

From: Christine Cox <Christine.Cox@aec.gov.au>
Sent: Wednesday, 3 February 2016 11:35 AM
To: Orgs
Cc: 'mark.boyd@unitedvoice.org.au'; Industrial Elections
Subject: Post Election Report and Declaration for United Voice Community and Property Services Division E2015-248 and Leisure and Tourism Division E2015-249 [DLM=For-Official-Use-Only]
Attachments: Declaration Uncontested Report E2015-248.pdf; Declaration Report Uncontested E2015-249.pdf; Post election Report E2015-248.pdf; Post election Report E2015-249.pdf
Categories: RIA

For-Official-Use-Only

Good Morning

I refer to the above election for your organisation.

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

Section 198 of the Act 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 2009* requires an organisation or branch to publish a notice on its website 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.

Regards
Chris

Chris Cox | Senior Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6301 | F: (02) 6215 9910



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United Voice

Leisure and Tourism Vacancy

Declaration of Results for Uncontested Offices

E2015/249

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.

Leisure and Tourism Division

Delegate to Branch Council

Candidates

No nomination was received



Chris Cox
Returning Officer

1 February 2016



Fair Work (Registered Organisations) Act 2009
POST ELECTION REPORT

Client: United Voice
Contact details: Mark Boyd
Secretary
NSW Branch
Locked Bag 12
HAYMARKET NSW 1240
Email: Mark.boyd@unitedvoice.org.au
AIR contact officer: Carolyn Moloney
Email: carolyn.moloney@fwc.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2015/249

RULES

Rules used for elections Rule ID: [0108V: Incorporates the alterations of 6/10/2015 in matter R2015/192].

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

ROLL OF VOTERS

As there were no contested offices, the Roll of voters was not required.

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: N/A

Other irregularities identified, and action taken: N/A

ATTACHMENTS

Declaration of Uncontested Offices

Chris Cox
Returning Officer
Australian Electoral Commission
3 February 2016



Copy of Signed Decision

Title of Matter: Application/Notification by United Voice
Section: s.189(1) RO Act - Notification of elections for office - insufficient nominations in previous election (E2015/110)
Subject: NSW Branch Council Delegate from Leisure and Tourism Division (1)
Matter Number(s): E2015/249

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: Ms 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.

2 NOVEMBER 2015



Copy of Signed Decision

Title of Matter: Application/Notification by United Voice
Section: s.189(1) RO Act - Notification of elections for office - insufficient nominations
Subject: - NSW Branch Council Delegate from Leisure and Tourism Division (1)
Matter Number(s): E2015/249

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.

2 NOVEMBER 2015



DECISION

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

United Voice
(E2015/249)

MR ENRIGHT

MELBOURNE, 2 NOVEMBER 2015

Arrangement for conduct of election.

[1] On 17 September 2015 United Voice (the organisation) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to an election for an office of the New South Wales Branch (the Branch) of the organisation, due to insufficient nominations in a previous election (E2015/110).

[2] On 7 October 2015 the Commission contacted the organisation and requested confirmation of the relevant Branch Division in which the vacancy had occurred, as there appeared to be a discrepancy in the prescribed information provided.

[3] On 21 and 23 October 2015, the organisation lodged amended and further amended prescribed information respectively. The further amended prescribed information, lodged on 23 October 2015, was for the following office:

New South Wales Branch

Delegate to Branch Council representing the following Division:
Leisure and Tourism Division (1)

[4] 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: Insufficient nominations - NSW Branch Council Delegate from Leisure and Tourism Division (1)
Matter Number(s): E2015/249

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.

23 OCTOBER 2015



23rd October 2015

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

Dear Sir/Madam,

Amendment to Notice of Prescribed Information for Election – E2015/249

I write to amend the previously submitted information supplied by the NSW Branch regarding a request for election of various NSW Branch positions. It was noted by Fair Work Commission staff, in reviewing the previous request of 16th September 2015, that the quadrennial election results indicate that for the resigned member creating the vacancy was in fact from the Leisure and Tourism Division and not the Community and Property Services Division as reported.

As such please, please accept my apologies and find attached the revised 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. NSW Branch Council delegate representing Leisure and Tourism Division.
2. The reason for the election is that casual vacancies in the office referred to above has occurred, as follows:
 - 2.1. Odile Tomlin resigned from the office of Branch Council delegate representing Leisure and Tourism, effective March 2015. The AEC conducted an election and declared a result in May 2015 with no one elected to the position.
3. If more than one of the offices or positions for which an election is required has the same name ...
 - 3.1. Not applicable
4. The electorate for the office or position is as follows:
 - 4.1. All financial members attached to the Leisure and Tourism Division of the New South Wales Branch.
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 42.

5.1. 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.

5.2. This Rule provides:

5.2.1. 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.

5.3. Rule 40 sets out the "appropriate manner of election".

6. The day on which the roll of voters is to be closed is provided for in Rule 40 of the Union Rules.

7. The voting system to be employed in the conduct of the election is prescribed in Rule 40(r), which provides:

7.1. 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, 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 SECRETARY

Attachments:

Change of Officer Notification

Copy of resignation (previously submitted)



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: Insufficient noms - NSW Branch Council Delegate from Leisure and Tourism Division (1)
Matter Number(s): E2015/249

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.

21 OCTOBER 2015



20th October 2015

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

Dear Sir/Madam,

Amendment to Notice of Prescribed Information for Election – E2015/249

I write to amend the previously submitted information supplied by the NSW Branch regarding a request for election of various NSW Branch positions. It was noted by Fair Work Commission staff, in reviewing the previous request of 16th September 2015, that the quadrennial election results indicate that for the resigned member creating the vacancy was in fact from the Leisure and Tourism Division and not the Community and Property Services Division as reported.

As such please, please accept my apologies and find attached the revised 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. NSW Branch Executive member representing Leisure and Tourism Division
 - 1.2. Delegate to National Council (NSW Branch)
 - 1.3. NSW Branch Leisure & Tourism Division Executive member.
2. The reason for the election is that casual vacancies in the office referred to above has occurred, as follows:
 - 2.1. Denise Pickering resigned from the offices of Branch Council, Branch Executive, delegate to National Council and Divisional Executive member, representing Leisure & Tourism, effective 27th May 2015.
3. If more than one of the offices or positions for which an election is required has the same name ...
 - 3.1. Not applicable
4. The electorate for the office or position is as follows:
 - 4.1. All financial members attached to the Leisure and Tourism Division of the New South Wales Branch.
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 42.

5.1. 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.

5.2. This Rule provides:

5.2.1. 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.

5.3. Rule 40 sets out the "appropriate manner of election".

6. The day on which the roll of voters is to be closed is provided for in Rule 40 of the Union Rules.

7. The voting system to be employed in the conduct of the election is prescribed in Rule 40(r), which provides:

7.1. 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, 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 SECRETARY

Attachments:

Change of Officer Notification

Copy of resignation (previously submitted)

From: MOLONEY, Carolyn
To: [REDACTED]
Subject: Casual vacancy election - Branch Council Delegate
Date: Wednesday, 7 October 2015 3:16:00 PM
Attachments: [Declaration Result UV E2015-73 C&PSD Delegate to Branch Council.pdf](#)
[AEC declaration E2014_64 NSW Branch.pdf](#)

Hi Wayne,

As discussed, I refer to the request for a casual vacancy election for a NSW Branch Council Delegate representing the Community and Property Services Division, which was lodged on 17 September 2015.

The prescribed information refers to and attaches a copy of the declaration of results from E2015/110, which shows that there were no nominations for the office in election E2015/110. The election in E2015/110 was a casual vacancy election due to the resignation of Odile Tomin as a Branch Council Delegate.

The attached AEC declaration of results from the quadrennial election, E2014/64, shows that Odile Tomin was a Branch Council Delegate in the Leisure and Tourism Division. This is supported by United Voice's 2015 annual return of office holder information, which also listed Odile Tomin as a Branch Council Delegate in the Leisure and Tourism Division (as at 31 December 2014). Please also find attached an AEC declaration of results from E2015/73, which was another casual vacancy election to fill the office of Branch Council Delegate from the Community and Property Services Division, and which successfully filled that office.

From this information, it appears that the Branch Council Delegate vacancy that remains to be filled is the one from the Leisure and Tourism Division, and that it was inadvertently not listed as such in the election E2015/110.

Could you confirm with the NSW Branch whether my assumption is correct. If so, we will require amended prescribed information which lists the correct office title.

Please don't hesitate to contact me if you wish to discuss this matter.

Kind regards,

CAROLYN MOLONEY
Assistant Adviser
Regulatory Compliance Branch

Fair Work Commission
Tel: 02 8374 6510
Fax: 02 9380 6990
carolyn.moloney@fwc.gov.au

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

www.fwc.gov.au



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: Insufficient nominations - NSW Branch Council Delegate from Community and Property Services Division (1)
Matter Number(s): E2015/249

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.

18 SEPTEMBER 2015



16th September 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 vacant offices in the New South Wales 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 as follows:

1. The name of each office for which an election is required:
 - 1.1. NSW Branch Council delegate representing Community and Property Services
2. The reason for the election is that casual vacancies in the office referred to above has occurred, as follows:
 - 2.1. Unfilled vacancy following a no result declaration of election result on 11th May. Members have now indicated a willingness to nominate for the vacancy.
3. If more than one of the offices or positions for which an election is required has the same name
...
 - 3.1. Not applicable
4. The electorate for the office or position is as follows:
 - 4.1. All financial members attached to the Community and Property Services Division of the New South Wales Branch.
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 42.
 - 5.1. 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.
 - 5.2. This Rule provides:
 - 5.2.1. *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.*

- 5.3. Rule 40 sets out the “appropriate manner of election”.
6. The day on which the roll of voters is to be closed is provided for in Rule 40 of the Union Rules.
7. The voting system to be employed in the conduct of the election is prescribed in Rule 40(r), which provides:
- 7.1. *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. All further procedural correspondence should be addressed to both Wayne Newell – N.O. COO [REDACTED] and Mark Boyd - NSW Branch Secretary [REDACTED].

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 SECRETARY

Attachments:

Declaration of AEC Election Result 11th May 2015

National Secretary’s letter, 13th March 2015, of original request for conduct of an election



AEC

Australian Electoral Commission

Reference: N15/137

Mr. Mark Boyd
Secretary
United Voice
Level 7 - 187 Thomas Street
HAYMARKET NSW 2000

Via email: [REDACTED]

Dear Mr. Boyd,

**United Voice
New South Wales Branch - Casual Vacancy
E2015/110**

The declaration of the election for uncontested offices is attached.

The election is now complete.

Yours sincerely

Noopur Madan
Returning Officer

11 May 2015

Level 10
59 Goulburn Street
Haymarket NSW 2000

AEC
P.O. Box 496
Haymarket NSW 1240

Contact: Noopur Madan
Phone: [REDACTED]
Facsimile: [REDACTED]
E-mail: [REDACTED]

www.aec.gov.au
ABN 21 133 285 851

United Voice

New South Wales Branch - Vacancy Election

Declaration of Results for Uncontested Offices

E2015/110

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.

Community and Property Services Division

Delegate to Branch Council

Candidates

No nomination was received

As no nomination was received, I declare no candidate elected.



Noopur Madan
Returning Officer

11 May 2015