

Post-election report

The Master Builders' Association of New
South Wales
Scheduled and Insufficient Nominations
Election
E2021/91

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Election(s) Covered in this Report

Organisation: Master Builders' Association of New South Wales, The

Election: Insufficient Nominations

Election Decision No/s: E2021/91

Rules

Rules used for the election: [070N: Incorporates alterations of 24 June 2019 R2019/28]

Replaces rulebook dated 13/01/2014 [R2013/96]

Rules difficult to apply/interpret: Nil

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.
- In spite of the rules of the organisation, nominations were lodged via email/ AEC portal to ensure that no irregularities occurred as a result of the restrictions imposed by the Coronavirus pandemic and current Australia Post delivery times.
- The Rules do not allow sufficient time between the closing date for nominations and the opening of the ballot taking into account withdrawal of nominations, rectifying defects, preparation of ballot papers and biographies and postage times. Therefore, the period between close of nominations and posting ballot material was 21 days in Stage 2.
- Rules 14.7.1 and 14.7.2 regarding the withdrawal of nominations were difficult to apply as they contradict each other – therefore direction was given to apply Rule 14.7.2 and allow 7 days after the close of nominations for the withdrawal of nominations.
- Rule 14.25 of the Organisation could not be followed in regard to filling the vacant positions for which no nominations were received in the election of councillors at the stage 2, as the Covid issue may still have affected the capacity of the members to attend the Annual Meeting. Therefore, the Returning Officer called for nominations by email. As nominations could not be opened and closed at the Annual Meeting of the organisation, the nomination period was opened for at least 15 days.

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Signed

Lachlan Symonds
Returning Officer
Australian Electoral Commission
E: iebevents@aec.gov.au
P: 02 9375 6366
5 December 2022

Attachments

Please attach to the email issuing the Post-election report **ALL** applicable declarations and ensure they are listed in Attachments section below.

- A. Declaration of results for Contested and Uncontested Offices – Stage 1
- B. Declaration of Results for Uncontested Offices – Stage 2
- C. Declaration of Results for Contested Offices – Stage 2
- D. Declaration of Results for Contested and Uncontested Offices – Insufficient Nominations



5 December 2022

Brian Seidler
Executive Director
The Master Builders' Association of New South Wales
Sent via email: bseidler@mbansw.asn.au



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2021/91

Dear Brian Seidler,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Master Builders' Association of New South Wales.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to regorgs@roc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](https://www.roc.gov.au).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC](#) **within 6 months** of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to regorgs@roc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

Questions?



Why do I need to tell you the results of the election when you've already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours sincerely

Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

The Master Builders' Association of New South Wales
DECLARATION OF RESULTS - E2021/91 - Stage 3
Contested and Uncontested Offices

Insufficient Nominations 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:

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

Councillor (2)

Candidates

BAYLY Daniel James

MAGGS Bradley Christopher

Murrumbidgee Irrigation Area, Murray, Riverina and Shoalhaven Regional Group

Councillor (1)

Candidates

KROENERT Mel Paul

Sydney Regional Group

Councillor (2)

Candidates

DAKHOUL Michael Martin

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

Councillor (1)

Candidates

TASS Aaron Michael

Illawarra and Southern Highlands Regional Group

Councillor (2)

Candidates

HAMPTON Beau

THOMAS Monica

General Contracting Sector Group

Councillor (1)

Candidates

No Nominations Received

Material Manufacture Sector Group

Councillor (1)

Candidates

ROBERTS Larry

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

Housing Sector Group

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	5004
Number of voters issued with voting material	5004
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	5004
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	330
Number of declaration envelopes rejected at preliminary scrutiny (minus)	16
Number of ballot papers returned outside declaration envelopes (minus)	8
COUNT	
Total ballot papers admitted to the count	306
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	67
Voting material packs not returned by voters by closing date of the ballot	4607
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	6.59 %

Councillor (1)

<u>Candidates</u>	<u>Final Votes</u>
STEWART, Jack Harvey	95
NEWMAN, Mark	179

Total ballot papers admitted for this office	306
Formal Ballot papers	274
Informal Ballot papers	32

I declare the following elected:

- NEWMAN, Mark

Lachlan Symonds
Returning Officer
Telephone: 02 9375 6366
Email: iebevents@aec.gov.au
01/12/2022

The Master Builders' Association of New South Wales

DECLARATION OF RESULTS - E2021/91 - Stage 2

Contested 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:

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

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1634
Number of voters issued with voting material	1634
Total number of voters issued with replacement voting material	1
Total number of voting material packs issued	1635
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	141
Number of declaration envelopes rejected at preliminary scrutiny (minus)	4
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	137
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	11
Voting material packs not returned by voters by closing date of the ballot	1482
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8.62 %

Councillor (2)

<u>Candidates</u>	<u>Final Votes</u>
CALOKERINOS, William	49
STANTON, Leo	94
BIAZZO, John	99

Total ballot papers admitted for this office	137
Formal Ballot papers	121
Informal Ballot papers	16

I declare the following elected:	Order Elected
• BIAZZO, John	1
• STANTON, Leo	2

Services Sector Group

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	392
Number of voters issued with voting material	392
Total number of voters issued with replacement voting material	2
Total number of voting material packs issued	394
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	46
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	45
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	2
Voting material packs not returned by voters by closing date of the ballot	344
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	11.73 %

Councillor (2)

Candidates	Final Votes
STOJANOVSKI, Lou	25
FINNANE, Peter	37
WORTHINGTON, John	22

Total ballot papers admitted for this office	45
Formal Ballot papers	42
Informal Ballot papers	3

I declare the following elected:	Order Elected
• FINNANE, Peter	1
• STOJANOVSKI, Lou	2

Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: IEBevents@aec.gov.au
14/07/2022

The Master Builders' Association of New South Wales

DECLARATION OF RESULTS - E2021/91 - Stage 2

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:

North Coast and Tweed Regional Group

Councillor (2)

Candidates

ANDERSON Ian W

HENDERSON John

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

Councillor (2)

Candidates

No Nominations Received

Murrumbidgee Irrigation Area, Murray, Riverina and Shoalhaven Regional Group

Councillor (2)

Candidates

DONNELLY Patrick

Central Coast and Hunter Regional Group

Councillor (2)

Candidates

HAINES Matthew

MILLER Douglas

Sydney Regional Group

Councillor (2)

Candidates

No Nominations Received

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

Councillor (2)

Candidates

GIAOURIS Stan

Manly Warringah and Northern Suburbs Regional Group

Councillor (2)

Candidates

CAMPBELL David

TAYLOR Bill

Central Western and Orana Regional Group

Councillor (2)

Candidates

CROWFOOT Stuart

DILLON David

Illawarra and Southern Highlands Regional Group

Councillor (2)

Candidates

No Nominations Accepted

General Contracting Sector Group

Councillor (2)

Candidates

LEGGETT Gordon

Specialist Contractors Sector Group

Councillor (2)

Candidates

MITCHELL Ross W

MURPHY Daniel J

Housing Sector Group

Councillor (2)

Candidates

CUNNIFFE John

Major Contractors Sector Group

Councillor (2)

Candidates

MCERLEAN Tanya

TOUMI-CUSSINET Adina

Material Manufacture Sector Group

Councillor (2)

Candidates

LABY John

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

Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: IEBevents@aec.gov.au
14/07/2022

Master Builders' Association of New South Wales

DECLARATION OF RESULTS - E2021/91 - Stage 1 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:

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	27
Number of voters issued with voting material	27
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	27
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	17
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	17
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	0
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	62.96 %

Vice Presidents (4)

<u>Candidates</u>	<u>Final Votes</u>
MAMASIOULAS, Frank	9
BANKS, Mic	10
EDWARDS, Paul	9
WORTHINGTON, John	Excluded
JEWELL, Colin	9

Total ballot papers admitted for this office	17
Formal Ballot papers	17
Informal Ballot papers	0

I declare the following elected:	Order Elected
• BANKS, Mic	1

- | | |
|----------------------|---|
| • EDWARDS, Paul | 2 |
| • JEWELL, Colin | 3 |
| • MAMASIOULAS, Frank | 4 |

President (1)

Candidates

BLACK Robert

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

Deputy President (1)

Candidates

O'DONNELL Michael

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

Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: IEBevents@aec.gov.au
21/04/2022





DECISION

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

The Master Builders' Association of New South Wales (E2021/91)

MR STEENSON

SYDNEY, 18 JUNE 2021

Arrangement for conduct of election.

[1] On 19 May 2021 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)

Regional Group Councillors

Two (2) Councillors from each of the following 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 Group Councillors

Two (2) Councillors from each of the following Sector Groups:

General Contracting Sector Group

Specialist Contractors Sector Group

Housing Sector Group

Services Sector Group

Major Contractors Sector Group

Material Manufacture Sector Group

[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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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.

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, Simon Pilcher, being the President of the Master Builders Association of NSW make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Master Builders Association of NSW.
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 elections in Annexure A.
5. There are no pending rule alternations to the Master Builders Association of New South Wales' Constitution.

A handwritten signature in black ink, appearing to read 'S Pilcher', with a long horizontal flourish extending to the right.

Signed: Simon Pilcher

Dated: 17 June 2021

Annexure A

Election Stage I

Organisation	Name of Office	Number required	Voting System	Reason for Election	Electorate
MBA/NSW	President	1	Direct Voting System	Scheduled	Members of Council of Management
MBA/NSW	Deputy President	1	Direct Voting System	Scheduled	Members of Council of Management
MBA/NSW	Vice President	4	Direct Voting System	Scheduled	Members of Council of Management

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	N/A	At least 8 weeks prior to October '21 Council of Management Meeting (Clause 18).
Nominations CLOSE	N/A	At 10am on 28 th day prior to October '21 Council of Management Meeting (Clause 18).

Annexure A ...cont/

Election Stage II

Organisation	Name of Office	Number required	Voting System	Reason for Election	Electorate
MBA/NSW	Councillors from each Regional Group	2	Direct Voting System	Scheduled	Members of the particular Regional Group (see Attachment I)
MBA/NSW	Councillors from each Sector Group	2	Direct Voting System	Scheduled	Members of the particular Sector Group (see Attachment I)

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	At least 8 weeks prior to the Annual General Meeting (Clause 14.4.1.).	n/a
Nominations CLOSE	At 10am on 28 th day prior to Annual General Meeting (Clause 14.7.).	n/a
Roll of Voters cut off date	7 days prior to the date on which nominations open (Clause 14.4.2.).	