



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Retailers Association

Contact details: Shaun Bajada
Director Operations
ARA Level 10
136 Exhibition ST
MELBOURNE VIC 3000

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AIR contact officer: Ingrid Fraser

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Tel: 03 8661 7892

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2012/392

RULES

Rules used for elections Rule ID: 260V: Incorporates alterations of 26/10/2006]
[R2006/331] (replaces 17/5/2004 version)

Rules difficult to apply/interpret: None

ROLL OF VOTERS

<i>Total number of voters on the roll</i>	3136
<i>Number of apparent workplace addresses</i>	3136
<i>Number of non-current addresses</i>	27
<i>Other Matters</i>	Nil

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

ATTACHMENTS

- A:** Declaration of Result Uncontested Offices – Stage 1 Council Members
- B:** Declaration of Result Uncontested Offices – Stage 2 Office Bearers

Kathryn Montgomery
Returning Officer
8 April 2012

The Australian Retailers Association Council Members E2013/392

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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 Retailers Association

Council Member representing Victoria (4)

Candidates

GILLESPIE, Roger George
HALLIWELL, Ray
HOLMAN, Graeme William
MOSS, Tania Michelle

Council Member representing New South Wales (4)

Candidates

HAYWOOD, John
SCOTT, Colin Lachlan
No further nominations were accepted

Council Member representing Queensland

Candidate

NORTH, Ivor

Council Member representing South Australia

No nomination was received

Council member representing Tasmania

Candidate

HARRY, Edward John

Council Member representing Western Australia

No nomination was received

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



Kathryn Montgomery
Returning Officer

14 March 2013

The Australian Retailers Association Office Bearers 2013

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2013/392

ARA Council Stage 2 – Office Bearers

President

Candidate

GILLESPIE, Roger George

Vice-President (2)

Candidates

NORTH, Ivor
SCOTT, Colin

Candidates listed in order of seniority in accordance with rule 39.1(d)

Secretary

No nomination was received

Treasurer

Candidate

HOLMAN, Graeme Willia,

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



Kathryn Montgomery
Returning Officer

27 March 2013



FAIR WORK
AUSTRALIA

DECISION

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

The Australian Retailers Association
(E2012/392)

AILS A CARRUTHERS

MELBOURNE, 11 DECEMBER 2012

Arrangement for conduct of election.

[1] On 19 October and 10 December 2012 The Australian Retailers Association lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

- Up to four (4) Council members representing retail businesses in Victoria with at least two (2) being National Retailers
- Up to four (4) Council members representing retail businesses in New South Wales with at least two (2) being National Retailers
- Up to one (1) Council member representing retail businesses in Queensland
- Up to one (1) Council member representing retail businesses in South Australia
- Up to one (1) Council member representing retail businesses in Tasmania
- Up to one (1) Council member representing retail businesses in Western Australia

- ARA President
- ARA Vice Presidents (2)
- ARA Secretary
- ARA Treasurer

[2] 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
FAIR WORK AUSTRALIA

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Fair Work (Registered Organisations) Act 2009

Section 189 (1); Regulation 138

Prescribed Information

Election in Australian Retailers Association Election of Members of the ARA Council for 2010/2011

(a) Name of each office for which election is required:

- ARA President
- ARA Vice Presidents (2)
- ARA Secretary
- ARA Treasurer
- Up to 4 members representing retail businesses in Victoria, with at least 2 being a National Retailer (Rule 21.1(b)) ;
- Up to 4 members representing retail business in New South Wales with at least 2 being a National Retailer.
- Up to 1 member representing retail businesses in each of the following Queensland, Tasmania, South Australia and Western Australia.

Note: the expression "National Retailer" and "State Retailer" is defined in Rule 5 of the Rules of the Australian Retailers Association ("ARA").

Note: In accordance with rule 39.1 (d) The ARA Council shall elect by and from its number the following as the office bearers of the ARA:- ARA President, two ARA Vice Presidents, ARA Secretary and ARA Treasurer. Seniority as between the Vice Presidents will be determined by which of the two had the highest number of votes in the election or in the event that the two officers have equal votes or were the only two candidates, by lot.

(b) Reason for election:

Biennially Elections are required in all divisions in accordance with Rule 21.1.

(c) The number of offices to be filled in:

At least eight but not more than 12 (rule 21.1 of the ARA rules).

(d) Date and time of commencement and expiration of period for calling of nominations:

Election of ARA Council

The roll of voters for any ballot is to be closed fourteen (14) days before the day on which nominations for the election open.

Notice and nomination form to be posted to each member entitled to vote at the election, by 28 February in each alternate year commencing from 2007 and not less than fourteen (14) days nor more than twenty-eight (28) days before the closing date for nominations.

Election of ARA Office Bearers

Notice and nomination form to be posted or handed to each member - elect of the ARA Council - within three (3) days after the declaration of the election of the ARA Council and not more than seven (7) days before the closing date for nominations.

(e) The Day provided in the Rules of the Organisation as the day on which the roll of voters is to close:

14 days prior to the day upon which nominations for the election are to open see Rule 39.3 and Rule 39.4 (b) (i) for the ARA Rules.

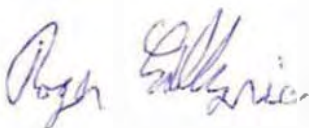
(f) Method of election

ARA Council will be elected using a direct voting system – see rule 39.1(a)

ARA Executive Committee will be elected using a collegiate electoral system – see rule 39.1(d)

The information referred to in this statement is lodged in accordance with section 189 (1) of schedule 1 of the Act.

I am an officer of the organisation authorised to make this statement.



Roger Gillespie
President



FAIR WORK
AUSTRALIA

8 November 2012

Mr Roger Gillespie
President
Australian Retailers Association
Level 10, 136 Exhibition Street
Melbourne VIC 3000

By email: Mr Shaun Bajada
shaun.bajada@retail.org.au

Dear Mr Gillespie

Matter E2012/392 - Notification of Election - Australian Retailers Association

I refer to the Prescribed Information in relation to an election for the Australian Retailers Association (the Association), lodged with Fair Work Australia on 19 October 2012.

I also refer to my letter to Mr Graeme Holman of 23 October 2012 requesting that a new statement of Prescribed Information be lodged, as the statement did not include all of the information required by regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009* (RO Regs).

The amended statement of Prescribed Information, lodged with Fair Work Australia on 31 October 2012, does not include all of the required information. As such, please lodge a new statement which includes the information stated below, or a supplementary statement outlining the requested information, by **Tuesday, 13 November 2012**.

Prescribed Information, item (d)

I note that the Association intends to elect members of the ARA Council as well as members of the ARA Executive Committee.

Item (d) appears to relate to the election of the ARA Executive Committee only, and there is no information regarding the date and time of the commencement and expiration of the period for calling of nominations for the ARA Council. In addition to setting out the information in rule 39.4(b)(ii), you also need to specify the information in the second paragraph of rule 39.4(b)(i), which relates to the nomination period for the ARA Council.

Prescribed Information, item (f)

When specifying the method of election in item (f), you have stated 'Collegiate voting system - see rule 39.1(e)', and 'Secret postal ballot - see rules 39.3, 39.4 and 39.5'.

This item should provide information regarding the kind of voting system used in the conduct of the election, for instance a direct voting system or a collegiate electoral system (reg 128, RO

Regs). As such, you are not required to specify that the election will be conducted by secret postal ballot.

The information provided in item (f) appears to only relate to the election of the ARA Executive Council. You need to provide information about the kind of voting system to be used in the conduct of both the ARA Council, and the ARA Executive Committee. By examination of your rules, it appears that you should specify that the ARA Council will be elected using a direct voting system, and refer to rule 39.1(a). You should also specify that the ARA Executive Committee will be elected using a collegiate electoral system, and refer to rule 39.1(d) rather than rule 39.1(e), which does not appear to exist in the Association's rules.

Please either lodge a new statement of Prescribed Information, or a supplementary statement outlining the above information as soon as possible, and by no later than **Tuesday, 13 November 2012**.

Should you have any queries, please do not hesitate to contact me on (03) 8661 7603.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Ingrid Fraser', is written over a light blue rectangular background.

Ingrid Fraser

Regulatory Compliance Branch
Fair Work Australia

Fair Work (Registered Organisations) Act 2009

Section 189 (1); Regulation 138

Prescribed Information

**Election in Australian Retailers Association
Election of Members of the ARA Council for 2010/2011**

(a) Name of each office for which election is required:

- ARA President
- ARA Vice Presidents (2)
- ARA Secretary
- ARA Treasurer

- Up to 4 members representing retail businesses in Victoria, with at least 2 being a National Retailer (Rule 21.1(b)) ;
- Up to 4 members representing retail business in New South Wales with at least 2 being a National Retailer.
- Up to 1 member representing retail businesses in each of the following Queensland, Tasmania, South Australia and Western Australia.

Note: the expression "National Retailer" and "State Retailer" is defined in Rule 5 of the Rules of the Australian Retailers Association ("ARA").

(b) Reason for election:

Bi-Annual Elections are required in all divisions in accordance with Rule 21.1.

(c) The number of offices to be filled in:

At least eight but not more than 12 (rule 21.1 of the ARA rules).

(d) Date and time of commencement and expiration of period for calling of nominations:

Within three days after the declaration of the election of the ARA Council, and not more than seven days before the closing of nominations – rule 39.4 (b) (ii) of the ARA rules.

- (e) **The Day provided in the Rules of the Organisation as the day on which the roll of voters is to close:**

14 days prior to the day upon which nominations for the election are to open see Rule 39.3 and Rule 39.4 (b) (i) for the ARA Rules.

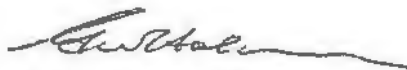
- (f) **Method of election**

Collegiate voting system – see rule 39.1(e)

Secret postal ballot – see rules 39.3, 39.4 and 39.5

The information referred to in this statement is lodged in accordance with section 189 (1) of schedule 1 of the Act.

I am an officer of the organisation authorised to make this statement.



Graeme Holman
Secretary/ Treasurer