

The Master Builders' Association of New South Wales Executive Officers

Declaration of Results for Contested and Uncontested Offices

E2015/143

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	29
Ballot papers issued	29
Replacement ballot papers issued	1
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>
PILCHER, Simon Charles	44
CALDERBANK-PARK, Christopher	53
CORK, Jeffrey	75
WEBBER, Simon John	77
O'DONNELL, Michael Kevin	66

Total votes	315
Formal ballot papers	21
Informal ballot papers	0

I declare Christopher Calderbank-Park, Jeffrey Cork, Michael Kevin O'Donnell and Simon Charles Pilcher elected.

President

Candidates

MITCHELL, Ross William

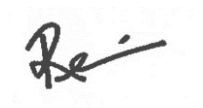
I declare Ross William Mitchell elected.

Deputy President

Candidates

PATIENCE, Martin Richard

I declare Martin Richard Patience elected.



Renee Damasena
Returning Officer
Australian Electoral Commission

14 October 2015

The Master Builders' Association of New South Wales Regional Groups

Declaration of Results for Contested and Uncontested Offices

E2015/143

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

Total number of names on the roll of voters	1484
Ballot papers issued	1484
Replacement ballot papers issued	0
Total Ballot Papers Issued	1484
Ballot papers / envelopes returned for scrutiny	145
Less ballot papers / envelopes rejected at preliminary scrutiny	6
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	139
Percentage of ballot papers returned to number issued	9%
Ballot papers returned as unclaimed mail	6
Ballot papers not returned	1333

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

<u>Candidates</u>	<u>Votes</u>
STANTON, Louis	90
ROSTIROLLA, John	74
BIAZZO, John	90
Total votes	254
Formal ballot papers	127
Informal ballot papers	12

I declare John Biazzo and Louis Stanton elected.

Councillor - North Coast and Tweed Regional Group (2)

Candidates

ANDERSON, Ian William
LEOTTA, Peter

I declare Ian William Anderson and Peter Leotta elected.

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

Candidates

No candidates elected.

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

Candidates

BEVEAR, Rob

I declare Rob Bevear elected.
No other nominations received.

Councillor - Central Coast and Hunter Regional Group (2)

Candidates

BECH, Robert
GARRARD, Bradley James

I declare Robert Bech and Bradley James Garrard elected.

Councillor - Sydney Regional Group (2)

Candidates

No candidates elected.

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

Candidates

CLARK, Anthony David
DELA CRUZ, John

I declare Anthony David Clark and John Dela Cruz elected.

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

Candidates

O'NEILL, John
TAYLOR, William

I declare John O'Neill and William Taylor elected.

Councillor - Central Western and Orana Regional Group (2)

Candidates

BANKS, Michael Andrew
DILLON, David John

I declare Michael Andrew Banks and David John Dillon elected.

Councillor - Illawarra and Southern Highlands Regional Group (2)

Candidates

JEWELL, Colin Andrew

I declare Colin Andrew Jewell elected.
No other nominations received.



Marie Malfitana
Returning Officer
Australian Electoral Commission

8 December 2015

The Master Builders' Association of New South Wales Sector Groups

Declaration of Results for Contested and Uncontested Offices

E2015/143

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.

Sector Group

Total number of names on the roll of voters	361
Ballot papers issued	361
Replacement ballot papers issued	0
Total Ballot Papers Issued	361
Ballot papers / envelopes returned for scrutiny	45
Less ballot papers / envelopes rejected at preliminary scrutiny	3
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	42
Percentage of ballot papers returned to number issued	12%
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	315

Councillors Services Sector Group (2)

<u>Candidates</u>	<u>Votes</u>
WORTHINGTON, John	26
FINNANE, Peter	25
FINNIE, Ross	29
Total votes	80
Formal ballot papers	40
Informal ballot papers	2

I declare Ross Finnie and John Worthington elected.

Councillors General Contracting Sector Group (2)

Candidates

BLACK, Robert William "bob"
LEGETT, Gordon

I declare Robert William "bob" Black and Gordon Leggett elected.

Councillors Specialist Contractors Sector Group (2)

Candidates

LABY, John
MURPHY, Daniel

I declare John Laby and Daniel Murphy elected.

Councillors Housing Sector Group (2)

Candidates

JONES, Warwick
LARTER, Anthony

I declare Warwick Jones and Anthony Larter elected.

Councillors Major Contractors Sector Group (2)

Candidates

No candidates elected.

Councillors Material Manufacture Sector Group (2)

Candidates

No candidates elected.



Marie Malfitana
Returning Officer
Australian Electoral Commission

8 December 2015

The Master Builders' Association of New South Wales Election of Councillors - Regional & Sector Groups Re-Call

Declaration of Results for Uncontested Offices

E2015/E143

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 - 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

Candidates

No nomination was received

Councillor - Sydney Regional Group (2)

Candidates

No nominations were accepted

Councillor - Illawarra and Southern Highlands Regional Group

Candidates

No nomination was received

Sector Group

Councillors Major Contractors Sector Group (2)

Candidates

No nominations were received

Councillors Material Manufacture Sector Group (2)

Candidates

No nominations were received

No nominations were received or accepted, therefore the above offices remain vacant.



Marie Malfitana
Returning Officer

22 December 2015



Our Ref: N15/302

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

Dear Mr Seidler

**Post-Election Report For: **The Master Builders' Association of New South Wales
Scheduled Elections – E2015/143****

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Delegate of the General Manager, Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Regulations 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.



Marie Malfitana
Returning Officer

22 December 2015



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: The Master Builders' Association of New South Wales

Contact details: Brian Seidler
Executive Director
52 Parramatta Road
FOREST LODGE NSW 2037

Email: bseidler@mbansw.asn.au

AIR contact officer: Michael Moutevelis

Email: orgs@fwc.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2015/143

RULES

Rules used for elections Rule ID: [070N: Incorporates alterations of 13/01/2014
in matter R2013/96]

Rules difficult to apply/interpret: N/A

Model Rule reference (if any):

ROLL OF VOTERS – Stage 1 – Executive Officers

Total number of voters on the Roll: 29

Number of apparent workplace addresses: 29 100%

Number of non-current addresses: 0 0%

**ROLL OF VOTERS – Stage 2 – Parramatta/Hume, Central Cumberland, Western Suburbs
and Blue Mountains Regional Group**

Total number of voters on the Roll: 1484

Number of apparent workplace addresses: 1484 100%

Number of non-current addresses: 0 0%

ROLL OF VOTERS – Stage 2 – Services Sector Group

Total number of voters on the Roll: 361

Number of apparent workplace addresses: 361 100%

Number of non-current addresses: 0 0%

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 - Contested Offices - Executive Offices - Stage 1
- B:** Declaration of Results - Contested and Uncontested Offices - Regional Group - Stage 2
- C:** Declaration of Results - Contested and Uncontested Offices - Sector Group - Stage 2
- D:** Declaration of Results - Uncontested Offices - Regional and Sector Groups - Stage 2 Re-Call



Marie Malfitana
Returning Officer

22 December 2015



DECISION

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

The Master Builders' Association of New South Wales
(E2015/143)

MR ENRIGHT

MELBOURNE, 12 AUGUST 2015

Arrangement for conduct of election.

[1] On 28 July 2015 The Master Builders' Association of New South Wales (MBANSW) lodged with the Fair Work Commission the prescribed information in relation to an election for 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] The prescribed information was not lodged before the prescribed day in accordance with section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[3] On 5 August 2015, the Fair Work Commission wrote to the abovenamed organisation informing them that under section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act) prescribed information must be lodged before the prescribed day, and that as on this occasion the prescribed information had not been lodged before the prescribed day, a request for an extension of time would be required.

[4] On 5 August 2015, Mr Paul Maginnity, the President of the MBANSW, provided a request for an extension of time for lodgement of the prescribed information. The request provided that the delay in lodgement arose due to a '*miscalculation of relevant dates*'. Mr Maginnity also confirmed the date of the October Council Meeting of the MBANSW as 20 October 2015.

[5] The prescribed information provides that nominations for the offices of President, Deputy President and four (4) Vice Presidents are to open "*at least six weeks prior*" to the October Council Meeting. Accordingly, the first day when a person may become a candidate in the election is 8 September 2015. Given this, the prescribed information was required to be lodged before 8 July 2015.

[6] With regard to the request for an extension of time for lodgement of the prescribed information, I have considered the explanation for the delay in lodging the prescribed information provided by Mr Maginnity. I have also taken into consideration that in a previous election decision of the MBANSW in E2013/240 (PR539837) the prescribed information was also lodged late and in that election I allowed the MBANSW an extension of time to lodge the prescribed information.

[7] Having regard to the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the Act but also in instruments or references pertaining to their own governance formulated by organisations themselves, I decline on this occasion to allow, in the formal sense intended by section 189(2) of the Act, a later day for lodgement.

[8] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[9] 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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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

MOUTEVELIS, Michael

From: MBA Executive <executive@mbansw.asn.au>
Sent: Wednesday, 5 August 2015 3:21 PM
To: Orgs
Cc: Brian Seidler
Subject: MBA/NSW SCHEDULED ELECTIONS 2015 - E 2015/143
Attachments: MBA NSW Elections letter to AIRC 050815.pdf

Importance: High

Dear Mr Moutevelis,

Please see attached letter from Brian Seidler, Executive Director, MBA/NSW for your immediate attention.

Thank you.

Regards,

Amanda de Vries
Executive Assistant


Master Builders Association of NSW

Street Address
52 Parramatta Road
Forest Lodge NSW 2037

Postal Address
Private Bag 9
Broadway NSW 2007

T: 02 8586 3507
F: 02 9660 3700

executive@mbansw.asn.au
www.mbansw.asn.au

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**Master
Builders
Association**

New South Wales

5 August 2015

Mr Michael Moutevelis
Regulatory Compliance Branch
Fair Work Commission
Level 10
80 William Street
EAST SYDNEY NSW 2001

By email: orgs@fwc.gov.au

Dear Mr Moutevelis,

**RE: MASTER BUILDERS ASSOCIATION OF NSW – SCHEDULED ELECTIONS
2015 – E 2015/143**

Further to your letter dated 5 August '15 concerning the Association's arrangement for the conduct of its elections, we respectfully request an application for extension of time pursuant to section 189 (2) of the Fair Work (Registered Organisations) Act 2009, to ensure the Association complies with the prescribed regulation. The reason for the non-lodgement before the prescribed day was due to the miscalculation of relevant dates. We confirm that the date of the Association's Council of Management meeting is 20 October 2015.

Thank you very much for your assistance with this matter and should you require any further information please do not hesitate to contact the undersigned on (02) 8586-3507 or 0412-437-352.

Yours sincerely,

Paul Maginnity
PRESIDENT

MOUVEVELIS, Michael

From: Orgs
Sent: Wednesday, 5 August 2015 10:49 AM
To: 'executive@mbansw.asn.au'
Subject: E2015/143 - Arrangements for the conduct of an Election
Attachments: MBANSW E2015_143 Request for extension_05082015.pdf

Dear Mr Seidler

Please find attached, correspondence regarding the above election.

Regards

Michael Moutevelis

Regulatory Compliance Branch

Fair Work Commission
Tel: (02) 8374 6614
Fax: (02) 9380 6990
michael.moutevelis@fwc.gov.au

Level 10, Terrace Tower, 80 William Street, East Sydney NSW 2011

www.fwc.gov.au



FAIR WORK
COMMISSION

5 August 2015

Mr Paul Maginnity
President
Master Builders Association of New South Wales
Private Bag 9
BROADWAY NSW 2007

Also by email: executive@mbansw.asn.au

Attention: Mr Seidler

Dear Mr Maginnity

Re: Arrangements for the conduct of an Election (E2015/143)

I refer to the prescribed information dated 28 July 2015 which was lodged with the Fair Work Commission (FWC) on 28 July 2015 for the conduct of a scheduled election for the Master Builders Association of New South Wales.

Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* states that prescribed information must be lodged before the prescribed day, which under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* is two months before the first day when a person may become a candidate. You have indicated that nominations open at least six (6) weeks prior to a October Council meeting for the offices of President, Deputy President and four (4) Vice Presidents, which appears to indicate that the prescribed information should have been lodged no later than 18 July 2015. Accordingly, as the prescribed information was lodged on 28 July 2015 a request for an extension of time to lodge the prescribed information will be required.

Section 189(2) is a civil penalty provision and the Delegate of the General Manager will require a written request for an extension of time and the reasons why the prescribed information was not lodged before the prescribed day. In addition, could you please confirm the exact date the October Council Meeting will take place.

If you have any questions relating to this matter please do not hesitate to contact me on (02) 8374 6614.

Yours sincerely

Michael Moutevelis
Regulatory Compliance Branch
Fair Work Commission

MOUTEVELIS, Michael

From: MBA Executive <executive@mbansw.asn.au>
Sent: Tuesday, 28 July 2015 1:54 PM
To: Orgs
Cc: Brian Seidler
Subject: Master Builders Association of NSW - Scheduled Elections 2015
Attachments: FWC 280715.pdf

Importance: High

Dear Sir/Madam,

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

Thank you.

Regards,

Amanda de Vries
Executive Assistant

Master Builders Association of NSW

Street Address
52 Parramatta Road
Forest Lodge NSW 2037

Postal Address
Private Bag 9
Broadway NSW 2007

T: 02 8586 3507
F: 02 9660 3700

executive@mbansw.asn.au
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**Master
Builders
Association**

New South Wales

28 July 2015

General Manager
Fair Work Commission
Level 8
80 William Street
EAST SYDNEY NSW 2001

By email: orgs@fwc.gov.au

Dear Sir/Madam,

**RE: MASTER BUILDERS ASSOCIATION OF NSW – SCHEDULED ELECTIONS
2015**

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

The information supplied is in accordance with that set out in Sub-section 189(1) of the Fair Work (Registered Organisations) Act, 2009.

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

Yours faithfully,

Brian Seidler
EXECUTIVE DIRECTOR

Attachs.

FAIR WORK (REGISTERED ORGANISATIONS) Act, 2009

STATEMENT and NOTICE OF PRESCRIBED INFORMATION

I, Paul Maginness, 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: 28 July 2015

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.

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.