



3 December 2015

Ms Illana Halliday  
Chief Executive Officer  
Aged & Community Services NSW & ACT  
mail@acs.asn.au

Dear Ms Halliday,

**Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Commission a declaration of results for the election [E2015/185]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Also, section 233(2) of the RO Act requires that an organisation must notify the Fair Work Commission (the Commission) within 35 days of any changes to the holders of office in the organisation. If the election has resulted in any changes to the holders of office, the Aged & Community Services NSW & ACT must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;
  - the name of the person now holding the office;
  - the postal address of the person (generally the postal address of the organisation); and
  - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Debbie Ball  
Regulatory Compliance Branch

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return)  
required to be kept in accordance with section 230 *Fair Work (Registered Organisations)*  
Act 2009 and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

*[delete all that do not apply]*

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. *[include OLD name and address and NEW name and address of every branch that has changed]*
  2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED/CEASED operation:
    1. *[include name of each new branch]*
    2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

***[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]***

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

## ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Retiring	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Scheduled Election	Full Name	As above	mechanic
...							
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Resignation	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Scheduled Election	Full Name	As above	mechanic
		Treasurer	Full Name	Scheduled Election	vacant	vacant	vacant
...							



Fair Work (Registered Organisations) Act 2009

## POST ELECTION REPORT

**Client:** Aged & Community Services NSW & ACT

**Contact details:** Ms Vivienne Allanson  
President  
Aged & Community Services  
NSW & ACT  
PO Box 3124  
Rhodes NSW 2138  
**Email:** mail@acs.asn.au

**FWC contact officer:** James Hall  
**Email:** orgs@fwc.gov.au

### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2015/185

### RULES

**Rules used for elections Rule ID:** [133N: Incorporates alterations of 20/02/2015 in matter D2014/67 and R2015/15]

**Rules difficult to apply/interpret:** None

**Model Rule reference (if any):** N/A

**ROLL OF VOTERS** N/A

### ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: N/A

Other irregularities identified, and action taken: N/A

### ATTACHMENTS

A: Declaration of results for contested offices

27 October 2015

## Aged & Community Services NSW & ACT Election for Director

### Declaration of Results for Contested Offices

**E2015/185**

Below are 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.

#### Aged & Community Services NSW & ACT

Total number of names on the roll of voters	479
Ballot papers issued	479
Replacement ballot papers issued	0
<b>Total Ballot Papers Issued</b>	<b>479</b>
Ballot papers / envelopes returned for scrutiny	204
Less ballot papers / envelopes rejected at preliminary scrutiny	4
Adjusting balance	0
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>200</b>
Percentage of ballot papers returned to number issued	42.59 %
Ballot papers returned as unclaimed mail	4
Ballot papers not returned	271

#### Director (5)

<u>Candidates</u>	<u>Final Votes</u>
MARKS, Dennis	Excluded
MCMAHON, Paul	102
RICHARDS, Raad T	110
TEULAN, Stephen	103
THOMSON, Sue	122
WILSON, Helen	127
Formal ballot papers	200
Informal ballot papers	0

I declare Paul McMahon , Raad T Richards , Stephen Teulan , Sue Thomson and Helen Wilson elected.

Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission  
16 September 2015



Fair Work (Registered Organisations) Act 2009

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**Model Rule reference (if any):** N/A

### ROLL OF VOTERS

Total number of voters on the Roll: 479

Number of apparent workplace addresses: 285

Number of non-current addresses: 4

Other matters pertaining to the roll of voters: N/A

### ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: N/A

Other irregularities identified, and action taken: N/A

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Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission  
16 September 2015



## DECISION

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

### **Aged & Community Services NSW & ACT** (E2015/185)

MR ENRIGHT

MELBOURNE, 19 JUNE 2015

*Arrangement for conduct of election.*

[1] On 3 June 2015, the Aged & Community Services NSW & ACT lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Director (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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Aged & Community  
Services NSW & ACT

### Notice and Statement for Prescribed Information for an Election

I, Vivienne Allanson being the President of the Board of Directors of the Aged & Community Services NSW & ACS make the following statement:

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Aged & Community Services NSW & ACT, and

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

Signed: 

Dated: 2/6/2015

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### Offices/Positions

Directors (5) (Direct Voting System)

Election for (5) Directors is required as the terms of office are due to expire at the conclusion of the Annual General Meeting for 2015 (the AGM) due to the operation of rules 32, 37.1 and 38.2 & 38.3 of the Aged & Community Services NSW & ACT (the ACS).

Elected by:

- The electorate of the direct voting system are ACS members and duly authorised representatives as financial members as recorded in the membership register at the date of certification (clause 1.2 of the First Schedule).

Nominations open:

- Clause 1.1 of the First Schedule provides that the Returning Officer shall advise members at least 40 days prior to the date of the AGM or the day fixed for declaration of the poll and invite nominations. It is suggested that nominations will open 03 August 2015. The proposed date for the AGM for 2015 is Tuesday, 06 October 2015.

Nominations close:

- Clause 1.3 of the First Schedule provides that the Returning Officer shall forward by post, to each member entitled to vote at the election, a nomination form which shall advise of the closing date for nominations which shall not be less than 14 days from the date on which he/she posts the nomination form nor later than 4.00 pm on the 21<sup>st</sup> day prior to the day fixed for the declaration of the poll. It is suggest that nominations will close 17 August 2015.