



## DECISION

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

### **Australian Business Industrial**

(E2024/72)

MR STEENSON

SYDNEY, 14 JANUARY 2025

*Arrangement for conduct of election.*

[1] On 19 December 2024 the Australian Business Industrial (**organisation**) lodged with the Fair Work Commission prescribed information for an election to fill the following offices for a new term of office:

#### **Executive Committee**

President	(1)
Vice Presidents	(2)
Secretary/Treasurer	(1)
Executive Committee Members	(3)

#### **Council**

Councillors	(15)
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[2] It is noted that the previous scheduled election, E2020/88, was delayed due to the Covid-19 pandemic, with stage 1 of that election being declared in March 2021. As the organisation's rules provide that elections will be every 4 years,<sup>1</sup> the current officers' terms are due to expire in March 2025.

[3] The prescribed information lodged by the organisation states that the voting system for all offices that are the subject of this election is direct voting system. However, as per rules 48 and 49, the voting system for the Executive Committee is collegiate, being by and from the electoral college (i.e. the Councillors elected in stage 1). Further, the prescribed information incorrectly states the roll of voters cut-off date as 'within 3 weeks of the publication or distribution of the election notice', referencing rule 36. The roll of voters cut-off date, as per rule 35, is 7 days before nominations open. The organisation should ensure to correct these errors when lodging future prescribed information.

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<sup>1</sup> R2021/229, rule 29.

[4] 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 *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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## **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, Robert Kirkham, being the Secretary/Treasurer of Australian Business Industrial (**ABI**) make the following statement:

1. I am authorised to sign this statement containing prescribed information for ABI.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the **RO Act**).
3. The elections that are required are set out in the table in **Annexure A**.
4. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in **Annexure A**.

Signed:

A black rectangular box redacting the signature of Robert Kirkham.

Dated: 19 December 2024

## Annexure A

- Elections that are required [insert as many pages as required]

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			Direct voting system; Collegiate electoral system	Scheduled; Casual vacancy; New office created; Insufficient nominations	
<b>For the election of officers</b>					
NSW	President	1	Direct Voting System	Scheduled	Rule 46
NSW	Vice President	2	Direct Voting System	Scheduled	Rule 46
NSW	Secretary/Treasurer	1	Direct Voting System	Scheduled	Rule 48
NSW	Executive Committee Member	3	Direct Voting System	Scheduled	Rule 49
NSW	Councillor	15	Direct Voting System	Scheduled	Rule 26

### Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	<p>To be determined by the Council.</p> <p>Rule 29:</p> <p><i>“The Quadrennial Election in each fourth year shall be held on a date fixed by the Council, provided that such date is no more than four (4) years after the Council Election Date, with the election process to commence not less than three (3) months prior to the end of this four (4) year period unless the Council determines otherwise.”</i></p>	To be determined by the Returning Officer.
<b>Nominations CLOSE</b>	<p>To be determined by the Council.</p> <p>Rule 29:</p> <p><i>“The Quadrennial Election in each fourth year shall be held on a date fixed by the Council, provided that such date is no more than four (4) years after the Council Election Date, with the election process to commence not less than three (3) months prior to the end of this four (4) year period unless the Council determines otherwise.”</i></p>	To be determined by the Returning Officer.
<b>Roll of Voters cut off date</b>	<p>Within 3 weeks of the publication or distribution of the election notice (Rule 36)</p>	To be determined by the 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.