



29 March 2023

Barbara Nebart
Branch Secretary-Treasurer
Shop, Distributive and Allied Employees Association-Newcastle and Northern Branch
Sent via email: secretary@sdan.org.au

cc: Gerard Dwyer, Shop, Distributive and Allied Employees Association, gerard@sda.org.au

Dear Barbara Nebart



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/219

An election has recently been completed by the Australian Electoral Commission (AEC) for the Shop, Distributive and Allied Employees Association-Newcastle and Northern Branch.

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.

29 March 2023

Post-election Report

**Shop, Distributive and Allied
Employees Association**

Newcastle and Northern Branch

Scheduled election

E2022/219

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Election(s) Covered in this Report

Organisation: SDAEA - Newcastle and Northern Branch
Election: Scheduled
Election Decision No/s: E2022/219

Rules

Rules used for the election: 006N: Incorporates alterations of 30 January 2022 [R2021/197]
(replaces rulebook dated 10 December 2021 [R2021/157])

Rules difficult to apply/interpret: N/A

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:

- 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 (via post) 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
29 March 2023

Attachments

A. Declaration of Results for Uncontested Offices

Shop, Distributive and Allied Employees Association
Newcastle and Northern Branch
DECLARATION OF RESULTS - E2022/219
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:

Newcastle and Northern Branch

Branch President (1)

Candidates

LUXTON Garry

Branch Vice President (2)

Candidates

COGGAN Troy

MCGUIRE Robyn

Branch Councillor (6)

Candidates

CROTTY Jane

FARRELL Leanne

FROST Esyrahlyn

MORRIS Curtis

SIMMONS Ross

WIEBE Lynette

Delegate to National Council (3)

Candidates

BLISS David

NEBART Barbara

WIEBE Lynette

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
28/03/2023



DECISION

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

Shop, Distributive and Allied Employees Association

(E2022/219)

MR STEENSON

SYDNEY, 24 JANUARY 2023

Arrangement for conduct of election.

[1] On 3 January 2023 the Newcastle and Northern Branch (the **Branch**) of the Shop, Distributive and Allied Employees Association (the **SDAEA**) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices for a new term of office:

Branch President	(1)
Branch Vice President	(2)
Branch Councillor	(6)
Delegates to National Council	(3)

[2] The National Council of the SDAEA is comprised of offices including Delegates to National Council elected from each of the SDAEA's branches. Rule 8 of the SDAEA National rules provides that each branch's entitlement to Delegates to National Council is determined in accordance with that branch's membership as at 31 December in the year immediately preceding the year of the scheduled election for Branch offices.¹ The prescribed information lodged by the Branch included the number of members of the Branch as at 31 December 2022.

[3] Two of the officeholders of the Branch were not included in the prescribed information lodged by the Branch, namely the offices of Branch Secretary-Treasurer and Branch Assistant Secretary. Those two officers are elected for a three-year term and were subject to election in **E2021/208**,² which was declared by the Australian Electoral Commission (AEC) on 31 March 2022. They are therefore not currently due for election.

¹ See SDAEA National subrules 8(aa) and (b)

² [2022] ROCD 12

[4] 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 AEC.



DELEGATE OF THE COMMISSIONER

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PR352395

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, Barbara Nebart, being the Branch Secretary of the Shop Distributive and Allied Employees Association, Newcastle and Northern Branch, make the following statement:

1. I am authorised to sign this statement containing prescribed information for Shop Distributive and Allied Employees Association, Newcastle and Northern Branch.
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. The membership of the organisation as at 31 December 2022 was 13,466.

This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated:

3.1.2023

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
Shop Distributive and Allied Employees Association, Newcastle and Northern Branch	Branch President	1	Direct Voting System	Scheduled	Financial members of the Branch - see rule 8 of Branch rules
Shop Distributive and Allied Employees Association, Newcastle and Northern Branch	Branch Vice Presidents	2	Direct Voting System	Scheduled	Financial members of the Branch - see rule 8 of Branch rules
Shop Distributive and Allied Employees Association, Newcastle and Northern Branch	Branch Councillors	6	Direct Voting System	Scheduled	Financial members of the Branch - see rule 8 of Branch rules
Shop Distributive and Allied Employees Association, Newcastle and Northern Branch	Delegates to National Council	3	Direct Voting System	Scheduled	Financial members of the Branch - see rule 8(b) of SDAEA National rules

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	Not less than 2 weeks nor more than 3 weeks prior to the close of nominations – Rule 10(c)	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide

Nominations CLOSE	4 th Friday in March at 3.00pm, which is 24 March 2023 – Rule 10(c)	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
Roll of Voters cut off date	Last working day in February before the day on which nominations open , which is 28 February 2023 - Rule 10(h)	Insert date and reference the relevant rule

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](#)