

4 December 2015

Ms Patricia Ellis Federal Secretary Australian Property Services Association

trish.ellis@myapsa.com.au

Dear Ms Ellis,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Commission a declaration of results for the election [E2015/91]. 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 Australian Property Services Association 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].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 - 1. [include <u>OLD</u> name and address and <u>NEW</u> 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]:³
 - 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 <u>orgs@fwc.gov.au</u>.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

s.230(1)(d); reg.147(b) & (c)

• 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

From: Neil Kean [mailto:Neil.Kean@aec.gov.au]
Sent: Wednesday, 8 July 2015 3:38 PM
To: trish.ellis@myapsa.com.au; Orgs
Cc: Industrial Elections
Subject: FW: Post Election Report - Australian Property Services Association E2015/91
[SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Trish

I had an incorrect title on the post-election report previously emailed to you. My corrected report is attached.



Regards

Mr.Neil Kean | Returning Officer Industrial & Commercial Elections | NSW State Office Australian Electoral Commission T: (02) 9375 6395 | M: tba | F: (02) 6215 9110



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DISCLAIMER:

If you have received this transmission in error please notify us immediately by return email and delete all copies. If this email or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the email or attachments. From: Neil Kean [mailto:Neil.Kean@aec.gov.au]
Sent: Friday, 5 June 2015 11:43 AM
To: Orgs
Cc: Industrial Elections
Subject: Post Election Report - Australian Property Services Association E2015/91 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Please find attached the Post-Election Report, Declaration of Uncontested Offices and Declaration of Contested Offices.



Regards

Mr.Neil Kean | Returning Officer Industrial & Commercial Elections | NSW State Office Australian Electoral Commission T: (02) 9375 6395 | M: tba | F: (02) 6215 9110



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UNCLASSIFIED

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Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Contact details:	Australian Property Services AssociationMs Patricia EllisEmail: trish@myapsa.com.auFederal SecretaryAustralian Property ServicesAssociation
FWC contact officer:	Mr Enright Email: orgs@fwc.gov.au
Election Decisio	VERED IN THIS REPORT on No/s: E2015/91
<u>RULES</u> Rules used for elections Rule ID:	[144N: As at amalgamation on 1 March 2014 in matter D2013/120]
Rules difficult to apply/interpret:	Rule 57.1(j) and Rule 58.1(k) need further clarification as they do not clearly describe the voting method to be used. It is clear that preferential voting is intended however it is not clear from the wording in the rule - "the candidates to the highest number of votes after the successive distribution of the preferences of the candidates with the lowest number of votes are declared elected" which preferential voting method is to be applied. The Returning Officer applied Multiple Preferential voting to elect Federal Council members. This voting method is set out in the publication referred to below.
Model Rule reference (if any):	The AEC website has two publications which may assist. A link to these publication is shown below: <u>http://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections/files/model-</u>
	rules-nov2010.pdf http://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections/voting.htm

ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Concerns were raised by a member regarding the continued eligibility of some persons to remain members and hold executive positions in the organisation. The Returning Officer investigates the matter and determined that as the electorate for the Federal Councillors election comprised the current members of the NSW and Queensland Branch Council only and as such were deemed to be "elected officers of the association" in accordance Rule 4 and eligible in relation to these elections.

Other irregularities identified, and action taken:

None

ATTACHMENTS

Declaration of results for uncontested and contested offices



Neil Kean Returning Officer 5 June 2015

Australian Property Services Association Federal Executive E2015/91

Declaration of Results for Uncontested Offices

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.

Federal Executive

Federal President

<u>Candidates</u> QUINTNER, Anthony David

Federal Vice-Presidents (2)

<u>Candidates</u> DUKE, Desmond No further nomination was accepted

Federal Secretary

<u>Candidates</u> ELLIS, Patricia

Federal Assistant Secretary/Treasurer

<u>Candidates</u> HUNTLY, Allan Ross McKenzie

I declare the above candidates elected unopposed.

Ale.

Neil Kean Returning Officer 4 June 2015



Australian Property Services Association Federal Councillors E2015/91

Declaration of Results for Uncontested Offices

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.

Queensland Branch

Federal Councillors (6)

Candidates

BARRETT, Gary James BERGMANN, Cara FRENCH, Thomas HUNTLY, Allan PALMER, Graeme QUINTNER, Anthony

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

Ren.

Neil Kean Returning Officer 15 April 2015



Australian Property Services Association Federal Councillors E2015/91

Declaration of Results for Contested Offices

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.

New South Wales Branch

Total number of names on the roll of voters	9
Ballot papers issued	9
Replacement ballot papers issued	2
Total Ballot Papers Issued	11
Ballot papers / envelopes returned for scrutiny	9
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	9
Percentage of ballot papers returned to number issued	81%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	2

Federal Councillor (6)

<u>Candidates</u>	First Preference Votes	Votes
BELL, Raffaela	3	0
TURNER, Leanne Margaret	6	7
TEBB, Greg	1	0
DUKE, Des	7	7
VOULGARIS, Jim	8	9
ELLIS, Patricia	8	8
BELL, Robert	7	9
GABANSKI, Kathryn	5	5
SILVA, Adam	9	9
Total votes	54	54
Formal ballot papers	9	9
	•	-

I declare Robert Bell , Des Duke , Patricia Ellis , Adam Silva , Leanne Margaret Turner and Jim Voulgaris elected.

Oken.

Neil Kean Returning Officer Australian Electoral Commission 5 May 2015





6 March 2015

Ms Patricia Ellis Acting Federal Secretary Australian Property Services Association PO Box 8269 BAULKHAM HILLS NSW 2153

Dear Ms Ellis

Elections - Notification - s189 Fair Work (Registered Organisations) Act 2009 - Australian Property Services Association (E2015/91)

I refer to your notification lodged on 3 March 2015, including prescribed information in relation to an election of offices for the inaugural Federal Council and inaugural Federal Executive of the organisation.

With regard to your request for an extension of time for lodgement of the prescribed information, I have considered your explanation for the delay. Having regard to the length of time (i.e. one full year) which the approved amalgamation scheme envisaged would be the maximum period for the transitional arrangements of officers, and the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the Act but also in instruments or references pertaining to their own governance formulated by the organisations themselves, I decline on this occasion to allow, in the formal sense intended by sub-section 189(2), a later day for lodgement.

The refusal of an extension of time under s189(2) does not, however, affect a determination of an election notification matter for the purposes of section 189(3).

I have granted the election and my Decision is attached.

Yours sincerely

Chris Enright Delegate of the General Manager Fair Work Commission

11 Exhibition Street Melbourne VIC 3000 GPO Box 1994 Melbourne VIC 3001

Telephone: (03) 8661 7777 International: (613) 8661 7777 Facsimile: (03) 9655 0401 Email: melbourne@fwc.gov.au



DECISION

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

Australian Property Services Association (E2015/91)

MR ENRIGHT

MELBOURNE, 6 MARCH 2015

Arrangement for conduct of election.

[1] On 3 March 2015 the Australian Property Services Association lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Federal Council

Councillors (12)

Federal Executive

Federal President	(1)
Federal Vice-Presidents	(2)
Federal Secretary	(1)
Federal Assistant Secretary	(1)
Federal Treasurer	(1)

[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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR561698>

From: KELLETT, Stephen
Sent: Friday, 6 March 2015 10:17 AM
To: 'Trish Ellis'
Subject: FW: Election Decision - Australian Property Services Association - E2015/91

Dear Ms Ellis,

Please see attached the Delegate's Decision and letter in relation to the above.



Yours sincerely

STEPHEN KELLETT Regulatory Compliance Branch FAIR WORK COMMISSION

80 William Street EAST SYDNEY NSW 2011

(ph) (02) 6746 3283 (email) stephen.kellett@fwc.gov.au

From:	KELLETT, Stephen
То:	"Industrial Elections"
Subject:	Election Decision - Australian Property Services Association - E2015/91
Date:	Friday, 6 March 2015 10:14:00 AM
Attachments:	APSA E2015 91 Election Decision.pdf
	<u>144n.pdf</u>
	APSA E2015 91 Letter of Delegate 6 March 2015 (2).pdf

Dear Electoral Officer,

Please see attached a copy of the Delegate's decision and letter in relation to the above, and a copy of the applicable rules.

Yours sincerely

STEPHEN KELLETT Regulatory Compliance Branch FAIR WORK COMMISSION

80 William Street EAST SYDNEY NSW 2011

(ph) (02) 6746 3283 (email) stephen.kellett@fwc.gov.au

From:	VALE, David	
To:	"Industrial Elections"	
Subject:	E2015/91	
Date:	Wednesday, 4 March 2015 9:30:12 AM	
Attachments: APSA E2015 91 PI lodged 03032015.pdf		
	<u>APSA 144N D2013 120 01032014.doc</u>	
	APSA 144N NSW - NSW Branch R2014 115 11092014.doc	
	APSA 144N QLD - QLD Branch D2013 120 01032014.doc	

Dear AEC

Please find the prescribed information and a copy of the current rulebooks of the APSA for election number E2015/91.

Yours sincerely

DAVID VALE

Principal Adviser, Regulatory Compliance Branch, NSW **Fair Work Commission** Tel: 02 8374 6509 Fax: 02 9380 6990 david.vale@fwc.gov.au

Level 10, Terrace Tower 80 William Street East Sydney NSW 2011 www.fwc.gov.au

VALE, David

From:	Trish Ellis [Trish.Ellis@myapsa.com.au]
Sent:	Tuesday, 3 March 2015 3:50 PM
То:	Orgs
Subject:	APSA request for extention of time to hold eletions and statement of prescribed information
Attachments:	Request for extension for election March 2015 APSA Fed.doc; statement of prescribed (APSA) information March 2015.pdf; Additional information 1 Elections Mach 2015.pdf; Additional information 3 Elections Mach 2015.pdf; Additional information 3 Elections Mach 2015.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged RECEIVED
Categories:	RIA
Dear Sir,	1 1 5 3 4 2 Q

Please find attached a request for an extention of time to hold an election and a statement of prescribed information for your attention.

A favourable response to my request would be most grateful. Please contact me via any of the means necessary on the contact details as supplied if required.

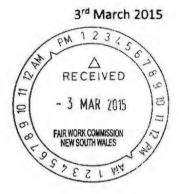
Kind Regards,

Trish Ellis LREA Secretary

trish.ellis@myapsa.com.au

AUSTRALIAN PROPERTY SERVICES ASSOCIATION

PO Box 8269 Baulkham Hill NSW 2153 02 9 672 6777 trish@myapsa.com.au



The Delegate to the General Manager Fair Work Commission 11 Exhibition Street Melbourne VIC 3000

Dear Sir

STATEMENT OF PRESCRIBED INFORMATION FOR AN ELECTION

I, Patricia Ellis, being the Federal Secretary of the Australian Property Services Association (APSA) make the following statement:

I am the Federal Secretary of the Australian Property Services Association.

I am authorised to lodge the following information concerning an election of Federal Councillors and Federal Officers of the Federal Executive of the Australian Property Services Association.

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

A. POSITIONS:

Federal Councillors: 12 office holder positions

Six (6) positions to be filled from APSA Queensland Branch.

Six (6) positions to be filled from APSA New South Wales Branch.

REASON FOR ELECTION:

The above positions are required to be filled in accordance with the Association's rule 22 and 57, and, the 12 month period for the transitional Federal Council having expired, to give effect to the scheme of amalgamation approved from 1 March 2014.

ELECTED BY:

Federal Councillors to be elected by collegiate voting system by members of each Branch Council (ie Queensland Branch Council members elect the 6 Queensland positions, and New South Wales Branch Council members elect the 6 New South Wales positions.

NOMINATIONS OPEN AND CLOSE:

Nominations open and close as determined by the returning officer.

CUT-OFF DATE FOR ROLL:

7 days prior to the opening date for nominations.

TERM OF OFFICE:

4 years

B. POSITIONS:

Federal Executive: 6 offices

Federal President (1)

Federal Vice President (2)

Federal Secretary (1)

Federal Assistant Secretary (1)

Federal Treasurer (1)

REASON FOR ELECTION:

The above positions are required to be filled in accordance with the Association's rules 23, and 58 and 87.4, and, the 12 month period for the transition Federal Executive having expired, to give effect to the scheme of amalgamation approved from 1 March 2014.

ELECTED BY:

Federal Office bearers to be elected by collegiate voting system by members of the Federal Council.

NOMINATIONS OPEN AND CLOSE:

Nominations within 7 days after the declaration of elected Branch delegates (ie Federal councillors) and close no earlier than 14 days after opening date.

CUT-OFF DATE FOR ROLL:

7 days prior to the opening date for nomination (ie comprising elected councillors)

TERM OF OFFICE:

4 years

Yours faithfully

P Ellis Acting Federal Secretary

- The members of the transitional Federal Council will consist of those officers holding the following positions in either the PSAQ or the REANSW on the date before the day of amalgamation:.
 - a. The President, Vice President, and Secretary of the PSAQ;
 - b. The President, Secretary and Treasurer of the REANSW;
 - c. Three persons nominated by and from the Committee of Management of the PSAQ
 - d. Three persons nominated by and from the Executive Committee of the REANSW
- 3. A transitional Federal Executive will be deemed to be elected
 - a. The President of REANSW shall be deemed to be elected the President of APSA
 - b. The President of PSAQ shall be deemed to be elected the Vice-President of APSA
 - The Secretary of REANSW shall be deemed to be elected the Secretary of APSA
 - d. The Secretary of PSAQ shall be deemed to be elected the Assistant Secretary of APSA
 - e. The Treasurer of REANSW and the Treasurer of the PSAQ shall be deemed to be elected the joint Treasurer of APSA
- The transitional Federal Executive will be deemed to hold office until the inaugural elected Federal Council has met and has elected officers in accordance with the proposed Rules 23 and 59.
- 5. A National Branch shall be created
- 6. The Federal Assistant Secretary shall be deemed to be the National Branch Secretary and have carriage of the affairs of the National Branch, with the exception of the financial management of the National Branch until the National Branch Council is elected
- 7. The Federal Treasurer shall have carriage of the financial management of the National Branch until the National Branch Council is elected.

In all instances, any person who is appointed to fill a casual vacancy hold office for the unexpired portion of the term.

8. Finances

A General Fund will be established for the APSA, which will be controlled by the Federal Council. The Fund will consist of any property under the custody, control or management of the Federal Council and any property then acquired by Federal Council through the expenditure of the fund or derived from other assets of the fund, income derived from investment or use of the fund, capitation dues and any other funds paid by Branches to the Federal Council, fines, donations and any funds – such as superannuation or long service leave funds operated for the benefit of APSA's officers or employees and funeral funds or similar operated by APSA for its members.

The Fund will only be used for the achievement of the objects of APSA and the administration of APSA.

The Rules of APSA prevent the Association from making loans, and any donations of over \$1,000 must first be approved by either the Federal Council or Federal Executive or, if the donation is being made from a Branch's funds, the Branch Council.

In accordance with the *Fair Work (Registered Organisations) Act* 20009, the APSA will develop policies for expenditure from the Fund, and disclose to members relevant expenditures and remuneration for its officials. The officer responsible for carrying out these duties is the Federal Treasurer.

Branches of the APSA will also establish a Branch Fund, which will operate in a similar manner to the General Fund. Branches will also be receive all membership fees from their Branch. The Branch Treasurer must also ensure that the Branch complies with the relevant financial obligations required under the *Fair Work (Registered Organisations)* Act 2009.

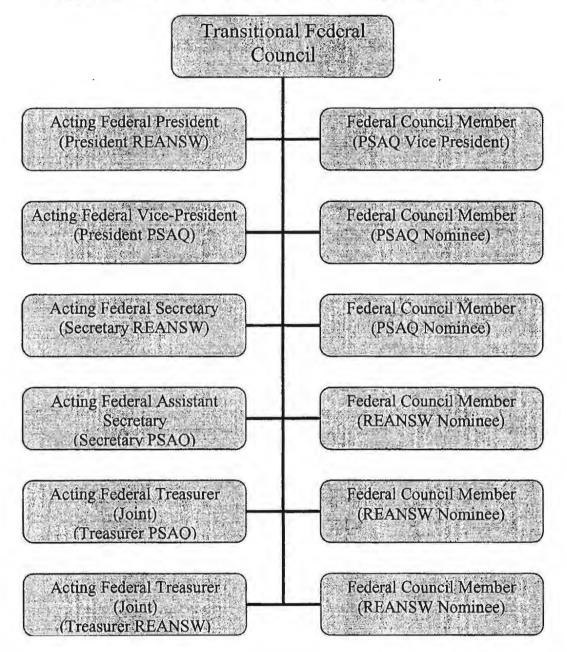
9. Transitional Arrangements

On amalgamation, the REANSW will become the NSW Branch of the APSA. Similarly, the PSAQ will become the Queensland Branch of the APSA. The existing structures and officeholders in these Unions will become the equivalent Branch Structures in the APSA. Members of each of these organisations will automatically become members of both the APSA and the relevant Branch.

Other than a change of name and structure, the key responsibilities of servicing members of the REANSW and the PSAQ should not change.

A transitional Federal Council, consisting of six representatives nominated by and from the REANSW Executive Committee and six representatives nominated by and from the PSAQ Committee of Management will be created. The Council will serve for no longer than one year, and will bed down the amalgamation process until elections can be held for a new Federal Council within one year of the amalgamation day. Similarly, three officers of the REANSW and three officers of the PSAQ will become the officers of APSA. They will serve until the new Federal Council has elected its Federal Executive. A diagram showing the transitional Federal Council and Federal Executive is at **Appendix C.**

One of the functions of the Federal Council and Federal Executive will be to establish the National Branch until a National Branch Council is elected (at the same time as the Federal Council elections). This includes establishing Branch Rules and the administration and promotion of the Branch. The Federal Assistant Secretary will have the main responsibility for administering the National Branch until elections are held for relevant Branch positions.



Appendix 3 - Transitional Federal Council (including Federal Executive)

AUSTRALIAN PROPERTY SERVICES ASSOCIATION

The Delegate for the General Manager Fair Work Commission 11 Exhibition Street Melbourne VIC 3000 3rd March 2015

Dear Sir,

REQUEST FOR EXTENSION OF TIME FOR LODGEMENT OF PRESCRIBED INFORMATION IN RELATION TO AN ELECTION

Please find attached a "Statement of Prescribed Information for an Election".

I also respectfully seek approval for an extension of time to allow a longer period for this lodgement which I have been advised should have been on or about or no later than the 28th December 2014.

The late lodgement is in part due to a misapprehension of the time-frame for lodgement and the holding of the election.

As provided for in the scheme of amalgamation and the formation of the APSA from the 1st March 2014, an inaugural Federal Council and an inaugural Federal Executive, both of four year terms, should be elected within the first 12 months.

The scheme of amalgamation also provided that a transitional Federal Council would "serve for no longer than one year and will bed down the amalgamatian pracess until elections can be held....". The transitional Federal Council was formed after the election of representatives from the Queensland and New South Wales Branches in E2014/105 and E2014/125 in April and May of 2014. All current officers of APSA are in fact members of this transitional Federal Council. The one year period was kept in mind but it has proved difficult to "bed down" the amalgamation process in the sense of resolving issues between the constituent branches of APSA and it was only in February 2015 that the transitional Federal Council could meet and make substantial progress in addressing various issues. The necessity of dealing with additional financial reporting obligations and the Royal Commission inquiry were factors in these difficulties. Consequently, there was insufficient appreciation of the two month notice period for lodgement of an election application. This period was only fully adverted to after recently seeking advice about the election process, and prior to the holding of the first meeting of the (transitional) Federal Council.

I appreciate that an extension of time may not be granted but should you require any further information or clarification please do not hesitate to contact me on (02) 9672 6780 or 0410 614 650.

Yours faithfully,

P Ellis Acting Federal Secretary

P O Box 8269,Baulkham Hills NSW 2153. Ph (D) 02 9672 6780 (M) 0410 614 650 Email: Trish@myapsa.com.au