

**Australian Business Industrial
Vice President and Executive Committee Member**

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 and the rules of the organisation.

E2011/E2528

Vice-President

Candidate

LONG, David George



Executive Committee

Candidate

EICHHORN, Brian

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

Hugh Williams
Returning Officer

7 June 2011

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Business Industrial

Contact details: Blake Briggs
Senior Workplace Policy Advisor
Australian Business Industrial
Locked Bag 938
North Sydney NSW 2059

FWA contact officer: Carolyn Moloney

Email: Blake.Briggs@nswbc.com.au
Tel: 02 9458 7521

Email: Industrial.elections@fwa.gov.au
Tel: 02 8374 6620

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2011/2528

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 issues raised in E2010/2657, the scheduled election are still relevant.

Model Rule reference (if any):

ROLL OF VOTERS

As there were no contested offices, no roll of voters was required.

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: ABI E2011-2539 Declaration Uncontested – Councillors

Hugh Williams
Returning Officer
8 June 2011



Fair Work Australia

25 February 2011

Mr Jack Goluzd
President
Australian Business Industrial
Locked Bag 938
North Sydney NSW 2059

Att: Mr Briggs

Dear Mr Goluzd

**Re: Arrangements for the conduct of an Election
(E2011/2528)**

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

Carolyn Moloney
Fair Work Australia



FAIR WORK
AUSTRALIA

DECISION

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

Australian Business Industrial
(E2011/2528)

T. NASSIOS

MELBOURNE, 25 FEBRUARY 2011

Arrangement for conduct of election.

[1] On 21 February 2011 Australian Business Industrial lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Vice-President	(1)
Executive Committee Member (in accordance with Rule 49)	(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
FAIR WORK AUSTRALIA

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MOLONEY, Carolyn

From: MOLONEY, Carolyn
Sent: Friday, 25 February 2011 3:16 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2011/2528
Attachments: E2011_2528 signed decision_25022011.pdf; E2011_2528 ABI_25022011.doc

Dear AEC

Please find attached a copy of the Decision for the upcoming election of Australian Business Industrial (E2011/2528).

Kind regards,

CAROLYN MOLONEY
RIA Team Administrative Officer

Fair Work Australia
Tel: 02 8374 6620
Fax: 02 9380 6990
carolyn.moloney@fwa.gov.au

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

www.fwa.gov.au



FAIR WORK
AUSTRALIA

25 February 2011

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 2011/2528

RE: AUSTRALIAN BUSINESS INDUSTRIAL

Position(s):

See Decision

Relevant Information: Casual vacancy due to resignation; office not filled at previous election; collegiate voting system; secret postal ballot.

Contact: Mr Jack Goluzd
President

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.

Carolyn Moloney
Fair Work Australia

MOLONEY, Carolyn

From: MOLONEY, Carolyn
Sent: Monday, 21 February 2011 12:14 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2011/2528
Attachments: ABI Prescribed Information (2).pdf; 143N_ABI 19 October 2009.pdf

Dear AEC

Please find the prescribed information and a copy of the current rulebook for an upcoming election of the Australian Business Industrial (E2011/2528).

Kind regards,

CAROLYN MOLONEY
RIA Team Administrative Officer

Fair Work Australia
Tel: 02 8374 6620
Fax: 02 9380 6990
carolyn.moloney@fwa.gov.au

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

www.fwa.gov.au

DLONEY, Carolyn

From: sydney@fwa.gov.au
Sent: Monday, 21 February 2011 12:17 PM
To: RIA Sydney
Subject: FW: ABI Election Correspondence
Attachments: RE: RESIGNATION



GAIL RUTLEDGE
Supervisor, Tribunal Services, Sydney

FAIR WORK AUSTRALIA
Tel: 02 8374 6507
Fax: 02 9380 6990
gail.rutledge@fwa.gov.au

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

www.fwa.gov.au

From: Blake Briggs [<mailto:Blake.Briggs@nswbc.com.au>]
Sent: Monday, 21 February 2011 11:02 AM
To: sydney@fwa.gov.au
Subject: ABI Election Correspondence

To the General Manager

Please find attached correspondence containing the resignation of the previous Vice-President of ABI, Erik Lucis, that his given rise to the casual vacancy on ABI's Executive Committee. I trust this document is sufficient to satisfy FWA of the resignation.

Please feel free to contact me if you have further questions.

Regards

Blake Briggs
Senior Workplace Policy Advisor | NSW Business Chamber
Level 15, 140 Arthur St - North Sydney NSW 2060

Tel: 02 9458 7521 | Mobile: 0409 442949 | Web: www.nswbusinesschamber.com.au

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OLONEY, Carolyn

From: Dick Grozier [Dick.Grozier@australianbusiness.com.au]
Sent: Monday, 13 December 2010 2:47 PM
To: Erik.Lucis@fujifilm.com.au
Cc: Jack Goluzd; Roger Hood; Andrew Seaton
Subject: RE: RESIGNATION

Dear Erik,

I am really sorry to hear this and hope that things go well. If there is anything useful which I can do, please feel free to raise it.

It's true that councillors have to be the duly authorised representative of the member, and I'll take that up with Richard: thank you for his details.

Keep well,

Best regards

Dick

Dick Grozier
Director Industrial Relations | Australian Business Industrial and NSW Business Chamber
Level 15, 140 Arthur St - North Sydney NSW 2060

Tel: 02 9458 7574 | Mobile: 0418 960 295 | Web: www.nswbusinesschamber.com.au | Email: dick.grozier@australianbusiness.com.au

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-----Original Message-----

From: Erik.Lucis@fujifilm.com.au [mailto:Erik.Lucis@fujifilm.com.au]
Sent: Monday, 13 December 2010 2:26 PM
To: Dick Grozier
Cc: Jack Goluzd; Roger Hood; Andrew Seaton; Richard.Gray@fujifilm.com.au
Subject: RESIGNATION

Hi Dick,

Regretfully, I must advise that my position at FUJIFILM Australia was made redundant today, and I will be leaving the company over the next couple of days. It is my understanding that as I am no longer employed by a member company of the NSWBC, I can no longer serve on the Council of ABI.

Therefore I tender my resignation. If you need me to sign any papers, please send them to my home address at:

67A Cheltenham Road, CROYDON, NSW 2132 or new email
address elucis@optusnet.com.au

I have very much enjoyed being part of ABI and serving on its Council. I wish everyone well for the future.

I have copied this email to Richard Gray (Human Resources Manager) at FUJIFILM, with whom you may wish to discuss FUJIFILM's ongoing membership of ABI.

Cheers,

Erik Lucis
General Manager - Human Resources
FUJIFILM Australia Pty Ltd

114 Old Pittwater Road
Brookvale NSW 2100
Australia
Phone: 61 2 9466 2752
Fax: 61 2 9466 2759
Email: erik.lucis@fujifilm.com.au

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8252/11023

E20

Notice and Statement of Prescribed Information for an Election

I, Jack Goluzd, being the President of Australian Business Industrial, make the following statement:

I am the President of Australian Business Industrial,

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Executive Committee of Australian Business Industrial, and

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

Signed: 

Dated: 18 February 2011



Offices/Positions

A	Vice-President (1) (Collegiate election)
B	Ordinary Executive committee member (1) (Collegiate election)

Reasons for election:

- Election for office marked A is required to fill casual vacancies that have recently occurred (documentary information relating to the resignation of the persons holding the offices is enclosed).
- Election for office marked B is required as that position was not filled at the previous election.

Elected by:

- The electorate for offices A and B is a collegiate electoral system by and from the ABI Council.

Nominations open:

- For offices to be elected by collegiate election - Thursday 5 May 2011.

Nominations close:

- For offices to be elected by collegiate election - Thursday 19 May 2011.

Cut off date for roll:

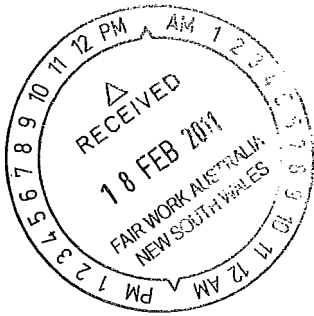
- 7 days prior to the opening date for nominations.

Notes:

The above sample Notice and Statement would satisfy each of the particulars required under s189(1) and the relevant regulations.

The Notice and Statement are required to be lodged at least 2 months before the first day of nominations as set out in the rules of the organisation – the General Manager of FWA may allow for a later day - see subsection 189(2) and regulations.

The requirement to lodge election information under s189(2) is a civil penalty provision – see s305.



17 February 2011

Our reference
324655_1

The General Manager
Fair Work Australia
Level 8, Terrace Towers
80 William Street
East Sydney NSW 2011

Dear General Manager

Attention: Mr David Vale

I am writing to advise that Australian Business Industrial (ABI) wishes to hold elections to fill vacancies on its executive committee. Subject to your consideration of the matters outlined below, and acceptance of the prescribed information, I request that FWA directs the Australian Electoral Commission (AEC) to conduct the election.

Rules 48 and 49 of the Rules of ABI provide for an executive committee comprising a president, two vice-presidents, a secretary-treasurer and up to three other elected members. The executive committee is elected from and by the electoral college.

Currently there is one vacant vice-president's position and one vacant ordinary executive member's position. In determining the actual electoral process it would not be unreasonable to anticipate that the vice-presidential vacancy could be filled by an existing ordinary executive member.

Rule 46 provides that for the purpose of the election of the executive committee "All members of the Council elected under Rule 26(a) (sic) shall comprise an Electoral College." Rule 26 provides that "There shall be a Council which shall be the Committee of management and shall comprise fifteen (15) eligible members of ABI elected as hereinafter provided."

ABI council is currently constituted of fewer than 15 members. ABI is of the view that the elected councillors who are currently present constitute the council and therefore the electoral college for the purposes of executive committee elections.

There are potentially two vacancies on the ABI Council. I understand that the requirements for filling one of these positions, which arose because the individual (duly appointed representative) resigned from the nominating member, but the nominating member has notified its new representative, are currently being discussed by FWA and the AEC.

The other vacancy, which is subject to different facts, will require an election for it to be filled. ABI, however, is awaiting the outcome of the discussions referred to above before proceeding on this vacancy.

324655_1

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/

Subject to your consideration of the above issues, and in accordance with the decision of Council at its meeting on 16 February, I lodge below the prescribed information required under s 189(1) of the *Fair Work (Registered Organisations) Act 2009* and request FWA to direct the AEC to conduct an election for the vacant positions on the executive committee.

ABI is required to elect the following offices for the following reasons:

- A casual vacancy as occurred for the office of vice-president; and
- The office of ordinary executive member was not filled at the previous election.

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

The period in which nominations of candidates may be called for, and the date on which the roll of voters will be closed, will be determined by the Returning Officer.

The voting system to be used in the conduct of the election is a collegiate electoral system. The electoral college will be comprised of all members of the ABI Council.

Please feel free to contact me with any questions.

Regards



Blake Briggs
Australian Business Industrial

Phone: 0409 442949
Email: blake.briggs@nswbc.com.au