

11 March 2021

Post-election report

Waste Contractors & Recyclers
Association of NSW
Casual Vacancy election
E2020/135

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Election(s) Covered in this Report

Organisation: Waste Contractors & Recyclers Association of NSW

Election: Casual Vacancy

Election Decision No/s: E2020/135

Rules

Rules used for the election:

149N: Incorporates alterations certified on 31 December 2020 in matter R2020/199] (replaces 1 June 2015 [D2014/71] version)

Rules difficult to apply/interpret:

Nil

Model Rule reference (if any):

N/A

For more details see the Model Rules on the AEC website: <https://www.aec.gov.au/ieb/>

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: Nil

Other irregularities identified, and action taken: N/A

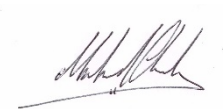
Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.
- The Organisation's rules are silent on the withdrawal of nominations. The Returning Officer closed withdrawal of nominations at the same date and time as the close of nominations.

Signed



Michael Clarke
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 02 9375 6301
11 March 2021

Attachments

A. Declaration of Results for Uncontested Offices

Waste Contractors & Recyclers Association of NSW
DECLARATION OF RESULTS - E2020/135
Uncontested Offices

Casual Vacancy 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:

Executive Category A (1)

Candidates

GATER David

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



Michael Clarke
Returning Officer
Telephone: 02 9375 6301
Email: IEBevents@aec.gov.au
22/02/2021





DECISION

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

Waste Contractors & Recyclers Association of NSW (E2020/135)

MR COYLE

MELBOURNE, 1 JULY 2020

Arrangement for conduct of election.

[1] On 18 June 2020 the Waste Contractors & Recyclers Association of NSW lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

Executive Category A

(1)

[2] I am satisfied that an election for the abovenamed office 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

PR351677

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

By e mail as PDF file to regorgs@roc.gov.au

I, Jeffrey Brandstater, being the Secretary of the Waste Contractors & Recyclers Association of NSW make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Waste Contractors & Recyclers Association of NSW.
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 (Attachment "A"** is the original advice from WCRA to ROC dated 26 February 2020)
4. The resignation letter from Mick Nicholson dated 14 January 2020 is attached (marked **attachment "B"**). This election will be to fill a casual vacancy in Category A.
5. Due to Covid-19 restrictions as advised by the AEC on 24 March 2020, (marked **attachment "C"**), we have been unable to move on this election.
6. The rule number(s) relating to the Executive are at 21
 - a) Rule no 21.2(a) specifies the Category and Number of Executive positions
 - b) Rule no 21.2(aa) details the procedure to be followed if nominations are received from one or more category of Members.

Signed:



[SECRETARY]

Dated: 18 June 2020

NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.

Annexure A

Branch	Name of Office	Number required	Voting System <i>By secret ballot of Members of the Executive</i>	Reason for Election <i>To fill a Casual Vacancy in Category A</i>	Electorate
N/A	Executive Category A	1	Collegiate electoral system	Casual vacancy	<ul style="list-style-type: none"> • As per Rule 25 Casual Vacancies • A secret ballot by Members of the Executive in accordance with Rule 24 • Electoral timetable to be developed by the AEC

Attachment
"A"
p 1 of 2

ANNEXURE A

THIS IS A PUBLIC DOCUMENT THAT WILL BE PUBLISHED ON THE WEBSITE

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

Please note:

- delete the italicised information: this is instructional or provided by way of example only
- the ROC must be notified within 35 days of the change
- the 35 days begins at the earliest event (for instance when the officer retires) and **cannot be notified in advance** of the change
- a notification of a person leaving office and a notification of person filling the vacant office may need to be lodged separately if the appointment or election process takes 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
National	12/2/2020	Executive	Mick Nicholson	Casual vacancy TBC by an election	Vacant	Vacant

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, Jeff Brandstater, being the Secretary of the Waste Contractors & Recyclers Association of NSW, 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:

- On 11th February 2020 Mr Mick Nicholson resigned his position from the Executive of the Association

Signed:



SECRETARY – Mr Jeff Brandstater

Dated:

26th February 2020

[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.]

Attachment p 2 of 2

File Reference: ObjectiveIM - Governance

Coronavirus Impact on AEC Services – Industrial Elections

Like many other organisations, coronavirus (COVID-19) is having an impact on the way the AEC conducts its business.

The health and wellbeing of our clients, staff, contract partners and the community remains our number one priority, and in this regard we continue to act on official health and government advice.

Unfortunately, the current evolving situation is likely to impact on the delivery of elections for registered organisations. The AEC has concerns that relevant stakeholders may not have a full opportunity to participate in the elections, either as candidates, nominators, voters or scrutineers.

For this reason, the AEC has determined that from close of business tonight, all industrial elections will be ceased and re-run in three months' time. For elections currently underway, this will require the Returning Officer to invoke s.193 of the *Fair Work (Registered Organisations Act) 2009* to reset the election timetable.

Where ballots are underway, the timetable will be adjusted to extend the ballot open period to 22 April 2020.

The Registered Organisations Commission has been advised and Decisions for scheduled and other events will likely be delayed as a result.

I am aware that the rules of many organisations provide for previously elected office-holders to continue in office until a replacement is elected, and therefore a delay will not significantly impact the governance of the organisation.

Where elections are essential to ensure the continuing governance of the organisation, the AEC will work with the organisation and the Registered Organisations Commission to make arrangements for the conduct of the election. This will be for critical positions only and is likely to involve different methods of communicating with relevant stakeholders and extended nomination and ballot periods.

Given the rapidly evolving situation, we also ask that you please check our website at www.aec.gov.au for the latest information on our services before planning your next election.

I thank you in advance for your ongoing understanding and support.

Our thoughts are with those already dealing with the virus, and their families. We hope you and your loved ones stay safe and healthy.

If you have any questions about this matter or would like to discuss the holding of critical elections, please email industrial.elections@aec.gov.au. A senior officer will make contact with you at the earliest opportunity.

Yours sincerely

Gina Dario
Assistant Commissioner
National Program Manager, Industrial Elections and Ballots
24 March 2020