



Reference: AVB9K / 2024/470

John Callisto
Federal Treasurer
Musicians Union of Australia
23A King William Road
Unley, SA 5061

Dear Mr Callisto,

**Musicians Union of Australia
Scheduled Election
E2024/9 – Stage 2**

On 9 February 2024, the Fair Work Commission (FWC) issued a decision to make arrangements with the Australian Electoral Commission (AEC) under Section 189 of the *Fair Work (Registered Organisations) Act 2009* ('the Act') to conduct election E2024/9.

The election is to be conducted over two stages. For stage 2, it will fill the following offices for a new term of office:

Federal Offices

- Federal President (1)
- Federal Vice-Presidents (2)
- Federal Secretary (1)
- Federal Treasurer (1)
- Federal Trustees (3)

The AEC has completed the election for stage one and issued the declaration of election results (uncontested) to your organisation on 17 June 2024.

Accordingly, the AEC proposes the timetable below for stage two of the election. Please respond by return email by **Friday, 21 June 2024** should you have any concerns with the timetable. If we do not hear from you, we will proceed with the proposed timetable.

Date	Steps in the election – stage two
24/06/2024	Close of Roll
25/06/2024	List of eligible members to be delivered to the AEC
01/07/2024	The AEC publishes the Election Notice and Nomination form on its website and sends these documents via an email to eligible members.
01/07/2024	The organisation publishes the Election Notice and Nomination form on its website.
01/07/2024	Nominations open <i>Rule 31B(a) - Nominations shall open no later than 14 days after the declaration of elections of all Branch Committee members and Branch Trustees.</i>
01/08/2024	Nominations close at 5:00pm Australian Eastern Standard Time (AEST)

	<i>Rule 31B(a) - The Returning Officer shall call for nominations at least one month before the close of nominations.</i>
	If a ballot is required
21/08/2024	Scrutineer Appointment close at 5:00pm (AEST) <i>Rule 31A(c) - Each candidate may, if he so desires, appoint in writing a scrutineer, who shall be a financial member of the organisation, to represent him at the ballot... The candidate appointing a scrutineer shall, before the commencement of the ballot, notify the Returning Officer in writing of the name of such scrutineer.</i>
22/08/2024	Postal ballot opens
19/09/2024	Postal ballot closes at 10:00am (AEST)
Within 14 days of the close of ballot	Declaration of result of election, as per reg 140 of the <i>Fair Work (Registered Organisations) Regulations 2009</i>

Privacy

Commonwealth guidelines provide that classified information, including personal information, should not be transmitted by email. The AEC requires that data files are transmitted via a secure portal, and we have staff on hand to assist you and your staff with the upload, should that be necessary. Further information is provided at **Attachment A**.

The Act provides that the AEC must allow access to members to view/copy the Roll of Voters, and the AEC may provide the Roll of Voters electronically.

The AEC has a number of safeguards regarding the provision of Roll data, and I invite you to contact me if you would like further information on those safeguards.

Legislative Provisions

I wish to draw your attention to the following:

- Regulation 145 provides that, where an election or ballot is conducted by the AEC, no steps in the election may be taken by any person without the Returning Officer's authority or direction.
- Section 190 is an offence provision of the Act and a contravention of it constitutes an irregularity. Section 190 of the Act states:

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Maximum penalty: 100 penalty units.

- Section 191 requires an organisation to provide the returning officer with a copy of the register of members.
- Section 192 requires a declaration by the secretary of an organisation in relation to the register of members, as follows:
 - (1) If:
 - (a) a returning [officer](#) makes a request under section [191](#) in relation to the [organisation's](#) register; and
 - (b) the returning [officer](#) gives written notice of the request to the secretary or other [prescribed officer](#) of the [organisation](#) or branch concerned;

the secretary or other [prescribed officer](#) of the [organisation](#) must make a declaration, in accordance with [subsection \(2\)](#), that the register has been maintained as required by [subsection 230\(2\)](#).

Civil [penalty](#): 100 [penalty](#) units.

(2) The declaration must be:

(a) signed by the person making it; and

(b) given to the returning [officer](#), and lodged with the FWC, as soon as practicable but no later than the day before the first day of voting in the relevant election.

(3) A person must not, in a declaration for the purposes of [subsection \(1\)](#), make a [statement](#) if the person knows, or is reckless as to whether, the [statement](#) is false or misleading.

The AEC would ask that you take the time during or after the event to provide us with any comments you have on the AEC's performance in conducting this event. We are committed to continuous evaluation and improvement and your comments are important to enable us to do this.

If you have any questions, do not hesitate to contact me at iebevents@aec.gov.au, on 02 9375 6366 or 03 9285 7111.

Please note, there are a number of items on the following pages that require your action.

Yours sincerely,

Ben Murray
Returning Officer
Australian Electoral Commission
20/06/2024