
From: MBA Executive <executive@mbansw.asn.au>

Sent: Friday, 26 October 2018 5:02 PM

To: STEENSON, Bill <Bill.Steenson@roc.gov.au>

Cc: Brian Seidler <bseidler@mbansw.asn.au>

Subject: MBA/NSW Changes to Rules

Importance: High

Dear Mr Steenson,

Further to your recent request for an update on the Association's response to the Australian Electoral Commission's Post Election Report findings, please find below the actions the Association has undertaken to date:

- The AEC Post Election Report was referred to the MBA/NSW Executive Committee Meeting dated 13 February '18;
- Executive Committee Meeting refers the matter of changes to the Constitution to the Council of Management Meeting dated 13 March '18;
- Council recommends that the Report and any proposed changes be referred to the Association's Constitution Committee and the Executive Director to prepare a relevant summary;
- Executive Director forwarded to the MBA/NSW Constitution Committee a Memo outlining proposed changes and reasons for proposed changes to the Committee for its consideration dated 12 July '18;
- Constitution Committee has made a number of suggestions and recommendations regarding this Memo. Executive Director to adjust where appropriate;
- A revised Memo to the MBA/NSW Committee needs to be finalised by the next Executive Committee meeting scheduled for 13 November '18 for its consideration and recommendation.

It is envisaged that these changes would be considered by a Special Meeting of members, so that changes to the Constitution may be in place well in advance before the next Council of Management Election scheduled for 2019.

Should you need any further clarification on this matter please do not hesitate to contact me on, [REDACTED] or mobile [REDACTED].

Regards,
Brian Seidler
Executive Director

Master Builders Association of NSW



**Master
Builders
Association**
New South Wales

Thursday, 1 March 2018

Ms Kathryn Montgomery
Returning Officer
Industrial & Commercial Elections NSW State Office

By email: industrial.elections@aec.gov.au

Dear Ms Montgomery,

**RE: POST ELECTION REPORT – MASTER BUILDERS ASSOCIATION OF NSW
E 2017/123**

The Association is in receipt of the above referred to Post Election Report and we advise the following.

The Report was presented to a meeting of the MBA/NSW Executive Committee on 13 February 2018. The Committee recommended that the Report be forwarded to the Association's Constitution Committee for resolution.

I can advise that the matters raised in the Report will be reviewed by the Association's Constitution Committee and Council of Management for action.

I further advise that the next scheduled meeting of the Association's Council of Management is Tuesday, 13 March '18. The Report and proposed changes to the Association's Rules is noted as a specific Agenda Item for that meeting.

Should you have any questions regarding this matter please do not hesitate to contact me on either 02-8586-3503 or 0412-437-352.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brian Seidler".

Brian Seidler
EXECUTIVE DIRECTOR



1 February 2018

Executive Director
Master Builders' Association of New South Wales
executive@mbansw.asn.au

Dear Executive Director

Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/123

On 1/02/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/123 dated 29/01/2018. 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. 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.

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 faithfully

Christine Hibberd

Registered Organisations Commission

29 January 2018

Post-Election Report

**Master Builders Association of New South
Wales: E2017/123**

Contents

Election(s) Covered in this Report..... 3

Rules 3

Roll of Voters 4

Irregularities 4

Other Matters..... 5

Attachments 5

Election(s) Covered in this Report

Election Decision No/s: E2017/123

Rules

Rules used for the election: [070N: Incorporates alternations of 13/01/2014 [R2013/96]

Rules difficult to apply/interpret:

Rules 14.11 and 18.2 provide that ballot material be posted within 10 days of nominations closing. This timeframe is impossible to meet as the eligibility of candidates and nominators cannot be checked till after nominations close and this has proven in past events to take a number of days. Rule 14.8 provides in accordance with the Fair Work (Registered Organisations) Act 2009 a period of 7 days to remedy any defective nomination after being so notified (occurs after the eligibility check). Extra days need to be provided for candidates to receive the notification by post if an email address is not available. Sufficient time also needs to be allowed to notify candidates and conduct a draw for position on the ballot paper as required by Rule 14.10 & 18.2. As Rule 14.10 provides candidates may submit a biography of 200 words to be sent with ballot material sufficient time must be allowed for the preparation and printing of such biographies together with printing the ballot material. A minimum 3 to 4 week period is recommended between the closing of nominations and the opening of the ballot to accommodate these processes. Ballot period - mail delivery particularly to rural and remote areas as represented by the MBA NSW membership is in some instances currently exceeding 7 to 10 days. To allow sufficient time for remote and rural members to receive ballot material, consider their vote and return the material a 4 week minimum period is strongly recommended. In view of these timeframe the 6 week period mentioned in Rule 14.4.1 and 18.2 will need to be reviewed, as will the timeframes in Rule 14.7; 14.12 and 18.2.

Rule 14.10 Provision of the biography – the rule should clarify the date by which biographies should be submitted, i.e. only biographies received before the close of nominations will be accepted for distribution.

Rule 14.24 provides a member who is elected to represent both a Region and a Sector shall elect at the AGM **or within 7 days thereafter** whether they will remain the representative for the Region or the Sector, that is, they cannot be both. The Returning Officer shall then declare the candidate with the second greatest number of votes elected to the resultant vacant office. The rule then goes on to say that if the candidate is the sole candidate for the office the vacancy shall be filled in accordance with Rule 14.25. If the candidate decides to take 7 days after the AGM to elect if they would like to represent a Region or Sector, the Returning Officer cannot know before or at the AGM which office will be vacant and call for nomination. The rules are therefore incompatible.

Rule 6.2any person trading as a Master Builder or engaged in

Rule 6.3 and Rule 7firm or company may appoint a person or persons as a representative or additional representative. Rule 8.4 in summary - a member may withdraw a representative or additional representative and appoint a new representative. Upon receipt of notice the Executive Director shall forthwith cancel the membership of the representative or additional representative.

Rule 14.2 states a candidate must have been a member of the Association for at least 12 months prior to the date of nomination. The rule needs to clarify if 'candidate' in this instance refers to the membership or to the actual person nominating for office. Can a representative or additional representative nominate for office if they have held the appointment less than 12 months.

Withdrawal of Nominations – the rules appear to be silent on the withdrawal of a candidate's nomination. The rules should be amended to confirm withdrawal of nomination by the candidate must be in writing and submitted to the Returning Officer by a specified time, e.g. the close of the nomination period for both the Executive Officers and the Council.

Rule 19.9 Election of Executive Officers – the rule does not determine how to resolve a tied vote. It is recommended the wording such as in Rule 14.18 'by draw' (election of Council) be included in this rule.

Model Rule reference (if any)	N/A
-------------------------------	-----

Roll of Voters

Stage 1 Executive

Total number of voters on the Roll:	27
Number of apparent workplace addresses:	27
Number of non-current addresses:	0
Other matters pertaining to the roll of voters:	Nil

Stage 2 Council & Council recall
was required.

As there were no contested offices, no Roll of Voters

Irregularities

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

Other irregularities identified, and action taken:	Nil
--	-----

Other Matters

Rule 14.4.1 - It is suggested this rule be amended to also allow for distribution of the notice by electronic means in addition to with being forwarded with 'Newsbrief 'or by post. This will allow for more modern and efficient way of communication.

Rule 14.4.1.3 - The address to which nominationsare forwarded. To avoid any confusion this rule could be amended to state nominations and consents must be forwarded to the address of the Returning Officer which may include delivery by post, hand, facsimile, email or other electronic means or as determined by the Returning Officer.

Rule 14.8 The Returning Officer shall notify the Nominator and the nominee of a defect. It is suggested this rule be amended to only notify the nominee. Notifying the nominator will have no impact on the resolution of a defective nomination and could breach privacy issues if the defect applies to the nominee details only.

Rule 14.25 Recall provisions. Nominations are called by the Returning Officer at the Annual Meeting from those present and such nominations to be proposed by a member eligible to be a candidate. Due to the physical location of many members across the state it may not be possible for members and their nominators to attend the meeting. It is strongly suggested consideration be given to amending this rule to provide alternate nomination procedures. Consideration should also be given to clarify how members should be notified of the vacant offices (e.g. notice from MBA by email in conjunction with details of the AGM and listing on MBA website, or by email from the AEC. Clarification should also be made if such notice is sent to all members or only those members from the Sector and Regional Groups to which the vacancies pertain. It should be noted that due to longer timeframes a notice sent via post as in Rule 19.1, may not be received in sufficient time by remote and country members to consider nomination.

Rule 15.1 Vacation of Office – Consideration should be given to also include reference in this rule to a vacancy occurring should a Councillor who was the nominated representative or additional representative of a member no longer hold that representation in accordance with Rule 8.4.

Attachments

- 1) Declaration of Results Stage 1 Executive
- 2) Declaration of Results Stage 2 Councillors
- 3) Declaration of Results Recall Councillors



K Montgomery
Returning Officer
29 January 2018

**The Master Builders' Association of New South Wales
Regional and Sector Groups
Councillors Recall**

Declaration of Results for Uncontested Offices

E2017/123

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.

Regional Groups

Councillor - North Coast and Tweed Regional Group

Candidates

No nomination was received

Councillor - Manning Great Lakes, Mid North Coast, North North West and Oxley Regional Group (2)

Candidates

No nominations were received

Councillor - Murrumbidgee Irrigation Area, Murray, Riverina and Shoalhaven Regional Group (2)

Candidates

No nominations were received

Councillor - Central Coast and Hunter Regional Group (2)

Candidates

No nominations were accepted

Councillor - Sydney Regional Group (2)

Candidates

No nominations were received

Councillor - Eastern Suburbs, St George, Canterbury/Bankstown and Cronulla/Sutherland Regional Group (2)

Candidates

No nominations were received

Councillor - Manly Warringah and Northern Suburbs Regional Group

Candidates

O'NEILL, John

Councillor - Central Western and Orana Regional Group

Candidates

No nomination was received

Sector Group

Councillors General Contracting Sector Group

Candidates

LEGGETT, Gordon

Councillors Housing Sector Group

Candidates

LARTER, Anthony

Councillors Major Contractors Sector Group

Candidates

No nomination was received

Councillors Material Manufacture Sector Group (2)

Candidates

No nominations were 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

19 December 2017



20 November 2017

Executive Director
Master Builders' Association of New South Wales
executive@mbansw.asn.au

Dear Executive Director,

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 uncontested offices for [E2017/123]. 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 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 Master Builders' Association of New South Wales, The 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.

Regards

Christine Hibberd
Registered Organisations Commission

The Master Builders' Association of New South Wales Regional & Sector Group Councillors

Declaration of Results for Uncontested Offices

E2017/123

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.

Regional Groups

Councillor - North Coast and Tweed Regional Group (2)

Candidates

ANDERSON, Ian William

No further nomination was accepted

Councillor - Manning Great Lakes, Mid North Coast, North North West and Oxley Regional Group (2)

Candidates

No nominations were received

Councillor - Murrumbidgee Irrigation Area, Murray, Riverina and Shoalhaven Regional Group (2)

Candidates

No nominations were received

Councillor - Central Coast and Hunter Regional Group (2)

Candidates

No nominations were received

Councillor - Sydney Regional Group (2)

Candidates

No nominations were received

Councillor - Eastern Suburbs, St George, Canterbury/Bankstown and Cronulla/Sutherland Regional Group (2)

Candidates

No nominations were received

Councillor - Parramatta/Hume, Central Cumberland, Western Suburbs and Blue Mountains Regional Group (2)

Candidates

BIAZZO, John
STANTON, Louis Norman

Councillor - Manly Warringah and Northern Suburbs Regional Group (2)

Candidates

TAYLOR, William D
No further nomination was accepted

Councillor - Central Western and Orana Regional Group (2)

Candidates

DILLON, David John
No further nomination was accepted

Councillor - Illawarra and Southern Highlands Regional Group (2)

Candidates

HAMLIN, Greg
JEWELL, Colin Andrew

Sector Groups

Councillors General Contracting Sector Group (2)

Candidates

RENCH, George A
No further nomination was accepted

Councillors Specialist Contractors Sector Group (2)

Candidates

LABY, John
MURPHY, Daniel

Councillors Housing Sector Group (2)

Candidates

ROSTIROLLA, John
No further nomination was accepted

Councillors Services Sector Group (2)

Candidates

FINNANE, Peter
WORTHINGTON, John

Councillors Major Contractors Sector Group (2)

Candidates

TOUMI-CUSSINET, Adina
No further nomination was accepted

Councillors Material Manufacture Sector Group (2)

Candidates

No nominations were 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

17 November 2017





16 October 2017

Brian Seidler
Executive Director
The Master Builders' Association of New South Wales
Email: executive@mbansw.asn.au

Dear Mr Seidler,

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 stage 1 for [E2017/123]. 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 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 Master Builders' Association of New South Wales, The 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.

Regards

Michael Moutevelis

Registered Organisations Commission

The Master Builders' Association of New South Wales Executive Officers - Stage 1

Declaration of Results for Contested and Uncontested Offices

E2017/123

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.

Council of Management

Total number of names on the roll of voters	27
Ballot papers issued	27
Replacement ballot papers issued	3
Total Ballot Papers Issued	30
Ballot papers / envelopes returned for scrutiny	21
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	21
Percentage of ballot papers returned to number issued	70
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	9

Vice-Presidents (4)

<u>Candidates</u>	<u>Votes</u>
BANKS, Michael Andrew	47
BLACK, Robert William	54
CALDERBANK-PARK, Christopher	63
O'DONNELL, Michael Kevin	57
WORTHINGTON, John	79

Total votes	300
Formal ballot papers	20
Informal ballot papers	1

I declare Michael Andrew Banks, Robert William Black, Christopher Calderbank-park and Michael Kevin O'Donnell elected.

President

Candidates

PATIENCE, Martin Richard

I declare Martin Richard Patience elected.

Deputy President

Candidates

PILCHER, Simon Charles

I declare Simon Charles Pilcher elected.



Kathryn Montgomery
Returning Officer
Australian Electoral Commission

6 October 2017



DECISION

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

The Master Builders' Association of New South Wales (E2017/123)

MR ENRIGHT

MELBOURNE, 13 JUNE 2017

Arrangement for conduct of election.

[1] On 1 and 13 June 2017 The Master Builders' Association of New South Wales, lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Deputy President	(1)
Vice President	(4)

Two (2) Councillors from each of the following Regional and Sector Groups
(See Attachment “A”)

[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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR350668>

Attachment “A”

Regional Groups

North Coast and Tweed Regional Group

Manning Great Lakes, Mid North Coast, North North West and Oxley Regional Group

Murrumbidgee Irrigation Area, Murray, Riverina and Shoalhaven Regional Group

Central Coast and Hunter Regional Group

Sydney Regional Group

Eastern Suburbs, St George, Canterbury/Bankstown and Cronulla/Sutherland Regional Group

Parramatta/Hume, Central Cumberland, Western Suburbs and Blue Mountains Regional Group

Manly Warringah and Northern Suburbs Regional Group

Central Western and Orana Regional Group

Illawarra and Southern Highlands Regional Group

Sector Groups

General Contracting Sector Group

Specialist Contractors Sector Group

Housing Sector Group

Services Sector Group

Major Contractors Sector Group

Material Manufacture Sector Group

ATTACHMENT 1

For the purposes of the Association's elections with regard to Regional and Sector Groups of the Master Builders Association of NSW, please find below a list of the various regional and sector groups of the Master Builders Association of NSW:

- North Coast and Tweed Regional Group; Manning Great Lakes, Mid North Coast, North North West and Oxley Regional Group; Murrumbidgee Irrigation Area, Murray, Riverina and Shoalhaven Regional Group; Central Coast and Hunter Regional Group; Sydney Regional Group; Eastern Suburbs, St George, Canterbury/Bankstown and Cronulla/Sutherland Regional Group; Parramatta/Hume, Central Cumberland, Western Suburbs and Blue Mountains Regional Group; Manly Warringah and Northern Suburbs Regional Group; Central Western and Orana Regional Group; Illawarra and Southern Highlands Regional Group.
- General Contracting Sector Group; Specialist Contractors Sector Group; Housing Sector Group; Services Sector Group; Major Contractors Sector Group; Material Manufacture Sector Group.



**Master
Builders
Association**
New South Wales

1 June 2017

Registered Organisations Commission
Fair Work Commission
Level 8
80 William Street
EAST SYDNEY NSW 2001

Your reference: E2017/123

By email: regorgs@roc.gov.au

Dear Sir/Madam,

**RE: MASTER BUILDERS ASSOCIATION OF NSW – SCHEDULED ELECTIONS
2017**

Please find attached the prescribed information in respect of an election for offices/positions for the Master Builders Association of NSW.

Should you require any further information please do not hesitate to contact the undersigned on (02) 8586-3555.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Brian Seidler".

**Brian Seidler
EXECUTIVE DIRECTOR**

Attachs.

FAIR WORK (REGISTERED ORGANISATIONS) Act, 2009

STATEMENT and NOTICE OF PRESCRIBED INFORMATION

I, Ross Mitchell, President of the Master Builders Association of New South Wales make the following statement:

1. I am the President of the Master Builders Association of NSW,
2. I am authorised to lodge the following prescribed information concerning the forthcoming elections in the Master Builders Association of NSW, and
3. I confirm that the following information is being lodged under sub-section 189 (1) of the Fair Work (Registered Organisations) Act, 2009.

Signed:



Dated: 1 June 2017

Offices/positions

<i>A</i>	<i>President – Direct Voting System (DVS)</i>
	<i>Deputy President - (DVS)</i>
	<i>Vice Presidents (4) – DVS</i>
<i>B</i>	<i>Councillors (2) from each Regional Group (DVS,) as identified in Attachment 1</i>
<i>C</i>	<i>Councillors (2) from each Sector Group (DVS,) as identified in Attachment 1</i>

Reasons for election:

Election for offices and positions marked A,B and C above is required as the terms of the office are due to expire in the normal course of events under the rules of the organisation.

Elected by:

- (i) The electorate for the direct voting system for the election for the offices of President, Deputy President and four (4) Vice-Presidents of the Association (marked A above), is the members of the Council of the Association.
- (ii) The electorate in respect of the two (2) Councillors from each Regional Group (marked B above), is the members of that Regional Group; and
- (iii) The electorate in respect of the two (2) representatives of each of the Sector Groups (marked C above), is the members of those Sector Groups.

Nominations open:

- (i) Nominations for those identified in A above, are to open at least six (6) weeks prior to the October Council meeting; and
- (ii) Nominations for those identified in B and C above, are to open at least six (6) weeks prior to the Annual General Meeting.

Nominations close:

- (i) Nominations for those identified in A above, close at 10 am on the 28th day prior to the October meeting of Council.
- (ii) Nominations for those identified in B and C above, close at 10 am on the 28th day prior to the Annual General Meeting, 2nd Tuesday in December.

Cut off date for roll:

- The roll of voters for the election shall close 7 days before the date on which nominations open.



1 June 2017

Mr Brian Seidler
Executive Director
Master Builders' Association of New South Wales

Sent via email: executive@mbansw.asn.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Seidler,

Election Overdue

We refer to our courtesy letter dated 8 May 2017 which reminded you of your obligation to lodge the prescribed information in relation to the impending election for offices within the organisation. According to the rules of the organisation, the calling of nominations for the election appears to commence in the month of August.

It is noted that the prescribed information for your organisation's election has not been lodged with the Registered Organisations Commission (the ROC) as at the date of this letter, which was due two months before nominations open for the election. Neither has an application been made to the Commissioner seeking a later date for lodgement of your organisation's prescribed information under the *Fair Work (Registered Organisations) Act 2009* (the 'Act') and the *Fair Work (Registered Organisations) Regulations 2009*. It therefore appears that your organisation is now in breach of s.189(2) of the Act.

Accordingly, it is requested that your organisation lodge the required prescribed information for election of Executive Officers and Councillors within fourteen days (14) of the date of this letter. Should the relevant prescribed information not be received within this time, the matter will be referred to the Commissioner for determination of the further action to be undertaken. **This may include applying under s.310(1) of the Act to the Federal Court of Australia for a pecuniary penalty order.**

We strongly encourage you to lodge the required documents electronically to regorgs@roc.gov.au quoting [E2017/123]

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sam Gallichio', written in a cursive style.

Sam Gallichio

Adviser

Registered Organisations Commission



8 May 2017

Mr Brian Seidler
Executive Director
Master Builders' Association of New South Wales

Sent via email: executive@mbansw.asn.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Seidler,

Courtesy Letter - Election for offices [E2017/123]

The rules of the Master Builders' Association of New South Wales, The indicate that an election for offices within the organisation is due to commence shortly.

- Executive Officers
- Councillors

It appears that nominations for the election for the above-named offices open in August this year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to regorgs@roc.gov.au. If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the Commissioner within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that consent to a later day will be allowed.

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2017/123]

Should you seek any clarification in relation to the above, please contact the ROC on regorgs@roc.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sam Gallichio', written in a cursive style.

Sam Gallichio

Adviser

Registered Organisations Commission