



## AMENDING DECISION

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

### **Master Builders Association of the Australian Capital Territory** (E2020/97)

MR STEENSON

SYDNEY, 28 JUNE 2021

*Arrangement for conduct of election.*

[1] On 6 May 2020 the Master Builders Association of the Australian Capital Territory (**the Association**) lodged with the Registered Organisations Commission (**the Commission**) prescribed information for an election to fill the offices of Chairman, Alternate Chairman and Members of Council for each of the five Councils representing the membership groups of the Association.

[2] On 29 May 2020 a decision was issued by a Delegate of the Commissioner enabling arrangements for the conduct of an election for those offices by the Australian Electoral Commission (**AEC**), as the Delegate was satisfied that an election for those offices was required to be held under the rules of the Association (as they then stood).

[3] However, as a result of the delay in the conduct of most industrial elections by the AEC arising from the COVID-19 pandemic and associated restrictions, this election (**E2020/97**) was among the elections delayed, and has not been conducted.

[4] In addition, since the issuing of the original decision in this matter (**E2020/97**) the rules of the Association have been substantially altered in relation to its offices. Specifically, on 5 May 2021, the Fair Work Commission (**FWC**) certified new rules of the Association (matter **R2020/218**) which have the effect of abolishing the five previously constituted Councils, and the associated offices of Chairman, Alternate Chairman and Council Members going forward. That is, the very offices that were subject of the decision of the Delegate in this matter (**E2020/97**), issued on 29 May 2020.

[5] On 21 May 2021, i.e. following the rule alterations being certified by the FWC, the Association lodged prescribed information for an election for offices (**E2021/82**) reflecting the rule changes referred to.<sup>1</sup> In that information, the Association also advised the Commission that the election for the offices to be abolished (**E2020/97**) has not been conducted. That advice was confirmed on 23 June 2021.

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<sup>1</sup> On 25 June 2021, I issued decision [2021]ROCD94 in that matter (E2021/82) arranging for the election for the newly-constituted offices.

[6] In circumstances where the requirement for this election (**E2020/97**) is now superseded by virtue of rule alterations certified on 5 May 2021, this amending decision is issued to confirm that the election that would otherwise arise from the Delegate's decision dated 29 May 2020 in this matter (**E2020/97**) is no longer required.



DELEGATE OF THE COMMISSIONER

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# DECISION

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

## **Master Builders Association of the Australian Capital Territory** (E2020/97)

MR ENRIGHT

MELBOURNE, 29 MAY 2020

*Arrangement for conduct of election.*

[1] On 6 May 2020 the Master Builders Association of the Australian Capital Territory lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

### Commercial Builders Council

Chairman	(1)
Alternate Chairman	(1)
Members of Ordinary Council	(5 to 20)

### Suppliers and Subcontractors Council

Chairman	(1)
Alternate Chairman	(1)
Members of Ordinary Council	(5 to 20)

### Residential Builders Council

Chairman	(1)
Alternate Chairman	(1)
Members of Ordinary Council	(5 to 20)

### Civil Contractors Council

Chairman	(1)
Alternate Chairman	(1)
Members of Ordinary Council	(5 to 20)

### Professional Council

Chairman	(1)
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Alternate Chairman  
Members of Ordinary Council

(1)  
(5 to 20)

[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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**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, **GRACIETE FERREIRA**, being the **PRESIDENT** of the **MASTER BUILDERS ASSOCIATION OF THE ACT**, make the following statement:

1. I am authorised to sign this statement containing prescribed information for **MASTER BUILDERS ASSOCIATION OF THE ACT**.
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 below, subject to any alternate determination by the returning officer.

Signed:



Dated: 04/05/2020

## ANNEXURE A

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

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
	Commercial Builders Council Chair	1	DVS	Scheduled	All full and financial members of the Commercial Builders Council
	Commercial Builders Council Alternate Chair	1	Collegiate	Scheduled	All elected members of the Commercial Builders Ordinary Council
	Commercial Builders Council – Member of Ordinary Council	1-20	DVS	Scheduled	All full and financial members of the Commercial Builders Council
	Suppliers and Subcontractors Council Chair	1	DVS	Scheduled Please note a Notification of Change effective 1 May 2020. It is not intended to hold a casual vacancy election.	All full and financial members of the Suppliers and Subcontractors Council
	Suppliers and Subcontractors Council Alternate Chair	1	Collegiate	Scheduled	All elected members of the Suppliers and Subcontractors Ordinary Council
	Suppliers and Subcontractors Council – Member of Ordinary Council	1-20	DVS	Scheduled Please note a Notification of Change effective 1 May 2020. It is not intended to hold a casual vacancy election	All full and financial members of the Suppliers and Subcontractors Ordinary Council
	Residential Builders Council Chair	1	DVS	Scheduled	All full and financial members of the Residential Builders Council
	Residential Builders	1	Collegiate	Scheduled	All elected members of the Residential Builders

	Council Alternate Chair				Ordinary Council
	Residential Builders Council – Member of Ordinary Council	1-20	DVS	Scheduled	All full and financial members of the Residential Builders Council
	Civil Contractors Council Chair	1	DVS	Scheduled	All full and financial members of the Civil Contractors Council
	Civil Contractors Council Alternate Chair	1	Collegiate	Scheduled	All elected members of the Civil Contractors Ordinary Council
	Civil Contractors Council – Member of Ordinary Council	1-20	DVS	Scheduled	All full and financial members of the Civil Contractors Council
	Professional Council Chair	1	DVS	Scheduled	All full and financial members of the Professional Council
	Professional Council Alternate Chair	1	Collegiate	Scheduled	All elected members of the Professional Council
	Professional Council – Member of Ordinary Council	1-20	DVS	Scheduled	All full and financial members of the Professional Council

- Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	<i>To be determined by the returning officer</i>	<i>Not applicable</i>
<b>Nominations CLOSE</b>	<i>To be determined by the returning officer</i>	<i>Not applicable</i>
<b>Roll of Voters cut off date</b>	<i>To be determined by the returning officer</i>	<i>Not applicable</i>

Please note: that 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’. Casual vacancies must be accompanied by proof of resignation and attached to this statement.