

Clay Brick and Paver Association of New South Wales



2 October 2018

To,
Mr. Ishtiaq Ahmed,
Returning Officer
Industrial & Commercial Elections, NSW Office
Australian Electoral Commission

Dear Mr. Ahmed,

Ref: Response to the post-election report E2017/248

As per section 198 of the Fair Work (Registered Organisations) Act 2009, we would like to inform you of our intention and our actions in relation to the rule.

With regards to the suggestion about Rules difficult to apply/interpret, in particular, rules 13.3(a), 13.2(h) and 13.7(b) and Other matters rule 13.2 (i) in the Post-Election report, we have made these proposed changes to our rule book.

These proposed changes were then sent to the Fair work commission (Registered organisation) for review. After the review, in addition to the proposed changes by AEC, few additional alternations were also made, as advised by the Fair Work Commission.

We intend to propose the resolution for approval of these new changes in the rulebook to authorised voting members, on the next Annual General Meeting. The amended version of this rulebook has already been forwarded to the Officeholders of CBPA NSW.

We would like to thank Australian Electoral Commission for conducting the election and bringing it to our attention.

Regards,

Nicholas Pezét
President
Clay Brick and Paver Association of New South wales.



6 September 2018

Mr Mark Ellenor
Vice President
Clay Brick & Paver Association of New South Wales
mark.ellenor@australbricks.com.au

Dear Mr Ellenor,

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 stage 2 uncontested offices for [E2017/248]. 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.

Regards

Christine Hibberd
Registered Organisations Commission



6 September 2018

Mr Mark Ellenor
Vice President
Clay Brick & Paver Association of New South Wales
mark.ellenor@australbricks.com.au

Dear Mr Ellenor

Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/248

On 5/09/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/248 dated 5/09/2018. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rules 13.3(a), 13.2(h) and 13.7(b). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

A notice must be published on the organisation's website

The organisation or branch must 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 regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

-
- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd

Registered Organisations Commission

5 September 2018

Post-election Report

Clay Brick and Paver Association of New South Wales - E2017/248



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Election(s) Covered in this Report

Election Decision No/s: E2017/248

Rules

Rules used for the election: [160N: Rules as at registration on 04/04/2017 in matter D2016/76]

Rules difficult to apply/interpret: Rule 13.3 (a) is difficult to apply as the Returning Officer is appointed by Australian Electoral Commission to conduct the election after receiving the Order from Registered Organisations Commission. It is recommended that this issue be resolved.
Rule 13.2 (h) is difficult to apply as hierarchical order of the office has not been mentioned in the rules. Rule 13.7 (b) is also difficult to apply as there is no rule 'O' to determine the order of the office. It is recommended that the hierarchy/order of the office to be mentioned in the rule.

Model Rule reference: None

Roll of Voters

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

Irregularities

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

Other irregularities identified, and action taken: None

Other Matters

Rule 13.2 (i) refers to the method of marking the votes in ballot papers if ballots are conducted by post. The rule does not state what procedure to be followed in case of attendance ballot. It is recommended that this issue be resolved.

The rules are silent regarding solution of tied result related to any ballot. It is recommended that this issue be resolved.

Attachments

Declaration of results for uncontested Offices.

Ishtiaq Ahmed
Returning Officer
5 September 2018

Clay Brick and Paver Association of New South Wales
DECLARATION OF RESULTS - E2017/248
Uncontested Offices

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:

Executive Officers

President (1)

Candidates

PEZET, Nicholas

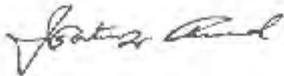
Vice President (2)

Candidates

ELLENOR, Mark

SPACKMAN, Avery

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



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
25/06/2018



17 April 2018

Mr Nicholas Pezet
President
Clay Brick & Paver Association of New South Wales
PO BOX 370
Artarmon NSW 2064

Dear Mr 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 stage 1 uncontested offices for three Committee of Management members of the Clay Brick and Paver Association of New South Wales [E2017/248]. 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

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 - 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.

Regards

Carolyn Moloney
Registered Organisations Commission

Clay Brick and Paver Association of New South Wales

DECLARATION OF RESULTS - E2017/248

Uncontested Offices

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:

Clay Brick and Paver Association of New South Wales CBPA Committee Members

Candidate/s

ELLENOR	Mark
SPACKMAN	Avery
PEZET	Nicholas

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



Renee Damasena
Returning Officer
Australian Electoral Commission
15 March 2018



DECISION

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

Clay Brick & Paver Association of New South Wales
(E2017/248)

MR ENRIGHT

SYDNEY, 11 DECEMBER 2017

Arrangement for conduct of election.

[1] On 24 and 30 November 2017 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:

Committee Members (3)

President

Vice-President (2)

[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 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, 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. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:

Nicholas Pezet

President

Dated: 29/11/2017

[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.]

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	Committee Members	3	DVS	Scheduled	All members of the association (Rule 13.1 a)
	President	1	CES	Scheduled	By and from the Committee members (Rule 13.2 a)
	Vice-President	2	CES	Scheduled	By and from the Committee members (Rule 13.2 a)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>To be determined by the Returning Officer</i>	<i>To be determined by the Returning Officer</i>
Nominations CLOSE	<i>To be determined by the Returning Officer</i>	<i>To be determined by the Returning Officer</i>
Roll of Voters cut off date	<i>To be determined by the Returning Officer</i>	<i>To be determined by the Returning Officer</i>

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.