

17 February 2022

# Post-election report

Master Builders Association of the  
Australian Capital Territory  
Scheduled election  
E2021/82

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# Election Covered in this Report

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Organisation: Master Builders Association of the Australian Capital Territory

Election: Scheduled

Election Decision No/s: E2021/82

## Rules

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Rules used for the election: 241V: Incorporates alterations of 5 May 2021 [R2020/218 & D2020/20]

Replaces rulebook dated 20/05/2019 [R2018/260]

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/](http://www.aec.gov.au/ieb/)

## Other Matters

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Returning Officer actions required (Section 193): Yes

Details:

Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations were received electronically, via email/the AEC's portal.

## Signed

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Darren Wade  
Returning Officer  
Australian Electoral Commission  
E: IEBevents@aec.gov.au  
P: 03 9285 7111

17 February 2022

## Attachments

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A. Declaration of results for Contested Offices

B. Declaration of results for Uncontested Offices

# Master Builders Association of the Australian Capital Territory

## DECLARATION OF RESULTS - E2021/82

### Uncontested Offices

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#### 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:

#### President (1)

Candidate

PORRECA Frank

#### Civil Contractor Sector

##### Sector Representative (1)

Candidate

ZARDO Nick

#### Commercial Builder Sector

##### Sector Representative (1)

Candidate

RAYMENT Matthew

#### Professional Sector

##### Sector Representative (1)

Candidate

LEEMING Bryan

#### Residential Builder Sector

##### Sector Representative (1)

Candidate

TANCHEVSKI Jason

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

Shane Lanning  
Returning Officer  
Telephone: 03 9285 7145  
Email: IEEvents@aec.gov.au

13/12/2021



## DECLARATION OF RESULTS - E2021/82

### 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:

#### Supplier and Subcontractor Sector

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	364
Number of voters issued with voting material	364
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>364</b>
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	26
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of admitted declaration envelopes that did not contain this ballot paper (minus)	1
COUNT	
Total ballot papers admitted to the count	25
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	5
Voting material packs not returned by voters by closing date of the ballot	333
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	7 %

#### Sector Representative (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
FLANAGAN, Sarah	15	15
FORESTI, Leanne	7	7

<b>Total ballot papers admitted for this office</b>	<b>25</b>
Formal Ballot papers	22
Informal Ballot papers	3

I declare the following elected:

- FLANAGAN, Sarah



Darren Wade  
Returning Officer  
Telephone: 03 9285 7152  
Email: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)  
31/01/2022



## DECISION

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

### **Master Builders Association of the Australian Capital Territory** (E2021/82)

MR STEENSON

SYDNEY, 25 JUNE 2021

*Arrangement for conduct of election.*

[1] On 21 May 2021 the Master Builders Association of the Australian Capital Territory (the Association) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
<u>Sector Representatives</u>	
Commercial Builder Representative	(1)
Civil Contractor Representative	(1)
Residential Builder Representative	(1)
Supplier and Subcontractor Representative	(1)
Professional Representative	(1)

[2] On 5 May 2021, the Fair Work Commission certified the new rules of the Association under (**R2020/218**) which abolished the previously constituted five Ordinary Councils and the associated offices of Chairman of Ordinary Council, Alternate Chairman of Ordinary Council, Member of Ordinary Council (**Council Member**), and the office of Treasurer.

[3] The alterations to the rules establish the new office of Sector representative to the Executive Committee, from each of the five Sectors of membership, set out above. The President and the Sector Representatives collectively form the office-bearers of the Association under the newly-certified rules. The rules, in particular rule 20, provide that (after a transition period) these offices will have a term of three years but will be elected on a staggered basis, i.e. with some to be elected again in 2022, others in 2023 and the remainder in 2024.

[4] New rule 40 is a transitional rule which provides that the offices of Treasurer, Chairman of Ordinary Council, Alternate Chairman of Ordinary Council and Council Members are to be abolished as and from the declaration of results for the election of office-bearers under this election (**E2021/82**), which is to be declared at the first Annual General Meeting (AGM) held following the 5 May 2021 ‘transition date’. The President continues to hold office until their



successor is declared elected and assumes office at the first AGM held following the transition date.

[5] I note that on 6 May 2020 the Association lodged prescribed information for an election (**E2020/97**) to fill the offices of Chairman, Alternate Chairman and Council Members for each of the Councils as they then existed under the rules and that on 29 May 2020, a Delegate of the Registered Organisations Commissioner issued a decision<sup>1</sup> to make arrangements for the conduct of that election.

[6] However, as a result of the delay in the conduct of most industrial elections by the Australian Electoral Commission (AEC) arising from the COVID-19 pandemic and associated restrictions, the election (**E2020/97**) that was the subject of the 29 May 2020 decision was among the elections delayed.

[7] On 21 May 2021, the Association lodged prescribed information for this election, reflecting the rule changes, and also advised the Commission that election E2020/97 has not yet been conducted. That advice was confirmed on 23 June 2021. It is also noted that, under the new rules that have been certified date, the offices that were subject to the decision in (**E2020/97**) are to be abolished as and from the declaration of the election of the new office-bearers that are the subject to this election (**E2021/82**).

[8] As there is the potential for elections to occur under the Association's previous rules and under the new rule rules certified on the transition date, I am issuing an amendment to the Delegate's decision of 29 May 2020 in (**E2020/97**) to the effect that the election is no longer required, in order to prevent (the conduct of an election that has been superseded by the rule alterations.

[9] I am satisfied that an election for the abovenamed offices, set out under paragraph 1 of this decision, 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 AEC.



DELEGATE OF THE COMMISSIONER

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<sup>1</sup> [2020] ROCD 86

**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:

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a horizontal line that curves upwards at the end.

Dated: 20/05/2021

## 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
	President	1	DVS	Scheduled	All full and financial members
	Commercial Builder Representative	1	DVS	Scheduled	All full and financial Commercial Builder Members
	Supplier and Subcontractor Representative	1	DVS	Scheduled	All full and financial Supplier and Subcontractor Members
	Residential Builder Representative	1	DVS	Scheduled	All full and financial Residential Builder Members
	Civil Contractor Representative	1	DVS	Scheduled	All full and financial Civil Contractor Members
	Professional Representative	1	DVS	Scheduled	All full and financial Professional Members

- Important dates:

	Direct Voting System	Collegiate Electoral System
<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.