

24 December 2018

Post-election report

**Master Builders Association of the
Australian Capital Territory**
Scheduled Election
E2018/106

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Election(s) Covered in this Report

Organisation: Master Builders Association of the Australian Capital Territory
Election: Scheduled
Election Decision No/s: E2018/106

Rules

Rules used for the election: [241V: Incorporates alterations of 20/6/2014 [R2013/45]]
(replaces rulebook dated 1/12/2013 [D2012/228 & 229])

Rules difficult to apply/interpret:

Rule 8 of the association indicates that representative and additional representative have equal duties and responsibilities. The member listing provided to the returning officer identifies the representatives as voter 1 and voter 2. This is difficult to apply as it is not clear which of the two voters should receive the ballot materials. It is highly recommended that for the purpose of an election, the rules specify who out of the two representatives have voting rights.

Rule 8 & Rule 15(h) is difficult to apply & interpret, particularly whether a member can have both their representative and additional representative on the council. For clarity, the rules must specify if the council can have not less than 5 or more than 20 unique members on the council. If a member cannot have both its representative and additional representative on the council, then the rules must provide an avenue for the returning officer to resolve nominations should both representative from the same member nominate.

Similar type of issues were also raised in the post-election report related to election reference number E2016/112. It is recommended that these issues be resolved to avoid possible irregularities in future elections.

Model Rule reference: N/A

For more details see the Model Rules on the AEC website:
(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

Roll of Voters

Total number of voters on the Roll:	3
Number of apparent workplace addresses:	Nil
Number of non-current addresses:	Nil
Other matters pertaining to the roll of voters:	Nil

Irregularities

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

Other irregularities identified, and action taken:

Other Matters

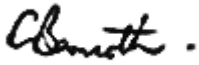
Returning Officer actions required (Section 193): Yes
Details:

Rule 15(f), Rule 15(i)(ii) and Rule 15(i)(iii) are considered to be procedurally defective because they do not allow sufficient time to complete all nomination and ballot processes in particular the resolution of defective nominations and the time allotted for the return of completed ballot material and completion of ballots prior to declaration of results at the Annual General Meeting.

Accordingly, action was taken under Section 193(1)(b)(ii) of the Fair Work (Registered Organisations) Act 2009 to vary the ballot timetable in order to extend the ballot period to ensure that members have sufficient time to cast their vote by post and provide sufficient time to complete ballot counts and declare results.

It is recommended that the Association address this issue.

Signed



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24 December 2018

Attachments

- A. Stage One: Declaration of Results for Uncontested Offices
- B.
 - i) Stage Two: Declaration of Results for Uncontested Offices
 - ii) Stage Two: Declaration of Results for Contested Offices