



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

**Email:** Shaun.bajada@retail.org.au  
**Tel:** 1300 368 041

**AIR contact officer:** Carolyn Moloney

**Email:** [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2012/392

### RULES

**Rules used for elections Rule ID:** [260V: Incorporates alterations of 25/02/2015]  
[R2015/17]

**Rules difficult to apply/interpret:** N/A

### ROLL OF VOTERS

As there were no contested offices, the Roll of voters was not required.

### 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  
9 June 2015

# The Australian Retailers Association Council Members

## Declaration of Results for Uncontested Offices

### E2015/81 (Stage 1)

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.

#### ARA Councillor Member (14)

##### Candidates

BATSON, Robyn  
BENSIMON, Toby  
BISSETT, David  
CURNUCK, Wayne  
DILLON, Luke  
EDWARDS, Ralph  
GILLESPIE, Roger  
GRANT, Andrew  
HARRY, Edward John  
HOLWAY, Mhairi  
PLARRE, Steven  
POULAKIS, Mary  
SCOTT, Colin  
SIMINSKY, Liz

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  
18 May 2015

# The Australian Retailers Association Office Bearers

## Declaration of Results for Uncontested Offices

E2015/81

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.

### ARA Council Office Bearers

#### President

##### Candidates

GILLESPIE, Roger

#### Vice-President

##### Candidates

BENSIMON, Toby

#### Secretary

##### Candidates

EDWARDS, Ralph

#### Treasurer

##### Candidates

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

29 May 2015



## DECISION

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

### **The Australian Retailers Association** (E2015/81)

MR ENRIGHT

MELBOURNE, 27 FEBRUARY 2015

*Arrangement for conduct of election.*

[1] On 24 February 2015, The Australian Retailers Association (the organisation) lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

|                 |      |
|-----------------|------|
| Council Members | (14) |
| President       | (1)  |
| Vice President  | (1)  |
| Treasurer       | (1)  |
| Secretary       | (1)  |

[2] The prescribed information was not lodged before the prescribed day in accordance with section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). The reason for the delay in lodgement was noted within the prescribed information.

[3] On 25 February 2015 the organisation provided a request for an extension of time for lodgement for reasons related to the timing of relevant rule amendments impacting on the organisation's elections. Having regard to the reasons for the request, and in accordance with section 189(2) of the Act, I allow the requested extension.

[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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**MOLONEY, Carolyn**

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**From:** Shaun Bajada [REDACTED]  
**Sent:** Wednesday, 25 February 2015 1:27 PM  
**To:** MOLONEY, Carolyn  
**Subject:** ARA Council Elections

Good Afternoon Carolyn,

The Australian Retailers Association is formally requesting an extension of time to conduct our biannual elections for the reasons that were outlined in the prescribed information sent to the Commission.

Thank you for your time and considerations in this matter.



**Shaun Bajada | Director - Operations**  
Australian Retailers Association  
Melbourne office: Level 10, 136 Exhibition Street | Melbourne | Victoria | 3000  
Sydney office: Suite 104, 40-48 Atchison Street | St Leonards | New South Wales | 2065

[REDACTED]

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## Copy of Prescribed Information

**Title of Matter:** Application/Notification by Australian Retailers Association, The  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:**  
**Matter Number(s):** E2015/81

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

**Inquiries:**

Any inquiries relating to this are to be directed to: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**25 FEBRUARY 2015**

TO WHOM IT MAY CONCERN

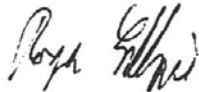
Please be advised that the Australian Retailers Association {ARA} has been awaiting notification of approval to an application to amend its Rules of Association to permit elections on the basis of a new franchise before lodging the requisite formal declaration of the intention to conduct its biannual election .

We are uncertain but are making enquiries and ask that you do likewise with Ms Carolyn Maloney, to see whether or not the request for alterations of the articles has indeed been processed to allow for election under the amended rules of Association concerning elections to proceed. Council has been anxious to ensure that this year's elections are carried out in accordance with the amended rules of Association which have been accepted at the special general meeting called for that purpose.

*We are most grateful in anticipation of your assistance on this occasion, as we have appreciated your assistance on other matters of compliance.*

We are now in a position to do so and hereby give notice of an intention to conduct an election through and with the assistance of the Fair Work Commission.

Dated at Melbourne this Day of 24<sup>th</sup> February 2015



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Roger Gillespie  
President



**STATEMENT OF PRESCRIBED INFORMATION FOR AN ELECTION  
AUSTRALIAN RETAILERS ASSOCIATION**

I, Roger Gillespie being the President of the Australian Retailers Association, make the following statement [Reg.138(2)]:

I am authorised to lodge the following prescribed information concerning forthcoming elections of the Association, and

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

Signed:



Dated:

**Offices**

| Title of office - [Reg. 138(1)(a)] | Number [Reg.138(1)(c)] | Voting system [Reg. 138(1)(g)]             | Voting method                     |
|------------------------------------|------------------------|--|-----------------------------------|
| Council members                    | 14*                    | Direct voting system [rule 39.1(a)]        | Secret postal ballot (rule 24(c)) |
| President                          | 1                      | Collegiate electoral system [rule 39.1(d)] | Secret ballot [rule 39.4(d)]      |
| Vice President                     | 1*                     | Collegiate electoral system [rule 39.1(d)] | Secret ballot [rule 39.4(d)]      |
| Treasurer                          | 1                      | Collegiate electoral system [rule 39.1(d)] | Secret ballot [rule 39.4(d)]      |
| Secretary                          | 1                      | Collegiate electoral system [rule 39.1(d)] | Secret ballot [rule 39.4(d)]      |

\*this number is the subject of rule alterations in matter R2015/17 to be certified prior to the granting of this election

**Reasons for election [Reg.138(1)(b)]:**

- Scheduled election for the above Offices is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

**Elected by [Reg.138(1)(d)]:**

- The electorate for the Council (totalling up to 14 persons) is every member of the organisation [see rule 39.1(a)].
- The electorate for the 4 office-bearers is the whole of the Council (14 persons)

**Nominations open [Reg.138(1)(e)]:**

- For Offices to be elected by direct voting system nominations are required to open by 28 February 2015 [rule 39.4(b)(i)]<sup>[1]</sup>.
- For offices to be elected by collegiate electoral system nominations will open within 3 days after the declaration of the election of the Council and not more than 7 days before the closing of nominations [rule 39.4(b)(ii)]

**Nominations close [Reg 138(1)(e)]:**

- For Offices to be elected by direct voting system nominations will close as determined by the Returning Officer.
- For offices to be elected by collegiate electoral system nominations will close as determined by the Returning Officer.

**Cut off date for roll [Reg.138(1)(f)]:**

- 14 days prior to date of opening of nominations for the Council [see rule 39.4(b)(i)].