

**AEC**

Australian Electoral Commission

Fair Work (Registered Organisations) Act 2009**POST ELECTION REPORT****Client:** HABA**Contact details:** Mary Davitt
Executive Director
Hair and Beauty Australia
GPO Box 5050
SYDNEY NSW 2194**Email:** mary@hairandbeautyaustralia.com.au**Tel:** 02 9221 9911**AIR contact officer:** David Vale**Email:** industrial.elections@fwa.gov.au**Tel:** 02 8374 6509**ELECTIONS COVERED IN THIS REPORT****Election Decision No/s:** E2010/2697**RULES****Rules used for elections Rule ID:**

[146N: Rules as at registration on 8 April 2010]

Rules difficult to apply/interpret:

Rule 18 – Not clear that the rule meant that life members had the rights of full membership, as has been past practice and custom .

Rule 38(j) – Requiring the voter to sign the ballot paper and no provision for the use of declaration envelopes.

Model Rule reference (if any):**ROLL OF VOTERS**

As there were no contested offices, no roll of voters was required.

ALLEGATIONS OF IRREGULARITIES RECEIVED

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

NIL

Other irregularities identified, and action taken:

NIL

ATTACHMENTS**A:** HABA - E2010-2697 Recall Declaration UncontestedHugh Williams
Returning Officer
4 May 2011

**Hair and Beauty Australia
Committee of Management 2010 - Recall**

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.

E2010/E2697

Vice President

Candidate

LAIDLAW, Ian

Committee Member (2)

Candidate

AUCIELLO, Antonio

No further nomination was accepted

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

HUGH WILLIAMS
Returning Officer

3 May 2011

Hair and Beauty Australia Committee of Management 2010

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.

E2010/E2697

President

Candidate

ARCIULI, Christina



Vice President

No nomination was received

Honorary Secretary

Candidate

NASSO, Mario

Honorary Treasurer

Candidate

HARDING, Maureen Erica

Committee Member (6)

Candidates

BRAUN, Craig

FLOHM, Brian

TODARO, Sebastiana

WARBRICK, Peter

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.

HUGH WILLIAMS

Returning Officer

8 March 2011

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: HABA

Contact details: Mary Davitt
Executive Director
Hair and Beauty Australia
GPO Box 5050
SYDNEY NSW 2194

EMAIL: mary@hairandbeautyaustralia.com.au
TEL: 02 9221 9911

AIR contact officer: David Vale

EMAIL: Industrial.elections@fwa.gov.au
TEL: 02 8374 6509

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2010/2697

RULES

Rules used for elections Rule ID: [146N: Rules as at registration on 8 April 2010]

Rules difficult to apply/interpret: Rule 18 – Not clear that the rule meant that life members had the rights of full membership, as has been past practice and custom .
Rule 38(j) – Requiring the voter to sign the ballot paper and no provision for the use of declaration envelopes.

Model Rule reference (if any):

ROLL OF VOTERS

As there were no contested offices, no roll of voters was required.

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: NIL
Other irregularities identified, and action taken: NIL

ATTACHMENTS

A: HABA - E2010-2697 Declaration Uncontested

Hugh Williams
Returning Officer
8 March 2011



FAIR WORK
AUSTRALIA

21 December 2010

Ms Mary Davitt
Industrial Relations and Membership Services Manager
Hair and Beauty Australia
GPO Box 5050
Sydney NSW 2001

Dear Ms Davitt

**Re: Arrangements for the conduct of an Election
(E2010/2697)**

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

Fair Work Australia is making arrangements, under subsection 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

David Vale
Fair Work Australia



FAIR WORK
AUSTRALIA

DECISION

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

Hair and Beauty Australia
(E2010/2697)

T. NASSIOS

MELBOURNE, 21 DECEMBER 2010

Arrangement for conduct of election.

[1] On 7 December 2010 Hair and Beauty Australia lodged with Fair Work Australia prescribed information in relation to an election.

[2] On 16 December 2010 Hair and Beauty Australia lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

President	(1)
Vice President	(1)
Honorary Secretary	(1)
Honorary Treasurer	(1)
Committee Member	(6)

[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
FAIR WORK AUSTRALIA

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VALE, David

From: VALE, David
Sent: Tuesday, 21 December 2010 2:13 PM
To: 'Industrial Elections'
Subject: E2010/2697
Attachments: E2010_2697_signed decision_21122010.doc; E2010_2697 HABA_21122010.doc

Dear AEC,

Please find attached a copy of the Decision for the upcoming election of Hair and Beauty Australia for its upcoming election (E2010/2697).

Yours sincerely

DAVID VALE
Manager, Organisations - NSW

Fair Work Australia

Tel: 02 8374 6509

Fax: 02 9380 6990

david.vale@fwa.gov.au

Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011

www.fwa.gov.au



FAIR WORK
AUSTRALIA

21 December 2010

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of the Fair Work (Registered Organisations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2010/2697

RE: HAIR AND BEAUTY AUSTRALIA

Position:

See Decision

Relevant Information: Scheduled election; secret postal ballot.

Contact: Mr Mary Davitt
Industrial Relations and Membership Services Manager

Phone: (02) 9221 9911 or 1800 997 795

A copy of the Decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at industrial.elections@fwa.gov.au.

David Vale
Fair Work Australia

VALE, David

From: VALE, David
Sent: Thursday, 16 December 2010 3:49 PM
To: 'Industrial Elections'
Subject: E2010/2697
Attachments: HABA E2010_2697_further PI lodged_1612010.pdf; HABA 146N_D2010_2500_as at Registration on 8 April 2010.doc

Dear AEC,

Please find further prescribed information and a copy of the current rulebook for an upcoming election for Hair and Beauty Australia (E2010/2697).

Yours sincerely

DAVID VALE
Manager, Organisations - NSW

Fair Work Australia
Tel: 02 8374 6509
Fax: 02 9380 6990

david.vale@fwa.gov.au

Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011

www.fwa.gov.au

Request for conduct of Elections s189 – Hair and Beauty Australia

I, Mario Nasso, being the President of Hair and Beauty Australia Limited, make the following statement:

I am the President of Hair and Beauty Australia Limited,

I am authorised to lodge the following prescribed information concerning forthcoming elections for Hair and Beauty Australia, and

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

Signed:

Dated: 14 December, 2010



Offices/Positions

A	President (1) (Direct Voting System)
	Vice-President (1) (DVS)
	Honorary Secretary (1) (DVS)
	Honorary Treasurer (1) (DVS)
	Ordinary Committee Members (6) (DVS)

Reasons for election:

- Election for offices and positions marked in column A are required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Elected by:

- The electorate for the direct voting system are all full members throughout all of Australia. Associate and Provisional Members are not eligible for voting as provided by the Rules of Association

Nominations open:

- For offices to be elected by direct voting system - the fourth Tuesday in February 2011 (or as advised by the Australian Electoral Commission)

Nominations close:

- For offices to be elected by direct voting system – 5pm on, 22 March, 2011 or 28 days after nominations open (as directed by the Australian Electoral Commission)

Cut off date for roll:

- In all cases - 7 days prior to the opening date for nominations.



FAIR WORK
AUSTRALIA

10 December 2010

Ms Mary Davitt
Industrial Relations and Membership Services Manager
Hair and Beauty Australia
GPO Box 5050
Sydney NSW 2001

Dear Ms Davitt

Re: Arrangements for the conduct of an Election

I refer to your correspondence dated 2 December 2010 for the conduct of an election for Hair and Beauty Australia which was lodged with Fair Work Australia on 7 December 2010.

The information lodged is deficient in that it is not prescribed information as required under s. 189 of the *Fair Work (Registered Organisations) Act 2009* (the Act) and under regulation 138 of the *Fair Work (Registered Organisations) Regulations Act 2009*.

Please resubmit the prescribed information ensuring that it is lodged under s. 189 of the Act. You can use the template under Election Template on our "Fact Sheets" on our website on the following link <http://www.fwa.gov.au/index.cfm?pagename=regorgsfactsheets#factsheets> or using the attached example. If you follow the attached sample document you should not have any problems.

Please ensure that the statement contains a statement that the information is lodged under s. 189 of the Act and that the officer is authorised to lodge the prescribed information.

If you need any further information please do not hesitate to contact me on (02) 8374 6509.

Yours sincerely

David Vale
Manager, Organisations - NSW
Fair Work Australia

Sample Notice and Statement of Prescribed Information for an Election

I, [name], being the [title of office] of the [name of organisation and branch], make the following statement:

I am the [title of office] of the [title of organisations and branch],

I am authorised to lodge the following prescribed information concerning forthcoming elections in the [title of branch] of the [title of organisation], and

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

Signed: [signature]

Dated: [date]

Offices/Positions

A	Branch President (Direct Voting System)
	Branch Vice-Presidents (2) (DVS)
	Branch Secretary (DVS)
	Branch Treasurer (DVS)
	Branch Executive Committee Members (15) (DVS)
	Branch Delegates to National Council (5 together with Branch Secretary who is ex officio a member of National Council) (Collegiate election)
B	Branch Councillors (2) (DVS)
C	Branch Assistant Secretary (DVS)
D	Branch Representatives to Trades Council (2) (Collegiate)
	Branch Representative to ACTU (Collegiate)

Reasons for election:

- Election for offices and positions marked A and D respectively is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.
- Election for offices marked B is required to fill casual vacancies that have recently occurred (documentary information relating to the resignation of the persons holding the offices of Branch Councillor is enclosed)

- Election for the office marked C is required because this is a new position that has been created under the rules.

Elected by:

- The electorate for the direct voting system is the whole of the Branch.
- The electorate for collegiate electoral system is by and from the Branch Committee (totalling 21 persons)

Nominations open:

- For offices to be elected by direct voting system - the first Monday in June
- For offices to be elected by collegiate election - at the AGM in September

Nominations close:

- For offices to be elected by direct voting system - 12 noon, first Friday in July
- For offices to be elected by collegiate election - at the AGM in September

Cut off date for roll:

- In all cases - 7 days prior to the opening date for nominations - rule 22(g).

Notes:

The above sample Notice and Statement would satisfy each of the particulars required under s189(1) and the relevant regulations.

The 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 FWA may allow for a later day - see subsection 189(2) and regulations.

The requirement to lodge election information under s189(2) is a civil penalty provision – see s305.

MOUTEVELIS, Michael

From: MOUTEVELIS, Michael
Sent: Wednesday, 8 December 2010 1:39 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2010/2697
Attachments: E2010_2697 HABA Election Request.pdf; 146N HABA_D2010_2500_as at Registration on 8 April 2010.pdf

Dear AEC

Please find the prescribed information and a copy of the current rulebook for an upcoming election for Hair and Beauty Australia.

Regards

MICHAEL MOUTEVELIS
Registered Organisations Unit - Sydney

Fair Work Australia
Tel: (02) 8374 6516
Fax: (02) 9380 6990
Email: michael.moutevelis@fwa.gov.au

Level 8, Terrace Tower, 80 William Street, East Sydney NSW 2011

www.fwa.gov.au

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industry association



Attn: Mr David Vale
Manager, Organisations – NSW
Fair Work Australia
80 William Street
East Sydney NSW 2011

2 December, 2010

Dear Mr Vale,

Re: Arrangements for the Conduct of an Election – Hair and Beauty Australia (HABA)

As per the correspondence received from the Office of Fair Work Australia, dated 8 November 2010, this letter serves as a formal request for approval by Fair Work Australia, and coordination by the Australian Electoral Commission to conduct elections for office.

Under Rule 38 (c) of the Association's rule we are required to elect a Committee for a period of two years commencing in 2010. The Election of the Association's Committee of Management is outlined by Section 38 of the Association Rules as follows.

- (a) The committee shall appoint a Returning Officer to conduct elections for the election of the members of the Association. The Returning Officer shall not hold any other office in, and shall not be an employee of the Association, section or division thereof.
- The Returning Officer shall have such powers as are necessary for the conduct of the aforesaid elections including the fixing of the closing dates of the elections and the appointment of Assistant Returning Officers.
- (b) The election of members of the committee shall be carried out in accordance with this rule.

HAIR AND BEAUTY AUSTRALIA LIMITED

ABN 78 133 372 200

GPO Box 5050 SYDNEY NSW 2001

Telephone 1800 997 795

Fax 02 9221 0224

Email info@hairandbeautyaustralia.com.au

Web www.hairandbeautyaustralia.com.au

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- (c) Members of the committee shall be elected every two (2) years by secret postal ballot of the members eligible to vote, commencing from 2010.
- (d) Nominations for elections will open on the first Monday of October in the year elections are due to be held. The membership roll for members who are entitled to be nominated and to vote will close on the second Friday of September for that respective year.
- (e) Only financial members of the Association will be eligible to vote.
- (f) Nominations for the President, Vice President, Treasurer, Honorary Secretary, and six (6) ordinary committee members shall be called for by written notice to the members of the Association.
- (g) Nominations shall be made in writing signed by the nominee and two other members and lodged with the Returning Officer prior to the closing time for nominations, which shall be no less than 14 days and no more than 28 days after the date that nominations are open.
- (h) If a nomination is considered by the Returning Officer to be defective, he shall before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so give him the opportunity of remedying the defect within a period which shall be specified by the Returning Officer, which period shall not be less than 7 days after his being so notified.
- (i)
 - (i) Where the number of candidates exceeds the number of vacancies to be filled the Returning Officer shall conduct an election by secret postal ballot of the members eligible to vote.

HAIR AND BEAUTY AUSTRALIA LIMITED

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- (ii) Where the number of candidates does not exceed the number of vacancies, the Returning Officer shall declare such candidates elected.
- (iii) Where the number of candidates is insufficient to fill the vacancies the committee shall arrange for the conduct of an election by the Returning Officer in accordance with this rule, mutatis mutandis, to fill the vacant position(s). Provided that if there is still an insufficiency of candidates to fill the vacancies, the committee may appoint an eligible member of the Association to fill such vacancies.
- (j) The Returning Officer shall prepare the ballot papers and cause same to be distributed to the members eligible to vote, and the ballot paper must have a place for the signature of the voter.
- (k) The names of the candidates shall be listed alphabetically on the ballot which shall specify the closing time and date of the ballot. The Returning Officer shall determine the opening and closing times and dates for nominations and for the ballot, which shall be no less than 14 days and no more than 28 days after the date that the ballot papers are distributed to the members. The Returning Officer may appoint such Assistant Returning Officers as he may consider necessary.
- (l) A member who is eligible to vote in accordance with rule 38(e), and who will be absent during the period in which the ballot is to be conducted, may apply to the Returning Officer to vote in absentia. Provided the Returning Officer receives the request in a form he or she considers acceptable, the Returning Officer shall comply with that request.
- (m) The person with the highest number of primary votes shall be elected.
- (n) Ballot papers shall be returned to the Returning Officer prior to the closing time and date of the ballot.
- (o) The counting of the ballot shall be conducted by the Returning Officer within five working days after the close of the ballot, in the presence of such nominated scrutineers as may be present.

HAIR AND BEAUTY AUSTRALIA LIMITED

ABN 78 133 372 200

GPO Box 5050 SYDNEY NSW 2001

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Web www.hairandbeautyaustralia.com.au

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- (p) Each candidate may nominate one scrutineer. No candidate may act as a scrutineer for another candidate. The Returning Officer shall be advised not later than the closing time of the ballot, of the name of each candidate's scrutineer. The Returning Officer shall cause each scrutineer to be notified of the times and dates for the counting of the ballot. The scrutineer shall be entitled to be present at the counting of the ballot papers and shall reasonably represent the interests of the candidate or candidates whom he represents, but shall in no other way interfere with the conduct of the ballot.
- (q) The Returning Officer shall declare the result of the ballot immediately the counting of votes is concluded and shall provide to the Executive Director a written statement of the result signed by himself.

Unfortunately due to the sudden departure of the previous Executive Director, the Association has missed the deadline of the elections to be conducted as per the Rules of Association. For your information, in the absence of a formerly appointed Executive Director, I and the Committee of Management have communicated this to Members at our Association AGM held in late October.

The Association's rules require the following positions to be filled:

President (1)
Vice President (1)
Honorary Secretary (1)
Honorary Treasurer (1)
Ordinary Members (6)

All members of the Association throughout Australia are eligible to vote and to nominate for election with the exception of Provisional or Associate Members as outlined in Sections 5D and 5E of the Association Rules.

As the prescribed date for nominations outlined in Section 38 (d) of the Association Rules has passed, we request the direction of the Australian Electoral Commission and approval by Fair Work Australia as to the opening and closing of the call for nominations and the day on which the roll of voters is to be closed in accordance with Rules 38 (g) and (k).

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australia
.....
industry association

I thank you in advance for your guidance and assistance in this matter. Should you require any further information please don't hesitate to contact me at your convenience on (02) 9221 9911 or via email at mary@hairandbeautyaustralia.com.au.

I look forward to your response.

Sincerely,



Mary Davitt
Industrial Relations and Membership Services Manager

Office Bearer Declaration:

On behalf of Hair and Beauty Australia (HABA), a Registered Organisation under the Fair Work (Registered Organisations) Act, 2009, I Mario Nasso of 3 Taranaki Place Northmead NSW 2153, as Director, President and Chairman elect of the Association, request and Authorise the arrangement of the conduct of Elections for office holders.

Signed: _____



Mario Nasso - President

Date: _____

3/12/10

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FAIR WORK
AUSTRALIA

8 November 2010

Ms Mary Davitt
Industrial Relations and Membership Services Manager
Hair and Beauty Australia
GPO Box 5050
Sydney NSW 2001

Dear Ms Davitt

Re: Arrangements for the conduct of an Election

I have received your email enquiry of 4 November 2010 regarding the requirement to conduct elections for office holders of Hair and Beauty Australia (HABA).

HABA is required to lodge with Fair Work Australia (FWA) prescribed information as required under s189 of the *Fair Work (Registered Organisations) Act 2009* and in conformity with regulation 138 of the *Fair Work (Registered Organisations) Regulations Act 2009*. The prescribed information should normally be lodged 2 months prior to nominations opening.

The links to both acts are found below at:

www.fwa.gov.au/documents/legislation/fw_orgs_reg_act/fw_reorgs_act.htm#P2552_265934 and
www.fwa.gov.au/documents/legislation/fw_orgs_regs_con/fw_orgs_regs_con.htm#P1451_129916.

When lodging the prescribed information under s.189 it may be useful to use the template found on FWA's website which is available on the "Fact Sheets" page and which is titled "Sample notice and statement of prescribed information-Election". Also, factsheet 5 "Elections in organisations and their branches" provides useful information about the process. (Please use the following link to access these documents)
<http://www.fwa.gov.au/index.cfm?pagename=regorgsfactsheets#factsheets>

Rule 28 of HABA's rulebook states that the Committee of Management consists of:

President (1)
Vice President (1)
Honorary Secretary (1)
Honorary Treasurer (1)
Ordinary Members (6)

Under Rule 38(c), members of the Committee of Management are elected to a two year term by secret postal ballot commencing in 2010. As it is now November 2010, the organisation should lodge its prescribed information as soon as possible. Once FWA issue a decision in respect of HABA's request for an election, we will contact the Australian Electoral Commission who will assist in arranging the conduct of any election

If you need any further information please do not hesitate to contact me on (02) 8374 6509.

Yours sincerely

David Vale
Manager, Organisations - NSW
Fair Work Australia

Terrace Towers
80 William Street
East Sydney NSW 2011
Telephone: (02) 8374 6666
International: (612) 8374 6666
Facsimile: (02) 9380 6990
Email: sydney@fwa.gov.au