

19 October 2012

Mr Lee Jones  
Senior Returning Officer  
Industrial & Commercial Elections  
Australian Electoral Commission  
By email: [Lee.Jones@aec.gov.au](mailto:Lee.Jones@aec.gov.au)

and

The Administrator  
HSU Victoria No. 3 Branch  
By email:

Dear Sirs

**Re: Election for Office Bearers and Committee in the Health Services Union Victoria No.3 Branch - 2012**

I write in relation to the conduct of the abovementioned elections.

I have been advised by a number of members of the Health Services Union Victoria No.3 Branch ("the Branch") that they have received emails sent from, and in support of, the "Fleur Behrens team". These are reproduced as ATTACHMENT A and ATTACHMENT B to this letter.

If these emails were distributed as comprehensively as appears to be the case, the question arises as to how the lists for their distribution were compiled, and for what purpose, and more specifically whether there has been any breaches by the Union or anyone else, of Section 190 of the *Fair Work (Registered Organisations) Act 2009*, which states:

***190 Organisation or branch must not assist one candidate over another***

*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.*

There can be no question that the emails were used "*to help a candidate against another candidate in an election*", and prima facie they would seem to have been sent by Fleur Behrens or her agents. Moreover, the intellectual property in the email list of members held by the Branch is no doubt "*property or resources*" within the meaning of Section 190.

I formally seek the investigation of a complaint or enquiry, in relation to the distribution of the emails described above, as to whether that distribution involved the use of any property or resources of the Branch. If it did, it would seem either to be a case of a breach by the Union of Section 190, or a case of theft.

Yours Sincerely

Geraldine Brooks  
Candidate

## ATTACHMENT 1

From: With Fleur We Can [mailto:[withfleurwecan@gmail.com@mail31.us4.mcsv.net](mailto:withfleurwecan@gmail.com@mail31.us4.mcsv.net)] On Behalf Of With Fleur We Can  
Sent: Tuesday, 9 October 2012 10:54 AM  
To: xxxx xxxx  
Subject: Important HSU No.3 Election Update

Is this email not displaying correctly?

View it in your browser<<http://us5.campaign-archive2.com/?u=ead5ab5351924122da629d9f6&id=9ef8166f98&e=e85fe1a1d1>>.

[[http://gallery.mailchimp.com/ead5ab5351924122da629d9f6/images/image\\_13496826338821349682633.jpg](http://gallery.mailchimp.com/ead5ab5351924122da629d9f6/images/image_13496826338821349682633.jpg)]

Dear xxxx,

From November 2nd to November 23rd members will be able to vote in union elections for new leadership of their union, the HSU Health Professionals Branch (Vic No 3). Nominations have now closed for elected positions.

The Fleur Behrens Team is standing for election in your branch. Our team is committed to focusing on Health Professional members and issues that matter to them, we will change the way our union operates to ensure accountability, transparency and democracy and we will work with members to achieve the best outcomes possible.

Focus, Change, Achieve.

Some of the candidates in our team were part of the HSUeast council, they are proud that they stood up in the face of wrongdoing. They took their concerns to police. They fought to clean up our union.

We are an experienced team that you can rely on. Our committee is made up of strong delegates from multiple professions, Radiographers, Physiotherapists, Radiation Therapists, Occupational Therapists, Social Work and Speech Pathologists from a wide variety of workplaces and sectors. Rest assured your profession will be well represented.

In addition, Fleur Behrens, candidate for Secretary, has extensive experience in industrial relations. She has assisted members in disputes regarding every entitlement in the Health Professionals EBA, negotiated collective agreements across all sectors of the membership and has extensive experience running matters at FWA.

Full details of our team and our policies are available on our website<<http://withfleurwecan.us5.list-manage.com/track/click?u=ead5ab5351924122da629d9f6&id=7009cd1f03&e=e85fe1a1d1>>.

In this union election Vote for the Fleur Behrens Team to ensure you have the best union for Health Professionals.

Sincerely,  
The Fleur Behrens Team

If you would like to arrange for a member of the Fleur Behrens Team to visit your workplace please contact us at [withfleurwecan@gmail.com](mailto:withfleurwecan@gmail.com) or telephone Fleur on 0407 xx xx xx for further information.

Our mailing address is:  
With Fleur We Can  
PO Box 665  
Cockatoo, Vic 3781  
Australia

Add us to your address book<<http://withfleurwecan.us5.list-manage.com/vcard?u=ead5ab5351924122da629d9f6&id=1ebc55e374>>

unsubscribe from this list<<http://withfleurwecan.us5.list-manage.com/unsubscribe?u=ead5ab5351924122da629d9f6&id=1ebc55e374&e=e85fe1a1d1&c=9ef8166f98>> | update subscription preferences<<http://withfleurwecan.us5.list-manage.com/profile?u=ead5ab5351924122da629d9f6&id=1ebc55e374&e=e85fe1a1d1>>

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WARNING: This message originated from outside the Northern/Melbourne/Western Health e-mail network. The sender cannot be validated. Caution is advised. Contact IT Services ([+61 3 \) 9342 8888](tel:+61393428888) for more information.

## ATTACHMENT 2

**From:** With Fleur We Can [<mailto:info=withfleurwecan.com@mail49.us1.rsgsv.net>] **On Behalf Of**  
With Fleur We Can

**Sent:** Tuesday, 16 October 2012 10:45 AM

**To:** xxxxx

**Subject:** Get Involved in HSU No.3 Elections

Dear xxxxx,

In just 16 days you will be able to vote in union elections for new leadership of our union, the HSU Health Professionals Branch (Vic No 3).

When making this important decision and casting your vote consider what is important to you and what you expect from your union.

The Fleur Behrens Team consists of experienced representatives and delegates from radiography, speech pathology, physiotherapy, social work, radiation therapy, community health and occupational therapy.

The Fleur Behrens team has the skills, experience and diversity to:

- **Provide the expert advice and support** you deserve
- **Lobby for Health Professionals** at all levels, from Universities to management and Government.
- **Offer professional, innovative and experienced leadership** on issues that matter most to members.
- **Run a transparent, accountable and democratic union** that will only spend fees to benefit members.
- **Operate under strict governance and financial standards** and tie union salaries to your EBA.

Our Union has a proud history of uniting a diverse range of health professionals in the fight to improve wages and conditions. Our opponents do not have experience in bargaining or advocacy. They lack the diversity of professions and worksites required to adequately represent you. They will leave our union running on training wheels.

It is vital that you are actively involved in this campaign, talk to other members, talk to your professional peers. Your future and the future of our union depend on it.

Go to: [www.withfleurwecan.com](http://www.withfleurwecan.com) and Join the Campaign

Sincerely,  
The Fleur Behrens Team

If you would like to arrange for a member of the Fleur Behrens Team to visit your workplace please contact us at [withfleurwecan@gmail.com](mailto:withfleurwecan@gmail.com) or telephone Fleur on 0407 44 xx xx for further information.