



Copy of Signed Decision

Title of Matter: Application/Notification by United Voice
Section: s.189(1) RO Act - Notification of elections for office - Casual vacancy or insufficient nominations
Subject: Casual vacancy - ACT Branch Councillor from the Hospitality Section (1)
Matter Number(s): E2015/135

Dear Australian Electoral Commissioner via the Electoral Officer

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

A copy of the Delegate's decision is attached for your information.

The relevant rules can be accessed via the [website](#).

Contact: Mr David O'Byrne of the organisation, as per the prescribed information.

Please send the declaration(s) and post election report to the Fair Work Commission at orgs@fwc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Carolyn Moloney through orgs@fwc.gov.au.

14 APRIL 2015



FairWork
Commission

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Title of Matter: Application/Notification by United Voice
Section: s.189(1) RO Act - Notification of elections for office - Casual vacancy or insufficient nominations
Subject: Casual vacancy - ACT Branch Councillor (1)
Matter Number(s): E2015/135

A copy of the Delegate's election decision in relation to the above matter is attached for your information.

Please note: Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records be declared to the Fair Work Commission. This includes changes resulting from the conduct of elections. Changes must be declared within 35 days of their occurrence.

Inquiries:

Any inquiries relating to this are to be directed to Carolyn Moloney
Phone: 02 8374 6510, email: carolyn.moloney@fwc.gov.au, Fax: 02 9380 6990.

14 APRIL 2015



DECISION

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

United Voice
(E2015/135)

MR ENRIGHT

MELBOURNE, 14 APRIL 2015

Arrangement for conduct of election.

[1] On 8 April 2015 United Voice lodged with the Fair Work Commission the prescribed information in relation to a casual vacancy election, for the remainder of the term, for the following office:

ACT Branch

Delegate to Branch Council (Hospitality Section) (1)

[2] I am satisfied that an election for the abovenamed office 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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Copy of Prescribed Information

Title of Matter: Application/Notification by United Voice
Section: s.189(1) RO Act - Notification of elections for office - Casual vacancy or insufficient nominations
Subject: Casual vacancy - ACT Branch Councillor (1) - declared on 13 May 2014 in E2014/64
Matter Number(s): E2015/135

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

9 APRIL 2015



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7 April 2015

The General Manager
Fair Work Australia
80 William Street
EAST SYDNEY NSW 2011
By email: orgs@fw.gov.au

Dear Sir/Madam,

Notice of Prescribed Information for Election

I write to request that an election be held for one vacant office in the A.C.T. Branch of United Voice.

The prescribed information pursuant to S189(1) of the Fair Work (Registered Organisations) Act 2009 and Regulation 138 of the Fair Work (Registered Organisations) Regulations 2009 is set out below.

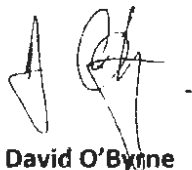
- a) The name of each office for which an election is required:
Nathaniel Guicci – Branch Council
- b) The reason for the election is that casual vacancies in the office referred to above has occurred, as follows:
Office declared vacant pursuant to Rule 64(a)(iv) – absent three consecutive meetings no apology provided
- c) If more than one of the offices or positions for which an election is required has the same name, and the number of offices or positions can, under the rules of the relevant organisation or branch, be determined before the prescribed day – the number of those offices or positions.
Six
- d) The electorate for the office or position is as follows:
Hospitality
- e) The date and time of the beginning and end of the period in which the nominations of candidates will be called for or may be made under the Rules of United Voice in relation to the election are contained in Rule 42.
 - e.1. The vacancy referred to in Paragraphs 1 and 2 above is for a term of office that exceeds twelve (12) months and therefore does not fall within Rule 42(e) of the Rules.
 - e.2. This Rule provides:
 - e.2.1. *Casual vacancies, other than those provided for in sub-rule (e), must be filled by the appropriate manner of election elsewhere provided in these rules.*
 - e.3. Rule 40 sets out the “appropriate manner of election”.

- f) The day on which the roll of voters is to be closed is provided for in Rule 40 of the Union Rules.
- g) The voting system to be employed in the conduct of the election is prescribed in Rule 40(r), which provides:
 - g.1. All elections conducted under this Rule will be conducted according to a "first past the post" system of voting such that in any election a person must mark his or her vote on the ballot paper by writing a cross (X) or by making any other legible mark which makes the voter's intention clear in the square opposite the name of the candidate or candidates for whom the person votes.*

Please contact Wayne Newell on [REDACTED] if you have any enquiries in relation to this matter.

I, David O'Byrne, confirm that I am authorised by United Voice and by the Rules of United Voice to make this statement on behalf of United Voice and that this information is lodged under s.189 of the Fair Work (Registered Organisations) Act 2009.

Yours faithfully



David O'Byrne
NATIONAL SECRETARY



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w www.unitedvoice.org.au

Branch President
Ian Gair
Branch Secretary
Lyndal Ryan

7th April 2015

The General Manager
Fair Work Australia
80 Williams Street
EAST SYDNEY NSW 2011

Dear Sir,

I advise at the meeting of our Branch Executive meeting held on 2nd March this year I provided a report in relation to resignations from Branch Executive and Council positions.

In response to my report the following resolution was carried unanimously,

"This Executive notes and accepts the signed resignation of Linda Morrison (copy attached) from her position on Branch Executive.
The Executive notes and accepts the signed resignation of Charlie Brincat (copy attached) from his position on Branch Council."

Rule 64(a)(iv) provides that if a member is absent from three consecutive meetings without a satisfactory apology, the Branch President must declare the office vacant when advised by the Branch Secretary. The Branch President noted that Maddie Griffin, Elba Cruz, Nathaniel Guicci and Daniel Finlay have not attended the last three meetings and declared the offices vacant at the Branch Executive meeting 2nd March.

Maddie Griffin has subsequently notified me by text message that as she has moved overseas and will not be returning until 2016 she wishes to resign her position. Phone contact has also been made with Elba Cruz and Daniel Finlay, both of whom have verbally expressed their wishes to resign from their respective offices.

I note that Nathaniel Guicci was not included on the original Prescribed Information and request for election however we will submit a separate request through the National Secretary as soon as possible to enable this position to be included.

Yours sincerely



Lyndal Ryan
ACT Branch Secretary