

17 November 2021

Post-election report

Master Builders Association of South
Australia Incorporated
Scheduled election
E2021/77

Contents

Election(s) Covered in this Report.....	3
Rules.....	3
Other Matters.....	3
Signed.....	3
Attachments.....	5
A. Declaration of results for Contested Offices	5
B. Declaration of results for Uncontested Offices	5

Election(s) Covered in this Report

Organisation: Master Builders Association of South Australia Incorporated

Election: Scheduled

Election Decision No/s: E2021/77

Rules

Rules used for the election: [006S: Incorporates alterations of 1/1/2014 certified on 23/12/2013 (R2013/101)](Replaces 11/2/2011 version)

Rules difficult to apply/interpret: No

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.
- Rules requiring an in-person ballot were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for all stakeholders to attend. Instead the ballot was conducted via post
- The ballot period was extended by a further 13 calendar days so as to avoid an irregularity. Members were not receiving their ballot papers within the original agreed-upon ballot period, to the ballot period was extended to allow members to vote.

Signed



Sally Angus

Returning Officer

Australian Electoral Commission

E: IEEvents@aec.gov.au

P: 03 9285 7111

17 November 2021

Attachments

- A. Declaration of results for Contested Offices
- B. Declaration of results for Uncontested Offices

Master Builders Association of South Australia Incorporated

DECLARATION OF RESULTS - E2021/77

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:

Master Builders Association of South Australia Incorporated

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1226
Number of voters issued with voting material	1226
Total number of voters issued with replacement voting material	6
Total number of voting material packs issued	1232
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	110
Number of declaration envelopes rejected at preliminary scrutiny (minus)	2
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	108
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	1116
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	8.97 %

Vice President (2)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
MINUZZO, Garry	48	59
MERRIGAN, Jock	47	68
PASCALE, Fred	47	0
KENNETT, James	60	74

Total ballot papers admitted for this office	108
Formal Ballot papers	101
Informal Ballot papers	7

I declare the following elected:

• KENNETT, James	Order Elected	1
• MERRIGAN, Jock		2

Master Builders Association of South Australia Incorporated - Non-residential Building Construction

Councillor (3)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
SALVESON, Peter	61	68
MINUZZO, Garry	67	82
PASCALE, Fred	72	81
KENNETT, James	Elected to Higher Office	Elected to Higher Office
SYMONS, Ben	53	68
CARBONE, Anthony	47	0

Total ballot papers admitted for this office

Formal Ballot papers	100
Informal Ballot papers	8

I declare the following elected:

	Order Elected
• MINUZZO, Garry	1
• PASCALE, Fred	2
• SALVESON, Peter	3

Master Builders Association of South Australia Incorporated - Residential Construction

Councillor (3)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
PAPAS, Helen	Elected	N/A
MERRIGAN, Jock	Elected to Higher Office	Elected to Higher Office
FUDA, Valentino	Elected	N/A
KLEMM, Troy	Elected	N/A

I declare the following elected:

- PAPAS, Helen
- FUDA, Valentino
- KLEMM, Troy

Sally Angus
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
10/11/2021

Master Builders Association of South Australia Incorporated
DECLARATION OF RESULTS - E2021/77
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:

Master Builders Association of South Australia Incorporated

President (1)

Candidates

EMMETT Tom

Deputy President (1)

Candidates

ZITO Enzo

Treasurer (1)

Candidates

PIOTTO Jeff

Past President (1)

Candidates

MARSHALL Andrew James

Master Builders Association of South Australia Incorporated - Civil Engineering Construction

Councillor (3)

Candidates

CANALA Morry

WATTS Bradley

WILSON James

Master Builders Association of South Australia Incorporated - Trade Construction

Councillor (3)

Candidates

HARRINGTON Ben

INNES Patrick

SAMARAS Christopher

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



Sally Angus
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
07/10/2021



DECISION

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

Master Builders Association of South Australia Incorporated (E2021/77)

MR STEENSON

SYDNEY, 8 JUNE 2021

Arrangement for conduct of election.

[1] On 25 April and 7 June 2021 the Master Builders Association of South Australia Incorporated (**MBASAI**) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Office-bearers

President	(1)
Deputy President	(1)
Vice Presidents	(2)
Past President	(1)
Treasurer	(1)

Councillors

Residential Construction	(3)
Civil Engineering Construction	(3)
Non-residential Building Construction	(3)
Trade Construction	(3)

[2] The rules of the MBASAI differentiate between ‘office-bearers’ and ‘councillors’, however it is apparent from the responsibilities set out in the organisation’s rules and from the definition of ‘office’ in section 9 of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*, that both of these categories are ‘offices’. They are therefore required to be the subject of an election in accordance with Chapter 7 of the RO Act – in particular section 189 where those elections are conducted by the Australian Electoral Commission (**AEC**).

[3] I note that this is the first scheduled election for the MBASAI to be conducted by the AEC since the exemption that the MBASAI held under section 186 of the RO Act was revoked by a Delegate of the Registered Organisations Commissioner on 21 September 2020 in decision

[2020] ROCD 141. That decision arose from an application by MBASAI followed a resolution by its committee of management to request that revocation.¹

[4] On the available information, it is apparent that the offices of the MBASAI have a term of office of two years² and that the previous scheduled election for office in the MBASAI occurred in 2019.

[5] The rules, in particular rule 11(1)(a), provide that one of the offices of the organisation is the office of ‘Past President’. In relation to this office, rule 12(4) of the organisation’s rules specifies that:

A previous office bearer of the "ASSOCIATION" who has completed **a** term of office as PRESIDENT shall be eligible to stand for election as PAST PRESIDENT.³

[Emphasis added]

[6] The effect of this rule is that any person who has previously held office as President of the MBASAI may nominate for this office. This contrasts with the rules of some other registered organisations in which there is an office of ‘Immediate Past President’ – which would be confined to a single eligible occupant. Therefore, in the case of MBASAI, an election process is required to determine who holds office as Past President in accordance with rule 11.

[7] 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 RO Act, I am making arrangements for the conduct of the election by the AEC.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR351954

¹ Matter E2020/167, accessible at <https://www.roc.gov.au/ArticleDocuments/376/006s-e2020-167.pdf.aspx>

² Rules 11(1)(d) in relation to office-bearers and rule 13 in relation to both office-bearers and Councillors.

³ The MBASAI rulebook (https://www.fwc.gov.au/documents/organisations/current_rulebooks/Current-RB-006S.docx) the organisation is referred to by the term ‘Association’, which is defined in rule 3(2) of those rules.

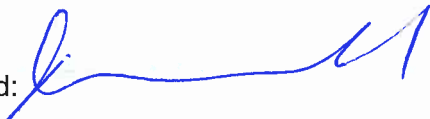
PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Andrew Marshall, being the President of the Master Builders Association of South Australia Incorporated. make the following statement:

1. I am authorised to sign this statement containing prescribed information for Master Builders Association of South Australia Incorporated.
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. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:

Dated:


7-6-21

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.

Annexure A

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

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
South Australia	President	1	Direct Voting System	Scheduled	<i>Financial members of the Master Builders Association of South Australia Incorporated. (Rule 14).</i>
South Australia	Deputy President	1	Direct Voting System	Scheduled	<i>Financial members of the Master Builders Association of South Australia Incorporated. (Rule 14).</i>
South Australia	Vice-President	2	Direct Voting System	Scheduled	<i>Financial members of the Master Builders Association of South Australia Incorporated. (Rule 14).</i>
South Australia	Past President	1	Direct Voting System	Scheduled	<i>Financial members of the Master Builders Association of South Australia Incorporated. (Rule 14).</i>
South Australia	Treasurer	1	Direct Voting System	Scheduled	<i>Financial members of the Master Builders Association of South Australia Incorporated. (Rule 14).</i>
South Australia	Civil engineering construction Councillor	3	Direct Voting System	Scheduled	<i>Financial members of the Master Builders Association of South Australia Incorporated. (Rule 14).</i>
South Australia	Non-residential building construction Councillor	3	Direct Voting System	Scheduled	<i>Financial members of the Master Builders Association of South Australia Incorporated. (Rule 14).</i>

South Australia	Residential construction Councillor	3	Direct Voting System	Scheduled	<i>Financial members of the Master Builders Association of South Australia Incorporated. (Rule 14).</i>
South Australia	Trade construction Councillor	3	Direct Voting System	Scheduled	<i>Financial members of the Master Builders Association of South Australia Incorporated. (Rule 14).</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	At least 4 weeks prior to AGM (AGM is booked for Wednesday 27 th October). Rule 14 (3). To be Determined by the Returning Officer but preference is 5 weeks prior to AGM.	Not Applicable
Nominations CLOSE	21 days prior to AGM (AGM is booked for Wednesday 27 th October). Rule 14 (5).	Not Applicable
Roll of Voters cut off date	Seven days before the day on which nominations for the election are open. Rule 14 (1).	Not Applicable

NOTES: 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'. This also applies where rules are silent as to the nominated dates. If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.