



12 September 2018

Ms Jo-anne Schofield  
National Secretary  
United Voice  
jo.schofield@unitedvoice.org.au

Dear Ms Schofield

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/104**

On 5/09/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/104 dated 4/09/2018. 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 rules 22(f)(i), 22(f)(ii) and (iii), 22(f) and 22(g), and 22. 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](mailto: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**



12 September 2018

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 Registered Organisations Commission (the ROC) a declaration of results for the election of stages 1 and 2 uncontested/contested offices for the National Executive [E2018/104]. 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, as soon as practicable after receiving the post-election report, 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 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. 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**

4 September 2018

# Post-election Report

**United Voice – E2018/104**

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# Election(s) Covered in this Report

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Election Decision No/s: E2018/104

## Rules

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Rules used for the election: 108V: Incorporates alterations of 31 January 2018 [R2017/294] (replaces rulebook dated 22 December 2015 [R2015/288])

Rules difficult to apply/interpret:

22(f)(i) There is an inconsistency in requiring two nomination rounds where the ballot for the first nomination round results in a male being elected: see the first and last paragraphs of sub-rule 22(f)(i) of the Rules.

There should only be one call for nominations. The timelines provided by the Rules do not permit an alternative requirement for a second round of nominations.

22(f)(ii) and (iii) There is a disparity in requiring sequential numbering against all candidates in a first past the post ballots.

The method of counting votes is unduly complicated. It would be simpler to adopt a preferential system of voting which would make resort to a determination of a tie by lot a more remote contingency.

22(f) and 22(g) The method of declaring the results of an election under sub-rule 22(f) and sub-rule 22(g) are not aligned.

Sub-rule 22(g) allows for an oral declaration (called 'verbal') whereas sub-rule 22(f) is not permissive in this regard.

22 There is no provision in the Rules for the National Executive Elections for withdrawing nominations.

Module Rule reference (if any): N/A

## Roll of Voters

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Total number of voters on the Roll:	100
Number of apparent workplace addresses:	0
Number of non-current addresses:	1
Other matters pertaining to the roll of voters:	N/A

## Irregularities

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Included in election E2018/104 was a ballot for two National Executive Members in respect of South Australia (the Ballot). Nominations were received from three candidates, two female and one male.

The outcome of the Ballot was:

- David Di Troia received 74 primary votes out of the 81 ballot papers issued (there was one informal ballot).
- Donna Duke and Deirdre Menaud each received 3 primary votes.

When the primary votes allocated to David Di Troia were distributed according to the relevant second preferences, Donna Duke received a combined total of 77 votes.

The distribution of David Di Troia's primary votes according to their second preferences is consistent with subparagraphs 22(f)(i), 22(f)(ii) and 22(f)(iii) of the Rules when read together:

*(f)(i) Subject to paragraph (ii) of this sub-clause, the returning officer must call for nominations such that nominations close at least seven days prior to the meeting and nomination for the election of the members of the National Executive must be dealt with and completed in the following order:*

...

*Members of the National Executive*

*In the case of ... the members from each of ... South Australian, ... Branch the returning officer must call for nominations and must conduct an election for the two positions, if necessary, sequentially. In the event that a male is elected to the first position then the returning officer must only accept nominations from women for the second position.(f)(ii)*

*(ii) 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 [1,2,3 etc.] in the square opposite the name of the candidate or candidates for whom the person votes, such that all squares are completed.*



## Australian Electoral Commission

- (iii) When counting a vote, the returning officer must*
  - (a) exclude from the ballot the subject of the vote any candidate elected to a more senior office in accordance with the order of election prescribed in sub rule (f)(i);*
  - (b) where the number "1" is marked in the square opposite the name of a candidate already declared elected to a more senior office, reallocate the numbering on the ballot such that the candidate marked as number "2" in the sequential numbering receives the number "1" vote, and the returning officer must reallocate the numbering of the vote until the numbering against all squares on the ballot paper has been completed.*

Only Donna Duke and Deirdre Menaud were eligible to nominate as candidates in the second ballot to be held in the event (as in deed transpired) that a male candidate was first elected as a Member of the National Executive.

David Di Troia, because he was elected as Member of the National Executive, became the holder of the more senior office. Seniority here being ascertained by priority in time.

The re-numbering process required by paragraph 22(f)(iii) was applied to Mr Di Troia's ballots to elevate ballots numbered 2 on each ballot paper to the status of being numbered 1 after disregarding the vote in favour of Mr Di Troia.

The outcome did not require the application of paragraph 22(f)(iv) of the Rules:

- (iv) ...In the event of equality of vote for any two or more candidates, the returning officer must determine by lot which of the candidates is elected.*

When the number of primary votes in the second ballot was ascertained after re-numbering the votes numbered 2 in the ballot papers that gave first preference to David Di Troia to become No. 1 votes (i.e. primary votes) after disregarding the votes actually numbered 1 and allocating those renumbered votes for each of the two candidates as the case required, there was no equality of the primary votes for the two candidates.

Consequently there was no need to conduct a draw by lot.

Although there was no irregularity in the conduct of election E2018/104 it is recommended that the Rules be reviewed in respect of an equality of vote.

## Other Matters

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### Rule 20(v) and (vi)

A material part of the election process for members of the National Executive is found in rule 20 of the Rules, namely that the National President or National Vice President who is a member of a branch is treated as one of the members of the National Executive from that Branch. For consistency this should be included in Rule 22.

### Withdrawal of nominations

Two candidates requested to withdraw their nominations after the close of nominations. There is no provision in the Rules for the National Executive Elections for withdrawing nominations. As a result the period for withdrawing of any nominations expired at the close of nominations. Therefore the requests to withdraw could not be accepted.

## Attachments

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- 1) Declaration of Results for Uncontested Offices
- 2) Declaration of Results for Contested Offices – NSW and SA



Larissa Timbs  
Returning Officer

4 September 2018

**United Voice**  
**DECLARATION OF RESULTS - E2018/104**  
**Contested 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:

**United Voice - National Executive**

Total number of persons on the roll of voters	100
Ballot Papers Issued	81
Replacement ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>81</b>
Ballot papers/envelopes returned for scrutiny	81
Less ballot papers/envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
<b>TOTAL BALLOT PAPERS</b>	<b>81</b>
Percentage of ballot papers returned to number of persons on the roll	81%
Ballot papers returned as unclaimed mail by closing date of ballot	0
Ballot papers not returned by voters	0

**National Executive Members - New South Wales (2)**

<u>Candidates</u>		<u>First Preference Votes</u>
KORLEVSKA	Julie	4
GATFIELD	Mel	74
GROGAN	Lillian	2

<b>Total Ballot Papers</b>	<b>81</b>
Formal ballot papers	80
Informal ballot papers	1

I declare the following elected:	Order elected
• KORLEVSKA Julie	2
• GATFIELD Mel	1

**National Executive Members - South Australia (2)**

<u>Candidates</u>		<u>First Preference Votes</u>	<u>Total Votes after Second Preference</u>
MENEAUD	Deirdre	3	3
DUKE	Donna	3	77
DI TROIA	David	74	

<b>Total Ballot Papers</b>	<b>81</b>
Formal ballot papers	80
Informal ballot papers	1

I declare the following elected:	Order elected
• DUKE Donna	2
• DI TROIA David	1

Larissa Timbs  
 Returning Officer  
 Australian Electoral Commission  
 29/08/2018

**United Voice**  
**DECLARATION OF RESULTS - E2018/104**  
**Uncontested Offices**

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**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:

**United Voice - National Executive**

**President (1)**

Candidates

BULLOCK, Gary

**Vice President (2)**

Candidates

RYAN, Lyndal

SMITH, Carolyn

**Secretary (1)**

Candidates

SCHOFIELD, Jo-Anne

**Assistant Secretary (1)**

Candidates

GIBBONS, Helen

**National Executive Members - Queensland (2)**

Candidates

CADDIE, Sharron

BULLOCK, Gary

**National Executive Members - Victoria (2)**

Candidates

REDFORD, Ben

WALSH, Jess

**National Executive Members - Western Australia (2)**

Candidates

LORD, Karma

SMITH, Carolyn

**National Executive Members - Australian Capital Territory (1)**

Candidates

RYAN, Lyndal

**National Executive Members - Northern Territory (1)**

Candidates

EARLY, Erina

**National Executive Members - Tasmania (1)**

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  
Australian Electoral Commission  
24/08/2018





## DECISION

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

**United Voice**  
(E2018/104)

MR ENRIGHT

MELBOURNE, 13 JUNE 2018

*Arrangement for conduct of election.*

[1] On 11 May and 7 June 2018 the United Voice (the organisation) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	
Vice President	(2)
Secretary	
Assistant Secretary	

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] 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.



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DELEGATE OF THE COMMISSIONER

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**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](mailto:unitedvoice@unitedvoice.org.au)  
w [www.unitedvoice.org.au](http://www.unitedvoice.org.au)

June 7, 2018

Registered Organisations Commissioner  
Registered Organisations Commission  
Level 4, 414 LaTrobe Street,  
Melbourne, VIC

**By email:** [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

Dear Commissioner,

#### **AMENDMENT TO UNITED VOICE APPLICATION**

I refer to United Voice's application lodged pursuant to section 189(1) of the *Fair Work (Registered Organisations) Act 2009* ('Act') on 11 May 2018, including prescribed information with respect to United Voice's forthcoming national elections ('the Application'). I refer also to discussions between Mr. Sam Gallichio of your office and Ms. Bev Myers from the union concerning the voting system for the election.

In view of those discussions and following a resolution of the National Executive of United Voice, we seek to amend the Application. The Application is amended only in respect of the voting system listed. I am authorised to lodge the amended prescribed information attached concerning the forthcoming elections and request that an election be conducted in accordance with the amended prescribed information.

Please contact Bev Myers on 02 8204 3016 if you have any enquiries in relation to these matters.

Yours faithfully

**Jo-anne Schofield**  
**NATIONAL SECRETARY**

Attachments: (Amended) Prescribed Information  
Annexure A



**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Sections 187 and 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009**

I, JO-ANNE SCHOFIELD, being the NATIONAL SECRETARY of UNITED VOICE make the following statement:

1. I am authorised to sign this statement containing prescribed information for election of National Officers and the National Executive of United Voice.
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: June 7, 2018

## ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
<b>NATIONAL</b>	President	1	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>
	Vice President	2	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>
	Secretary	1	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>
	Assistant Secretary	1	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>
	National Executive Member NSW	2	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>
	National Executive Member QLD	2	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>
	National Executive Member SA	2	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>
	National Executive Member VIC	2	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>
	National Executive Member WA	2	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>
	National Executive Member ACT	1	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>
	National Executive	1	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>

	Member NT				
	National Executive Member TAS	1	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Council members [Rule 22]</i>

- Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	<i>N/A</i>	<i>To be set by the AEC - in 2014, the nominations opened on 6 August.</i>
<b>Nominations CLOSE</b>	<i>N/A</i>	<i>At least seven days prior to the meeting of National Council [to be held 27-29 August, 2018] (rule 22(f) and (a))</i>
<b>Roll of Voters cut off date</b>	<i>N/A</i>	<i>To be set by the AEC - in 2014, the roll closed on 30 July.</i>