

MOUTEVELIS, Michael

From: Larissa Timbs [Larissa.Timbs@aec.gov.au]
Sent: Tuesday, 9 September 2014 9:44 AM
To: neal.swancott@unitedvoice.org.au
Cc: Industrial Elections; Orgs; Mark Townsend
Subject: United Voice - National Executive Election - E2014/177 - Post Election Report [SEC=UNCLASSIFIED]

UNCLASSIFIED

Att: Mr Neal Swancott
National Industrial Adviser
United Voice
Locked Bag 9
HAYMARKET NSW 1240

Dear Mr Swancott

Post-Election Report

United Voice – National Executive Election

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Industrial Registrar and to the organisation or branch for which the election was conducted. A copy of the report in relation to this election is attached.

Section 198 requires that if an organisation or branch is given a post-election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post-election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post-election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Larissa Timbs
Gold Coast Area Office | QLD
Australian Electoral Commission
T: (07) 5635 9900 | F: (07) 5635 9921



E2014-177 UV -
National Execut...



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Fair Work (Registered Organisations) Act 2009 - s197

POST ELECTION REPORT

United Voice – National Council

2014 National Executive Election

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2014/177

RULES

Rules used for the election: 108V: Incorporates alterations of 20/06/2014 in matter R2014/137

Rules difficult to apply/interpret: *None*

Model Rule reference (if any): *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: *Nil.*

Other irregularities identified, and action taken: *Nil.*

ATTACHMENTS

Declaration of Results for Uncontested Offices – 1 September 2014



Larissa Timbs
Returning Officer

9 September 2014

**United Voice
National Executive Election - E2014/177**

Declaration of Results for Uncontested Offices

E2014/177

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.

National President

Candidates

SCHOFIELD, Jo-Anne

National Vice President (2)

Candidates

RYAN, Lyndal
WALSH, Jess

National Secretary

Candidates

O'BYRNE, David

Assistant National Secretary

Candidates

GIBBONS, Helen

National Executive Member (New South Wales Branch) (2)

Candidates

BOYD, Mark
GATFIELD, Mel

National Executive Member (Queensland Branch) (2)

Candidates

BULLOCK, Gary
HUNTER, Sheila

National Executive Member (South Australia Branch) (2)

Candidates

DI TROIA, David
DUKE, Donna

National Executive Member (Victorian Branch) (2)

Candidates

REDFORD, Ben
WALSH, Jess

National Executive Member (Western Australia Branch) (2)

Candidates

SHAY, Kelly
SMITH, Carolyn

National Executive Member (Australian Capital Territory Branch)

Candidates

RYAN, Lyndal

National Executive Member (Northern Territory Branch)

Candidates

GARDINER, Matthew

National Executive Member (Tasmania Branch)

Candidates

ARMSTRONG, Jannette

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



Larissa Timbs
Returning Officer

01/09/2014





FAIR WORK
COMMISSION

11 July 2014

Mr David O'Byrne
Acting National Secretary
United Voice
Locked Bag 9
HAYMARKET NSW 1240

Also by facsimile: (02) 9281 4480

Dear Mr O'Byrne

Scheduled Election - United Voice (E2014/177)

I refer to the prescribed information dated 7 July 2014 which was lodged with the Fair Work Commission on 10 July 2014, for a scheduled election of the National Executive of United Voice.

A copy of the decision in relation to the above matter is enclosed.

The Fair Work Commission is making arrangements, under subsections 189(3) of the *Fair Work (Registered Organisations) Act 2009*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours sincerely

David Vale
Principal Adviser
Regulatory Compliance Branch, NSW
Fair Work Commission



DECISION

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

United Voice
(E2014/177)

MR ENRIGHT

MELBOURNE, 11 JULY 2014

Arrangement for conduct of election.

[1] On 10 July 2014 the United Voice lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

NATIONAL EXECUTIVE

National President	(1)
National Vice President	(2)
National Secretary	(1)
Assistant National Secretary (in accordance with rule 20(h)(i))	(1)
National Executive Members representing the following Branches	
New South Wales	(2)
Queensland	(2)
South Australia	(2)
Victoria	(2)
Western Australia	(2)
Australian Capital Territory	(1)
Northern Territory	(1)
Tasmania	(1)

[2] On 11 July 2014 the Fair Work Commission wrote to United Voice stating that it appeared that the prescribed information had not been lodged before the prescribed day and consequently, a request for an extension of time to lodge the prescribed information would be required.

[3] On 11 July 2014, United Voice requested an extension of time to lodge the prescribed information pursuant to section 189(2) of the *Fair Work (Registered Organisations) Act 2009* and I allow it.

[4] 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

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VALE, David

From: VALE, David
Sent: Friday, 11 July 2014 2:06 PM
To: 'Industrial Elections'
Subject: E2014/177
Attachments: E2014_177 UV National Executive SIGNED Decision_11072014.doc

Dear AEC

Please find attached a copy of the signed decision for United Voice in matter E2014/177.

Yours sincerely



DAVID VALE
Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwc.gov.au

Please be aware that my email address has changed to david.vale@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011

www.fwc.gov.au



United Voice National Office
303 Cleveland St, Redfern, NSW 2016
Locked Bag 9, Haymarket, NSW 1240
ABN 5272 8088 684

t (02) 8204 3000
f (02) 9281 4480
e unitedvoice@unitedvoice.org.au
w www.unitedvoice.org.au

11 July 20134

Mr David Vale
Principal Adviser
Regulatory Compliance Branch, NSW
Fair Work Commission



Dear Mr Vale

Arrangements for conduct of an Election (E2014/177)

Thank you for your correspondence of 11 July 2014.

On behalf of United Voice, I request an extension of time, to the extent necessary, for the provision by United Voice of prescribed information in relation to the conduct of a scheduled election for officers of the National Executive of United Voice.

You have noted that United Voice lodged the prescribed information on 7 July 2014, rather than June 26, 2014. I am advised that United Voice miscalculated the prescribed day. United Voice apologise for the error and any inconvenience caused.

Yours sincerely

David O'Byrne
ACTING NATIONAL SECRETARY



11 July 2014

Mr David O'Byrne
Acting National Secretary
United Voice
Locked Bag 9
HAYMARKET NSW 1240

Attention: Neal Swancott

Also by facsimile: (02) 9281 4480

Dear Mr O'Byrne

Arrangements for the conduct of an Election (E2014/177)

I refer to the prescribed information dated 7 July 2014 which was lodged with the Fair Work Commission on 10 July 2014 in relation to the conduct of a scheduled election for offices of the National Executive of United Voice.

Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* states that prescribed information must be lodged before the prescribed day, which under regulation 138(3) of the regulations is two months before the first day when a person may become a candidate. It appears that the prescribed day is 26 June 2014, which is before the lodgement of the prescribed information. Accordingly, the Delegate of the General Manager will require a written request for an extension of time stating the reason why the prescribed information was not lodged prior to the prescribed day.

Once this request has been received a decision can be issued.

Yours sincerely

David Vale
Principal Adviser
Regulatory Compliance Branch, NSW
Fair Work Commission

VALE, David

From: VALE, David
Sent: Thursday, 10 July 2014 2:48 PM
To: 'Industrial Elections'
Subject: E2014/177
Attachments: UV_108V_R2014_137_20062014 doc; E2014_177 UV NAT EXEC_PI lodged_10072014.pdf

Dear AEC

Please find the prescribed information and a copy of the current rulebook of United Voice for election number E2014/177.

Yours sincerely

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwc.gov.au

Please be aware that my email address has changed to david.vale@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

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E2014/177
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e unitedvoice@unitedvoice.org.au
w www.unitedvoice.org.au

7 July 2014

The General Manager
Fair Work Commission
80 William Street
EAST SYDNEY NSW 2010



Dear Sir/Madam

Re: Application pursuant to Section 182 of the Fair Work (Registered Organisations) Act 2009

I write to request that an election be conducted by the AEC for members of the National Executive of United Voice pursuant to Section 182 of the *Fair Work (Registered Organisations) Act 2009* ("the Act").

The prescribed information required under Regulation 138 for the purposes of Section 189(1) of the Act is as follows:

1. The names of the offices in respect of which an election is required are (from Rule 20(c) of the rules of United Voice):
 - (i) a National President;
 - (ii) two (2) National Vice Presidents;
 - (iii) a National Secretary;
 - (iv) an Assistant National Secretary;
 - (v) Members from each of the following branches:
 - New South Wales - two (2)
 - Queensland - two (2)
 - South Australia - two (2)
 - Victoria - two (2)
 - Western Australia - two (2)
 - Australian Capital Territory – one (1)
 - Northern Territory – one (1)
 - Tasmania – one (1)
2. The reason for the election is that the terms of the offices have expired or are due to expire in the normal course of events.
3. The numbers of the offices in respect of which an election is required are set out in paragraph 1 above.
4. The electorate for the position is the membership of the National Council of United Voice.

5. The date and time of the commencement and expiration of the period during which nomination of candidates will be called are dealt with in Rule 22. Nomination must be called for at least seven days prior to the meeting of the National Council on 3 September 2014.
6. The voting system to be employed in the conduct of the election is a direct voting system.

The rules provide that this election take place at the National Council meeting to be held on 3 September 2014. Copies of Rules 20, 21 and 22 of the LHMU are attached for your information.

I confirm that I am authorised to sign a statement that this information is lodged under subsection 189(1) of the Act.

I advise that, although Rule 20 (c)(iv) of the union's rules provides for 2 Assistant National Secretaries, Rule 20(h)(i) provides:

- (h) Despite the provisions of Rule 20(c)(iv) the:
 - (i) National Council may, not less than 3 months prior to the opening of nominations for the quadrennial elections of the National Executive, determine the number of National Assistant Secretaries (if any) to be elected provided that if no determination is made then the provisions of rule 20(c)(iv) will continue to apply;

On 8 April 2014, pursuant to her powers under rule 19(i), the National Secretary submitted (inter alia) the following question to a postal vote of all members of National Council:

2. *National Council resolves, in accordance with part 20(h)(i) of the rules, that an office of National Assistant Secretary be abolished for the next quadrennial term so that the number of National Assistant Secretaries to be elected at the 2014 quadrennial elections will be one (1).*

The instructions in the ballot were for ballot papers to be returned to National Office no later than 29 April 2014. 60 votes were received by the cut-off. Of these votes, 25 were classified as informal. Of the 35 votes cast formally, all were in favour of the motion referred to above. Each of the 25 informal votes was also in favour of the motion, 5 votes were received after the cut-off, all in favour of the motion. The motion was declared carried. Accordingly, I request that nominations be called for one Assistant National Secretary only for the 2014 quadrennial elections.

Please contact Neal Swancott on 02 8204 3016 or neal.swancott@unitedvoice.org.au if you have any enquiries in relation to these matters.

Yours faithfully



David O'Byrne
ACTING NATIONAL SECRETARY