



3 November 2016

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 Fair Work Commission (the Commission) a declaration of results for the election of uncontested National Executive Member offices [E2016/208]. 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 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. A list of approved training providers is attached.

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.

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 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;

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

Telephone: (02) 9308 1972
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

- 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

Carolyn Moloney
Regulatory Compliance Branch

List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 ceo@ahawa.asn.au
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 imacdonald@bic.asn.au
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 jenifer.leuba@aigroup.asn.au
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 members@nat.awu.net.au
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	AICD state-based contacts
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 orgcentre@actu.org.au
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 dennisr@wwr.com.au
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 learning@lgnsw.org.au
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 ceo@aha.org.au
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 tom@dws.net.au
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 vibeprctraining@bigpond.com
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	andrew.johnson@lgrceu.org
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	paulm@mtaq.com.au

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]*
 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	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>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>
...						



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: United Voice (UV)

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2016/208

RULES

Rules used for elections Rule ID: [108V:Incorporates alterations of 22/12/2015
[R2015/288]

Rules difficult to apply/interpret: None

Model Rule reference (if any):

ROLL OF VOTERS

Total number of voters on the roll N/A

Number of apparent workplace addresses

Number of non-current addresses

Other Matters Nil

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

ATTACHMENTS

A: Declaration

Rhys Richards
Returning Officer
19 October 2016

United Voice NSW & WA Branches Vacancy Election

Declaration of Results for Uncontested Offices

E2016/208

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

National Executive Member (New South Wales Branch)

Candidates

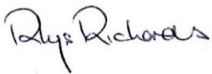
KORLEVSKA, Julie

National Executive Member (Western Australia Branch)

Candidates

No nomination was received

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



Rhys Richards
Returning Officer

19 October 2016



DECISION

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

United Voice
(E2016/208)

MR ENRIGHT

MELBOURNE, 14 SEPTEMBER 2016

Arrangement for conduct of election.

[1] On 19 August 2016, United Voice (the organisation) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to a casual vacancy election for the following offices:

NATIONAL EXECUTIVE

National Executive Members representing the following Branches

Western Australia	(1)
New South Wales	(1)

[2] On 2 September 2016, the Commission contacted the organisation and enquired as to the reasons for the delay in lodging the prescribed information for the above offices when the resignation for the Western Australian office occurred in February 2016, and the resignation for the New South Wales office occurred in April 2016, as referenced by the resignation letters lodged with the prescribed information.

[3] On 5 September 2016, the organisation wrote to the Commission stating that the resignations took effect on or about 22 February 2016 for the Western Australian office and on or about 30 May 2016 for the New South Wales office. The organisation explained that the reason for the delay in lodging the prescribed information was due to the organisation ensuring vacancies arising in several National Council Delegate offices from the New South Wales and Western Australian Branches were first filled, so that a full complement of members would be eligible to nominate for the above National Executive Member offices.

[4] One of the standards set out in the *Fair Work (Registered Organisations) Act 2009* (the RO Act) is to ‘provide for the democratic functioning and control of organisations’ (section 5(3)(d) of the RO Act). To ensure the democratic functioning of organisations by its members it is expected that registered organisations will take steps to fill vacancies promptly to ensure that the number of office holders elected by members corresponds with the number provided for in its rules. Whilst I note the reason provided by the organisation for the delay in lodging prescribed information, I do not accept that as a satisfactory reason for not lodging

prescribed information for almost six months after the first casual vacancy occurred in Western Australia.

[5] I do not propose to frustrate the democratic function of the organisation to conduct an election to fill the above offices. However, future prescribed information in relation to elections arising as a result of casual vacancies should be lodged with the Commission in a more timely manner.

[6] 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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From: Bev Myers <Bev.Myers@unitedvoice.org.au>
Sent: Monday, 5 September 2016 3:41 PM
To: Orgs
Cc: Julie Sprake
Subject: Arrangements for conduct of an election (E2016/208)
Attachments: Response to FWC 5-9-16.pdf

Dear Mr. Vale,

Please find attached correspondence from United Voice in relation to the above-referenced matter.

Should you have any queries in relation to this matter, please feel free to contact me.

Kind regards,

Bev

Bev Myers
Director, Corporate & Public Affairs
United Voice National Office

Direct: 02 8204 3016 | Mobile: 0449 155 673 | Fax: 02 9281 4480



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5 September 2016

Mr David Vale
Fair Work Commission
80 William Street
EAST SYDNEY NSW 2011
By email: orgs@fwc.gov.au

Dear Mr Vale,

Arrangements for conduct of an election (E2016/208)

I refer to your letter dated 2 September 2016.

Notwithstanding that the election requested pertains to the election of two members of the National Executive related to particular branches (NSW and WA), as noted in my previous correspondence, the voting system to be employed in the conduct of the election is a direct voting system.

The registered Rules of United Voice provide that each branch of United Voice is permitted a particular number of members on the National Executive, *a fortiori* a candidate for a vacancy must be a member of the relevant branch. However, the Rules provide that the National Council as a whole, rather than each respective branch for which a vacancy exists, will vote to fill the position (Rules 20 and 22). The National Executive is the committee of management of the Union, it acts on behalf of all members of the union nationally and accordingly, its members are determined by the National Council, not by the branches. All prior elections for the National Executive have been conducted pursuant to a direct voting system.

The vacancies relate to the resignation of Ms Kelly Shay (WA) and Mr Mark Boyd (NSW). Ms Shay's resignation took effect on or about 22 February 2016. Mr Boyd's resignation took effect on or about May 30, 2016. As noted above, candidates for vacancies on the National Executive must be a member of the branch to which the vacancy relates. In addition, pursuant to Rule 22 (d) a person will not be eligible to nominate for the position of a member of the National Executive, if the person is not also a delegate to the National Council. Accordingly, both WA and NSW sought to fill the vacancy arising in their National Council delegates prior to filling the National Executive vacancy, in order that a full complement of members would be eligible to nominate.

At the last quadrennial election held in 2014, 18 National Council delegates from WA were elected. From late 2015 and over the course of the early months of 2016, six National Council delegate vacancies arose. The WA branch determined to fill as many of these vacancies as possible and

determined to do so, for practical reasons, at the same time as elections for other vacancies in the branch (Branch Council and Branch Executive) were to be held. Thus, it took some months to inform members about the vacancies, explain the duties and responsibilities of all positions being sought and arrange elections. Nominations for vacancies in the WA branch opened on 11 July 2016. Nominations were received until 15 July 2016 and at a Branch Council meeting on 27 July 2016, numerous positions were filled. Relevantly, these included the six National Council delegate positions.

An election with respect to the WA member on the National Executive was sought on 19 August 2016, being less than one month following the filling of all 18 of WA's National Council delegates, all of whom are eligible to nominate for the National Executive position.

With respect to NSW, the vacancy on National Council created by Mr. Boyd's resignation was filled on 21 June 2016. Upon its filling, NSW had a full complement of National Council delegates eligible to nominate to fill the NSW vacancy on the National Executive. The NSW branch sought advice from United Voice's National Office with respect to the filling of this vacancy. Given that processes were well underway in WA to fill its National Council vacancies, as a pre-requisite to then conducting an election for the WA vacancy on National Executive, and as it was anticipated that these positions would be filled in just over a month, United Voice felt that, for practical reasons, both vacancies on the National Executive should be dealt with at the same election. Both the NSW and WA branches agreed to this course of action.

An election with respect to the NSW member on the National Executive was sought on 19 August 2016, being approximately two months following the filling of all of 19 of NSW's National Council delegates, all of whom are eligible to nominate for the National Executive position.

Since the resignation of both the WA and NSW National Executive members, the National Executive has run according to the Rules of United Voice and has faced no issue in reaching the quorum required for it to conduct its business.

I trust this correspondence addresses your concerns. Should you have any further queries please contact Bev Myers on (02) 8204 3016 or bev.myers@unitedvoice.org.au

Yours faithfully

A handwritten signature in black ink that reads "Jo-anne Schofield". The signature is written in a cursive, flowing style.

Jo-anne Schofield
NATIONAL SECRETARY



FAIR WORK
COMMISSION

2 September 2016

Ms Jo-anne Schofield
National Secretary
United Voice
Locked Bag 9
HAYMARKET NSW 1240

Also by facsimile: (02) 9281 4480

Attention: Ms Bev Myers

Dear Ms Schofield

Arrangements for conduct of an election (E2016/208)

I refer to the prescribed information dated 19 August 2016 which was lodged with the Fair Work Commission on 19 August 2016 for a casual vacancy election following the resignation of two members of the National Executive.

The prescribed information provides that the voting system to be used in the conduct of the election is to be a direct voting system. However, as the electorate for the above election are delegates to the National Council, it appears that the voting system to be used will be a collegiate electoral system. If you agree with this analysis could you please lodge amended prescribed information.

In addition, the correspondence is addressed to the Fair Work Australia, the former name of the Fair Work Commission. Could you please forward any future correspondence addressed to the Fair Work Commission.

Finally, the resignations of the two members of the National Executive in respect to this election are dated 19 February and 4 April 2016 respectively. To ensure the democratic functioning of organisations by its members it is expected that registered organisations take steps to ensure that the number of office holders elected by members corresponds with the number provided for in its rules. Could you inform the Commission for the reasons this election request has been lodged almost six months after the first of the abovementioned resignations.

Please do not hesitate to contact me on (02) 9308 1970 if you have any questions relating to this correspondence.

Yours sincerely

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

svc-adlib5

From: Bev Myers <Bev.Myers@unitedvoice.org.au>
Sent: Friday, 19 August 2016 12:28 PM
To: Orgs
Cc: Julie Sprake
Subject: Request for an election
Attachments: Letter to FW re request for an election.pdf; resignation letter BOYD.pdf; FW: Message from Kelly Shay

Dear Sir/Madam,

Please find attached a request to the General Manager for an election to be held for the National Executive of United Voice.

Should you have any queries, please feel free to contact me.

Kind regards,

Bev

Bev Myers
Director, Corporate & Public Affairs
United Voice National Office

Direct: 02 8204 3016 | Mobile: 0449 155 673 | Fax: 02 9281 4480



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19 August 2016

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

Dear Madam,

Notice of prescribed information for election

I write to request that an election be held for the National Executive of United Voice.

The prescribed information pursuant to s.189(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act") and Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009* is as follows:

1. The name of each office or position for which an election is required is:
 - 1.1. Member of the National Executive (WA Branch)
 - 1.2. Member of the National Executive (NSW Branch)
2. The reason for the election is that a casual vacancy in each of the above offices or positions has occurred. In respect of the office or position outlined in 1.1 above, Kelly Shay, member of the National Executive from WA, has resigned from her role. A copy of her resignation is attached. In respect of the office or position outlined in 1.2 above, Mark Boyd, member of the National Executive from NSW, has resigned his role. A copy of his resignation is attached.
3. Not applicable.
4. The electorates for the office or position are the delegates to National Council - Rule 22(g).
5. The date and time of the beginning and end of the period in which 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 rules 22(f) and 22(g) of the Rules. It is proposed that, subject to the agreement of Fair Work Australia and the returning officer appointed by the AEC, that nominations be called on 16 September 2016 and close on 30 September 2016.
6. The day on which the roll of voters is to be closed is provided for in Rule 22(f) of the United

Voice rules. The roll of voters has already closed as it consists of the delegates to the National Council of United Voice elected at the last quadrennial election as well as those subsequent casual vacancies filled either by Branch election or Branch Council appointment.

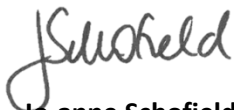
7. The voting system to be employed in the conduct of the election is a direct voting system.

I 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 subsection 189(1) of the Act.

In the event that nominations close on 30 September 2016, the prescribed information will not have been lodged more than two months before the first day when a person may, under the rules of United Voice, become a candidate in an election. Accordingly, I request that the General Manager allows it to be lodged on a later day in accordance with s.189(2).

If you have any queries please contact Bev Myers on (02) 8204 3016 or bev.myers@unitedvoice.org.au

Yours faithfully



Jo-anne Schofield
NATIONAL SECRETARY

Attachments:

Kelly Shay, letter of resignation

Mark Boyd, letter of resignation