



FAIR WORK
COMMISSION

23 July 2013

Ms Illana Halliday
Chief Executive Officer
Aged and Community Services Association of NSW & ACT, Inc.
PO Box 3124
RHODES NSW 2138

Dear Ms Halliday,

Re: Annual Return of Information Contained in Records of Organisation - s233 Fair Work (Registered Organisations) Act 2009 - Aged & Community Services Association of NSW & ACT Inc. (AR2013/201)

I refer to the declaration and copy of records providing information in accordance with sub-section 233(1) of the *Fair Work (Registered Organisations) Act 2009* ('the Act') which were lodged with the Fair Work Commission on 3 April 2013, and to the declaration and information lodged today 23 July 2013.

The documents have been filed.

Yours sincerely

Stephen Kellett
Senior Adviser
Regulatory Compliance Branch

From: [KELLETT, Stephen](#)
To: ["Evelina Sidoti"](#)
Subject: RE: Attention Ms Illana Halliday - Annual return - s233 Fair Work (Registered Organisations) Act 2009 - filing
Date: Tuesday, 23 July 2013 9:39:56 PM
Attachments: [AR2013_201_ACS_\(final\).pdf](#)

Dear Evelina,

Please see attached my letter to Ms Halliday in relation to the above.

Yours sincerely

Stephen Kellett
Senior Adviser, Regulatory Compliance Branch
Fair Work Commission

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(mobile) 0429 462 979
(email) stephen.kellett@fwc.gov.au

www.fwc.gov.au

From: [KELLETT, Stephen](#)
To: [KELLETT, Stephen](#)
Subject: FW: Attention Ms Illana Halliday - Annual return - s233 Fair Work (Registered Organisations) Act 2009 - further information required
Date: Tuesday, 23 July 2013 1:56:38 PM
Attachments: [image001.png](#)
[letter on member numbers for FWC.pdf](#)

From: Evelina Sidoti [mailto:EvelinaS@agedservices.asn.au]
Sent: Tuesday, 23 July 2013 1:45 PM
To: KELLETT, Stephen
Cc: Illana Halliday; Mira Sandre; Maree Parker
Subject: RE: Attention Ms Illana Halliday - Annual return - s233 Fair Work (Registered Organisations) Act 2009 - further information required

Dear Stephen,

Please find attached a letter signed by our President Viv Allanson confirming the number of members we had as of 31 December 2012.

Kind regards,

Evelina Sidoti
Member & Communications Officer



PO Box 3124 Rhodes NSW 2138
(Level 3, 9 Blaxland Rd)
Phone: 02 8754 0400
Fax: 02 9743 4556
Mob: N/A
www.agedservices.asn.au



Aged & Community Services
Association of NSW & ACT
Incorporated

Stephen Kellett
Senior Adviser, Regulatory Compliance Branch
Fair Work Commission
80 William Street
EAST SYDNEY NSW 2011
stephen.kellett@fwc.gov.au

Dear Stephen

I refer to your request for information accidentally omitted in our Annual return of information lodged pursuant to section 233 of the Act on 3 April 2013.

(1) – the “*number of members on 31 December of the previous year*” (i.e. 2012) as required by regulation 147(f) and section 230(1)(d)

On 31 December 2012 we had 276 members.

I declare that this information is a correct statement of the information contained in the original records of the Association.

Yours sincerely

Viv Allanson
President
Aged and Community Services Assoc NSW and ACT

From: [KELLETT, Stephen](#)
To: ["mail@agedservices.asn.au"](mailto:mail@agedservices.asn.au)
Subject: Attention Ms Illana Halliday - Annual return - s233 Fair Work (Registered Organisations) Act 2009 - further information required
Date: Thursday, 18 July 2013 12:00:24 AM

Dear Ms Halliday

I refer to the Annual return of information lodged pursuant to section 233 of the Act on 3 April 2013. I have identified the following omission from the statement and/or information provided:

(1) – the *“number of members on 31 December of the previous year”* (i.e. 2012) as required by regulation 147(f) and section 230(1)(d)

I would ask that this information be provided under cover of a supplementary declaration signed by the prescribed officer, certifying that the information is a correct statement of the information contained in the original records of the Association.

The declaration and information should be emailed directly to me at stephen.kellett@fwc.gov.au.

Yours sincerely

Stephen Kellett
Senior Adviser, Regulatory Compliance Branch
Fair Work Commission

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(mobile) 0429 462 979
(email) stephen.kellett@fwc.gov.au

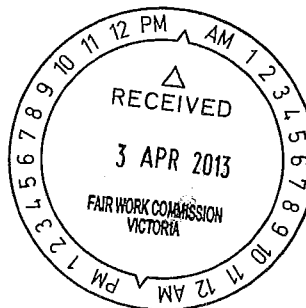
www.fwc.gov.au

AR2013/201.



Aged & Community Services
Association of NSW & ACT
Incorporated

26 March 2012



AGED & COMMUNITY SERVICES ASSOCIATION OF NSW & ACT INC.

ANNUAL REPORT OF INFORMATION FOR 2012 [AR2013/201]

1. Declaration by the President & Director, Ms Viv Allanson
 - Annex A List of offices as at 31 December 2012
 - Annex B List of office holders as at 31 December 2012
 - Annex C Change of office holders
2. Statement – Information about ACS.
3. Declaration of Results for Contested Offices from AEC.
4. A copy of the 2011/12 Annual Report & Annual Financial Report.

Illana Halliday
Chief Executive Officer

DECLARATION

I, Viv Allanson, Chief Executive Officer of Maroba, 58 Edith Street, WARATAH NSW 2298 do declare that the following is true and accurate:

1. I am the President of the Aged & Community Services Association of NSW & ACT Inc. which is an organisation registered under the provisions of the Workplace Relations Act 1996.
2. To the best of my knowledge and belief the list annexed hereto and marked 'A' is a true and correct list of the offices of the Aged & Community Services Association of NSW & ACT Inc as required in s. 233 (1)(a) and (b) of the *Fair Work (Registered Organisations) Act 2009*.
3. To the best of my knowledge and belief the list annexed hereto and marked 'B' is a true and correct list of the office holders of the Aged & Community Services Association of NSW & ACT Inc as required in s. 233 (1)(a) and (b) of the *Fair Work (Registered Organisations) Act 2009*.
4. To the best of my knowledge and belief the register of members of the Aged & Community Services Association of NSW & ACT Inc has during the 2012 calendar year, been kept and maintained as required in s. 233 (1)(a) and (b) of the *Fair Work (Registered Organisations) Act 2009*.
5. The Office of the Aged & Community Services Association of NSW & ACT Inc is located at Level 3, 9 Blaxland Road, RHODES NSW 2138. The postal address is PO Box 3124 RHODES NSW 2138.

Viv Allanson
PRESIDENT



.....
Declared: 26 March 2013
.....

Annex A

List of Offices of the Aged & Community Services Association of NSW & ACT Incorporated
as at 31 December 2012.

- President
- Vice President
- Directors 13
- Total Board of Directors 15

Annex B

List of Office Holders of the Aged & Community Services Association of NSW & ACT
Incorporated as at 31 December 2012.

OFFICE	OFFICE HOLDER
Ms Viv Allanson President	Chief Executive Officer Maroba 58 Edith Street WARATAH NSW 2298
Mr Paul Sadler Vice President	Chief Executive Officer Presbyterian Aged Care NSW & ACT PO Box 2196 STRAWBERRY HILLS NSW 2012
Dr Stephen Judd Director	Chief Executive Officer HammondCare Level 2, 447 Kent Street SYDNEY NSW 2000
Mr Kevin Klose Director	Chief Executive Officer McLean Care Ltd PO Box 360 INVERELL NSW 2360
Mr David Goodhew Director	Director - Chesalon Anglicare Diocese of Sydney 18 Parks Street PARRAMATTA NSW 2150
Mr Phil Armstrong Director	Chief Executive Officer Banksia Villages Ltd 65 Heath Street BROULEE NSW 2537
Mr Ross Low Director	Chief Executive Officer Baptist Community Services - NSW & ACT (BCS) PO Box 655, Epping 1710 / 28A Cambridge Street EPPING NSW 2121
Ms Elizabeth Orr Director	General Manager Operations Wesley Mission PO Box A5555 SYDNEY SOUTH NSW 1235
Mr Robin Freeman Director	Chief Executive Officer Anglican Retirement Villages PO Box 284 CASTLE HILL NSW 1765

Annex B Cont.

Mr Raad Richards Director	Chief Executive Officer Carrington Centennial Care 90 Werombi Road CAMDEN NSW 2570
Mr Steve Walkerden Director	General Manager United Protestant Association NSW PO Box 273 WAHROONGA NSW 2298
Ms Nicole Schleicher Director	General Manager Community Services The Benevolent Society Level 1, 188 Oxford St PO Box 171 Paddington NSW 2021
Mr Rex Leighton Director	Chief Executive Officer Illawarra Diggers Aged & Community Care Ltd 8 Blundell Parade CORRIMAL NSW 2518
Mr Stephen Teulan Director	Director UnitingCare Ageing NSW. ACT Level 4, 222 Pitt Street SYDNEY NSW 2000
Mr David Maher Director	General Manager Catholic HealthCare Limited PO Box 858 EPPING NSW 1710

Annex C

Change of Office Holders

Aged & Community Services Association of NSW & ACT Inc.

1. As per 2012 Elections

Outgoing

- Rob Evers (Director) – retired
- Nieves Murray (Director) – resigned
- Barbara Squires (Director) – resigned
- Christopher Rigby (President) – completed term
- Mark Sewell (Director) – completed term

Newly Elected Director

- Kevin Klose (Director)
- David Goodhew (Director)
- Ross Low (Director)
- Nicole Schleicher (Director)
- Stephen Teulan (Director)

2. Other changes

- Viv Allanson elected President
- Paul Sadler elected Vice President



Viv Allanson
President

Date: 26 March 2013

ACS ELECTIONS 2012

RE-ELECTED – THREE YEAR TERM

Viv Allanson (new President)

Rob Freeman (voted in place of Gillian McFee)

Kevin Klose (new on Board)

Stephen Teulan (new on Board) (Election conducted by AEC in February 2012)

Nichole Schleicher (new on Board)

David Goodhew (new on Board)

ELECTION

Election for 1 President and 4 Directors

Ross Low (elected by Board in absence of Nieves Murray's term – going to elections 2013)

RETIRED

Christopher Rigby – Completed term

Mark Sewell – Completed term & not reelected

RESIGNATION

Nieves Murray – Resigned

Barbara Squires - Resigned

**Aged & Community Services Association of NSW & ACT Incorporated
E2012/305 Schedule Election**

DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

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.

Aged & Community Services of NSW & ACT Incorporated

Total number of persons on the roll of voters	529
Ballot papers issued	529
Duplicate ballot papers issued	2
TOTAL BALLOT PAPERS ISSUED	531
Ballot papers / envelopes returned for scrutiny	198
Less ballot papers / envelopes rejected at preliminary scrutiny	6
Adjusting Balance	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	192
Percentage of ballot papers returned to number issued	37%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	139

Director (4)

<u>Candidates</u>	<u>Initial Count</u>	<u>Votes</u>
FREEMAN, Robin	68 Elected first count	97
GOODHEW, David	22 Elected second count	103
CARTER, Phillip M.	17	0
KNIGHT, David Bruce	11	0
KLOSE, Kevin	35 Elected third count	98
SCHLEICHER, Nicole	20 Elected fourth count	113
ELLWOOD, Helen	18	0
 Total votes	 192	
Formal ballot papers	191	
Informal ballot papers	1	

I declare Robin Freeman, David Goodhew, Kevin Klose and Nicole Schleicher elected.


A full count of the election is available from the Returning Officer.

President

Candidate

ALLANSON, Vivienne

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



Nicole Hoy
Returning Officer
Australian Electoral Commission
25 September 2012

Aged & Community Services Association of NSW & ACT Incorporated

Vacancy Election 2012 Director

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2012/E225

Aged & Community Services of NSW & ACT Incorporated

Director

Candidate

TEULAN, Stephen

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

A handwritten signature in cursive script, reading 'K. Montgomery'.

Kathryn Montgomery
Returning Officer

7 March 2012



FAIR WORK
COMMISSION

21 March 2013

Mr Christopher Michael Rigby

President

Aged & Community Services Association of NSW & ACT Incorporated

Sent by email: mail@agedservices.asn.au

Dear Mr Rigby

**Aged & Community Services Association of NSW & ACT Incorporated
Annual Return of Information for 2013 [AR2013/201]**

I refer to our letter of mid February 2013 reminding you of the obligation to lodge an Annual Return of Information for 2013 in respect of the above by **31 March 2013**. As it is noted that you have not as yet lodged your Annual Return, we provide the following as a second and final reminder. Please ignore this letter if you have lodged the Annual Return for 2013 in the last few days.

A signed and dated declaration certifying matters prescribed in the *Fair Work (Registered Organisations) Act 2009* [the 'RO Act'] must be lodged with the Fair Work Commission ('the Commission') by that date. The matters to be included in the declaration are set out in the attached checklist.

The declaration must be signed by the Secretary, or where applicable, such other elected official who is required under the rules or by resolution of the organisation, to keep the relevant records. A declaration signed by a non-elected person does not meet this requirement. The Secretary or other prescribed officer must also notify the Commission within 35 days of any changes to such records.

Once an Annual Return or change of records has been lodged, a copy will be posted on the Commission's website at www.fwc.gov.au – under [Registered organisations - List of registered organisations](#). In order to protect the privacy of the relevant office holders listed in declarations, you may wish to list their official mailing address rather than personal home address.

The Commission encourages you to lodge all returns electronically e.g. as pdf files at orgs@fwc.gov.au. Please ensure that emailed documents include signatures where required.

Please note: failure to comply with these obligations is subject to a civil penalty provision (up to \$33,000 for a body corporate and \$6,600 for an individual per contravention) - see s.305 of the RO Act. Further, in maintaining the register of members, your attention is drawn to s.171A of the RO Act that outlines the circumstances where membership ceases to exist.

Please do not hesitate to contact me on (03) 8661 7936 or by e-mail at robert.pfeiffer@fwc.gov.au if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely

Robert Pfeiffer

Senior Adviser

Regulatory Compliance Branch

Obligation to lodge Annual Return of Information by 31 March

For full details see ss.230-233 of the *Fair Work (Registered Organisations) Act 2009* (the 'RO Act'), and rr.147-151 of the *Fair Work (Registered Organisations) Regulations 2009* (the 'RO Regulations').

A copy of each of the following records must be lodged with the Fair Work Commission ('The Commission') between 1 January and 31 March each year. They must be certified by a declaration stating that it is a correct statement of the information contained in that record, signed by the Secretary or such other elected official who is required under the rules, or by resolution of the organisation, to keep the relevant records (**other prescribed officer** see r.150 of the RO Regulations).

Failure to comply with these obligations is subject to a civil penalty provision – see s.305 of the RO Act.

Requirement	Details of requirement
Maintenance of Register of Members	A declaration by the Secretary or other prescribed officer certifying that the register of members has, during the immediately preceding calendar year, been kept and maintained as required by ss.230(1)(a) and (2) [s.233(1)(a)] Note: In maintaining the register of members, your attention is drawn to s.171A of the RO Act that outlines the circumstances where membership ceases to exist.
List of Offices	A list of the offices in the organisation and each branch (note the definition of office and officer in ss.6 and 9) [s.230(1)(b)]
List of Office holders	A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of office and officer in ss.6 and 9) [s.230(1)(c)]
List of Branches	A record of the name of each branch of the organisation [s.230(1)(d) and r.147(a)]
New Branches	A record of the name of each branch that commenced operation in the previous 12 months [s.230(1)(d) and r.147(b)]
Old Branches	A record of the name of each branch that ceased operation in the previous 12 months [s.230(1)(d) and r.147(c)]
Addresses of Organisation and Branches	A record of the address of the office of the organisation and the address of the office of each branch [s.230(1)(d) and r.147(d)]
Elections in Organisation and Branches	A record of each election that must, under the rules of the organisation, be held during the year commencing 1 January of the year in which the return is lodged, for any offices in the organisation and branches of the organisation . [s.230(1)(d) and r.147(e)] Note: this provision does not relieve an organisation or branch from the separate requirement to lodge prescribed information prior to each election, as required by s.189 of the RO Act
Statement concerning number of members	A record of the number of members on 31 December in the previous year; and If the organisation has entered into an agreement relating to members of State unions under s.151(1) of the RO Act,- a record of the number of members of the organisation who were (on 31 December in the previous year) ineligible State members in relation to the organisation within the meaning of s.150 of the RO Act. [s.230(1)(d) and rr.147(f) and (g)]

Obligation to notify of changes within 35 days

If there are any changes during the year to the list of offices, list of officeholders, list of branches (where relevant) and the address of the organisation and/or its branches an organisation must, within 35 days of the change, lodge with The Commission, a notification of such changes certified by declaration signed by the secretary or other prescribed officer of the organisation to be a correct statement of the changes made [RO Act s.233(2) and RO Regulations r.151 refer].



FAIR WORK
COMMISSION

18 February 2013

Mr Christopher Michael Rigby
President
Aged & Community Services Association of NSW & ACT Incorporated

Sent by email: mail@agedservices.asn.au

Dear Mr Rigby,

**Aged & Community Services Association of NSW & ACT Incorporated
Annual Return of Information for 2013 [AR2013/201]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2013 in respect of the above by **31 March 2013**.

A signed and dated declaration certifying matters prescribed in the *Fair Work (Registered Organisations) Act 2009* [the 'RO Act'] must be lodged with the Fair Work Commission ('the Commission') by that date. The matters to be included in the declaration are set out in the attached checklist.

The declaration must be signed by the Secretary, or where applicable, such other elected official who is required under the rules or by resolution of the organisation, to keep the relevant records (other prescribed officer). A declaration signed by a non-elected person does not meet this requirement. The Secretary or other prescribed officer must also notify the Commission within 35 days of any changes to such records.

Once an Annual Return or change of records has been lodged, a copy will be posted on the Commission's website at www.fwc.gov.au— under [Registered organisations - List of registered organisations](#). In order to protect the privacy of the relevant office holders listed in the declarations, you may wish to list their official mailing address rather than personal home address.

The Commission encourages you to lodge all returns electronically e.g. as pdf or tif files at orgs@fwc.gov.au. Please ensure that emailed documents include signatures where required.

Please note: failure to comply with these obligations is subject to a civil penalty provision (up to \$33,000 for a body corporate and \$6,600 for an individual per contravention), see s.305 of the RO Act. Further, in maintaining the register of members, your attention is drawn to s.171A of the RO Act that outlines the circumstances where membership ceases to exist.

Please do not hesitate to contact me on (03) 8661 7936 or by e-mail at robert.pfeiffer@fwc.gov.au if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely,

Robert Pfeiffer
Senior Adviser
Regulatory Compliance Branch

Obligation to lodge Annual Return of Information by 31 March

For full details see ss.230-233 of the *Fair Work (Registered Organisations) Act 2009* (the 'RO Act'), and rr.147-151 of the *Fair Work (Registered Organisations) Regulations 2009* (the 'RO Regulations').

A copy of each of the following records must be lodged with the Fair Work Commission ('The Commission') between 1 January and 31 March each year. They must be certified by a declaration stating that it is a correct statement of the information contained in that record, signed by the Secretary or such other elected official who is required under the rules, or by resolution of the organisation, to keep the relevant records (**other prescribed officer** see r.150 of the RO Regulations).

Failure to comply with these obligations is subject to a civil penalty provision – see s.305 of the RO Act.

Requirement	Details of requirement
Maintenance of Register of Members	A declaration by the Secretary or other prescribed officer certifying that the register of members has, during the immediately preceding calendar year, been kept and maintained as required by ss.230(1)(a) and (2) [s.233(1)(a)] Note: In maintaining the register of members, your attention is drawn to s.171A of the RO Act that outlines the circumstances where membership ceases to exist.
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List of Office holders	A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of office and officer in ss.6 and 9) [s.230(1)(c)]
List of Branches	A record of the name of each branch of the organisation [s.230(1)(d) and r.147(a)]
New Branches	A record of the name of each branch that commenced operation in the previous 12 months [s.230(1)(d) and r.147(b)]
Old Branches	A record of the name of each branch that ceased operation in the previous 12 months [s.230(1)(d) and r.147(c)]
Addresses of Organisation and Branches	A record of the address of the office of the organisation and the address of the office of each branch [s.230(1)(d) and r.147(d)]
Elections in Organisation and Branches	A record of each election that must, under the rules of the organisation, be held during the year commencing 1 January of the year in which the return is lodged, for any offices in the organisation and branches of the organisation . [s.230(1)(d) and r.147(e)] Note: this provision does not relieve an organisation or branch from the separate requirement to lodge prescribed information prior to each election, as required by s.189 of the RO Act
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