

Australian Business Industrial E2013/147 Vacancy Election

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.

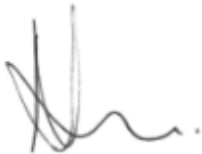
ABI Council

Councillor (3)

Candidates

FISHER, William Walter
FREEMAN, Alvan
LONG, David

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



Nicole Hoy
Returning Officer
25 June 2013

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Business Industrial
Contact details: Mr Colin Bosworth
Australian Business Industrial
140 Arthur Street
NORTH SYDNEY NSW 2060
FWC contact officer: David Vale

Email: industrial@australianbusiness.com.au
Tel: 02 9458 7500

Email: Industrial.elections@fwc.gov.au
Tel: 02 8374 6628

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2013/147

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.

Model Rule reference (if any):

ROLL OF VOTERS

As the election was not contested, a Roll of voters was not required.

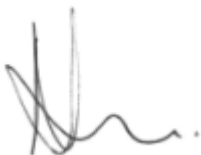
IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Result for Uncontested Offices



Nicole Hoy
Returning Officer
25 June 2013



FAIR WORK
COMMISSION

8 April 2013

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

Dear Mr Bosworth

Arrangements for the conduct of an Election (E2013/147)

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

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

Yours sincerely,

David Vale
Principal Adviser
Regulatory Compliance Branch
Fair Work Commission



DECISION

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

Australian Business Industrial
(E2013/147)

AILS A CARRUTHERS

MELBOURNE, 8 APRIL 2013

Arrangement for conduct of election.

[1] On 25 March 2013, Australian Business Industrial lodged with the Fair Work Commission prescribed information in relation to a casual vacancy election arising from insufficient nominations for councillors in E2012/417 and the resignation of a further councillor.

[2] Following correspondence from the Fair Work Commission on 27 March 2013 regarding the insufficient nominations in E2012/417 and a request for additional information, Australian Business Industrial lodged with the Fair Work Commission on 4 April 2013 further prescribed information in relation to an election for the following offices due to a resignation and insufficient nominations in E2012/417:

Councillor (3)

[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 GENERAL MANAGER
FAIR WORK COMMISSION

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VALE, David

From: VALE, David
Sent: Monday, 8 April 2013 3:37 PM
To: 'Industrial Elections'
Subject: E2013/147
Attachments: E2013_147 Signed decision_08042013.doc; E2013_147 ABI letter to AEC_08042013.doc

Dear AEC

Please find attached a copy of the decision issued for the Australian Business Industrial in election number E2013/147.

Yours sincerely

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwc.gov.au

Please be aware that my email address has changed to david.vale@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

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

www.fwc.gov.au

8 April 2013



FAIR WORK
COMMISSION

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 2013/147

RE: AUSTRALIAN BUSINESS INDUSTRIAL

Positions:

See Decision

Relevant Information: Casual vacancy.

Contact: Colin Bosworth, Secretary

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@fwc.gov.au

A handwritten signature in black ink, appearing to read 'David Vale', with a long horizontal stroke extending to the right.

David Vale
Fair Work Commission

VALE, David

From: VALE, David
Sent: Thursday, 4 April 2013 11:41 AM
To: 'Industrial Elections'
Subject: E2013/147
Attachments: ABI E2013_147 Further PI lodged 04042013.pdf

Dear AEC

Please find further prescribed information from the Australian Business Industrial in election number E2013/147.

Yours sincerely

DAVID VALE
Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission
Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwc.gov.au

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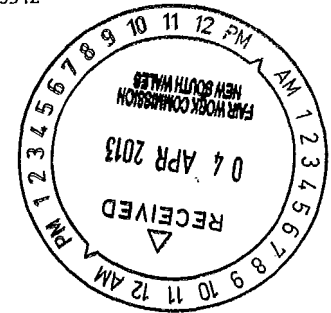


3 April 2013

David Vale
Fair Work Commission
Level 8, Terrace Towers
80 William Street
East Sydney, NSW 2011

Our reference

405342



Dear Mr Vale,

Casual Vacancy and unfilled vacancy Election – Australian Business Industrial (E2013/147)

I refer to your letter dated 27 March 2013 requesting further information.

Attached to this letter is the following information:

1. The Australian Electoral Commission's declaration of results of 8 February 2013 regarding the election for the two Councillors in E2012/417.
2. A copy of an email advising Roxanne Tanne's resignation.

With respect to the request for further prescribed information, ABI does not comprise branches and as such regulation 138(1)(d) does not apply.

The voting system to be used in the conduct of the election is a direct voting system.

If you have any further questions please contact Amanda Syme on (02) 9458 7738 or via amanda.syme@nswbc.com.au.

Yours faithfully

A handwritten signature in cursive script that reads "Colin Bosworth".

Colin Bosworth
Secretary/Treasurer

**Australian Business Industrial
E2012/417 Vacancy Election**

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

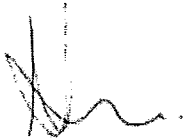
Results of the election for the following offices conducted in accordance with the provisions of the Fair Work (Registered Organisations) Act 2009 and the rules of the organisation.

ABI Council

Councillor (2)

No nominations were received

I declare no candidates elected.



Nicole Hoy
Returning Officer

8 February 2013

Amanda Syme

From: Craig, Rebecca [mailto:Rebecca.Craig@boral.com.au]
Sent: Thursday, 21 March 2013 3:35 PM
To: Dick Grozier
Subject: RE: superannuation developments

Good Afternoon Dick,

Please be advised that Roxanne Tanne is leaving Boral this Friday 22/03/2013 as she is relocating overseas.

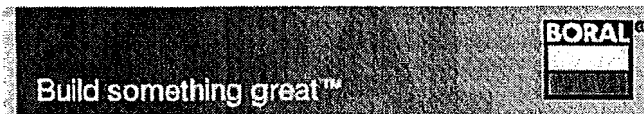
Could you please remove her from your address list and replace with Bill Fisher.

Kind regards,

Rebecca

REBECCA CRAIG
Personal Assistant to Divisional HR & ER Manager | Bill Fisher

Telephone: 02 9220 6502
Fax: 02 9232 0612
Email: Rebecca.Craig@boral.com.au



Boral Construction Materials
AMP Centre, Level 39 50 Bridge Street, Sydney NSW 2000
www.boral.com.au



FAIR WORK
COMMISSION

27 March 2013

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

Also by facsimile: (02) 9922 2129 and by email amanda.syme@nswbc.com.au.

Attention: Amanda Syme

Dear Mr Bosworth

Casual Vacancy and unfilled vacancy Election - Australian Business Industrial (E2013/147)

I refer to the prescribed information lodged with the Fair Work Commission (FWC) on 25 March 2013 regarding an election for two (unfilled) councillor offices and a casual vacancy election for one councillor following a recent resignation.

In order for the Delegate to the General Manager to be satisfied that an election is required for the above casual vacancy office, could you please provide a copy of a letter of resignation from the previous holder of that office or some other form of documentary evidence. Furthermore, could you provide FWC with a copy of the Australian Electoral Commission's declaration of results of 8 February 2013 regarding the election for the two Councillors in E2012/417.

In addition, could you please provide further prescribed information to identify the electorate for the election, and the type of voting system to be used, in accordance with regulations 138(1)(d) and 138(1)(g) of the *Fair Work (Registered Organisations) Regulations 2009*.

Yours sincerely,

David Vale
Principal Adviser
Regulatory Compliance Branch
Fair Work Commission

VALE, David

From: VALE, David
Sent: Tuesday, 26 March 2013 10:57 AM
To: 'Industrial Elections'
Subject: E2013/147
Attachments: ABI E2013_147 lodged 25032013.pdf; ABI_143N_19102009.doc

Dear AEC

Please find the prescribed information and a copy of the current rulebook of the Australian Business Industrial in election number E2013/147.

Yours sincerely

DAVID VALE
Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission
Tel: 02 8374 6509
Fax: 02 9380 6990
david.vale@fwc.gov.au

Please be aware that my email address has changed to david.vale@fwc.gov.au effective 1 January 2013. Please update your records accordingly.

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

www.fwc.gov.au

E2013/147



25 March 2013

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



Our reference

405342-2

Dear General Manager

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 its Rules and the FW (RO) Act in the year commencing 1 January 2013.

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.

Election of Councillors

ABI is required to elect fifteen (15) offices of Councillor. On 2 November 2012 a Declaration of Result for Uncontested Offices was made and 13 Councillors were elected. A further Election Notice was issued for the unfilled vacancies, however on 8 February 2013 a further Declaration of Result for Uncontested Offices was made declaring no candidates elected because no nominations were received.

ABI seeks to conduct a further election for the two unfilled vacancies. As well, on 21 March 2013, an elected Councillor resigned creating a casual vacancy. Under Rule 27 of the Rules of ABI that casual vacancy must be filled by nomination and election.

The election is proposed in order to fill three positions of Councillor.

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

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/

26 March 2013



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. On 25 March 2013 ABI decided that, subject to approval by the FW Commission and the availability of the returning officer, the notice of election would be issued on Friday 31 May 2013 and that the nominations would be closed on Friday 21 June 2013.

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 Friday 24 May 2013.

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 Amanda Syme on (02) 9458 7738 or via amanda.syme@nswbc.com.au.

Yours faithfully

A handwritten signature in black ink, appearing to read "Colin Bosworth".

Colin Bosworth
Secretary/Treasurer