



Fair Work (Registered Organisations) Act 2009

## POST ELECTION REPORT

**Client:** Australian Business Industrial (ABI)

**Contact details:** Mr Colin Bosworth  
Secretary / Treasurer  
Australian Business  
Industrial  
140 Arthur Street  
North Sydney, NSW-  
2060

**Email:** industrial@australianbusiness.com.au  
**Tel:** 02 94587500

**FWC contact officer:** Kiet Mac

**Email:** orgs@fwc.gov.au

### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2014/223

### RULES

**Rules used for elections Rule ID:** [143N: Incorporates alterations of 01/01/2014 determined on 27/09/2013 (R2013/43)]  
(replaces 19/10/2009 version)

**Rules difficult to apply/interpret:**

**Model Rule reference (if any):** N/A

**ROLL OF VOTERS** N/A

### ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Other irregularities identified, and action taken: N/A

### ATTACHMENTS

A: Declaration of results for contested & uncontested offices

Ishtiaq Ahmed  
Returning Officer  
11 March 2015

# Australian Business Industrial E2014/223 - Collegiate Election

## Declaration of Results for Contested and Uncontested Offices

### E2014/223

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

#### Office Bearers and Executive Committee

Total number of names on the roll of voters	15
Ballot papers issued	15
Replacement ballot papers issued	2
<b>Total Ballot Papers Issued</b>	<b>17</b>
Ballot papers / envelopes returned for scrutiny	13
Less ballot papers / envelopes rejected at preliminary scrutiny	2
Adjusting balance	11
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>11</b>
Percentage of ballot papers returned to number issued	73.33
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	3

#### President

<u>Candidates</u>	<u>Votes</u>
BOWERS, Thomas	3
WILSON, Kerry James	8
Total votes	11
Formal ballot papers	11
Informal ballot papers	0

**I declare Kerry James Wilson elected.**

#### Vice-President (2)

##### Candidates

CLEARY, Jane  
MACKENZIE, Bruce Hugh

**I declare Jane Cleary and Bruce Hugh MacKenzie elected.**

**Secretary/Treasurer**

Candidates

BOSWORTH, Colin John

**I declare Colin John Bosworth elected.**

**Executive Committee (3)**

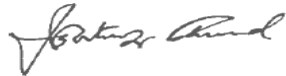
Candidates

EICHHORN, Brian

FREEMAN, Alvan James

LONG, David George

**I declare Brian Eichhorn, Alvan James Freeman and David George Long elected.**



Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission

24 February 2015



## DECISION

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

### **Australian Business Industrial** (E2014/223)

MR ENRIGHT

MELBOURNE, 24 OCTOBER 2014

*Arrangement for conduct of election.*

[1] On 1 October 2014 Australian Business Industrial lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices due to insufficient nominations at the previous election in E2014/176:

Councillor	(2)
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[2] On 1 October 2014 Australian Business Industrial also lodged with the Fair Work Commission the prescribed information in relation to a scheduled biennial election for the following offices by and from the Electoral College in accordance with rules 48 and 49:

President	(1)
Vice-President	(2)
Secretary/Treasurer	(1)
Member of Executive Committee	(not exceeding 3)

[3] 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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FAIR WORK  
COMMISSION

24 October 2014

Mr Colin Bosworth  
Secretary/Treasurer  
Australian Business Industrial  
Locked Bag 938  
NORTH SYDNEY NSW 2059

Also by facsimile: (02) 9922 2129

Dear Mr Bosworth

**Election - Australian Business Industrial (E2014/223)**

I refer to the prescribed information which was lodged with the Fair Work Commission on 1 October 2014 for a scheduled election for Australian Business Industrial.

A copy of the decision in relation to the above matter is enclosed.

The Fair Work Commission is making arrangements, under subsections 189(3) of the *Fair Work (Registered Organisations) Act 2009*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours sincerely

Kiet Mac  
Regulatory Compliance Branch, NSW  
Fair Work Commission

## MAC, Kiet

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**From:** MAC, Kiet  
**Sent:** Friday, 24 October 2014 3:25 PM  
**To:** 'Industrial Elections'  
**Subject:** FW: E2014\_223 - Decision  
**Attachments:** E2014\_223.pdf; ABI\_E2014\_223 letter to AEC\_24102014.doc

Dear AEC

Please find a copy of the signed Decision for the Australian Business Industrial in election number E2014/223.

Regards

Kiet

Kiet Mac  
Regulatory Compliance Branch  
Fair Work Commission  
Tel: 02 8374 6511  
Fax: 02 9380 6990  
10/80 William Street, East Sydney, NSW 2011  
[www.fwc.gov.au](http://www.fwc.gov.au)

## MAC, Kiet

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**From:** MAC, Kiet  
**Sent:** Wednesday, 1 October 2014 4:28 PM  
**To:** 'Industrial Elections'  
**Subject:** E2014/223  
**Attachments:** ABI E2014\_223\_lodge 1102014.pdf; 143N\_ABI 19 October 2009.pdf

Dear AEC

Please find the prescribed information and a copy of the current rulebook of ABI for election number E2014/223.

Regards

Kiet

Kiet Mac  
Regulatory Compliance Branch  
Fair Work Commission  
Tel: 02 8374 6511  
Fax: 02 9380 6990  
10/80 William Street, East Sydney, NSW 2011  
[www.fwc.gov.au](http://www.fwc.gov.au)





29 September 2014

The General Manager  
Fair Work Commission  
Level 8, Terrace Towers  
80 William Street  
East Sydney, NSW 2011

**Our reference**

405342-10

Dear General Manager

**RE: LODGEMENT OF PRESCRIBED INFORMATION FOR ELECTION**

I refer to our letter of 10 July 2014 in which Australian Business Industrial (ABI) lodged the information required under s 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the FW (RO) Act) and regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009* (the FW(RO) Regs) to hold an election.

I confirm that ABI is a registered organisation, organisation code 143N.

I am writing to advise that the election the subject of that earlier correspondence has taken place. On 3 September thirteen (13) eligible members were declared elected as Councillors (Attachment). Under Rule 26 ABI is required to elect fifteen (15) offices of Councillor, and Rule 42 provides that in the event that an election fails to fill all vacancies another is to be conducted as soon as practicable.

ABI is seeking to conduct a further election in accordance with its Rules and the FW (RO) Act so as to fill the remaining two (2) offices of Councillor which were not filled in the previous election. Please accept the following as the information required under s 189(1) of the FW(RO) Act and r 138 of the FW(RO) Regs. These positions are to be filled by direct election from the membership and determined under a "first past the post" system.

**1. A further election**

Pursuant to Rule 29 Council has set Friday 5 December 2014 as the date for the further election. Under ABI's rules this date has the following consequences.

Rule 36 provides that an eligible member of ABI may nominate for election to the Council by lodging his/her nomination with the Returning Officer in writing within three weeks of the publication of the

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election notice. To meet the 5 December date this requires the notice of election to be issued on 17 October, and nominations to close on 7 November [Rule 36] for balloting to commence 14 November, closing 5 December [Rule 40]. The roll of financial members would close 10 October [Rule 35].

ABI has a second request for the conduct of an election.

## **2. Office bearers and members of the executive**

Under Rule 46 the Council elected in compliance with Rule 26 comprises the Electoral College out of and by which the nominated office bearers and other executive members are elected [Rule 47]. This is also an election for offices and is subject to s 189(1) and reg 138. This election is undertaken by way of a collegiate electoral system.

As it is most undesirable for the new Council to operate any longer than is necessary without office bearers and an executive constituted out of the current Council it is requested that the Australian Electoral Commission also be requested to conduct these elections directly following the declaration of the further election requested at #1 above.

There are three possible outcomes arising from the further election which has been requested above:

- (i) There are fewer than two (2) eligible nominations, necessitating an additional further election.
- (ii) There are two (2) eligible nominations resulting in their being declared elected on or about 7 November.
- (iii) There are more than two (2) eligible nominations resulting in a ballot and a declaration on or about 5 December.

Outcome (i) is extremely unlikely. Council's last meeting for 2014 is scheduled for 10 December, by which time, arising out of outcomes (ii) or (iii), the Electoral College will be declared and constituted. Rule 48 provides that the named offices of

- (i) President,
- (ii) two (2) Vice-Presidents, and
- (iii) Secretary Treasurer

and these are to be elected from the College, otherwise in the same manner provided for election of Council members. Subsequently, Rule 49 provides similarly for three (3) Executive members to be elected by and from the College.

Council does not understand Rules 48 and 49 to require the same timelines for these Electoral College elections as for the election of council members for the elections in order to be conducted otherwise in the same manner as the election for the positions of Councillor. Clearly the College's election circumstances are very different from the election of councillors from the full membership. There is no similar issue about closing the roll nor of verifying the roll of eligible voters, and no similar issue about knowledge about the election.

It is proposed that nominations for the four (4) identified offices and the three (3) executive offices be opened, advised by pre-paid post to each Electoral College member on or about Monday 8 December, with nominations closing Monday 15 December.

It is clear from Rule 48 that the four (4) identified offices are filled serially, and from the fact that the executive offices are dealt with following Rule 48, that the executive office positions are filled after those of the Rule 48 identified offices. Thus, were a member of the Electoral College nominated for more than one office, election to the first of these constitutes withdrawal from those other nominations lower in the order. The Rules do not contemplate the same member of the Electoral College occupying more than one of these offices.

The voting system to be used in the conduct of the collegiate election is direct voting of all College members under a "first past the post" system.

ABI does not comprise branches and as such regulation 138(1) (d) does not apply.

If you have any further questions please contact Dick Grozier on (02) 9458 7574 or via [dick.grozier@nswbc.com.au](mailto:dick.grozier@nswbc.com.au).

Yours faithfully



Colin Bosworth  
Secretary/Treasurer

**Australian Business Industrial**  
**Scheduled Election 2014 - Councillor**

**Declaration of Results for Uncontested Offices**

**E2014/176**

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

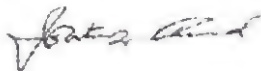
**Australian Business Industrial**

**Councillor (15)**

Candidates

AINSWORTH, Lynette Christine  
BOSWORTH, Colin John  
BOWERS, Thomas  
CARR, Gerald Michael  
CLEARY, Jane  
EICHHORN, Brian  
FREEMAN, Alvan James  
GETHING, Brad  
KIRKHAM, Robert  
LILEY, Jessica Maria  
LONG, David George  
SCHEMBRI, Jennifer  
WILSON, Kerry James  
No further nominations were accepted

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Ishtiaq Ahmed  
Returning Officer  
03/09/2014