



DECISION

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

The Master Plumbers & Mechanical Contractors Association of New South Wales
(E2024/169)

MR STEENSON

SYDNEY, 9 JANUARY 2025

Arrangement for conduct of election.

[1] On 17 December 2024, The Master Plumbers & Mechanical Contractors Association of New South Wales (**organisation**) lodged with the Fair Work Commission (**Commission**) prescribed information for an election to fill the following offices for a new term:

President	(1)
Vice President	(1)
Treasurer	(1)
Guardian	(1)
Executive Committee Member	(3)

[2] The organisation, in lodging the prescribed information, requested an extension of time for lodgement, setting out the circumstances relevant to its request. Section 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the **Act**) requires that registered organisations whose elections are conducted by the Australian Electoral Commission (the **AEC**) – i.e. the default position under the legislation – must lodge prescribed information with the Commission in order for arrangements to be made for those elections.

[3] The timeframe for lodging prescribed information is set out in regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (the **Regulations**), which sets the ‘prescribed day’ (i.e. the latest day for lodgement) as the date occurring ‘2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election’.

[4] Although the organisation’s usual procedures include nominations opening for annual scheduled elections in late January each year, the organisation’s rules do not actually prescribe

a specific date or timeframe for the opening of nominations, which is instead to be determined by the Returning Officer.¹ There is, therefore, technically no ‘lateness’ in lodgement and therefore no requirement for the request for extension of time to be determined in relation to this election matter.

[5] Separate to this, it is also noted that the organisation’s rules provide for three (3) Guardians, with a three-year term for each Guardian.² The organisation elects these Guardians on a rotating basis, i.e. one Guardian falling due for election each year.

[6] 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 Act, I am making arrangements for the conduct of the election by the AEC.



DELEGATE OF THE GENERAL MANAGER

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¹ Rulebook D2023/11, rule 38.2

² Ibid, rules 27.3 and 29.4

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

I, **Greg McElroy**, being the **President** of the **Master Plumbers and Mechanical Contractors Association of New South Wales**, make the following statement:

1. I am authorised to sign this statement containing prescribed information the **Master Plumbers and Mechanical Contractors Association of New South Wales**.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The required elections are set out in the table in Annexure A.
4. This statement **has not been** lodged at least two months before nominations open for the election(s) in Annexure A. Several messages were left in November. Fairwork discovered that they had an issue with their voicemail system. Note that we left two messages with Fairwork on 14 and 18 November 2024 regarding a query about the election process.
5. Due to the above issue, we request request for an extension of time under section 189(3) of the Fair Work (Registered Organisations) Act to lodge the prescribed information.



Greg McElroy
President

Dated: 17/12/2024

NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@fwc.gov.au.

Annexure A

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
NSW	President	1	Direct Voting System	Scheduled – EE2024/172	All Ordinary Members of the Master Plumbers and Mechanical Contractors Association of NSW (Rule 38).
NSW	Vice President	1	Direct Voting System	Scheduled – EE2024/172	
NSW	Treasurer	1	Direct Voting System	Scheduled – EE2024/172	
NSW	Guardian	1	Direct Voting System	Scheduled – EE2024/172	
NSW	Executive Committee Member	3	Direct Voting System	Scheduled – EE2024/172	

• Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by returning officer.	
Nominations CLOSE	To be determined by returning officer.	
Roll of Voters cut off date	To be determined by returning officer.	

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as ‘To be determined by the returning officer’. This also applies where rules are silent as to the nominated dates.

If the nomination dates are ‘To be Determined by the Returning Officer’, but your organisation has a preference, please state ‘To be Determined by Returning Officer’ and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template *Prescribed information for the election of officer and non-officer positions.*