



7 January 2020

Maureen Harding  
President  
Hair and Beauty Australia  
Sent via email: info@askhaba.com.au

Dear Maureen Harding

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2019/114**

On 24/12/2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2019/114. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular Rule 38(i). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

**A notice must be published on the organisation's website**

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

**A written response must be provided to the AEC**

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

**Extract of report must be made available to members**

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

**Written response must be made available to members**

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- within 30 days of giving the response to the AEC:
  - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
  - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

### **Penalties may apply**

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

### **If the organisation or branch decides to alter its rules in response to the AEC's report**

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours sincerely

### **Registered Organisations Commission**



7 January 2020

Maureen Harding  
President  
Hair and Beauty Australia  
Sent via email: info@askhaba.com.au

Dear Maureen Harding,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of contested and uncontested offices in matter E2019/114. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

#### Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

#### Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Hair and Beauty Australia must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;
  - the name of the person now holding the office;

- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Yours sincerely

**Registered Organisations Commission**

24 December 2019

# Post-election report

Hair and Beauty Australia  
Scheduled Election  
E2019/114

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# Election(s) Covered in this Report

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Organisation: Hair and Beauty Australia  
Election: Scheduled  
Election Decision No/s: E2019/114

## Rules

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Rules used for the election: [146N: Alterations certified on 15 Dec 2014 in matter R2014/292]

Rules difficult to apply/interpret: Rule 38 (i) states *“An Officer may nominate for a position mentioned in clause 38 (h) and also nominate for a position as an ordinary committee member, however may not hold two positions in any one term.”*  
The Rules do not specify how to deal with the two nominations if both nominations are successful.  
Therefore, an Officer was elected for both Vice-President and ordinary committee member and declared as such.

Model Rule reference: Rule 21.2 of the Model Rules makes reference to Multiple Nominations.

For more details see the Model Rules on the AEC website:  
([https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections))

## Roll of Voters

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Total number of voters on the Roll: 785  
Number of apparent workplace addresses: 0  
Number of non-current addresses: 0  
Other matters pertaining to the roll of voters: Nil

## Irregularities

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

Other irregularities identified, and action taken: Nil

## Other Matters

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Returning Officer actions required (Section 193): Yes

Details:

Rule 38 (k) (i) specifies that an election is to be conducted by secret postal ballot – conflicts with Rule 38(l) specifying that the ballot paper must have a place for the signature of the voter.

- Direction was given by the Returning Officer that the marking of the ballot paper will not be followed as it is a breach in the rules. The declaration envelope provides an area for a signature which protects the secrecy of the ballot

The rules are silent on withdrawing nominations.

- Direction was also given to set the withdrawal of nominations to close at the same time as nominations close.

Other Matter: It was noted that on the Prescribed Information and on the Decision a position was referred to as “Director” whereas the Rule 38(f) refers to the position as “ordinary committee member”. Clarification was sought from ROC and advice was given that the preferred terminology to be used for the documentation for the election should be the terminology contained in the Rules.

## Signed

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Catherine Bernoth  
Returning Officer  
Australian Electoral Commission  
E: nswelections@aec.gov.au  
P: 02 9375 6375  
24 December 2019

## Attachments

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### A. Declaration of results for Uncontested and Contested Offices



**Hair and Beauty Australia**  
**DECLARATION OF RESULTS - E2019/114**  
**Contested and Uncontested Offices**

**Scheduled Election**

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 are:

**Committee of Management**

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	785
Number of voters issued with voting material	785
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>785</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	54
Number of declaration envelopes rejected at preliminary scrutiny (minus)	5
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	49
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	38
Voting material packs not returned by voters by closing date of the ballot	693
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	7 %

**President (1)**

Candidates

HARDING Maureen

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

**Vice-President (1)**

Candidates

CAMPBELL, Wendy

GOLISANO, Helen

Final Votes

26

22

**Total ballot papers admitted for this office**

**49**

Formal Ballot papers

48

Informal Ballot papers

1

I declare the following elected:

- CAMPBELL, Wendy

## Secretary (1)

### Candidates

MICHETTI Wendy

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

## Treasurer (1)

### Candidates

FLOHM Brian

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

## Ordinary Committee Members (6)

### Candidates

	<u>Final Votes</u>
CAIRES, Elvio	30
CAMPBELL, Wendy	40
COUBROUGH, Brett	31
ELCHAAR, Peter	33
MACRAE, Kenneth	33
NASSO, Mario	33
ORAYA, Samantha	31

<b>Total ballot papers admitted for this office</b>	<b>49</b>
Formal Ballot papers	46
Informal Ballot papers	3

I declare the following elected:

	<u>Order Elected</u>
• CAMPBELL, Wendy	1
• NASSO, Mario	2
• ELCHAAR, Peter	3
• MACRAE, Kenneth	4
• COUBROUGH, Brett	5
• ORAYA, Samantha	6



Catherine Bernoth  
Returning Officer  
Telephone: 02 9375 6375  
Email: nswelections@aec.gov.au  
09/12/2019



## DECISION

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

**Hair and Beauty Australia**  
(E2019/114)

MR ENRIGHT

MELBOURNE, 26 JUNE 2019

*Arrangement for conduct of election.*

[1] On 3 June 2019 and 26 June 2019 Hair and Beauty Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Vice-President	(1)
Secretary	(1)
Treasurer	(1)
Directors	(6)

[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 COMMISSIONER

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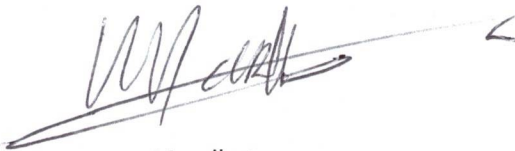
PR351403

**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009**

I, Maureen Harding, being the President of Hair and Beauty Australia Ltd (HABA), make the following statement:

1. I am authorised to sign this statement containing prescribed information for Hair and Beauty Australia Ltd.
2. The following information is lodged under subsection 189 (1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:



Name: Maureen Harding

HABA National President

Dated: **3<sup>rd</sup> June 2019**

*[PLEASE NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

**ANNEXURE A**

Elections that are required [insert as many pages as required]:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
National	President	1	Direct voting system; Collegiate electoral system	Scheduled; Casual vacancy; New office created; Insufficient nominations	All full members of the association
National	Vice President	1	Direct	Scheduled	All full members of the association
National	Secretary	1	Direct	Scheduled	All full members of the association
National	Treasurer	1	Direct	Scheduled	All full members of the association
National	Directors	5	Direct	Scheduled	All full members of the association

<b>Direct Voting System</b>	
<b>Nominations OPEN</b>	7 <sup>th</sup> October 2019
<b>Nominations CLOSE</b>	28 days after nominations open
<b>Roll of Voters cut off date</b>	Second Friday in September

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'to be determined by the returning officer'. Casual vacancies must be accompanied by proof of resignation and attached to this statement.

**From:** [Maureen Harding](#)  
**To:** [BATSHOUN,Anne](#)  
**Cc:** [gabrielle@askhaba.com.au](mailto:gabrielle@askhaba.com.au); [juliet@askhaba.com.au](mailto:juliet@askhaba.com.au)  
**Subject:** Re: E2019/114 HABA Election [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 26 June 2019 15:05:56

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Hello Anne,

Yes I can confirm as per our current constitution/rules 38f the calling of 10 officers.

Kind Regards,  
Maureen Harding  
Proprietor HBMH(Hairdressing by Maureen Harding)  
(National President HABA)  
Hair and Beauty Australia

B/H 029605 7373

A/H 0408619594



On 26 Jun 2019, at 10:30, BATSHOUN,Anne <[Anne.Batshoun@roc.gov.au](mailto:Anne.Batshoun@roc.gov.au)> wrote:

Hi Maureen

Thank you for your time on the phone.

As discussed, in order to arrange for HABA's upcoming election, if you can please confirm that HABA is requesting to elect six (6) Directors (as opposed to five (5) currently requested in the prescribed information lodged on 3 June 2019).

Rule 38(f) of HABA's rules requires for the calling of nominations for all ten (10) offices, that is, the President (1), Vice-President (1), Secretary (1) and Treasurer (1) plus six (6) Directors to make ten (10).

Ofcourse, as you are aware, HABA can continue to function in compliance with the rules with a total of eight (8). However, for the purposes of the prescribed information, six (6) Directors need to be requested.

Could you kindly confirm to me by way of return email that HABA seeks to inform the Registered Organisations Commission of the error in the prescribed information lodged on 3 June 2019, where it states five (5) Directors as opposed to six (6)?

Thank you in advance.

Kind regards

**ANNE BATSHOUN**

Lawyer, Compliance & Investigations  
**Registered Organisations Commission**

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