

From: [Marie Malfitana](#)
To: [Orgs: tony@wcra.com.au](mailto:tony@wcra.com.au)
Cc: [Industrial Elections](#)
Subject: Matter E2014/188 - Waste Contractors & Recyclers Association of NSW [DLM=For-Official-Use-Only]
Date: Tuesday, 11 November 2014 3:12:01 PM
Attachments: [Post Election Report - WCRA - B2014-188.pdf](#)
[Declaration of Results Uncontested Offices.pdf](#)
[Declaration of Results for Contested Offices - Stage 1.pdf](#)

For-Official-Use-Only

Good afternoon everyone

I refer to the above election, attached please find the Post Election Report and Declaration of Results for Contested and Uncontested Offices.

Should you have any questions or queries, please do not hesitate to contact me.

Thank you and kind regards

Marie Malfitana | Returning Officer

Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6364 | F: (02) 9375 6336

For-Official-Use-Only

DISCLAIMER:

If you have received this transmission in error please notify us immediately by return email and delete all copies. If this email or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the email or attachments.



Mr Tony Khoury
Executive Director
Waste Contractors & Recyclers Association of NSW
PO Box 6643
WETHERILL PARK BC NSW 2164

By email: tony@wcra.com.au

**Post Election Report For: Waste Contractors & Recyclers Association of NSW
Executive and Office Bearers Elections – B2014/188**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 (RAO) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Marie Malfitana
Returning Officer

11 November 2014

POST ELECTION REPORT

Waste Contractors & Recyclers Association of NSW Stages 1 & 2

ELECTION/S COVERED IN THIS REPORT

Election Decision No: E2014/188

RULES

Rules used for elections Rule ID: [056N: Incorporates alterations of 23/4/2004 (R2004/231)]
Rules difficult to apply/interpret: N/A
Model Rule reference (if any):

ROLL OF VOTERS – Stage 1 - Executive Members Election

Total number of voters on the Roll: 131
Number of apparent workplace addresses: 131
Number of non-current addresses: Nil

ROLL OF VOTERS – Stage 2 - Office Bearers Election

Total number of voters on the Roll: 11
Number of apparent workplace addresses: 11
Number of non-current addresses: Nil

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: NIL

Other irregularities identified, and action taken: NIL

ATTACHMENTS

- A:** Declaration of Results Contested Offices - Executive Members - Stage 1
B: Declaration of Results Uncontested Offices - Office Bearers - Stage 2



Marie Malfitana
Returning Officer
11 November 2014

Waste Contractors & Recyclers Association of NSW

Executive Election

Declaration of Results for Uncontested Offices

E2014/188

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.

Executive Members - Office Bearers

President

Candidate

WILSON, Harry

Vice President

Candidate

BOND, Scott

Secretary

Candidate

BAYLISS, Scott

Treasurer

Candidate

KERNAHAN, John

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



Marie Malfitana
Returning Officer

11 November 2014

Waste Contractors & Recyclers Association of NSW

Executive Members Election

Declaration of Results for Contested Offices

E2014/188

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.

Executive Members

Total number of names on the roll of voters	130
Ballot papers issued	130
Replacement ballot papers issued	1
Total Ballot Papers Issued	131
Ballot papers / envelopes returned for scrutiny	37
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	37
Percentage of ballot papers returned to number issued	28
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	94

Executive Member - Category A (6)

<u>Candidates</u>	<u>Votes</u>
DONLEY, Ken	32
BAYLISS, Scott	36
TARTAK, Daniel	9
TURNER, Greg	31
BOND, Scott	34
ALCAINO, Claudio	31
NICHOLSON, Mick	30
Formal ballot papers	37
Informal ballot papers	0

I declare Claudio Alcaino, Scott Bayliss, Scott Bond, Ken Donley, Mick Nicholson and Greg Turner elected.

Executive Member - Category B (4)

<u>Candidates</u>		<u>Votes</u>
WILSON, Harry		33
GAUSLAA, Glenn		14
BROWN, Jesse		20
GRUNDY, Chris		18
BRANDSTATER, Jeff		26
KERNAHAN, John		22
Formal ballot papers	36	36
Informal ballot papers	1	1

I declare Jeff Brandstater, Jesse Brown, John Kernahan and Harry Wilson elected.



Marie Malfitana
Returning Officer
Australian Electoral Commission

8 October 2014



Copy of Signed Decision

Title of Matter: Notification by Waste Contractors & Recyclers
Association of NSW
Section: S189
Subject: Scheduled election
Matter Number(s): E2014/188

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 Stephen Kellett at stephen.kellett@fwc.gov.au.

30 July 2014

From: KELLETT, Stephen
To: ["Tony"](#)
Subject: Election Decision - E2014/188
Date: Wednesday, 30 July 2014 10:55:00 AM
Attachments: [Election Decision E2014_188_WCRANSW.pdf](#)
[memo to organisation 300714.pdf](#)

Dear Tony,

Please see attached.

Yours sincerely

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(email) stephen.kellett@fwc.gov.au



DECISION

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

Waste Contractors & Recyclers Association of NSW (E2014/188)

MR ENRIGHT

MELBOURNE, 30 JULY 2014

Arrangement for conduct of election.

[1] On 29 July 2014 the Waste Contractors & Recyclers Association of NSW lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Executive members	(12)
President	(1)
Vice-President	(1)
Secretary	(1)
Treasurer	(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 GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

<Price code A, PR541066>

From: KELLETT, Stephen
To: ["Industrial Elections"](#)
Subject: Election Decision - Waste Contractors & Recyclers Assoc. of NSW - E2014 / 188
Date: Wednesday, 30 July 2014 11:53:00 AM
Attachments: [Copy of Signed Decision memo \(AEC\).pdf](#)
[Election Decision E2014 188 WCRANSW.pdf](#)

Dear Electoral Officer,

Please see attached.

Yours sincerely

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(email) stephen.kellett@fwc.gov.au



Copy of Signed Decision

Title of Matter: Application/Notification by Waste Contractors & Recyclers Association of NSW
Section: s.189(1) RO Act - Notification of elections for office - scheduled election
Subject: Executive Members - President - Vice President - Secretary - Treasurer
Matter Number(s): E2014/188

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 rules can be accessed via the [website](#).

Contact: Mr Tony Khoury, Executive Director, of the organisation (02) 9604 7206 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 Stephen Kellett through orgs@fwc.gov.au

30 July 2014

From: KELLETT, Stephen
To: ["Industrial Elections"](#)
Subject: FW: WCRA Executive Elections - E2014 / 188
Date: Tuesday, 29 July 2014 4:04:00 PM
Attachments: [FWC Letter 29 July 2014.pdf](#)
[149n.pdf](#)

Dear Electoral Officer,

Please see attached prescribed information in relation to elections for the Waste Contractors and Recyclers Association of NSW, lodged today.

The applicable rules are attached.

Yours sincerely

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(email) stephen.kellett@fwc.gov.au

From: Tony [<mailto:tony@wcra.com.au>]
Sent: Tuesday, 29 July 2014 3:02 PM
To: KELLETT, Stephen
Cc: mdunne@hunthunt.com.au; harry@wilsonwaste.com; scott.bayliss@sita.com.au
Subject: WCRA Executive Elections & other matters

Dear Stephen,

We have decided that we will seek approval for the elections on the basis of the existing Rules. To this extent, please see the attached letter along with Statement of Prescribed Information (the original is in today's post).

The other matters that you have referred to you (FWC matter R2014/158) will be dealt with by us in coming days,

Thanks & best regards,
Tony Khoury
Executive Director
Waste Contractors & Recyclers Association of NSW
Suite 2, First Floor, 12-16 Daniel Street, Wetherill Park
Please send all postal mail to:-
PO Box 6643 Wetherill Park BC NSW 2164

Phone 02 9604 7206 **Fax** 02 9604 7256
Mobile 0414 937 046 **E Mail** tony@wcra.com.au

From: [KELLETT, Stephen](#)
To: [KELLETT, Stephen](#)
Subject: FW: WCRA Executive Elections & other matters
Date: Tuesday, 29 July 2014 3:56:26 PM
Attachments: [FWC Letter_29_July_2014.pdf](#)

From: Tony [mailto:tony@wcra.com.au]
Sent: Tuesday, 29 July 2014 3:02 PM
To: KELLETT, Stephen
Cc: mdunne@hunthunt.com.au; harry@wilsonwaste.com; scott.bayliss@sit.com.au
Subject: WCRA Executive Elections & other matters

Dear Stephen,

We have decided that we will seek approval for the elections on the basis of the existing Rules. To this extent, please see the attached letter along with Statement of Prescribed Information (the original is in today's post).

The other matters that you have referred to you (FWC matter R2014/158) will be dealt with by us in coming days,

Thanks & best regards,

Tony Khoury

Executive Director

Waste Contractors & Recyclers Association of NSW

Suite 2, First Floor, 12-16 Daniel Street, Wetherill Park

Please send all postal mail to:-

PO Box 6643 Wetherill Park BC NSW 2164

Phone 02 9604 7206 **Fax** 02 9604 7256

Mobile 0414 937 046 **E Mail** tony@wcra.com.au

WCRA - celebrating 66 years of service to the waste industry in NSW

The information contained in this E mail and any attachments is of a confidential nature and purely intended for the use of the addressee only. Please observe proper business protocols in the use and/or distribution of all of this information. If there are any problems with any aspect of this E mail and/or attachments please advise me at the Waste Contractors & Recyclers Association of NSW on 02 9604 7206.



WASTE CONTRACTORS &
RECYCLERS ASSOCIATION
OF N.S.W

ABN 72 805 135 472

Suite 2, First Floor
12-16 Daniel Street
Wetherill Park NSW 2164

PO Box 6643
Wetherill Park BC NSW 2164

Phone (02) 9604 7206
Fax (02) 9604 7256
Email tony@wcra.com.au

29 July 2014

Mr Stephen Kellett
Organisations, Research & Advice Branch
Fair Work Commission
Terrace Towers, 80 William Street
East Sydney NSW 2011

Dear Mr Kellett

RE: WCRA Election of Executive and Office Bearers

We refer to our recent conversation and confirm that we seek the approval of the Fair Work Commission to conduct elections in accordance with Rules of the Association, 21, 24 and 26.

To this extent we attach a copy of "STATEMENT OF PRESCRIBED INFORMATION FOR AN ELECTION", duly signed by the Secretary of the Waste Contractors & Recyclers Association of NSW Mr Scott Bayliss.

We look forward to your review and advice.

Yours faithfully

Tony Khoury
Executive Director

Enc

STATEMENT OF PRESCRIBED INFORMATION FOR AN ELECTION

WASTE CONTRACTORS & RECYCLERS ASSOCIATION OF NSW

I, Scott Bayliss being the Secretary of the Waste Contractors & Recyclers Association of NSW, make the following statement [Reg.138(2)]:

I am the Secretary of the Waste Contractors & Recyclers Association of NSW.

I am authorised to lodge the following prescribed information concerning forthcoming elections of the Association, and

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

Signed:



Dated:

28/7/14

Offices

Title of office - [Reg. 138(1)(a)]	Number [Reg.138(1)(c)]	Voting system [Reg. 138(1)(g)]	Voting method
Executive members	12*	Direct voting system	Secret postal ballot (rule 24(c))
President	1	Collegiate electoral system	Secret ballot (rule 26(f))
Vice President	1	Collegiate electoral system	Secret ballot
Treasurer	1	Collegiate electoral system	Secret ballot
Secretary	1	Collegiate electoral system	Secret ballot
*this number is currently the subject of rule alterations			

Reasons for election [Reg.138(1)(b)]:

- Scheduled election for the above Offices is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Elected by [Reg.138(1)(d)]:

- The electorate for the Executive (totalling 12 persons) is every member of the organisation.
- The electorate for the 4 office-bearers is the whole of the Executive (12 persons)

Nominations open [Reg.138(1)(e)]:

- For Offices to be elected by direct voting system nominations will open prior to the Annual General Meeting intended to be held during November 2014 in accordance with the rules as determined by the Returning Officer.
- For offices to be elected by collegiate electoral system nominations will open at the first Executive meeting convened after the election of the members of the Executive in accordance with the rules

Nominations close [Reg 138(1)(e)]:

- For Offices to be elected by direct voting system nominations will close prior to the Annual General Meeting intended to be held during November 2014 in accordance with the rules as determined by the Returning Officer.
- For offices to be elected by collegiate electoral system nominations will close at the first Executive meeting convened after the election of the members of the Executive in accordance with the rules.

Cut off date for roll [Reg.138(1)(f)]:

- 7 days prior to date of opening of nominations for the Executive [see rule 24(i)].