



3 May 2023

Steven Plarre
Secretary
The Australian Retailers Association
Sent via email: info@retail.org.au

Dear Steven Plarre



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/189

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Retailers Association.

This letter explains the next steps you must take and what information you need to lodge with the Fair Work Commission (the Commission).

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@fwc.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 (regulation 141). The notice must be on your website for at least three 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 three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

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 (section 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 Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the Commission](#) **within six 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 Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to regorgs@fwc.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](#).



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@fwc.gov.au.

Yours sincerely

Fair Work Commission



The Commission 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.

14 April 2023

Post-election report

The Australian Retailers Association

Scheduled election

E2022/189

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Election Covered in this Report

Organisation: The Australian Retailers Association
Election: Scheduled
Election Decision No/s: E2022/189

Rules

Rules used for the election: 260V: Incorporates alterations of 10 May 2022 [R2021/217] **(Replaces rule book dated 6 April 2021 [R2020/217])**

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes
Details: Nomination period was extended from 7 days to 14 days.

Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

Signed

Ben Murray
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
14 April 2023

Attachments

- A. Declaration of Results for Uncontested Offices – Stage 1
- B. Declaration of Results for Uncontested Offices – Stage 2

The Australian Retailers Association

DECLARATION OF RESULTS - E2022/189 - Stage 2

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:

Council

President (1)

Candidates

SHEFFIELD Nicole

Vice-President (1)

Candidates

YOUNANE Stephen

Secretary (1)

Candidates

GLOVER Sally

Treasurer (1)

Candidates

MEADS Drew

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

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
11/04/2023



The Australian Retailers Association

DECLARATION OF RESULTS - E2022/189 - Stage 1

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:

The Australian Retailers Association

Council Member (14)

Candidates

BARBARO Josephine

BEAUMONT Sharon

BERCHTOLD Erica

CARTER Gavin

DIEZ-SIMSON Krista

GANCE Jack

GLOVER Sally

HUNTER Sarah

McCARTHY Maria

McNALLY Jane Elizabeth

MEADS Andrew John

SHEFFIELD Nicole

TINDALL Tanya

YOUNANE Stephen

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

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
16/03/2023





DECISION

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

The Australian Retailers Association (E2022/189)

MR STEENSON

SYDNEY, 23 DECEMBER 2022

Arrangement for conduct of election.

[1] On 14 December 2022 the Australian Retailers Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices for a new term of office:

Council Member	(14)
President	(1)
Vice President	(1)
Secretary	(1)
Treasurer	(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 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, [Steve Plarre](#), being the [Secretary](#) of the [Australian Retailers Association](#) make the following statement:

1. I am authorised to sign this statement containing prescribed information for the [Australian Retailers 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(s) in Annexure A.

NOTE: Extensions of time should be requested at least two months before nominations open. A failure to lodge Prescribed Information on time can lead to civil penalties under the RO Act.



Signed:

[[SECRETARY](#) OR OTHER AUTHORISED OFFICER]

Dated: [14/12/2022](#)

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

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
Council Member	14	Direct voting system	Scheduled	All members of the ARA – rule 39.1(a)
President	1	Collegiate electoral system	Scheduled	ARA Council members (elected in Stage 1): rule 39.1(d)
Vice President	1	Collegiate electoral system	Scheduled	ARA Council members (elected in Stage 1): rule 39.1(d)
Secretary	1	Collegiate electoral system	Scheduled	ARA Council members (elected in Stage 1): rule 39.1(d)
Treasurer	1	Collegiate electoral system	Scheduled	ARA Council members (elected in Stage 1): rule 39.1(d)

- Important dates:

	Stage 1: Election of Council (Direct Voting System)	Stage 2: Office-bearers (Collegiate Electoral System)
Nominations OPEN	No later than 28 February 2023 – Election rule 39.4(i) PREFERRED DATE: 28 February 2023	Nominations open within 3 days after declaration of election of ARA Council – rule 39.4(ii)
Nominations CLOSE	Nominations open for not less than 14 days or more than 28 days before closing of nominations – Election rule 39.4(i) PREFERRED DATE: 17 March 2023	Nominations close no later than 7 days after nominations open – rule 39.4(ii)
Roll of Voters cut-off date	14 days before nominations open – Election rule 39.4(i)	Roll of voters for Stage 2 is Council members declared elected in Stage 1 – rule 39.1(d)