

22 November 2022

# Post-election report

Australasian Convenience and  
Petroleum Marketers Association  
Scheduled election  
E2022/42

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# Election(s) Covered in this Report

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Organisation: Australasian Convenience and Petroleum Marketers Association  
Election: Scheduled  
Election Decision No/s: E2022/42

## Rules

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Rules used for the election: [276V: Incorporates alterations of 4 February 2014 (R2013/32)]  
(replaces version of 1/04/2008 (D2006/72 and 73))

Rules difficult to apply/interpret: None  
Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Other Matters

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Returning Officer actions required (Section 193): Yes  
Details: As there is no rule pertaining to the withdrawal of nominations, the Returning Officer applied subparagraph 193(1)(b)(ii) of the Fair Work (Registered Organisation) Act 2009 to fix a closing time for the withdrawal of nominations and the withdrawal period closed at the closing of nominations.

## Signed

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Cameron Caccamo  
Returning Officer  
Australian Electoral Commission  
E: IEEvents@aec.gov.au  
P: 02 9375 6366  
22 November 2022

# Attachments

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- A. Declaration of results for Uncontested Offices
- B. Declaration of results for Contested Offices



22 November 2022

Wade Death  
National Board President  
Australasian Convenience and Petroleum Marketers Association  
Sent via email: [communications@acapma.com.au](mailto:communications@acapma.com.au)



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2022/42**

Dear Wade Death,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Australasian Convenience and Petroleum Marketers Association.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

### **What you must do right now**

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

This letter explains these steps and the tools available to help you.

### **STEP 1: Notify members**

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



**Can I put more information on our website?**

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](https://www.roc.gov.au).

### **STEP 2: Financial training**

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC within 6 months](#) of beginning to hold office.



### Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

## STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au). An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

**Note:** One election may result in many notifications of change.



### Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

#### ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

## Questions?



### **Why do I need to tell you the results of the election when you've already received them?**

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

### **What if the officer has already done training?**

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours sincerely

## Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

**Australasian Convenience and Petroleum Marketers  
Association**  
**DECLARATION OF RESULTS - E2022/42**  
**Uncontested Offices**

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**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:

**New South Wales Region**

**Board of Management Representative (1)**

Candidates

DEATH Wade

**South Australia/Tasmania Region**

**Board of Management Representative (1)**

Candidates

BAYLISS Trevor

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

Cameron Caccamo  
Returning Officer  
Telephone: 02 9375 6366  
Email: IEBevents@aec.gov.au  
18/11/2022





**Australasian Convenience and Petroleum Marketers  
Association**  
**DECLARATION OF RESULTS - E2022/42**  
**Contested 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:

**National Region**

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	11
Number of voters issued with voting material	11
Total number of voters issued with replacement voting material	2
<b>Total number of voting material packs issued</b>	<b>13</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	6
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	6
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	2
Voting material packs not returned by voters by closing date of the ballot	5
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	55 %

**Board of Management Representative (1)**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
LINEHAN, Jeanette	1	1
WILLIAMS, Cara	4	4

<b>Total ballot papers admitted for this office</b>	<b>6</b>
Formal Ballot papers	5
Informal Ballot papers	1

I declare the following elected:

- WILLIAMS, Cara

Cameron Caccamo  
Returning Officer  
Telephone: 02 9375 6366  
Email: IEEvents@aec.gov.au  
18/11/2022

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## DECISION

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

### **Australasian Convenience and Petroleum Marketers Association** (E2022/42)

MR STEENSON

SYDNEY, 10 MARCH 2022

*Arrangement for conduct of election.*

[1] On 3 March 2022 the Australasian Convenience and Petroleum Marketers Association (**ACAPMA**) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Board of Management Representative NSW Region	(1)
Board of Management Representative SA/Tas	(1)
Board of Management Representative National Region	(1)
National President (only if Rule 67B is triggered)	(1)
National Treasurer (only if Rule 67B is triggered)	(1)

[2] The ACAPMA rules, particularly rule 67B, provide that if any of the organisation's senior office-bearers (which are the National President, National Vice President and Treasurer) is a Board of Management Representative from one of the electorates that are the subject of election and is not re-elected to the Board of Management, then the more senior office held by them would also be vacated and an election therefore required.

[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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer  
PR352187

Registered Organisations Commission  
GPO Box 2983  
MELBOURNE VIC 3000  
Sent via Email: [orgs@roc.gov.au](mailto:orgs@roc.gov.au)

3/3/2022

To Whom It May Concern,

**RE: Prescribed information relating to elections to be held during the year 2022 in accordance with the Rules of the organisation.**

We wish to supply Prescribed information in regards to the elections for regional representation in this organisation and scheduled collegiate elections for office bearers.

Please Note;

- The following positions are due for election for a two-year term. The reason for the elections is that the term of each incumbent is due to expire at the time of the Annual General Meeting (AGM) for the organisation:

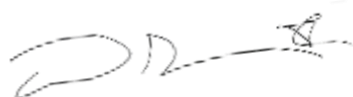
**Board of Management Representative (1) for New South Wales Region**  
**Board of Management Representative (1) for South Australia and Tasmania Region**  
**Board of Management Representative (1) for National Region**

Collegiate Election for Officer if required due to current officer not being returned;  
**National President (1)**  
**Treasurer (1)**

- These elections are conducted under the direct voting system.
- Under the rules, nominations for regional representatives, as defined above, must be called not less than 50 days in advance of the date fixed for the AGM, and close no later than 30 days from the date of the AGM (Rule 62.A).
- Under the Rules, the roll of voters for the ballot shall close 7 days prior to the day on which nominations open (Rule 62.C.i).
- Under the Rules, the Returning Officer Is the Australian Electoral Commission.
- The date scheduled for the AGM is 24 November 2022 in Sydney and via Video Conference.

Should you have any queries, please contact our Association on 1300 160 270 or email [communications@acapma.com.au](mailto:communications@acapma.com.au).

Yours Sincerely  
Wade Death



National Board President  
Australasian Convenience and Petroleum Marketers Association  
1300 160 270  
eml: c/o [communications@acapma.com.au](mailto:communications@acapma.com.au)

**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, Wade Death, being the National Board president of the Australasian Convenience and Petroleum Marketers Association, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australasian Convenience and Petroleum Marketers Association.
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. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed: Wade Death, National Board President



Dated: 3/3/2022

*[PLEASE NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to [orgs@roc.gov.au](mailto:orgs@roc.gov.au).]*

## ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
<i>National</i>	<i>Board of Management Representative New South Wales</i>	<i>1</i>	<i>Direct Voting</i>	<i>Scheduled</i>	<i>Region of Western Australia (Rule 46)</i>
<i>National</i>	<i>Board of Management Representative South Australia and Tasmania</i>	<i>1</i>	<i>Direct Voting</i>	<i>Scheduled</i>	<i>Region of Queensland (Rule 46)</i>
<i>National</i>	<i>Board of Management Representative National Region</i>	<i>1</i>	<i>Direct Voting</i>	<i>Scheduled</i>	<i>Region of Victoria (Rule 46)</i>
<i>National</i>	<i>National President</i>	<i>1</i>	<i>Collegiate</i>	<i>May be required if current office holder is not returned in regional election</i>	
<i>National</i>	<i>National Treasurer</i>	<i>1</i>	<i>Collegiate</i>	<i>May be required if current office holder is not returned in regional election</i>	

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	<i>50 days before the date of AGM (Rule 62.A)</i>	<i>Within 7 days of the declaration of Board of Management Representative Elections (Rule 64)</i>
<b>Nominations CLOSE</b>	<i>30 days before the date of AGM (Rule 62.A)</i>	<i>Not less than 14 days later (Rule 64)</i>
<b>Roll of Voters cut off date</b>	<i>7 days prior to nominations opening (Rule 62.C.i)</i>	<i>7 days prior to nominations opening (Rule 64)</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.