



DECISION

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

The Australian Retailers Association
(E2013/183)

AILS A CARRUTHERS

MELBOURNE, 28 MAY 2013

Arrangement for conduct of election.

[1] On 17 May 2013 The Australian Retailers Association lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices due to insufficient nominations in E2012/392:

Council members representing retail businesses located in New South Wales who are National Retailers (2)

ARA Secretary

[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 COMMISSION

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Notice and Statement of Prescribed Information for an Election

I Roger George Gillespie OAM am the President of the Australian Retailers Association

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Australian Retailers Association and

I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.



Signed: [signature]

	Date
	Councillor Vacancies New South Wales (two) being two council members representing retail businesses located in New South Wales , who are national retailers (Rule 21) and
	Association Secretary (Rule 35)

Reasons for election:

- Election for the positions of 2 councillors (Rule 21) being council members representing retail businesses located in New South Wales , who are national retailers is required because of inadequate nominations received for those unfilled positions arising out of the elections conducted in early 2013
- election for the position of secretary (Rule 35) is required because of inadequate nominations received for this position arising out of the elections conducted in early 2013

Method of Election

- For the position of councillors as specified above the method of election is the direct voting system where the electorate is the whole of the membership of the Association Rule 39.1(a)
- For the position of secretary the system of election is the collegiate system (Rule 39.1(d)

Nominations open

– **As prescribed by the Australian Electoral Office because of the below described circumstances**

Nominations close:

- as prescribed by the Australian Electoral Office because of the below described circumstances

Cut off date for roll

- as prescribed by the Australian Electoral Office because of the below described circumstances

Note:

The Australian Retailers Association has applied to conduct the election in circumstances where its Rules of association (Rule 39) having already been exercised to provide for the conduct of general elections earlier in 2013 do not provide for the association to self nominate the dates associated with the conduct of a new election for the filling of positions left unfilled .

This Notice and Statement is provided by the President for the time being given that the office of secreatry is presently unfilled .

Whilst this Notice and Statement are required to be lodged at least 2 months before the first day of nominations as set out in the rules of the organisation – the General Manager of the Fair Work Commission may allow for a later day (see subsection 189(2) and regulations.)

On the occasion of this election the association seeks the ruling of the Commissionnto abridge the time elapsing between the receipt of this Notice and Statement and the holding of the election by the Australian Electoral Commission.

The requirement to lodge election information under s.189(2) is a civil penalty provision (see s.305).