



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Hair and Beauty Australia

Contact details: Mr Ian Laidlaw, President
Ms Christina Arciulli, Director
Suite 304, Level 3
5 Hunter Street
SYDNEY NSW 2000

Email: Kerri-ann@askhaba.com.au

AIR contact officer: Stephen Kellett

Email: industrial.elections@fwc.gov.au
Tel: 02 6723 7237

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2013/254

RULES

Rules used for elections Rule ID: [146N: Rules as certified on 1 May 2013 incorporating alterations in matter R2013/217]

Rules difficult to apply/interpret: Rules 38 (i) and 38 (j) are contradictory in that 38 (i) requires a secret postal ballot, in contrast to 38 (j) requiring the voter to sign their ballot paper. The action of 38 (j) would identify the voter and therefore not comply with the requirement of 38 (i). The Rules are silent on the issues of a person nominating for, being elected to, or holding more than one office and there is no provision for withdrawal.

Model Rule reference (if any):

ROLL OF VOTERS

Total number of voters on the Roll: 984

Number of apparent workplace addresses: 676

Number of non-current addresses: 2

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: Declaration of Results for Contested and Uncontested Offices

Marie Malfitana
Returning Officer
17 December 2013

Hair and Beauty Australia

Committee of Management 2013

Declaration of Results for Contested and Uncontested Offices

E2013/254

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.

Members

Total number of names on the roll of voters	984
Ballot papers issued	984
Replacement ballot papers issued	1
Total Ballot Papers Issued	985
Ballot papers / envelopes returned for scrutiny	219
Less ballot papers / envelopes rejected at preliminary scrutiny	43
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	176
Percentage of ballot papers returned to number issued	22
Ballot papers returned as unclaimed mail	7
Ballot papers not returned	759

President

<u>Candidates</u>	<u>Final Votes</u>
HARDING, Maureen E	112
LAIDLAW, Ian	60
Total votes	172
Formal ballot papers	172
Informal ballot papers	4

I declare Maureen E Harding elected.

Committee Member (6)

<u>Candidates</u>	<u>Final Votes</u>
AKLE, Sarkis	98
BRAUN, Craig	93
COLOMBINI, Donna	126
FENECH, Linda	127
FLOHM, Brian Norman	87
LESLIE, Peter	112
NATI, Cosmo	73
PYATT, Sheryle	112
SCHMITT, Lara	109

Total votes	937
Formal ballot papers	170
Informal ballot papers	6

I declare Sarkis Akle, Donna Colombini, Linda Fenech, Peter Leslie, Sheryle Pyatt and Lara Schmitt elected.

Vice President

Candidates

HARDING, Maureen E

I declare Maureen E Harding elected.

Honorary Secretary

Candidates

NASSO, Mario Paul

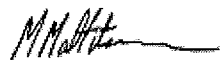
I declare Mario Paul Nasso elected.

Treasurer

Candidates

FLOHM, Brian Norman

I declare Brian Norman Flohm elected.



Marie Malfitana
Returning Officer
Australian Electoral Commission

10 December 2013





FAIR WORK
COMMISSION

30 August 2013

Ms Christina Arciuli
Director,
Hair and Beauty Australia
GPO Box 5050
SYDNEY NSW 2001

Dear Ms Arciuli

Re: Scheduled Elections - Hair and Beauty Australia (E2013/254)

I refer to the prescribed information lodged on 21 August 2013 under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* in relation to the above matter and to the application for an extension of time under subsection 189(2) received on 28 August 2013.

The election has been granted. A copy of the Delegate's Decision is enclosed.

Yours sincerely

Stephen Kellett
Senior Adviser, Regulatory Compliance Branch

From: KELLETT, Stephen
To: ["kerri-ann@askhaba.com.au"](mailto:kerri-ann@askhaba.com.au)
Subject: Election Decision - E2013/254
Date: Friday, 30 August 2013 7:24:00 PM
Attachments: [Election Decision E2013 254 HABA.pdf](#)
[E2013 254 HABA letter to assoc. 30 Aug 2013.pdf](#)

Dear Ms Allen,

Please see attached the Delegate's Decision and my letter in relation to the above for your record.

Yours sincerely

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(email) stephen.kellett@fwc.gov.au

From: KELLETT, Stephen
To: ["industrial.elections@aec.gov.au"](mailto:industrial.elections@aec.gov.au)
Subject: Election Decision - Hair and Beauty Australia - E2013 / 254
Date: Friday, 30 August 2013 7:22:00 PM
Attachments: [E2013 254 HABA letter to AEC 30 August 2013.pdf](#)
[Election Decision E2013 254 HABA.pdf](#)
[HABA rules.pdf](#)

Dear Electoral Officer,

Please see attached in relation to the above. A copy of the current rules is also attached.

Yours sincerely

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(email) stephen.kellett@fwc.gov.au



FAIR WORK
COMMISSION

30 August 2013

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 2013/254

RE: Hair and Beauty Australia

Positions:

See Decision

Relevant Information:

Contact: Ms Christina Arciuli, Director

Phone: 1800 997 795 [kerri-ann@askhaba.com.au]

A copy of the decision is attached.

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.

Stephen Kellett
Regulatory Compliance Branch
Fair Work Commission



DECISION

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

Hair and Beauty Australia
(E2013/254)

MR ENRIGHT

MELBOURNE, 30 AUGUST 2013

Arrangement for conduct of election.

[1] On 21 August 2013 Hair and Beauty Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

President	(1)
Vice-President	(1)
Secretary	(1)
Treasurer	(1)
Ordinary Committee Members	(6)

[2] On 28 August 2013, the organisation lodged an application for an extension of time to allow a later day for lodgement of the prescribed information. The prescribed day is the day occurring 2 months before the first day when a person may, under the rules of the organisation, become a candidate in an election. The rules provide that the nominations will open on the first Monday in October in the year elections are due to be held.

[3] The organisation has explained that the late lodgement of the prescribed information was due to inadvertent omission of some administrative processes in the absence of a dedicated person to oversee administrative duties following executive personnel changes. I allow a later day up to the date of actual lodgement, namely 21 August 2013 and grant the extension requested.

[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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From: [KELLETT, Stephen](#)
To: [KELLETT, Stephen](#)
Subject: FW: Elections for Hair and Beauty Australia
Date: Thursday, 29 August 2013 12:22:37 PM
Attachments: [image006.png](#)
[image007.png](#)
[Letter for Stephen.pdf](#)

From: Kerri-Ann Allen [mailto:kerri-ann@askhaba.com.au]
Sent: Wednesday, 28 August 2013 9:56 AM
To: KELLETT, Stephen
Cc: christina@askhaba.com.au
Subject: RE: Elections for Hair and Beauty Australia



Dear Stephen,

Please find attached the Letter from our president as discussed last week.

Please do not hesitate to contact Hair & Beauty Australia should you have any further queries.

Regards

Kerri-Ann Allen

Industrial Relations Coordinator



P: 1800 997 795

W: www.hairandbeautyaustralia.com.au

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Hair and Beauty Australia Limited
GPO Box 5050
Sydney, NSW, 2001

27 August 2013

General Manager
Fair Work Commission
80 Williams Street
East Sydney NSW 2011

Dear General Manager,

We wish to request that an extension of time and a later day be allowed for lodgement of the prescribed information in relation to our scheduled elections of office holders.

The application should have been lodged by August 7th 2013 however due to internal personnel changes at the executive level and no dedicated person to oversee administrative duties some processes were inadvertently overlooked.

We apologise for any inconvenience this may have caused.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "I Laidlaw", is written over a light blue horizontal line.

Ian Laidlaw
President
Hair and Beauty Australia Limited

From: [KELLETT, Stephen](#)
To: ["kerri-ann@askhaba.com.au"](mailto:kerri-ann@askhaba.com.au)
Subject: FW: Elections for Hair and Beauty Australia
Date: Wednesday, 21 August 2013 3:52:43 PM

Dear Ms Kelly

Please see email below. The application/notification should have been lodged by 7 August because 2 months notice prior to the opening of nominations is required.

Therefore, the application/notification you have sent needs to be supplemented by a request that the General Manager allow a later day of lodgement (i.e. 21 August) that states the reason (which I understand from my discussions with Christina relates to changes in executive personnel and oversight in the transition). The request can be sent by email to orgs@fwc.gov.au

There is no need to mail an original, but if you have already prepared one, send it attention Mr David Vale, Fair Work Commission, C/- 80 William Street East Sydney NSW 2011.

Please telephone me if you wish to discuss.

STEPHEN KELLETT
Senior Adviser, Regulatory Compliance Branch
Fair Work Commission

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(mobile) 0429 462 979
(email) stephen.kellett@fwc.gov.au

www.fwc.gov.au

From: HALL, James
Sent: Tuesday, 22 January 2013 2:20 PM
To: 'malynda@askhaba.com.au'
Subject: Elections for Hair and Beauty Australia

Hi Malynda

I tried to call today you but was advised you were not available.

I have had a chance to look at the prescribed information you sent last Thursday concerning an election within HABA.

In the prescribed information it states that nominations will open on the fourth Tuesday in February 2011 (I think this should be 2013) or as advised by the AEC.

However, rule 38(d) of the rules of Hair and Beauty Australia state that nominations for elections will open on the first Monday of October.

I just wanted to ask you the reason why you have lodged the prescribed information now and why you want the election so soon. I think that you are just following the previous election in providing that the nominations will open on the fourth Tuesday in February.

The problem is that my superiors are unlikely to arrange for the conduct of the election so soon when the rules of Hair and Beauty Australia provide that nominations will not open until October.

My view is that you don't need to lodge the prescribed information until later this year.

Based on the rules of Hair and Beauty Australia, the nominations should open on 7 October 2013. You need to lodge the prescribed information **2** months before this date (that is before 7 August 2013).

I know this is probably confusing so could you please call me when you are available.

Regards

JAMES HALL

Advisor
Regulatory Compliance Branch - NSW
Fair Work Commission

Level 8
Terrace Tower
80 William Street
East Sydney NSW 2011

Tel: 02 8374 6690
Fax: 02 9380 6990
Email: james.hall@fwc.gov.au

From: [KELLETT, Stephen](#)
To: ["industrial.elections@aec.gov.au"](mailto:industrial.elections@aec.gov.au)
Subject: Prescribed information - Hair and Beauty Association - E2013/254
Date: Wednesday, 21 August 2013 4:14:23 PM
Attachments: [HABA Prescribed information.pdf](#)
[HABA rules.pdf](#)

Dear Electoral Officer

Please see attached.

STEPHEN KELLETT
Senior Adviser, Regulatory Compliance Branch
Fair Work Commission

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(mobile) 0429 462 979
(email) stephen.kellett@fwc.gov.au

www.fwc.gov.au

From: [Kerri-Ann Allen](#)
To: [KELLETT, Stephen](#)
Cc: [Orgs; christina@askhaba.com.au](mailto:christina@askhaba.com.au)
Subject: Request for Conduct of Elections
Date: Wednesday, 21 August 2013 2:42:32 PM
Attachments: [image002.png](#)
[image003.png](#)
[Request for Conduct of Elections.pdf](#)



Dear Stephen,

Please find attached the scanned copy of our request for conduct of elections signed by our President. If you could please provide me with details on where to send the original, if it is required to be posted to you, I will put this in the mail as soon as possible.

Regards

Kerri-Ann Allen
Industrial Relations Coordinator



P: 1800 997 795

W: www.askhaba.com.au

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Request for conduct if Elections s189 – Hair and Beauty Australia

I, Ian Laidlaw, 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: 20/8/13

Offices/Positions

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

Reason 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 the Association

Nominations open:

- For offices to be elected by direct voting system – the 7th October 2013 (or as advised by the Australian Electoral Commission)

Nominations close:

- For offices to be elected by direct voting system – 5pm on 4th November 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