

20/05/2019

# Post-election report

**Clay Brick & Paver Association of New South Wales  
E2018/269**

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## Election(s) Covered in this Report

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Organisation:	Clay Brick & Paver Association of New South Wales
Election Decision Number(s):	E2018/269

## Rules

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Rules used for the election:	160N: Incorporates alterations of 16 January 2019 [R2018/274] (replaces rulebook dated 04 April 2017 [D2016/76])
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Rules difficult to apply/interpret:	None
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Model Rule reference (if any):	N/A
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For more details see the Model Rules on the AEC website:  
([https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections))

## Roll of Voters

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

## Irregularities

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

## Other Matters

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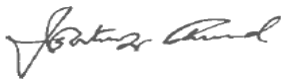
Returning Officer actions required (Section 193): Yes

Details:

- Rules of the Association are silent about the closing time of absent vote request.

## Signed

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Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission  
E: Ishtiaq.ahmed@aec.gov.au  
P: 02 93756331

Date: 20/05/2019

## Attachments

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- 1) Declaration of results for uncontested Offices- Stage 1.
- 2) Declaration of results for uncontested Offices- Stage 2.



16 May 2019

Nicholas Pezet  
President  
Clay Brick & Paver Association of New South Wales  
Sent via email: npezet@csr.com.au

Dear Nicholas Pezet,

### **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 in matter E2018/269. 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, as soon as practicable after receiving the post-election report, 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 Clay Brick & Paver Association of New South Wales 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.

Yours faithfully,

**Christine Hibberd**  
**Registered Organisations Commission**

# Clay Brick & Paver Association of New South Wales

## DECLARATION OF RESULTS - E2018/269 - Stage 2

### Uncontested Offices

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#### 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:

#### Vice - President (1)

##### Candidates

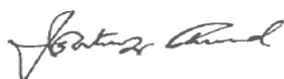
BARHAM Andrew

#### Secretary (1)

##### Candidates

*No Nominations Received*

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



Ishtiaq Ahmed  
Returning Officer  
Telephone: 02 9375 6331  
Email: [nswelections@aec.gov.au](mailto:nswelections@aec.gov.au)  
06/05/2019



# Clay Brick and Paver Association of New South Wales

## DECLARATION OF RESULTS - E2018/269 - Stage 1

### Uncontested Offices

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#### 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:

#### Committee Member (2)

##### Candidates

BARHAM Andrew

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



Ishtiaq Ahmed  
Returning Officer  
Telephone: 02 9375 6331  
Email: nswelections@aec.gov.au  
05/04/2019







## DECISION

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

### **Clay Brick & Paver Association of New South Wales** (E2018/269)

MR ENRIGHT

MELBOURNE, 11 FEBRUARY 2019

*Arrangement for conduct of election.*

[1] On 6 December 2018 (and in subsequent correspondence of 7 and 8 January and 8 February 2019) the Clay Brick & Paver Association of New South Wales lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Secretary (1)

Vice-President (1) (casual vacancy)

Committee Member (1)

Committee Member (1) (casual vacancy)

[2] The new office of Secretary and the office of one new additional Committee Member were established as a result of the certification of alterations to the rules of the organisation by a Delegate of the General Manager of the Fair Work Commission on 16 January 2019.

[3] 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

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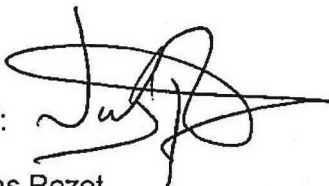
<PR351268>

**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, Nicholas Pezet, being the President of the Clay Brick & Paver Association of New South Wales, make the following statement:

1. I am authorised to sign this statement containing prescribed information for Clay Brick & Paver Association of New South Wales.
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. The resignation letter is attached for the casual vacancy.
5. A brief outline of the proposed rule alterations affecting this election is attached. These rule alterations have been lodged with the Fair Work Commission.
6. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:



Nicholas Pezet

President

Dated: 04 December 2018

*[PLEASE 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](mailto:regorgs@roc.gov.au).]*

- Elections that are required

[illegible]

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by Returning Officer	To be determined by Returning Officer
Nominations CLOSE	To be determined by Returning Officer	To be determined by Returning Officer
Roll of Voters cut-off date	To be determined by Returning Officer	To be determined by Returning Officer

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.

### **Outline of proposed Rule Alteration**

- The new rules have introduced provision of secretary in the Rule book.
- The Rule 13.3 (a) was updated to imply that the Returning Officer is appointed by Australian Electoral Commission, 13.2 (h) was amended to apply hierarchical order of the office in the rules. ,13.7(b) was updated to determine the order for the office and rule 13.2 (i) was updated to state the procedure to be followed in case of attendance ballot. This was done as per the Australian Electoral Commission's post-election report.
- The alteration of rules has been lodged with Fair work commission.



## SCHULTZ,Andrew

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**From:** Pezet, Nick <NPezet@pghbricks.com.au>  
**Sent:** Tuesday, 8 January 2019 5:06 PM  
**To:** SCHULTZ,Andrew; Accounts  
**Subject:** RE: Election - Clay Brick & Paver Assoc of NSW - E2018/269 [DLM=For-Official-Use-Only]

Attention: Andrew Schultz

Thank you for your email.

I would like to confirm, in addition to our previous communication we also seek to fill the position vacated by Mr Mark Ellenor on the committee through election.

If you need any further information please do not hesitate to contact me on this email.

Sincerely



**Nick Pezet** | Executive General Manager | PGH Bricks & Pavers | CSR Limited  
Trinity 3 39 Delhi Road North Ryde NSW 2113  
**Web:** [www.pghbricks.com.au](http://www.pghbricks.com.au) | [www.csr.com.au](http://www.csr.com.au)  
Facebook | Instagram | LinkedIn | Pinterest

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**From:** SCHULTZ,Andrew <Andrew.Schultz@roc.gov.au>  
**Sent:** Monday, 7 January 2019 3:44 PM  
**To:** Accounts [REDACTED]  
**Cc:** Pezet, Nick [REDACTED]  
**Subject:** Election - Clay Brick & Paver Assoc of NSW - E2018/269 [DLM=For-Official-Use-Only]

### For Official Use Only

[REDACTED]

#### Election - Clay Brick & Paver Assoc of NSW - E2018/269

Thank you for your email today which included a resignation letter from Mark Ellenton.

Your email states Mr Ellenton has resigned both as a VP and a Committee member.

However your election request did not seek an election to fill the Committee position.

Accordingly, would you be able to:

- advise whether the organisation also seeks an election to fill the Committee position; and if so
- email a written request to that effect from an officer of the organisation (such as Mr Pezet)

We are currently reviewing the resignation letter – if we have any further questions re the letter we will contact you.

Thank you for your assistance.

Regards,

**ANDREW SCHULTZ**  
Senior Adviser

## SCHULTZ,Andrew

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**From:** Avery Spackman <Avery.Spackman@australbricks.com.au>  
**Sent:** Friday, 8 February 2019 7:24 AM  
**To:** SCHULTZ,Andrew  
**Cc:** [REDACTED]  
**Subject:** Election - Clay Brick & Paver Association of NSW - E2018/269

Dear Andrew

Thank you for your email.

I would like to confirm that the organisation also seeks an election to fill new Committee Member position established on 16 January 2019 under rule 5.1(c).

If you need any further information please do not hesitate to contact me or email [REDACTED]  
[REDACTED]

Regards Avery

**Avery Spackman**  
NSW State Sales Manager

**Direct** 02 9830 7776

**Mob** [REDACTED]

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**Fax** 02 9830 7770

**Email** Avery.Spackman@australbricks.com.au

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