

**AEC**

Australian Electoral Commission

Fair Work (Registered Organisations) Act 2009**POST ELECTION REPORT**

Client: Aged & Community Services Association of NSW & ACT Incorporated
Contact details: Illana Halliday
Chief Executive Officer
Aged & Community Services
Association of NSW & ACT
Incorporated
PO Box 3124
RHODES NSW 2138

Email: mail@agedservices.asn.au
Tel: 02 8754 0400

FWA contact officer: Kiet Mac

Email: Industrial.elections@fwa.gov.au
Tel: 02 8374 6628

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2012/305

RULES

Rules used for elections Rule ID: [133N: Incorporates alterations of 11/06/2009]
[R2009/291]

Rules difficult to apply/interpret: N/A

Model Rule reference (if any):

ROLL OF VOTERS –

Total number of voters on the roll	529
Number of apparent workplace addresses	100%
Number of non-current addresses	0
Other Matters	

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC:	NIL
Other irregularities identified, and action taken:	NIL

ATTACHMENTS

A: Declaration of Contested Offices

Nicole Hoy
Returning Officer
25 September 2012

**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



PO Box 496
HAYMARKET NSW 1239



AEC

Australian Electoral Commission

Roden Cutler House
4th Floor, 24 Campbell Street
SYDNEY NSW 2000

Reference: N12/226

Contact: Nicole Hoy
Phone: 02 9375 6301
Facsimile: 02 9375 6336
E-mail: nicole.hoy@aec.gov.au

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

Dear Ms Halliday

**Aged & Community Services Association of NSW & ACT Incorporated
Vacancy Election E2012/305 – One (1) President and Four (4) Director**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to FWA and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a post-election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post-election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Regulations 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post-election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Yours sincerely

Nicole Hoy
Returning Officer
25 September 2012



FAIR WORK
AUSTRALIA

3 July 2012

Ms Illana Halliday
Chief Executive Officer
Aged & Community Services Association of NSW & ACT Incorporated
PO BOX 3124
RHODES NSW 2138

Dear Ms Halliday

**Re: Arrangements for the conduct of an Election
(E2012/305)**

A copy of the decision in relation to the above matter is enclosed.

Fair Work Australia is making arrangements, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours sincerely

Kiet Mac
Fair Work Australia



DECISION

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

Aged & Community Services Association of NSW & ACT Incorporated
(E2012/305)

AILSA CARRUTHERS

MELBOURNE, 3 JULY 2012

Arrangement for conduct of election.

[1] On 26 June 2012 the Aged & Community Services Association of NSW & ACT Incorporated lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

President (1) (three year term in accordance with Rule 25A)

Director (4) (three year term in accordance with Rule 25A)

[2] On 26 June 2012, Fair Work Australia wrote to the abovenamed organisation to inform them that under section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act) prescribed information must be lodged before the prescribed day, and that as on this occasion the prescribed information had not been lodged before the prescribed day, a request for an extension of time would be required.

[3] On 29 June 2012, the abovenamed organisation lodged a written request for an extension of time for lodgement in accordance with s.189(2) of the Act.

[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 Australian Electoral Commission.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

MAC, Kiet

From: MAC, Kiet
Sent: Tuesday, 3 July 2012 2:00 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2012/305
Attachments: E2012_305 ACS letter to AEC_26062012.doc; E2012_305_Signed Decision_03072012.pdf

Dear AEC

Please find attached a copy of the Decision for the upcoming election of the Aged & Community Services Association of NSW & ACT Incorporated (E2012/305).

Kiet Mac
Organisations, Research and Advice

Fair Work Australia
Tel: 02 8374 6628
Fax: 02 9380 6990
8/80 William Street, East Sydney, NSW 2011
www.fwa.gov.au



3 July 2012

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of the Fair Work (Registered Organisations) Act 2009, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2012/305

**RE: AGED & COMMUNITY SERVICES ASSOCIATION OF NSW & ACT
INCORPORATED**

Positions:

See Decision

Relevant Information: Annual scheduled election.

Contact: Aged & Community Services Association of NSW & ACT Incorporated
Illana Halliday, Chief Executive Officer.

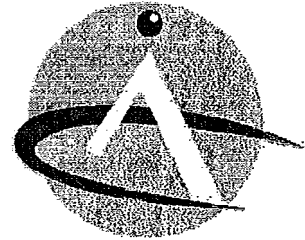
Phone: (02) 8754 0400

A copy of the decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at industrial.elections@fwa.gov.au

David Vale
Fair Work Australia

29 June 2012



Aged & Community Services
Association of NSW & ACT
Incorporated

Mr David Vale
Manager, Organisations, Research & Advice NSW
Fair Work Australia
Level 8, Terrace Tower
80 William Street
EAST SYDNEY NSW 2011



Dear Mr Vale

RE ARRANGEMENTS FOR THE CONDUCT OF AN ELECTION (E2012/305)

I refer to your letter of 26 June 2012 regarding the upcoming election of the Aged & Community Services Association of NSW & ACT Incorporated (ACS).

I believe the dates set were wrong and it is an administrative error, I have attached the Statement of Notice with the correct scheduled dates for the upcoming election, please allow for an extension of time.

We do apologies for this inconvenience and have corrected our schedule for all future election correspondence.

Yours faithfully,

Chris Rigby
President

Statement and Notice of Prescribed Information under

Fair Work (Registered Organisations) Act 2009

Regulation 138

I, Ilana Halliday, Chief Executive Officer for Aged & Community Services Association of NSW & ACT Inc. make the following statement:

I am the Chief Executive Officer for Aged & Community Services Association of NSW & ACT Inc.

I am authorised to lodge the following prescribed information concerning forthcoming Elections for the Aged & Community Services Association of NSW & ACT Inc.

I confirm that the following information is being lodged under subsection 182(1) & 189(1) of the Fair Work (Registered Organisations) Act 2009.

Chris Rigby
President
Aged & Community Services Association of
NSW & ACT Inc.

Signature: _____

Chris Rigby

Date: _____

29th JUNE 2012

Terms expiring in 2012

President (1)

Directors (4)

Reasons for Election

An Election is required to nominate the above vacancies as per Rule 25A, the annual elections from 2012 onwards will be for five (5) office bearers for a three (3) year term.

Elected By

All financial members are entitled to vote. The voting system to be employed in the conduct of the election is direct voting (standard preferential voting system).

The electorate for the direct voting system is for one (1) President and four (4) Directors.

Nominations Open

For a Director to be elected by direct voting system on Friday, 10 August 2012.

Nominations Close

For Directors to be elected by direct voting system on Friday, 24 August 2012 at 4.00pm.

Cut Off Date for Roll

In all cases seven (7) days prior to the opening date for nominations per Rule 24.12, part1.1 of First Schedule.

Suggest Post Ballot Papers

Friday, 7 September 2012.

Suggest Close Ballot Papers

Tuesday, 18 September at 10.00am

Our aim is to obtain a result two (2) weeks prior to the AGM held on Tuesday, 2 October 2012.

Please note that this election will be conducted according to the revised Association Rules.



Fair Work Australia

26 June 2012

Ms Illana Halliday
Chief Executive Officer
Aged & Community Services Association of NSW & ACT Incorporated
PO BOX 3124
RHODES NSW 2138

Dear Ms Halliday

**Re: Arrangements for the conduct of an Election
(E2012/305)**

I refer to the prescribed information dated 22 June 2012 which was lodged with Fair Work Australia (**FWA**) on 26 June 2012 for the conduct of a scheduled election for offices of Aged & Community Services Association of NSW & ACT Incorporated (133N).

Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* states that prescribed information must be lodged before the prescribed day, which under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*, is two months before the first day when a person may become a candidate. Since s.189(2) is a civil penalty provision and the prescribed information for this election was not lodged before the prescribed day, the Delegate of the General Manager has requested a written request for an extension of time and providing reasons why the prescribed information was not lodged before the prescribed day.

If you have any questions relating to this matter please do not hesitate to contact me on (02) 8374 6509.

Yours sincerely

David Vale
Manager, Organisations, Research and Advice - NSW
Fair Work Australia

MAC, Kiet

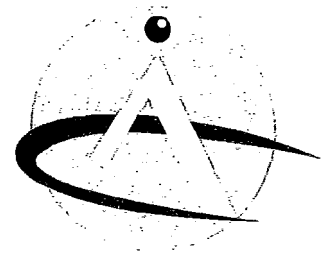
From: MAC, Kiet
Sent: Tuesday, 26 June 2012 3:19 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2012/305
Attachments: 133N Aged & Community Services R2009_291_11062009.pdf; ACSNSWACT E2012_305_PI lodged 26062012.pdf

Dear AEC

Please find attached prescribed information and a copy of the current rulebook for the Aged & Community Services Association of NSW and ACT for its upcoming election (E2012/305).

Kiet Mac
Organisations, Research and Advice

Fair Work Australia
Tel: 02 8374 6628
Fax: 02 9380 6990
8/80 William Street, East Sydney, NSW 2011
www.fwa.gov.au



Aged & Community Services
Association of NSW & ACT
Incorporated

22 June 2012

Mr Hugh Williams
Fair Work Australia
Level 8, Terrace Towers
80 William Street
EAST SYDNEY NSW 2011

Dear Mr Williams

AGED & COMMUNITY SERVICES ASSOCIATION OF NSW & ACT INC

ELECTIONS

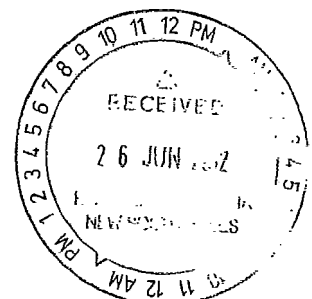
Please find attached information required to enable ACS's annual election process to be initiated by your Registry for 2012.

Please contact Mira Sandré on 8754 0400 should you require further information.

Yours sincerely

Illana Halliday
Chief Executive Officer

Please see attachments for election date processing.



Statement and Notice of Prescribed Information under

Fair Work (Registered Organisations) Act 2009

Regulation 138

I, Illana Halliday, Chief Executive Officer for Aged & Community Services Association of NSW & ACT Inc. make the following statement:

I am the Chief Executive Officer for Aged & Community Services Association of NSW & ACT Inc.

I am authorised to lodge the following prescribed information concerning forthcoming Elections for the Aged & Community Services Association of NSW & ACT Inc.

I confirm that the following information is being lodged under subsection 182(1) & 189(1) of the Fair Work (Registered Organisations) Act 2009.

Illana Halliday
Chief Executive Officer
Aged & Community Services Association of
NSW & ACT Inc.

Signature: _____

Illana Halliday

Date: _____

22 June 2012.

Terms expiring in 2012

President (1)

Directors (4)

Reasons for Election

An Election is required to nominate the above vacancies as per Rule 25A, the annual elections from 2012 onwards will be for five (5) office bearers for a three (3) year term.

Elected By

All financial members are entitled to vote. The voting system to be employed in the conduct of the election is direct voting (standard preferential voting system).

The electorate for the direct voting system is for one (1) President and four (4) Directors.

Nominations Open

For a Director to be elected by direct voting system on Friday, 10 August 2012.

Nominations Close

For Directors to be elected by direct voting system on Friday, 24 August 2012 at 4.00pm.

Cut Off Date for Roll

In all cases seven (7) days prior to the opening date for nominations per Rule 24.12, part 1.1 of First Schedule.

Suggest Post Ballot Papers

Monday, 27 August 2012.

Suggest Close Ballot Papers

Friday, 14 September at 10.00am

Our aim is to obtain a result two (2) weeks prior to the AGM held on Tuesday, 2 October 2012.

Please note that this election will be conducted according to the revised Association Rules.