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STRENGTH IN UNITY - PROUD TO BE UNION



21 May 2018

Mr Peter J Marshall
National & Victorian Branch Secretary
United Firefighters' Union of Australia
p.marshall@ufuvic.asn.au

Dear Mr Marshall

Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/6

On 15/05/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/6 dated 15/05/2018. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule 27 (10) This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

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 regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission



21 May 2018

Mr Peter J Marshall
National & Victorian Branch Secretary
United Firefighters' Union of Australia
p.marshall@ufuvic.asn.au

Dear Mr Marshall,

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 and contested offices for Victorian Branch [E2018/6]. 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-Victorian 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].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 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]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ 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.]*

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.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<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>						

15 May 2018

Post-election Report

**E2018/6 – United Firefighters Union of Australia
Victorian Branch**

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Election Covered in this Report

Election Decision No: E2018/6

Rules

Rules used for the election: 259V: Incorporates alterations of 08/03/2018 [R2017/250] replaces rulebook dated 1/9/2014 [R2014/166]

Rules difficult to apply/interpret: Rule 27 (10) determines the period that the ballot is open for, which is 21 April to 7 May. This is insufficient time for members to receive and post ballot papers back prior to close of the ballot. Recommend the ballot period be extended to a minimum of 3 weeks.

Module Rule reference N/A

Roll of Voters

Total number of voters on the Roll: 3564

Number of apparent workplace addresses: Nil

Number of non-current addresses: 6

Other matters pertaining to the roll of voters:

Irregularities

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

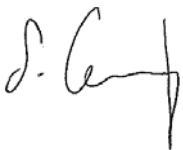
Other irregularities identified, and action taken: Nil

Other Matters

Nil

Attachments

Declaration of Results for uncontested and contested Offices



Shane T Lanning
Returning Officer

15 May 2018

United Firefighters' Union of Australia -Victorian Branch
DECLARATION OF RESULT - E2018/6
Contested Office

Scheduled Election

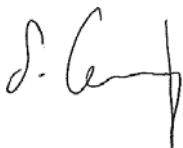
The Result of the election for the following office conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Secretary (1)

Total number of names on the roll of voters	3564
Ballot papers issued	3558
Replacement ballot papers issued	8
Total Ballot Papers Issued	3566
Ballot papers / envelopes returned for scrutiny	2214
Less ballot papers / envelopes rejected at preliminary scrutiny	18
Adjusting balance	9
Total Ballot Papers Admitted to Scrutiny	2187
Percentage of ballot papers returned to number issued	62%
Ballot papers returned as unclaimed mail	23
Ballot papers not returned	1379

<u>Candidates</u>	<u>Votes</u>
MARSHALL, Peter	1728
CLARKE, Lyndon	451
Formal ballot papers	2179
Informal ballot papers	8
Total votes	2187

I declare Peter Marshall elected.



Shane T Lanning
Returning Officer
Australian Electoral Commission
14 May 2018

United Firefighters' Union of Australia -Victorian Branch
DECLARATION OF RESULTS - E2018/6
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:

President (1)

Candidate

HAMILTON, David

Vice President (1)

Candidate

WARD, Danny Malcolm

Junior Vice President (1)

Candidate

TISBURY, Michael

Trustees (4)

Candidates

ANGWIN, Brendan

CLEARY, Christopher

MCGUINNESS, Michael John

WOODYATT, Cory James

MFESB Officers

Branch Committee of Management (2)

Candidates

COWLING, Rachel

MARTIN, Michael Anthony

MFESB Firefighters

Branch Committee of Management (2)

Candidates

PSAILA, Robert

SHRODER, Peter

CFA Officers

Branch Committee of Management (1)

Candidate

KEFALAS, James Evan

CFA Firefighters

Branch Committee of Management (1)

Candidate

BLUNDELL, Dave

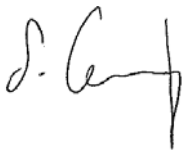
Other (non-MFESB & Non-CFA)

Branch Committee of Management Member (1)

Candidate

GROVES, Robert Reginald

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



Shane T Lanning
Returning Officer
Australian Electoral Commission
14 May 2018



DECISION

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

United Firefighters' Union of Australia
(E2018/6)

MR ENRIGHT

MELBOURNE, 24 JANUARY 2018

Arrangement for conduct of election.

[1] On 12 January 2018 the Victorian Branch of the United Firefighters' Union of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President
Secretary
Vice President
Junior Vice President
Trustees (4)
Branch Committee of Management Members from the following:

MFESB Officers	(2)
MFESB Firefighters	(2)
CFA Officers	(1)
CFA Firefighters	(1)
Other (non-MFESB & Non-CFA)	(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, PETER JAMES MARSHALL, being the BRANCH SECRETARY of the UNITED FIREFIGHTERS UNION OF AUSTRALIA VICTORIA BRANCH, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the UNITED FIREFIGHTERS UNION OF AUSTRALIA VICTORIA 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** lodged at least 2 months before nominations open for the election below.

Signed:



Dated: 09 JANUARY 2018

[PLEASE 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 (Rule 70 and Schedule 2 UFUA Rules):

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
VICTORIA	President	1	DVS	Scheduled	All members of Victoria Branch (Rule 70)
	Secretary	1	DVS	Scheduled	All members of Victoria Branch (Rule 70)
	Vice President	1	DVS	Scheduled	All members of Victoria Branch (Rule 70)
	Junior Vice President	1	DVS	Scheduled	All members of Victoria Branch (Rule 70)
	Trustees	4	DVS	Scheduled	All members of Victoria Branch (Rule 70)
	Officer Committee members being employees of MFESB	2	DVS	Scheduled	All members of Victoria Branch (Rule 70)
	Firefighter Committee members being employees of the MFESB	2	DVS	Scheduled	All members of Victoria Branch (Rule 70)
	Officer Committee member being an employee of the CFA	1	DVS	Scheduled	All members of Victoria Branch (Rule 70)
	Firefighter Committee member being an employee of the CFA	1	DVS	Scheduled	All members of Victoria Branch (Rule 70)
	Committee member who is not employed by either the MFESB or CFA but employed by another organisation that is eligible for membership under the Rules	1	DVS	Scheduled	All members of Victoria Branch (Rule 70)

- Important dates:

	Direct Voting System
Nominations OPEN	<i>First weekday on or after 14 March 2018 (Rule 27(10))</i> 14 March 2018
Nominations CLOSE	<i>5pm on the first weekday on or after 31 March 2018 (Rule 27(10))</i> 5pm on 3 April 2018
Roll of Voters cut off date	<i>7 days prior to nominations opening (Rule 27)</i> 6 March 2018
Posting of ballot papers	21 April 2018 (Rule 27(10))
Ballot CLOSE	5pm 7 May 2018 (Rule 27(10))