



4 December 2015

Ms Jo-Anne Schofield
National Secretary
United Voice

jo.schofield@unitedvoice.org.au

Dear Ms Schofield,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Commission a declaration of results for the election [E2015/198]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require 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 should be provided for in your organisation's rules.

Also, section 233(2) of the RO Act requires that an organisation must notify the Fair Work Commission (the Commission) within 35 days of any changes to the holders of office in the organisation. If the election has resulted in any changes to the holders of office, the United Voice 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. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't 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

Debbie Ball
Regulatory Compliance Branch

**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/CEASED operation:
 1. [include name of each new branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

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)

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	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</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>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</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>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

United Voice

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2015/198

RULES

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

Rules difficult to apply/interpret: Rule 22 refers to 'cascading' first past the post voting, for example, 22 (f) (ii) states: *The ballot for all positions must be conducted by the returning officer as a single exercise according to a system of 'cascading' first past the post voting such that in an election, a person must mark his or her vote on the ballot paper by sequential numbering...such that all squares are completed.*

This rule needs to be amended as the method of voting would not be appropriate for positions where there is only one office or vacancy, and such a voting method if enforce may create informality resulting in lost votes. As it stands, the rule applies for ALL position, causing voters to mark preferences for all candidates when there is only 1 position for a first past the post election.

Rule 22 (f) (i) states: *...nominations for the election of the members of the National Executive must be dealt with and completed in the following order.*

Clarification is required whether the rule intends to call for nominations one at a time (completing each one before the next is called), or to prevent a member from holding multiple offices. If the later, then it would be better to state the order that votes will be counted and confirm that no members can hold multiple offices.

Model Rule reference (if any): N/A



ROLL OF VOTERS

Total number of voters on the Roll:	94
Number of apparent workplace addresses:	Nil
Number of non-current addresses:	Nil
Other matters pertaining to the roll of voters:	Nil

IRREGULARITIES

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

ATTACHMENTS

Declaration for Uncontested Offices – E2015/198



Renee Damasena
Returning Officer
24 August 2015

United Voice Vacancy Election

Declaration of Results for Uncontested Offices

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 Council

Assistant National Secretary

Candidates

MCELREA, David

National Secretary

Candidates

SCHOEFIELD, Jo-anne

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



Renee Damasena
Returning Officer

24 August 2015



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: National Secretary (casual vacancy) and Assistant National Secretary (insufficient nominations).
Matter Number(s): E2015/198

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.

29 JULY 2015



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: National Secretary (casual vacancy) and Assistant National Secretary (insufficient nominations).
Matter Number(s): E2015/198

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 rulebook can be accessed via the Fair Work Commission's [website](#).

Contact: Jo-Anne Schofield 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.

29 JULY 2015



DECISION

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

United Voice
(E2015/198)

MR ENRIGHT

MELBOURNE, 29 JULY 2015

Arrangement for conduct of election.

[1] On 3 July 2015, United Voice lodged with the Fair Work Commission the prescribed information in relation to a casual vacancy election, for the remainder of the terms, of the following offices:

NATIONAL EXECUTIVE

National Secretary	(1)
Assistant National Secretary	(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 GENERAL MANAGER

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NATIONAL OFFICE

MEMORANDUM

TO : Jo Schofield
FROM : Wayne Newell
DATE : 2 July 2015
SUBJECT : Postal Vote re National Council Motions – casual vacancies

In accordance with your instructions I posted and emailed members of the National Council, on Friday 12 June 2015, eight motions for voting. I note that the National President, appointed with the functions of National Secretary, has the power to submit motions to National Council any question to a vote of the Executive in accordance with Rule 19(d) and that the means of communication was conducted in accord with Rule 19(e).

The motions were as follows: (Note for FW: three of the eight motions, not relevant to the requested election, have been excluded from that shown below)

1. National Council receives the resignation of David O'Byrne, National Secretary, effective 29th May 2015. National Council notes, in accord with the Rules, that National Executive has appointed Jo-anne Schofield, National President, to perform the functions of the office of National Secretary whilst there is a casual vacancy for National Secretary. National Council directs the National President to promptly file the required Fair Work Prescribed Information and to request Fair Work to conduct an election for the casual vacancy of National Secretary.
2. National Council endorses, subject to motion 4, the recommendations of the National President in relation to the structure of the union, being
 - a. The office of National President becomes an honorary office elected by, and from, the National Council; and
 - b. A second full-time Assistant National Secretary is elected.
3. National Council resolves to revoke the determination of National Council on 29th April 2014 and that consistent with Rule 20(c)(iv) there will be two National Assistant Secretaries.
4. National Council resolves that the term of office of the Assistant National Secretary (to be elected as a consequence of this motion) will be the same term as held by the officers currently elected to the National Executive.

5. *National Council directs the National Secretary, or person performing the obligations of the National Secretary as the case may be, to prepare and file the relevant Fair Work Prescribed Information with the Fair Work Commissioner and request an election for the office of Assistant National Secretary as soon as is practicable.*

At the time of the motion, ninety four (94) National Council members were eligible to vote. A total of fifty six (56) votes were received before the nominated closing time for votes, being 7.00pm AEST Wednesday 1st July 2015. All votes received were in favour of all motions. It is noted that more votes may be received in the post that are postmarked prior to the closing date. These will be recorded as valid votes, if so received. It is further noted, however, that as both a quorum and majority of votes has been achieved, any subsequent votes will not negatively impact the outcome of the result.

In my opinion, the National Council has now validly approved all eight motions with a quorum (noted as twenty (20) spread over at least three Branches as per Rule 19(h)) achieved and all votes received supporting the motions. All motions declared as carried.



Wayne Newell
Chief Operating Officer
National Office



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: National Secretary (casual vacancy) and Assistant National Secretary (insufficient nominations).
Matter Number(s): E2015/198

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.

6 JULY 2015



2nd July 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 two vacant offices in the National Executive.

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 as follows:

1. The name of each office for which an election is required:
 - 1.1. National Secretary;
 - 1.2. Assistant National Secretary.
2. The reason for the election is that vacancies in the offices referred to above have occurred, as follows:
 - 2.1. Resignation of David O'Byrne as National Secretary from National Executive, effective 29 May 2015;
 - 2.2. Office of the second Assistant National Secretary was not filled at the last election. National Council previously abolished the office for the term of the current quadrennial (Rule 20(h)(ii)(B)). National Council have now rescinded that resolution, copy attached, requesting the second office for Assistant National Secretary to be filled by election.
3. 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.
 - 3.1. Rule 20 provides for two (2) Assistant National Secretaries of which one (1) has been previously elected.
4. The electorate for the office or position is as follows:
 - 4.1. All financial members of National Council.
5. 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 22.
 - 5.1. The vacancies referred to above are for a term of office that exceeds twelve (12) months

and falls within Rule 22(g) of the Rules.

5.2. This Rule provides:

5.2.1. Should an extraordinary vacancy occur in the office of any member of the National Executive through death, resignation, removal in accordance with Rule 66, dismissal or otherwise, the National Council must elect at a meeting in the same manner as near as possible as provided in sub-rule (f) hereof a delegate to National Council to the office and such a member will hold office for the residue of the term for which such member's predecessor was elected.

5.3. Rule 22(f) sets out the manner of election.

6. The day on which the roll of voters is to be closed is provided for in Rule 22(g) of the Union Rules.
7. The voting system to be employed in the conduct of the election is prescribed in Rule 22.

Please contact Wayne Newell on 02 8204 3006 if you have any enquiries in relation to this matter.

I, Jo-anne Schofield, 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



Jo-anne Schofield
NATIONAL PRESIDENT

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, Jo-anne Schofield, being the National President of United Voice (appointed by resolution of National Executive, with the functions of National Secretary for the period of the casual vacancy of National Secretary), 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*:
 - 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.

Signed: 

Dated: 3/7/15

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.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	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National Council</i>	<i>29th May 2015</i>	<i>National Secretary</i>	<i>David O'Byrne</i>	<i>Resignation (copy of resignation letter previously supplied to Fair Work as part of resignations from QLD Branch)</i>			
...							