

11 February 2021

# Post-election report

**National Retailers Association  
Limited, Union of Employers**  
Scheduled election  
E2019/234

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# Election(s) Covered in this Report

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Organisation: National Retailers Association, Union of Employers  
Election: Scheduled  
Election Decision No: E2019/234

## Rules

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Rules used for the election:

[O16Q: Incorporates alterations of 19 June 2018  
[R2018/91] replaces rulebook dated 9 March 2018 [D2017/9]

Rules difficult to apply/interpret: NIL

## Roll of Voters

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

The Roll was used only for the email addresses for members, for the purpose of disseminating the election notice and nomination form.

## Irregularities

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

## Other Matters

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Returning Officer actions required (Section 193): Yes

Due to the COVID19 Pandemic, the AEC applied Section 193 to the following:

- A longer ballot period to ensure stakeholders were able to fully participate in the election
- Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations were received electronically, via email or the AEC's portal.
- Nomination period for NRA Office Bearers was extended to two weeks and not seven days

Non-COVID applications of section 193:

- The timeframe of 3 days from the date of declaration of results for the NRA Board and the nominations open for the NRA Office bearers was in-sufficient for the RO to plan for the election and was extended for the conduct of the ballot.

## Signed

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Sally Angus  
Returning Officer  
Australian Electoral Commission  
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P: 03 9285 7111  
11 February 2021

**National Retailers Association Limited, Union of  
Employers**  
**DECLARATION OF RESULTS - E2019/234 - Stage 2**  
**Uncontested Offices**

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**Scheduled 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:

**National Retailers Association, Board Members**

**Chairman (1)**

Candidates

BRODIE Mark

**Deputy Chairman (1)**

Candidates

WINTERBURN Ian

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

Sally Angus  
Returning Officer  
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20/01/2021



**National Retailers Association Limited, Union of  
Employers**  
**National Retailers Association, Union of Employers**  
**DECLARATION OF RESULTS - E2019/234 - Stage 1**  
**Uncontested Offices**

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**Scheduled 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:

**National Retailers Association, Union of Employers**

**Board Member (9)**

Candidates

BRODIE Mark Vincent

SCHAAF SMA Tim

SKIPPINGTON Kristine

WINTERBURN Ian

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



Sally Angus  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEEvents@aec.gov.au  
09/12/2020





## DECISION

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

### **National Retail Association Limited, Union of Employers** (E2019/234)

MR ENRIGHT

MELBOURNE, 7 FEBRUARY 2020

*Arrangement for conduct of election.*

[1] On 23 December 2019 the National Retail Association Limited, Union of Employers lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Board Member	(At least 3, no more than 9)
Chairman	(1)
Deputy Chairman	(1)

[2] Rule 38 of the organisation’s rules deals with elections for office and sets out dates for the calling of nominations and other events in the election process. That rule provides for elections in ‘each alternate year’ (i.e. every second year) starting from 2018. The previous election for this organisation, the only one since its registration under the *Fair Work (Registered Organisations) Act 2009* (the RO Act), occurred in 2018 (E2018/152).

[3] By contrast, other parts of the organisation’s rules, particularly rule 20, which refer to the composition of the board, contain references to a term of office of three years.

[4] On 31 January 2020, following an inquiry from staff of the Registered Organisations Commission, the Association advised that it sought an election this year, in accordance with Rule 38.

[5] 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 Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.

[6] The rules of an organisation, including in relation to its officers, terms of office and elections, are of course matters for the organisation, subject to compliance with the RO Act. While I am satisfied that an election is required, I invite the organisation to take steps to amend its rules in order to address the internal inconsistency that is within its rules in relation to terms of office and elections. I also note that it is open to the AEC to make a report on election-related

rules and their application as part of its post-election report if the AEC considers it appropriate to do so.



DELEGATE OF THE COMMISSIONER

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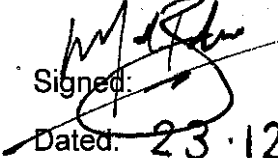
**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009**

I, Mark Vincent Brodie, being the Chairman of the National Retail Association Limited, Union of Employers, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the National Retail Association Limited, Union of Employers.
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. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:

Dated:

  
23.12.19

## 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
National	Chairman	1	Collegiate electoral system	Scheduled	Board Members elect (see rule 38.4(b)(ii))
National	Deputy Chairman	1	Collegiate electoral system	Scheduled	Board Members elect (see rule 28.4(b)(ii))
National	Board Member	At least 3 and no more than 9	Direct Voting System	Scheduled	Members (see rule 38.4(b)(i))

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	5 March 2020 (see rule 38.4(b)(i) and rule 38.4(b)(iii)(B))	Within 3 days of the declaration of the result of the direct election (see rule 38.4(b)(ii))
<b>All nomination forms to be sent to electorate by</b>	5 March 2020 (see rule 38.4(b)(i) and rule 38.4(b)(iii)(B))	Not more than seven days before the closing date of nominations
<b>Nominations CLOSE</b>	2 April 2020 (see rule 38.4(b)(i) and rule 38.4(b)(iii)(B))	To be determined by Returning Officer
<b>Roll of Voters cut off date</b>	20 February 2020 (see rule 38.4(b)(i) and rule 38.4(b)(iii)(B))	Electorate determined by result of direct election (see rule 38.1(e) and rule 38.4(b)(ii))