



Fair Work (Registered Organisations) Act 2009
POST ELECTION REPORT Supplementary

Client: Master Builders Association of ACT

Contact details: John Miller
Executive Director
Master Builders Association of
the Australian Capital Territory
PO Box 1211
FYSHWICK ACT 2609

Email: Lorraine@mba.org.au
Tel: 02 6175 5920

AIR contact officer: Larry Powell

Email: orgs@fwc.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2013/292

RULES

Rules used for elections Rule ID: [241V: Incorporates alterations of 1/12/2013
[R2012/228 & 229] replaces rulebook dated
26/08/2013.

Rules difficult to apply/interpret: Rules: 11(a) &(b) & 15. Election provisions for
Alternate Chairmen offices not clearly defined.

ROLL OF VOTERS

Number of voters on Roll Four (4)

ALLEGATIONS OF IRREGULARITIES

Irregularities identified and action taken Following an enquiry instigated by the AEC in
relation to the Alternate Chairman Suppliers
and Subcontractors Council office the Federal
Court ordered a ballot be conducted to
determine the office holder of this position.

ATTACHMENTS

Declaration of Result Alternate Chairman Suppliers and Subcontractors Council



Kathryn Montgomery
Returning Officer
9 July 2014

**Master Builders Association of the
Australian Capital Territory
Vacancy Election Alternate Chairman
Suppliers & Subcontractors Council**

Declaration of Results for Contested Offices

E2013/292

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.

Supplies and Subcontractors Council

Total number of names on the roll of voters	4
Ballot papers issued	4
Replacement ballot papers issued	0
Total Ballot Papers Issued	4
Ballot papers/ envelopes returned for scrutiny	3
Less ballot papers/ envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	3
Percentage of ballot papers returned to number issued	75
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	1
Informal ballot papers	0
Total Number of Votes	9

Alternate Chairman

<u>Candidates</u>	<u>Votes</u>
MATTAR, Anthony	6
O'SULLIVAN, Annalisa	3

Note: A number 1 preference on the ballot paper counts as one vote. The number 2 preference counts as two votes. Therefore, in accordance with MBA ACT Rule 15(i) (ix) the candidate receiving the lowest number of votes (i.e. the lowest sum total) is elected.

I declare Annalisa O'Sullivan elected.



Kathryn Montgomery
Returning Officer
Australian Electoral Commission
8 July 2014



DECISION

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

Master Builders Association of the Australian Capital Territory (E2013/292)

MR ENRIGHT

MELBOURNE, 16 DECEMBER 2013

Arrangement for conduct of election.

[1] On 29 October and 19 November 2013 the Master Builders Association of the Australian Capital Territory lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices due to insufficient nominations in E2013/143:

Suppliers and Subcontractors Council

Alternate Chairman
Members of Ordinary Council (18)

Residential Builders Council

Alternate Chairman
Members of Ordinary Council (17)

[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 GENERAL MANAGER

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LRB

19 November 2013

Mr Larry Powell
Regulatory Compliance Branch
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

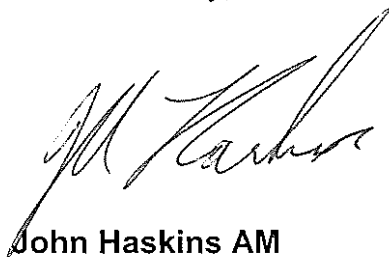
Dear Mr Powell

PRESCRIBED INFORMATION

Please find attached prescribed information, provided in accordance with section 189(1) of the *Fair Work (Registered Organisations) Act 2009* (Cth).

If you have any queries regarding this matter, please contact Lorraine Brook on 02 6175 5920 or email at lorraine@mba.org.au.

Yours faithfully,



John Haskins AM

President

Master Builders Construction and Housing Association of the Australian Capital Territory

Notice and Statement of Prescribed Information

Election of Alternate Chairpersons of the Master Builders Construction and Housing Association of the Australian Capital Territory

2013-2014

I, John Arthur Haskins AM, being the President of the Master Builders Construction and Housing Association of the Australian Capital Territory, make the following statement:

I am the President of the Master Builders Construction and Housing Association of the Australian Capital Territory.

*I am authorised to lodge the following prescribed information (see **Attachment A**) concerning forthcoming elections in the Master Builders Construction and Housing Association of the Australian Capital Territory.*

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.

Please note that this prescribed information is an addition to the prescribed information lodged on 20 March 2013, 26 August 2013 and 28 October 2013.

Signed:



John Haskins AM

President

Master Builders Construction and Housing Association of the Australian Capital Territory

Dated: 19 November 2013

ATTACHMENT A – Prescribed Information

Summary of Offices/Positions

A Alternate Chairmen of Ordinary Councils (2)

Number of positions: 1 Alternate Chairperson for each of the following Ordinary Councils

- Subcontractors and Suppliers Council
- Residential Builders Council

Method	Collegiate voting system (CVS)
Length of Office	1 year (transitional)
Elected from	the members, i.e. Chairperson and Councilors of each respective Ordinary Council.
Elected by	the members, i.e. Chairperson and Councilors of each respective Ordinary Council.
Relevant rules	rules 5(b), 11(a), 11(b), 12(b), 15(l)

B Members / Councillors of Ordinary Councils

Number of positions: multiple positions (see below) for each of the following Ordinary Councils

- Subcontractors and Suppliers Council (18 positions)
- Residential Builders Council (17 positions)

Method	direct voting system (DVS)
Length of Office	1 year (transitional)
Elected from	all full and financial and / or life members of each respective membership category for a particular Ordinary Council.
Elected by	all full and financial and/or life members of each respective membership category for a particular Ordinary Council.
Relevant rules	rules 5(b), 11(a), 11(b), 11(b), 12(b), 15(l)

Reasons for election:

- No nominations were received for offices marked **A**, while insufficient nominations were received for the offices marked **B**, which will impact on the availability of candidates for the offices marked **A**, given that they are to be elected in a collegiate fashion by and from the offices marked **A**.

Nominations open:

- Alternate Chairpersons: procedure not explicitly stated in the rules, process to be determined by the Returning Officer at the AEC. However, for the elections of Alternate Chairpersons (to be conducted by CVS) the Association would ideally like the offices to be elected at the first meeting following the determination of the AEC, such that nominations would open and close at that meeting. Alternatively, the procedure could be dealt with in accordance with rule 15 – nominations to open 6 weeks prior to any declaration of the result (rule 15(d)). If the election is contested, the rules are silent as to when the roll of voters would close, but if conducted in with rule 15, the roll would close 7 days prior to the opening of nominations (rule 15(i)(ii)).
- Members of Ordinary Councils: procedure dealt with in accordance with rule 15 – nominations to open 6 weeks prior to any declaration of the result (rule 15(d)).

Nominations close:

- Alternate Chairpersons: procedure not explicitly stated in the rules, process to be determined by the Returning Officer at the AEC. However, for the elections of Alternate Chairpersons (to be conducted by CVS) the Association would ideally like the offices to be elected at the first meeting following the determination of the AEC, such that nominations would open and close at that meeting. Alternatively, the procedure could be dealt with in accordance with rule 15 – nominations to close 4 weeks prior to any declaration of the result (rule 15(f)). If the election is contested, the rules are silent as to when the roll of voters would close, but if conducted in with rule 15, the roll would close 7 days prior to the opening of nominations (rule 15(i)(ii)).
- Members of Ordinary Councils: procedure dealt with in accordance with rule 15 – nominations to close 4 weeks prior to any declaration of the result (rule 15(f)).

LRB

28 October 2013

Mr Larry Powell
Regulatory Compliance Branch
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

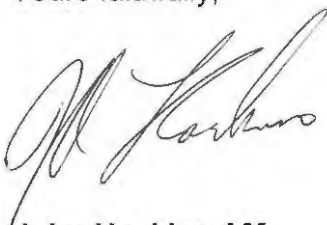
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2013-2014

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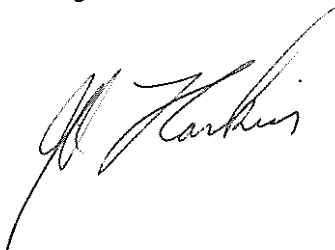
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I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.

Please note that this prescribed information is an addition to the prescribed information lodged on 20 March 2013 and 26 August 2013.

Signed:



John Haskins AM

President

Master Builders Construction and Housing Association of the Australian Capital Territory

Dated: 28 October 2013

ATTACHMENT A – Prescribed Information

Summary of Offices/Positions

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Length of Office	1 year (transitional)
Elected from	the members, i.e. Chairperson and Councilors of each respective Ordinary Council.
Elected by	the members, i.e. Chairperson and Councilors of each respective Ordinary Council.
Relevant rules	rules 5(b), 11(a), 11(b), 12(b), 15(l)

B Members / Councillors of Ordinary Councils

Number of positions: multiple positions (between 5 and 20) for each of the following Ordinary Councils

- Subcontractors and Suppliers Council
- Residential Builders Council

Method	direct voting system (DVS)
Length of Office	1 year (transitional)
Elected from	all full and financial and / or life members of each respective membership category for a particular Ordinary Council.
Elected by	all full and financial and/or life members of each respective membership category for a particular Ordinary Council.
Relevant rules	rules 5(b), 11(a), 11(b), 11(b), 12(b), 15(l)

Reasons for election:

- No nominations were received for offices marked **A**, while insufficient nominations were received for the offices marked **B**, which will impact on the availability of candidates for the offices marked **A**, given that they are to be elected in a collegiate fashion by and from the offices marked **A**.

Nominations open:

- Process to be determined by the Returning Officer at the AEC. However, the Association would like the offices of Alternate Chairpersons and members of the Subcontractors and Suppliers Council and the Residential Builders Council to be elected at the first meeting following the AGM on 8 October 2013 (note that this is not explicitly stated in the rules). Ideally nominations would be able to be called for and concluded from the floor of the relevant Ordinary Council meeting, but obviously the election of members would have to occur first, with the Alternate Chairpersons to then be elected by and from those members.

Nominations close:

- Process to be determined by the Returning Officer at the AEC. However, as noted, ideally the Association would like the offices of Alternate Chairpersons and members of the Subcontractors and Suppliers Council and the Residential Builders Council to be elected at the first meeting following the AGM on 8 October 2013. Ideally nominations would be able to be called for and concluded from the floor of the ordinary council meeting.