



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Master Painters Australia - N.S.W. Association Inc.

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2015/313

RULES

Rules used for elections Rule ID: [122N: Incorporates alterations certified on 7 September 2015 in matter R2015/171]

Rules difficult to apply/interpret: NA

Model Rule reference (if any):

ROLL OF VOTERS

Total number of voters on the roll NA – No ballot conducted
NA

Number of apparent workplace addresses
N/A

Number of non-current addresses

Other Matters Nil

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: None
Other irregularities identified, and action taken: None

ATTACHMENTS

1. Declaration of Results Stage 1
2. Declaration of Results Stage 2

Renee Damasena
Returning Officer
1 June 2016

Master Painters Australia- NSW Association Inc.

Stage 1 - Council Members

Declaration of Results for Uncontested Offices

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.

Master Painters Australia - NSW Association Inc.

Member of Council (14)

Candidates

DA SILVA, Sergio
DELUCIA, Renato
MILJIC, Bobby
NEWMAN, John
OTTOWA, Robin
SAVERINO, Dominic
SAVVIDES, George
SEMAAN, Simon
SOCHA, Adam
TALBOT, Danny

No further nominations were accepted

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



Renee Damasena
Returning Officer

8 April 2016

Master Painters Australia- NSW Association Inc.

Stage 2 - Executive Officers

Declaration of Results for Uncontested Offices

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.

Master Painters Australia - NSW Association Inc.

President

Candidates

OTTOWA, Robin

Vice-President

Candidates

SAVVIDES, George

Secretary

Candidates

TALBOT, Danny

Treasurer

Candidates

MILJIC, Bobby

Education/Training Officer

Candidates

SAVERINO, Dominic

Industrial Officer

Candidates

SAVERINO, Dominic

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



Renee Damasena
Returning Officer

1 June 2016



Copy of Signed Decision

Title of Matter: Application/Notification by Master Painters Australia - N.S.W. Association Inc.
Section: s.189(1) RO Act - Notification of elections for office
Subject:
Matter Number(s): E2015/313

Dear Australian Electoral Commissioner via the Electoral Officer

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

A copy of the Delegate's decision is attached for your information.

The relevant rulebook can be accessed via the Fair Work Commission's [website](#).

Contact: Mr Charlie Falzon of the organisation, as per the prescribed information.

Please send the declaration(s) and post election report to the Fair Work Commission at orgs@fwc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Carolyn Moloney through orgs@fwc.gov.au.

1 FEBRUARY 2016



FairWork
Commission

Copy of Signed Decision

Title of Matter: Application/Notification by Master Painters
Australia - N.S.W. Association Inc.
Section: s.189(1) RO Act - Notification of elections for
office
Subject:
Matter Number(s): E2015/313

A copy of the Delegate's election decision in relation to the above matter is attached for your information.

Please note: Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records be declared to the Fair Work Commission. This includes changes resulting from the conduct of elections. Changes must be declared within 35 days of their occurrence.

Inquiries:

Any inquiries relating to this are to be directed to Carolyn Moloney
Phone: (02) 9308 1972, email: carolyn.moloney@fwc.gov.au, Fax: 02 9380 6990.

1 FEBRUARY 2016



DECISION

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

Master Painters Australia - N.S.W. Association Inc.
(E2015/313)

MR ENRIGHT

MELBOURNE, 1 FEBRUARY 2016

Arrangement for conduct of election.

[1] On 8 January 2016 the Master Painters Australia - N.S.W. Association Inc. (the organisation) lodged with the Fair Work Commission (the Commission) prescribed information in relation to an election for the following offices:

Council Members	(14)
President	(1)
Vice President	(1)
Secretary	(1)
Treasurer	(1)
Education / Training Officer	(1)
Industrial Officer	(1)

[2] On 8 January 2016 the organisation also lodged a written request for an extension of time for lodgement of the prescribed information. The reason provided by the organisation for the delay was ‘due to recent changes to the Association’s rules that resulted in the new lodgement date being overlooked’.

[3] Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act) requires prescribed information to be lodged before the prescribed day. Sub-rule 15(1) of the rules of the organisation provides that nominations for elections will open on the first Monday of March in the year elections are due to be held, which in 2016 will be 7 March 2016. Accordingly, the prescribed information was required to be lodged before 7 January 2016.

[4] I note that the current election timeline provision as provided in sub-rule 15(1) of the organisation’s rules is a new sub-rule, having been certified on 7 September 2015 in matter R2015/171. The organisation’s previous rulebook did not clearly specify the date nominations for elections were to open.

[5] In considering the request for an extension of time, I note that the Commission has previously granted the organisation an extension of time to lodge prescribed information in its previous two scheduled elections in E2014/232 and E2013/191.

[6] In E2014/232, I granted the organisation an extension of time to lodge its prescribed information and reminded the organisation ‘that it has the same responsibility to adhere its rulebook, the requirements of the Act and its Regulations as every other registered organisation’.

[7] I have taken into consideration the fact that the request for an extension of time to lodge the prescribed information before the prescribed day involved only two days. I have also taken into consideration that the rule alteration in R2015/171 took effect on 7 September 2015, nearly four months before the organisation was required to lodge its prescribed information for this election.

[8] I have considered the explanation for the delay in lodging the prescribed information provided by the organisation. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the Act but also in instruments or references pertaining to their own governance formulated by organisations themselves, I decline on this occasion to allow, in the formal sense intended by section 189(2) of the Act, a later day for lodgement. The failure of the organisation to lodge the prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the *Fair Work (Registered Organisations) Act 2009*.

[9] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[10] 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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Copy of Prescribed Information

Title of Matter: Application/Notification by Master Painters Australia - N.S.W. Association Inc.
Section: s.189(1) RO Act - Notification of elections for office
Subject:
Matter Number(s): E2015/313

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

11 JANUARY 2016

8th January 2016

The General Manager
Fairwork Australia
Level 8, 80 William Street
East Sydney NSW 2011

Dear Sir/Madam,

NOTICE OF PRESCRIBED INFORMATION

I, Charlie Falzon, Secretary of Master Painters Australia NSW Association Inc, make the following statement;

I am the Secretary of Master Painters Australia NSW Association Inc;

I am authorised to lodge the following prescribed information concerning the forthcoming elections of Master Painters Australia NSW Association Inc. and;

I confirm that the following information is being lodged under subsection 189[1] of the Fairwork [Registered Organisation Act 2009].

Offices/Positions

Members of Council [14] – Direct Voting System

Reason for Election

Election of all offices required as the terms of office are due to expire in the normal course of events under the rules of the Association.

Elected By

The electorate for the direct voting system is by all life members and contractors members of the Association.

Nominations Open: 6 weeks prior to the AGM – scheduled for the 3rd May 2016

Nominations Close: As determined by the Returning Officer

Cut Off Date for Roll: 7 days prior to the opening of nominations

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Supplementary Election immediately following the Election of Councillors

Offices/Positions

- President
- Vice President
- Secretary
- Treasurer
- Education & Training Officer
- Industrial Relations Officer

Reason for Election

Election for all offices is required as the terms of officer are due to expire in the normal course of the events under the rules of the Association. This supplementary election is to take place immediately following the election of Council Members [14].

Elected By

The electorate for the above offices is all elected Council members by the collegiate electrical system.

Nominations Open: To be advised by the AEC. Immediately following the declaration of the new council members at a meeting at least 7 days prior to the AGM (scheduled for the 3rd May 2016)

Nominations Close: At committee meeting prior to the AGM – 3rd May 2016

Cut Off Date for Roll: N/A

Signed by;



Charlie Falzon
Secretary
Master Painters Australia NSW Association Inc.
Date: 8th January 2016

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8th January 2016

The General Manager
Fairwork Australia
Level 8, 80 William Street
East Sydney NSW 2011

Dear Madam,

Request an Extension of Time to Lodge Prescribed Information

Master Painters Australia NSW Association Inc. requests an extension of time to lodge the prescribed information under subsection 189(2) of the Fair Work (Registration Organisations) Act 2009. The extension time requested is one week.

If further discussions are necessary regarding this request, the Association's Operations Manager, Malynda Price, has been delegated responsibility [REDACTED] and will be available to assist.

Yours faithfully,



Charlie Falzon
SECRETARY
Master Painters Australia NSW Association Inc.

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FAIR WORK ACT 2009

In the matter of statement and notice of prescribed information under the Fair Work
(Registration Organisations) Act 2009:

STATEMENT

I, Charlie Falzon, Secretary of Master Painters Australia NSW Association Inc,

do hereby solemnly and sincerely declare;

1. That I am the Secretary of Master Painters Australia NSW Association Inc
2. That I am authorised to lodge the following prescribed information concerning forthcoming elections on behalf of the Association.
3. That I formally request an extension of time to lodge the prescribed information under subsection 189(2) of the Fair Work (Registration Organisations) Act 2009 on behalf of Master Painters Australia NSW Association Inc
4. That the prescribed information was not lodged on the 4th January 2016 due to recent changes to the Associations rules that resulted in the new lodgement date being overlooked.

Signed by:



Charlie Falzon
Secretary
Master Painters Australia NSW Association Inc.
Date: 8th January 2016

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