

14 October 2021

Post-election report

United Firefighters Union of Australia

UFUA - Aviation Branch

Scheduled election

E2021/6

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Election(s) Covered in this Report

Organisation: UFUA - Aviation Branch
Election: Scheduled
Election Decision No/s: E2021/6

Rules

Rules used for the election: 259V: Incorporates alterations of 22 April 2021 [R2020/174]
Replaces rulebook dated 24 June 2020 [R2020/48]

Rules difficult to apply/interpret: Yes
hold over office

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Irregularities

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

On the 4 May 2021 one of the candidates raised concerns regarding the following issues:

- Campaign material has been published to social media and other networking tools allegedly using UFUA resources
- Employees of the union have provided support for candidates
- Employees of the union have applied and become members of the union
- There are errors in campaign materials

The returning officer reviewed the above concerns and examined the extracts from social media and was not able to conclude whether the union resources were used to assist one candidate over another.

As a precaution, the returning officer wrote to the Branch Secretary on the 18 May 2021 advising that the AEC had received a complaint about the misuse of union resources and issued a directive to ensure that no irregularities occur under section 193(1)(b)(i) of the Act.

There was a second complaint from a member who had concerns that the current union members (who were candidates) were censoring questions on the unions facebook page. The returning officer responded to the member advising that we had already written to the branch secretary issuing a directive to ensure that no irregularities occur under section 193(1)(b)(i) of the Act.

At Stage 2 election for the Vice President positions it was also claimed by Mr Young that he was eligible to stand for the office as he “holds over” the office of Branch Committee of Management Members for New South Wales pending the declaration. The returning officer considered this submission, however, determined that rule 69(7) specified when an existing office ceases to hold office, that is until the declaration of the election. The Returning Officer declared the results of the first stage of E2021/6 on 30

June 2021 and therefore Mr Young ceased to hold office on that date and was not eligible to stand as a candidate for the office of Vice President.

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.
- Lodgement of Nominations: Rule 74(1) of the organisation's rules provides that nominations can be either delivered to the Registered Office of the Branch addressed to the Branch Returning Officer or delivered to the Branch Returning Officer. Section 193 of the Act will be applied and nominations must be lodged electronically, via email. This is to ensure that all stakeholders can participate in the nomination process during the current COVID-19 pandemic.

Signed



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14 October 2021

Attachments

- A. Declaration of Results for Uncontested Offices – Stage 1
- B. Declaration of Results for Contested Offices – Stage 1
- C. Declaration of Results for Contested Offices – Stage 2