



# DECISION

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

**Australian Business Industrial**  
(E2016/290)

MR ENRIGHT

MELBOURNE, 23 DECEMBER 2016

*Arrangement for conduct of election.*

[1] On 21 December 2016 Australian Business Industrial lodged with the Fair Work Commission the prescribed information in relation to an election to fill a casual vacancy in the following office:

**Council**

Councillor (1)

[2] I am satisfied that an election for the above-named office 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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<Price code A, PR588962>

**From:** KELLETT, Stephen  
**Sent:** Friday, 23 December 2016 4:41 PM  
**To:** 'nadee.desilva@australianbusiness.com.au'  
**Cc:** Sina.Mostafavi@ablawyers.com.au  
**Subject:** FW: Election - Aust Business Industrial - E2016/290 - granted

Please see attached.

Yours faithfully

**STEPHEN KELLETT**  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
(mob.) 0429 462 979  
(email) [stephen.kellett@fwc.gov](mailto:stephen.kellett@fwc.gov)



ABI E2016 290  
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**From:** KELLETT, Stephen  
**Sent:** Friday, 23 December 2016 4:16 PM  
**To:** 'Industrial Elections'  
**Subject:** Election - Aust Business Industrial - E2016/290 - granted

Dear Electoral Officer,

Please see attached the Delegate's decision in relation to the above.

Yours faithfully

**STEPHEN KELLETT**  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
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**From:** Nadee DeSilva [<mailto:nadee.desilva@australianbusiness.com.au>]  
**Sent:** Wednesday, 21 December 2016 12:30 PM  
**To:** Sydney Registry  
**Cc:** Luis Izzo  
**Subject:** Australian Business Industrial - Lodgement Of Prescribed Information For Election

Dear Organisation branch,

Please find attached letter from Robert Kirkham, Secretary/Treasurer Australian Business Industrial.

If you have any questions please contact Luiz Izzo, Acting Director Australian Business Industrial on (02) 94587640 or via [Luis.Izzo@ablawyers.com.au](mailto:Luis.Izzo@ablawyers.com.au)

Thank you and Kind regards

Nadee

**Nadee DeSilva**

Administration Assistant, NSW Business Chamber

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ABI-Lodgement of  
Prescribed informatio



19 December 2016

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

**Our reference**

405342-24

Dear General Manager

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

Australian Business Industrial (ABI) is a registered organisation, organisation code 143N.

ABI conducted elections on 20 July 2016 and a total of 15 eligible members were declared as councillors.

Since that time, one of ABI's councillors, Kathleen Collins has become ineligible to hold office as a Councillor (pursuant to Rule 45) as she is no longer a representative of a member of ABI.

Under Rule 26 ABI is required to elect fifteen (15) offices of Councillor and a casual vacancy has accordingly arisen.

ABI is seeking to conduct a further election in accordance with its Rules and the FW (RO) Act so as to fill the remaining one (1) office of Councillor which has become vacant since the previous election.

ABI respectfully requests that you arrange for the conduct of the election of a councillor to fill this one remaining office.

This election will be conducted under ABI's rules as most recently certified on 5 April 2016.

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 16 March 2016 as the date for the further election (this is the date the ballot will close). 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 election notice. To meet the relevant date requirements imposed by the Rules, ABI will be required to follow the following election timetable:

<b>Rules Requirement</b>	<b>ABI proposed date</b>
<b>Notice of election</b>	13 January 2017
<b>Closure of nominations</b> (at least 3 weeks after notice of election - Rule 36)	14 February 2017
<b>Opening ballot</b> (at least 1 week after closure of nominations - Rule 40)	22 February 2017
<b>Closure of ballot</b> (at least 3 weeks after opening of ballots - Rule 40)	16 March 2017

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 Luis Izzo on (02) 9458 7640 or via [luis.izz@ablawyers.com.au](mailto:luis.izz@ablawyers.com.au).

Yours faithfully



Robert Kirkham  
Secretary/Treasurer