



8 June 2017

Mr Roger Gillespie
President
The Australian Retailers Association
info@retail.org.au

Dear Mr Gillespie,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of the uncontested offices [E2016/259]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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 are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Australian Retailers Association, The 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. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not 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

Sarah Wilkin

Sarah Wilkin
Registered Organisations Commission

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 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]:³
 - COMMENCED operation:
 1. [include name of each new branch]
 2. ...
 - CEASED operation:
 1. [include name of each closed branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au .]

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	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

28/4/17

Post-election Report

The Australian Retailers Association E2016/259

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Election(s) Covered in this Report

Election Decision No/s: E2016/259

Rules

Rules used for the election: [260V: Incorporates alterations of 25/02/2015]
[R2015/17]

Rules difficult to apply/interpret: None
Module Rule reference (if any) None

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

Rule 39.4 (b) (ii) Election of Office Bearers

Notice and nomination form to be posted or handed to each member – elect of the ARA Council – within (3) days after the declaration of the election of the ARA Council and not more than seven (7) days before the closing date for nominations.

Time frame ‘within 3 days’ difficult to arrange second stage of election particularly if weekend falls within the period. Consider extending period to 7 days or longer.

“Posted or handed” consider including email/electronic means in delivery method.

“Not more than 7 days” – as Council elect members may be from different states difficulties may apply in candidates obtaining the required nominator. Consider extending nomination period.

Attachments

Declaration of Results for Uncontested Offices



Kathryn Montgomery
Returning Officer
28 April 2017.



Reference: N17/2

Roger Gillespie
President
The Australian Retailers Association
MELBOURNE VIC 3000

By Email: Attention Shaun Bajada Director - Operations

Dear Mr Gillespie,

**The Australian Retailers Association
Council Members and Office Bearers
E2016/259**

The declaration of the election for Uncontested Offices is attached.

The election is now complete.

Yours sincerely



Kathryn Montgomery
Returning Officer
3 April 2017

The Australian Retailers Association Council Members and Office Bearers

Declaration of Results for Uncontested Offices

E2016/259

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.

Council Members (14) (Stage 1)

Candidates

No nominations were accepted.

As no nominations were accepted, no candidates were elected.

Office Bearers (Stage 2)

***President**

Candidates

No candidate elected

***Vice-President**

Candidates

No candidate elected

***Secretary**

Candidates

No candidate elected

***Treasurer**

Candidates

No candidate elected

*As no nominations were accepted for the first stage of the election it was not possible to call nominations for the Office Bearers.



Kathryn Montgomery
Returning Officer

3 April 2017



DECISION

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

The Australian Retailers Association (E2016/259)

MR ENRIGHT

MELBOURNE, 20 DECEMBER 2016

Arrangement for conduct of election.

[1] On 1 December 2016 and 20 December 2016 The Australian Retailers Association lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Council Members (14)
President
Vice President
Treasurer
Secretary

[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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**STATEMENT OF PRESCRIBED INFORMATION FOR AN ELECTION
AUSTRALIAN RETAILERS ASSOCIATION**

I, Roger Gillespie being the President of the Australian Retailers Association. make the following statement (Reg.138(2)):

I am authorised to lodge the following prescribed information concerning forthcoming elections of the Association, and

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

**Roger Gillespie
President
Australian Retailers Association**

Date 20/12/2016

Title of office - [Req. 138(1)(a)]	Number [Req. 138(1)(c)]	Voting system [Req. 138(1)(g)]	Voting method
Council members	14	Direct voting system [rule 39.1(a)]	Secret postal ballot (rule 24(c))
President	1	Collegiate electoral system [rule 39.1(d)]	Secret postal ballot [rule 39.4(d)]
Vice President	1	Collegiate electoral system [rule 39.1(d)]	Secret postal ballot [rule 39.4(d)]
Treasurer	1	Collegiate electoral system [rule 39.1(d)]	Secret postal ballot [rule 39.4(d)]
Secretary	1	Collegiate electoral system [rule 39.1(d)]	Secret postal ballot [rule 39.4(d)]

Reasons for election [Reg. 138(1)(b)]:

- Scheduled election for the above Offices is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Elected by [Reg.138(1)(d)]:

- The electorate for the Council (totaling up to 14 persons) is every member of the organisation (see rule 39.1 (a)).
- The electorate for the 4 office-bearers is the whole of the Council (14 persons)

Phone: 1300 368 041
Fax: (03) 8660 3399

MELBOURNE OFFICE
Address: Level 1, 112 Wellington Parade
East Melbourne VIC 3002



Nominations open [Reg.138(1)(e)]:

- For Offices to be elected by direct voting system nominations are required to open by 28 February 2015 [rule 39.4(b)(i)]
- For offices to be elected by collegiate electoral system nominations will open within 3 days after the declaration of the election of the Council and not more than 7 days before the closing of nominations [rule 39.4(b)(ii)]

Nominations close [Reg 138(1)(e)]:

- For Offices to be elected by direct voting system nominations will close as determined by the Returning Officer.
- For offices to be elected by collegiate electoral system nominations will close as determined by the Returning Officer

Cut-off date for roll [Reg.138(1)(f)]:

- 14 days prior to date of opening of nominations for the Council (see rule 39.4(b)(i)).

Phone: 1300 368 041
Fax: (03) 8660 3399

MELBOURNE OFFICE

Address: Level 1, 112 Wellington Parade
East Melbourne VIC 3002



PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

(a) Name of each office for which election is required:

- ARA President
- ARA Vice Presidents (2)
- ARA Secretary
- ARA Treasurer
- Up to 4 members representing retail businesses in Victoria, with at least 2 being a National Retailer (Rule 21.1(b)) ;
- Up to 4 members representing retail business in New South Wales with at least 2 being a National Retailer.
- Up to 1 member representing retail businesses in each of the following Queensland, Tasmania, South Australia and Western Australia.

Note: the expression “National Retailer” and “State Retailer” is defined in Rule 5 of the Rules of the Australian Retailers Association (“ARA”).

Note: In accordance with rule 39.1 (d) The ARA Council shall elect by and from its number the following as the office bearers of the ARA:- ARA President, two ARA Vice Presidents, ARA Secretary and ARA Treasurer. Seniority as between the Vice Presidents will be determined by which of the two had the highest number of votes in the election or in the event that the two officers have equal votes or were the only two candidates, by lot.

(b) Reason for election:

Biennially Elections are required in all divisions in accordance with Rule 21.1.

(c) The number of offices to be filled in:

At least eight but not more than 12 (rule 21.1 of the ARA rules).

(d) Date and time of commencement and expiration of period for calling of nominations:

Phone: 1300 368 041
Fax: (03) 8660 3399

MELBOURNE OFFICE

Address: Level 1, 112 Wellington Parade
East Melbourne VIC 3002



Election of ARA Council

The roll of voters for any ballot is to be closed fourteen (14) days before the day on which nominations for the election open.

Notice and nomination form to be posted to each member entitled to vote at the election, by 28 February in each alternate year commencing from 2007 and not less than fourteen (14) days nor more than twenty-eight (28) days before the closing date for nominations.

Election of ARA Office Bearers

Notice and nomination form to be posted or handed to each member - elect of the ARA Council - within three (3) days after the declaration of the election of the ARA Council and not more than seven (7) days before the closing date for nominations.

(e) The Day provided in the Rules of the Organisation as the day on which the roll of voters is to close:

14 days prior to the day upon which nominations for the election are to open see Rule 39.3 and Rule 39.4 (b) (i) for the ARA Rules.

(f) Method of election

ARA Council will be elected using a direct voting system – see rule 39.1(a)

ARA Executive Committee will be elected using a collegiate electoral system – see rule 39.1(d)

The information referred to in this statement is lodged in accordance with section 189 (1) of schedule 1 of the Act.

I am an officer of the organisation authorised to make this statement.

Roger Gillespie
President
Australian Retailers Association

Date 1/12/2016



Australian
Retailers
Association

ANNEXURE A

Board Role	COMPANY	Name of Office Holder	Occupation of Office Holder	Postal Address of Office Holder
National Councillor	Frontline Hobbies	Colin Scott	Director	255 Hunter Street NEWCASTLE NSW 2300
National Councillor	Leading Edge Group	Andrew Grant	CEO	PO Box 148 Pymble NSW 2073
National Councillor	JPL Group	Liz Siminsky	Group Financial Controller	PO Box 157 Summer Hill NSW 2130
National Councillor	LS Travel	David Bisset	General Manager	Level 5 50 Holt street Surry Hills NSW 2010
National Councillor	Pandora	Mhairi Holway	VP Human Resources	PO BOX 906 Newport NSW 2106
National Councillor	Leslees	Ed Harry	Director	GPO BOX 4 Hobart Tasmania 7001
National Councillor	Palrre Foods	Steven Plarre	CEO	PO Box 218 Niddrie VIC 3042
President	Bakers Delight	Roger Gillespie	Managing Director	Suite 1 Level 1 293 Camberwell Rd CAMBERWELL VIC 3124
National Councillor	Sussan Group	Robyn Batson	HR Manager	11 Palmer Parade Cremorne Vic 3121
National Councillor	Harrolds	Mary Poulakis	Manager	325 Flinders Lane Victoria 3000
National Councillor	Bardot	Luke Dillon	COO	63 Victoria Crescent ABBOTSFORD VIC 3067
Secretary	Bright eyes	Rlaph Edwards	CEO	PO BOX 61 Red Hill Queensland 4059
National Councillor	Transworld Enterprises Pty Ltd	Toby Bensimon	Managing Director	25 Compton Street Adelaide 5000
National Councillor	Curious Grace	Wayne Curnuck	CEO	7a Kent St, Yarraville