



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Australian Business Industrial

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2010/2657

RULES

Rules used for elections Rule ID:

[143N: As at registration on 19 October 2009 in matter D2008/124]

Rules difficult to apply/interpret:

The Australian Business Industrial (ABI) Rules are not clear on the number of nominators required by a candidate. However, they do infer that a candidate cannot self-nominate in an election.

Further ABI's Rule 7 requires that:

"Each member of ABI who is not an individual shall appoint in writing a representative with powers and authorities provided by the By-Laws". However, ABI's roll of voters had names of persons who were primary contact for the company or business. It was not clear whether these persons were the authorised representative of the company, with an entitlement to vote. Further clarification was sought.

ROLL OF VOTERS

As there were no contested offices, the Roll of Voters was not required.

ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Other irregularities identified, and action taken: None

ATTACHMENTS

A: Declaration of Uncontested Offices

Noopur Madan
Returning Officer
10 November 2010

Australian Business Industrial Election of Councillors 2010

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Fair Work (Registered Organisations) Act 2009

E2010/2657

ABI Council

Councillors (15)

Candidates

AINSWORTH, Lynette
BARRATT, Kristen Lisa
BOSWORTH, Colin
BOWERS, Thomas
COTTERILL, Paul
EICHHORN, Brian
FREEMAN, Alvan
GETHING, Brad
GOLUZD, John
HOLE, Sally
HOOD, Roger Lindsay
LONG, David
LUCIS, Erik
MONKMAN, Renee
SMITH, Michael Colin

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

Noopur Madan
Returning Officer

2 November 2010



FAIR WORK
AUSTRALIA

23 August 2010

Mr Colin Bosworth
Secretary/Treasurer
Australian Business Industrial
Locked Bag 938
NORTH SYDNEY NSW 2059

Dear Mr Bosworth

**Re: Arrangements for the conduct of an Election
(E2010/2657)**

A copy of the decision in relation to the above matter is enclosed.

Fair Work Australia is making arrangements, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours sincerely

David Vale
Fair Work Australia



FAIR WORK
AUSTRALIA

DECISION

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

Australian Business Industrial
(E2010/2657)

T. NASSIOS

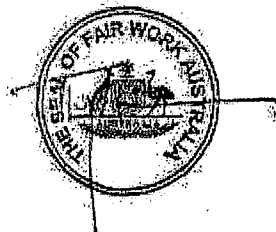
MELBOURNE, 23 AUGUST 2010

Arrangement for conduct of election.

[1] On 19 August 2010 Australian Business Industrial lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Councillor (15)

[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
FAIR WORK AUSTRALIA

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VALE, David

From: VALE, David
Sent: Monday, 23 August 2010 11:37 AM
To: 'Industrial Elections'
Subject: E2010/2657
Attachments: E2010_2657 signed decision_23082010.doc; E2010_2657 ABI_23082010.doc

Dear AEC,

Please find attached a copy of the Decision for the upcoming election of Australian Business Industrial (E2010/2657).

Yours sincerely

DAVID VALE
Manager, Organisations - NSW

Fair Work Australia
Tel: 02 8374 6509
Fax: 02 9380 6990

david.vale@fwa.gov.au

Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011

www.fwa.gov.au



FAIR WORK
AUSTRALIA

23 August 2010

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of the Fair Work (Registered Organisations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2010/2657

RE: AUSTRALIAN BUSINESS INDUSTRIAL

Position:

See Decision

Relevant Information: Scheduled election; direct voting system; secret postal ballot.

Contact: Mr Colin Bosworth
Secretary/Treasurer

Phone: (02) 9458 7500

A copy of the Decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at industrial.elections@fwa.gov.au.

David Vale
Fair Work Australia

VALE, David

From: VALE, David
Sent: Thursday, 19 August 2010 1:14 PM
To: 'Industrial Elections'
Subject: E2010/2657
Attachments: ABI E2010_2657 PI lodged 19082010.pdf; ABI_143N_19102009.doc

Dear AEC,

Please find attached a copy of the prescribed information and a copy of the current rule book of Australian Business Industrial for an upcoming election (E2010/2657).

Yours sincerely

DAVID VALE
Manager, Organisations - NSW

Fair Work Australia
Tel: 02 8374 6509
Fax: 02 9380 6990

david.vale@fwa.gov.au

Level 8, Terrace Tower
80 William Street
East Sydney NSW 2011

www.fwa.gov.au

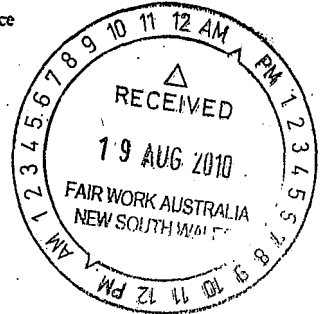


19 August 2010

Industrial Registrar
Fair Work Australia
Level 8, Terrace Towers
80 William Street
East Sydney, NSW 2011

Our reference

298126v1



Dear Industrial Registrar

RE: LODGEMENT OF PRESCRIBED INFORMATION FOR ELECTION

Australian Business Industrial (ABI) is a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (the FW (RO) Act), organisation code 143N. ABI is seeking to conduct an election in accordance with the Rules of ABI and the FW (RO) Act in the year commencing 1 January 2010.

Please accept the following information as lodgement of the prescribed information ABI is required to provide to Fair Work Australia (FWA) under s 189(1) of the FW (RO) Act and in accordance with regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009* (the regulations) to hold an election.

ABI is required to elect fifteen (15) offices of Councillor. These positions are due to expire in the normal course of events in conjunction with the term of the ABI Council.

ABI does not comprise branches and as such regulation 138(1)(d) does not apply.

In accordance with Rule 36 of the Rules of ABI, an eligible member of ABI may nominate for election to the Council by lodging his/her nomination with the Returning Officer in writing within three weeks of the publication of the election notice. ABI Council decided on 28 July 2010 that, subject to approval by FWA and the availability of the returning officer, the notice of election will be issued on 29 September 2010 and that the nominations will be closed on the 21 October 2010.

Australian Business Industrial ABN 59 687 108 073
The Industrial Relations Affiliate of New South Wales Business Chamber

140 Arthur Street North Sydney NSW 2060 Locked Bag 938 North Sydney NSW 2059
Telephone: 02 9458 7500 Fax: 02 9922 2129 email: industrial@australianbusiness.com.au internet: www.australianbusiness.com.au/industrial/

19 August 2010



In accordance with Rule 35 of the Rules of ABI the roll of voters is to be closed seven days prior to the date for the opening of nominations. As such, the roll of voters is to be closed on 22 September 2010.

The voting system to be used in the conduct of the election is direct voting of all eligible members under a 'first past the post system.'

If you have any further questions please contact Blake Briggs on 0409 442949 or via blake.briggs@nswbc.com.au

Yours faithfully

A handwritten signature in cursive script, appearing to read "Colin Bosworth".

Colin Bosworth
Secretary/Treasurer