



22 August 2023

Ben Harris
Branch Secretary
Shop, Distributive and Allied Employees Association-Western Australian Branch
Sent via email: ben.harris@sdawa.asn.au

cc: Gerard Dwyer, gerard@sda.org.au

Dear Ben Harris



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/93

An election has recently been completed by the Australian Electoral Commission (AEC) for the Shop, Distributive and Allied Employees Association-Western Australian Branch and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members 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 the Commission at 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 we 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 approved 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 receive 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 *Fair Work (Registered Organisations) Act 2009* (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.

Real-life example of penalties in Court An 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 an interim [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.

21 August 2023

Post-election report

Shop, Distributive and Allied Employees
Association
Western Australian Branch
Scheduled election
E2023/93

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Election(s) Covered in this Report

Organisation: Shop, Distributive and Allied Employees Association, WA Branch
Election: Scheduled
Election Decision No/s: E2023/93

Rules

Rules used for the election: 006N-WA: Incorporates alterations of 21 June 2023 (R2023/32)

Rules difficult to apply/interpret:

Model Rule reference (if any): [N/A](#)

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

Signed

Benjamin Murray
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
21 August 2023

Attachments

A. Declaration of results for Uncontested Offices – WA Branch

Shop, Distributive and Allied Employees Association
DECLARATION OF RESULTS - E2023/93
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:

Western Australian Branch

Branch President (1)

Candidates

COOK Trevor

Branch Vice President (1)

Candidates

FARKAS Tanya

Branch Secretary (1)

Candidates

HARRIS Ben

Branch Assistant Secretary (1)

Candidates

CLOSSICK Jo

Branch Treasurer (1)

Candidates

ADAMS Teegan

Branch Committee of Management Member (7)

Candidates

GLASSON Tai

IRELAND Samantha

JOHNSON Debbie

MOORE Rosemary

MORIARTY Edmund

NOLAN Angela

PETERS Cyril

Delegate to National Council (5)

Candidates

ADAMS Teegan

CLOSSICK Jo

COOK Trevor

FARKAS Tanya

HARRIS Ben

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

Benjamin Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
18/08/2023





DECISION

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

Shop, Distributive and Allied Employees Association
(E2023/93)

MR STEENSON

SYDNEY, 8 JUNE 2023

Arrangement for conduct of election.

[1] On 22 May 2023 the Western Australian Branch of the Shop, Distributive and Allied Employees Association lodged with the Fair Work Commission prescribed information for an election to fill the following offices for new terms of office:

Branch President	(1)
Branch Vice President	(1)
Branch Secretary	(1)
Branch Assistant Secretary	(1)
Branch Treasurer	(1)
Branch Committee of Management Member	(7)
Delegate to National Council	(5)

[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 GENERAL MANAGER

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PR755081

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, Benjamin Alick Harris, being the Secretary of the Shop, Distributive and Allied Employees' Association Western Australian Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for Western Australian Branch of the Shop, Distributive and Allied Employees' 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.
No rule alterations are pending that will impact the election.
4. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.
5. The number of delegates to National Council is determined by the number of members of the Branch:
 - a. Rule 8a of the National Rules provides the following (my **emphasis**):

- (a) The National Council shall consist of the National President, National Vice-President, National Secretary-Treasurer, National Assistant Secretary, and **delegates of affiliated Branches as follows:-**

Branches having 2,000 or less members:	1 Councillor
Branches having 2,001 to 5,500 members:	2 Councillors
Branches having 5,501 to 15,500 members:	3 Councillors
Branches having 15,501 to 25,500 members:	5 Councillors
Branches having 25,501 to 35,500 members:	6 Councillors
Branches having 35,501 to 45,500 members:	7 Councillors
Branches having 45,501 to 55,500 members:	8 Councillors
Branches having 55,501 or more members:	9 Councillors

- b. The relevant date for the calculation of the number of National Councillors to be elected at the 2023 election was 31st December 2022.

- c. As at 31st December 2022, the WA Branch had sufficient members to entitle it to elect five National Councillors at the 2023 scheduled election.

Signed:



Benjamin Alick Harris

SECRETARY, WA BRANCH

Dated: 22nd May 2023

NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@fwc.gov.au.

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
Western Australia	Branch President	1	Direct Voting System	Scheduled	Financial Members of the Shop, Distributive and Allied Employees' Association Western Australian Branch
Western Australia	Branch Vice President	1	Direct Voting System	Scheduled	Financial Members of the Shop, Distributive and Allied Employees' Association Western Australian Branch
Western Australia	Branch Secretary	1	Direct Voting System	Scheduled	Financial Members of the Shop, Distributive and Allied Employees' Association Western Australian Branch
Western Australia	Branch Assistant Secretary	1	Direct Voting System	Scheduled	Financial Members of the Shop, Distributive and Allied Employees' Association Western Australian Branch
Western Australia	Branch Treasurer	1	Direct Voting System	Scheduled	Financial Members of the Shop, Distributive and Allied Employees' Association Western Australian Branch
Western Australia	Branch Committee of Management Member	7	Direct Voting System	Scheduled	Financial Members of the Shop, Distributive and Allied Employees' Association Western Australian Branch
Western Australia	Delegate to National Council	5	Direct Voting System	Scheduled	Financial Members of the Shop, Distributive and Allied Employees' Association Western Australian Branch

- Important dates:

	Direct Voting System
Nominations OPEN	The WA Branch Rules are silent with respect to the beginning of the period in which nominations are called, with this date customarily being set by the Returning Officer.

Nominations CLOSE	At 5:00pm on the 15 th August 2023 as per WA Branch Rule 10(c)(1)
Roll of Voters cut off date	7 days prior to the open of nominations as per WA Branch Rule 10(a)

NOTES: 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'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a preference, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template *Prescribed information for the election of officer and non-officer positions*