



19 April 2018

Mr Danny Talbot
Secretary
Master Painters Australia - N.S.W. Association Inc.
reception@masterpainters.com.au

Dear Mr Talbot

Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/260

On 12/04/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/260 dated 12/04/2018. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rules 16.1, 16.2, 7, 8 and 9(1). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission



19 April 2018

Mr Danny Talbot
Secretary
Master Painters Australia - N.S.W. Association Inc.
reception@masterpainters.com.au

Dear Mr Talbot,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices for [E2017/260]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Master Painters Australia - N.S.W. Association Inc. must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and
 - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Christine Hibberd
Registered Organisations Commission

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

12 April 2018

Post-election Report

Master Painters Australia - N.S.W. Association Inc. – E2017/260



Contents

Election(s) Covered in this Report	3
Rules.....	3
Roll of Voters	4
Irregularities.....	4
Other Matters	4
Attachments.....	5

Election(s) Covered in this Report

Election Decision No/s: E2017/260

Rules

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

Rules difficult to apply/interpret:

1. Rule 16.1 and 16.2 of the association are difficult to apply. This rule does not allow sufficient notice for the newly elected council to be invited and make arrangements to attend the council meeting, then to elect Executive Officers from amongst themselves. It is recommended that the rule is changed to allow the Returning Officer (RO) to declare the election results of 'Members of council' as soon as they are completed and arrange for election of executive members at the next council meeting.
2. Rule 7, 8 and 9(1) of the Association are difficult to apply and interpret. They do not specify which representative receives priority for voting, nominating or becoming a candidate on behalf of the member. This could result in two or more representative on the Council and Executive from the same member. To resolve this issue, the Association should consider a rule that specify:
 - members can only have one representative on the Council, and
 - where both the representative and additional representative nominate for an office, the representative's nomination takes precedent and any additional representative's nomination will lapse, and
 - a representative cannot nominate another representative from the same member, and
 - Voting materials will be sent to the representative and not the additional representative (optional: the Association may want to consider a rule where the member may notify the Association if an additional representative will vote on behalf of the member not later than 10 working days before the opening of the ballot. This allows the member to resolve any issues where the representative is absent).

3. Delete “shall be appointed by the Council of Management” from Rule 14(2) as the Returning Officer is appointed by Australian Electoral Commission to conduct the election after receiving the Order from Registered Organisations Commission.

4. The second paragraph of Rule 21 is procedurally defective. A situation may occur where all the newly elected council members are elected for the first time, no councillor will be then be eligible to take part in the election for the executives. The Association should prioritise review of this rule as it may create unfilled offices at the Executive Level.

Model Rule reference (if any) : See above

Model Rule reference:

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: None

Other Matters

Issues related to membership type for receiving Election Notice and Nomination Form:

Add “Full” in front of “member” to in Rule 15(1) to clarify that the term member does not include Associate Member, Retired Member or Privileged Member (as per Rule 3 of the Association) who are not entitled to vote or hold office.

Issues related to higher position in the election of Councillors:

Delete Rule 15 (C) (i). This rule is irrelevant to the election of Council as all positions for members of the Council are rank the same. This rule may be included into Rule 21 for the Executive. If the Association chooses to include this rule in to Rule 21, then the Association **must** specify a hierarchy of offices to resolve a situation where a candidate may be successful at more than one position.

Australian Electoral Commission

Issues related to category of nominator for the election of member of council:

The rules of the Association should specify the qualifications of nominations. For example, “nominators must be a full member or life member of the Association. Nominators cannot be from the same member as the Nominee”.

Issues related to ballot opening time:

Rule 15(5) of the Association states to forward the ballot papers within ten days after the closing date of nominations. This is not sufficient time for the RO to resolve defective nominations in accordance with Rule 15.3 and prepare ballot materials. It is recommended that this be changed to 21 days.

Issues related to marking the ballot paper by numbers:

For clarity it is recommended that the Association incorporates the following instruction for voting in Rule 15(9)

“a voter must record his vote on a ballot paper by placing the numbers 1,2,3 and so on opposite the names of all candidates or up to the required number of candidates for whom he wishes to vote.”

Attachments

- 1) Declaration of results for Uncontested Offices for Members of Council.
- 2) Declaration of results for Uncontested Offices for Executive Committee

Ishtiaq Ahmed
Returning Officer
12 April 2018

Master Painters Australia- N.S.W. Association Inc. Stage 2 - Executive Officers

Declaration of Results for Uncontested Offices E2017/260

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 – N.S.W. Association Inc.

President

Candidates

OTTOWA, Robin

Vice President

Candidates

TALBOT, Daniel Thomas

Secretary

Candidates

DA SILVA, Sergio

Treasurer

Candidates

SEMAAN, Simon

Education/Training Officer

Candidates

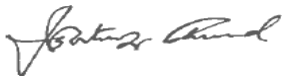
NEWMAN, John

Industrial Officer

Candidates

SOCHA, Adam

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



Ishtiaq Ahmed
Returning Officer

3 April 2018

Master Painters Australia- N.S.W. Association Inc. Scheduled Election- Stage1

Declaration of Results for Uncontested Offices E2017/260

Returning Officer: Ishtiaq Ahmed
Nominations Closed: 12:00pm (Local Time) on 19/03/2018

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-N.S.W. Association Inc.
Office: Council Member

No. of Vacancies: 14

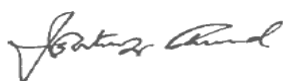
Nominees

SEMAAN	Simon
OTTOWA	Robin
KARAVUS	Ekrem
FAMOLARO-BEYTIA	Eduardo
SABRI-MATANAGH	Behzad
SOCHA	Adam
FLETCHER	Nicola
NEWMAN	John
TALBOT	Daniel Thomas
FOROUZANDEH	Hamed
LOVE	Jeffrey Robert
DA SILVA	Sergio

No. of Nominees: 12

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.



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
23 March 2018





DECISION

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

Master Painters Australia - N.S.W. Association Inc.
(E2017/260)

MR ENRIGHT

MELBOURNE, 29 JANUARY 2018

Arrangement for conduct of election.

[1] On 18 December 2017 and 25 January 2018 the Master Painters Australia - N.S.W. Association Inc. lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Council Member (14)

Executive Officers

President (1)

Vice President (1)

Secretary (1)

Treasurer (1)

Education / Training Officer (1)

Industrial Officer (1)

[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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR350962>

svc-adlib5

From: Therese Lauriola <therese@masterpainters.com.au>
Sent: Thursday, 25 January 2018 11:08 AM
To: MOUTEVELIS,Michael
Subject: Emailing: doc01153320180125095940_001.jpg
Attachments: doc01153320180125095940_001.jpg

Hi Michael

Let me know if you can see the signature on this. Maybe someone has changed the settings on our scanner.

Kind regards

Therese Lauriola

Your message is ready to be sent with the following file or link attachments:

doc01153320180125095940_001.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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, Danny Talbot, being the Secretary of the Master Painters Australia NSW Association Inc., make the following statement:

1. I am authorised to sign this statement containing prescribed information for Master Painters Australia NSW Association Inc .
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. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed: Danny Talbot

Dated: 24 January 2018

A handwritten signature in black ink, appearing to be 'Danny Talbot', written over a horizontal line.

svc-adlib5

From: Therese Lauriola <therese@masterpainters.com.au>
Sent: Monday, 18 December 2017 10:24 AM
To: ROC - Registered Org Commission
Subject: E2017/260 - Master Painters Australia NSW Association Inc - Prescribed Information
Attachments: Prescribed Information 2017.docx

To Whom it May Concern
Please find attached our Prescribed Information.

Kind Regards,

Therese Lauriola

CHIEF EXECUTIVE OFFICER - MASTER PAINTERS AUST NSW ASSOCIATION

T 02 9758 8877 | M 0417 188 852 | F 02 9758 8897 | W www.masterpainters.com.au | 6 Gould Street, Strathfield South NSW 2136 | PO Box 122, Strathfield South NSW 2136

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
NSW	President	1	Collegiate	Scheduled	Council of Management (rule 13)
	Vice-President				Council of Management (rule 13)
	Secretary	1	Collegiate	Scheduled	Council of Management (rule 13)
	Treasurer	1	Collegiate	Scheduled	Council of Management (rule 13)
Check from the rules	Education/Training Officer	1	Collegiate	Scheduled	Council of Management (rule 13)
	Industrial Officer	1	Collegiate	Scheduled	Council of Management (rule 13)
	Councillors	14	DVS	Scheduled	All members of the Association (rule 14)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>First Monday in March 2018 (rule 15)</i>	<i>To be determined by Returning Officer</i>
Nominations CLOSE	<i>To be determined by Returning Officer</i>	<i>To be determined by Returning Officer</i>
Roll of Voters cut off date	<i>7 days prior to nominations opening (rule 15)</i>	<i>To be determined by Returning Officer</i>



5 December 2017

Mr Danny Talbot
Secretary
Master Painters Australia - N.S.W. Association Inc.
By email: reception@masterpainters.com.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Talbot,

Courtesy Letter - Election for offices [E2017/260]

The rules of the Master Painters Australia - N.S.W. Association Inc. indicate that an election for offices within the organisation is due to commence shortly.

- Executive Officers (College)
- Council of Management (DVS)

It appears that nominations for the election for the above-named offices open in March next year.

Reminder: prescribed information must be lodged

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

If you do NOT agree that an election is due

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know on regorgs@roc.gov.au as soon as possible.

If you agree that an election is due

If you agree that an election is due, the prescribed information must be lodged within the month. The prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to regorgs@roc.gov.au. When lodging the prescribed information, please quote [E2017/260]

If you are unable to lodge the prescribed information on time

If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the Commissioner within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that consent to a later day will be allowed.

Penalties apply

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to lodge prescribed information at least two months before nominations open may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

Insufficient nominations

If there are insufficient nominations, or if a casual vacancy arises after the conduct of this election, then those unfilled or vacated offices must be filled in accordance the organisation's rules, and in any event in a timely manner.

Should you seek any clarification in relation to the above, please contact the ROC on regorgs@roc.gov.au.

Yours faithfully,

Sam Lynch
Registered Organisations Commission