



4 December 2015

Mr Ian Hopkins  
Councillor  
Consult Australia [Industrial]

Level 6, 50 Clarence Street  
Sydney NSW 2000

Dear Mr Hopkins,

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

The Australian Electoral Commission has provided the Commission a declaration of results for the election [E2015/90]. 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 Consult Australia [Industrial] 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
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							



Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**Client:** Consult Australia [Industrial] (COAI)

**ELECTIONS COVERED IN THIS REPORT**

**Election Decision No/s:** E2015/90

**RULES**

**Rules used for elections Rule ID:** [156N:Rules as at Registration on 1/7/2014  
[D2013/121]

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

**Model Rule reference (if any):**

**ROLL OF VOTERS**

**Total number of voters on the roll** N/A

**Number of apparent workplace addresses**

**Number of non-current addresses**

**Other Matters** Nil

**ALLEGATIONS OF IRREGULARITIES RECEIVED**

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

**ATTACHMENTS**

**A:** Uncontested Declaration

Rhys Richards  
Returning Officer  
25 May 2015

# Consult Australia [Industrial] Scheduled Election

## Declaration of Results for Uncontested Offices

**E2015/90**

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.

### **NATIONAL COUNCIL**

#### **National President**

Candidates

MATHER, Andrew

#### **Secretary/Treasurer**

Candidates

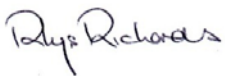
SHELTON, Jamie

#### **National Councillor (3)**

Candidates

HOPKINS, Ian  
MURPHY, Nicholas  
WRIGHT, James

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



Rhys Richards  
Returning Officer  
21 May 2015



FAIR WORK  
COMMISSION

18 March 2015

Mr Ian Hopkins  
Secretary  
Consult Australia [Industrial]  
GPO Box 56  
SYDNEY NSW 2001

Dear Mr Hopkins

**Scheduled Election - Consult Australia [Industrial] (E2015/90)**

I refer to the prescribed information dated 3 March 2015 which was lodged with the Fair Work Commission on 3 March 2015 for a scheduled election of the abovementioned organisation.

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

The Fair Work Commission is making arrangements, under subsections 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

A handwritten signature in blue ink that reads 'David Vale'.

David Vale  
Principal Adviser  
Regulatory Compliance Branch, NSW  
Fair Work Commission



## DECISION

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

### **Consult Australia [Industrial]** (E2015/90)

MR ENRIGHT

MELBOURNE, 18 MARCH 2015

*Arrangement for conduct of election.*

[1] On 23 and 27 February 2015 the Fair Work Commission wrote to Consult Australia [Industrial] to advise that it was overdue in lodging prescribed information in relation to a scheduled election.

[2] On 3 March 2015 the Consult Australia [Industrial] lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

#### **National Council**

National President	(1)
Secretary/Treasurer	(1)
National Councillor	(3)

[3] Consult Australia [Industrial] did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. In its correspondence of 3 March 2015, the organisation stated that the delay had been due to an oversight primarily caused by a lack of familiarity with the process of being a registered organisation and also due to an incorrect interpretation of its rules. The organisation also stated that it had taken immediate action to resolve the matter by appointing an industrial officer to assist with compliance matters.

[4] Consult Australia [Industrial] was registered as an organisation on 1 July 2014. Rule 47(e) of the organisation's rulebook states that within 60 days of registration the Secretary/Treasurer shall apply to the Fair Work Commission for the Australian Electoral Commission to conduct elections. The prescribed information should have been lodged by 30 August 2014. I have considered the explanation for the delay in lodging the prescribed information provided by Mr Hopkins, the Secretary of Consult Australia [Industrial]. Having regard to 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 organisations themselves, I decline on this occasion to allow, in the formal sense intended by section 189(2) of the Act, a later day for lodgement. The failure of Consult Australia [Industrial] to lodge the



prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the *Fair Work (Registered Organisations) Act 2009*.

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

[6] 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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<Price code A, PR562048>

## **VALE, David**

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**From:** VALE, David  
**Sent:** Wednesday, 18 March 2015 11:18 AM  
**To:** 'Industrial Elections'  
**Subject:** E2015/90  
**Attachments:** E2015\_90 SIGNED Decision\_18032015.doc; COAI\_E2015\_90 letter to AEC\_18032015.doc

Dear AEC

Please find a copy of the signed Decision for the COAI in election number E2015/90.

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](mailto:david.vale@fwc.gov.au)

Level 10, Terrace Tower

80 William Street

East Sydney NSW 2011

[www.fwc.gov.au](http://www.fwc.gov.au)

18 March 2015



FAIR WORK  
COMMISSION

Electoral Commissioner Through

Australian Electoral Officer ([industrial.elections@aec.gov.au](mailto: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 2015/90**

**RE: CONSULT AUSTRALIA [INDUSTRIAL]**

Offices: See Decision

Relevant Information: Scheduled election

Contact: Mr Ian Hopkins, Secretary

Phone: (02) 8252 6718

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 [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

Yours sincerely

David Vale  
Principal Adviser,  
Regulatory Compliance Branch, NSW  
Fair Work Commission

**VALE, David**

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**From:** VALE, David  
**Sent:** Wednesday, 4 March 2015 9:28 AM  
**To:** 'Industrial Elections'  
**Subject:** E2015/90  
**Attachments:** CAI E2015\_90 PI lodged 03032015.pdf, COAI\_156N\_D2013\_121 Reg\_01072014.doc

Dear AEC

Please find the prescribed information and a copy of the current rulebook of the Consult Australia Industrial for election number E2015/90.

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](mailto:david.vale@fwc.gov.au)

Level 10, Terrace Tower  
80 William Street  
East Sydney NSW 2011  
[www.fwc.gov.au](http://www.fwc.gov.au)

**VALE, David**

E2015/90

**From:** Kisanne Dulin [kisanne@consultaaustralia.com.au]  
**Sent:** Tuesday, 3 March 2015 2:50 PM  
**To:** Orgs  
**Subject:** Notice and Statement of Prescribed Information for an Election  
**Attachments:** Notice and Statement of Prescribed Information for an Election.pdf  
**Categories:** RIA

Please find attached the above documentation for Consult Australia [Industrial].

Please contact me should you have any questions or require further information.

Regards  
Kisanne  
(Industrial Officer, Consult Australia [Industrial])

**Kisanne Dulin**  
Director - Marketing &  
Membership

GPO Box 56  
Sydney NSW 2001  
p: +61 2 8252 6718  
m: +61 407 004 606  
e: [kisanne@consultaaustralia.com.au](mailto:kisanne@consultaaustralia.com.au)  
w: [www.consultaaustralia.com.au](http://www.consultaaustralia.com.au)





[Industrial]



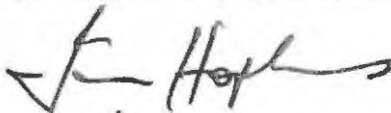
**Notice and Statement of Prescribed Information for an Election**

I, Ian Hopkins, being the Secretary of Consult Australia [Industrial], make the following statement:

I am the Secretary of Consult Australia [Industrial],

I am authorised to lodge the following prescribed information concerning forthcoming elections of Consult Australia [Industrial], and

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

Signed:   
Dated: 3<sup>rd</sup> March 2015

**Reason for delay of lodgement**

We acknowledge, and apologise for, the lateness in lodgement of this Statement. The delay is primarily due to oversight on our behalf caused by a lack of familiarity with the process which was exacerbated by the departure of Consult Australia's COO—the staff member with carriage of the registration and establishment of the organisation—at what we now know to be the crucial time.

With this departure, responsibility for the establishment of Consult Australia [Industrial] fell to Consult Australia's CEO (along with numerous other pressing tasks and responsibilities) and as a result the 'launch' and administration issues surrounding the registered organisation were temporarily put on hold.

It was also our [now known to be incorrect] interpretation of the rules that we had six months from date of registration to commence election proceedings rather than the 60 days specified under our rules. Unfortunately, this has led to us being far further behind in meeting our compliance obligations than we had realised and it was only on receipt of advice from the Fair Work Commission that we become aware of how far behind we actually were. We have now taken immediate action to resolve the matter with the appointment of an Industrial Officer (from within the management team of Consult Australia) who will have carriage of compliance going forward.

It should be noted that Consult Australia [Industrial] has not yet become operational and no promotion or activity has been undertaken through the registered organisation apart from the original EGM which was held to facilitate the interim election of office bearers.

**Offices/Positions**

<b>A</b>	National President (Direct Voting System)
	Secretary/Treasurer (DVS)
	National Councillors (3) (DVS)



**Reasons for election:**

**This is our first election as a registered organisation.**

- Election for offices and positions marked A is required as this will be the first election held under the rules of the Association.

**Elected by:**

- The electorate for the direct voting system is the whole of the members of the Association.

**Nominations open:**

- As this is the organisation's first election since registration, and the transitional provisions under rule 47 apply, nominations should open as soon as possible. Date to be determined by organisation and the AEC.

**Nominations close:**

- Not less than 14 days from the date upon which the Returning Officer sends the nomination forms (rule 30.(b))

**Cut off date for roll:**

- 7 days prior to the opening date for nominations (rule 30. (a))





27 February 2015

Ms Kisanne Dulin  
Industrial Officer

Consult Australia [Industrial]

Sent via email: [kisanne@consultaaustralia.com.au](mailto:kisanne@consultaaustralia.com.au) and [megan@consultaaustralia.com.au](mailto:megan@consultaaustralia.com.au)

Dear Kisanne,

**Consult Australia [Industrial] - Requirement to hold an election for offices**

Further to our conversation and my letter of 23 February 2015, I mentioned that I would write to you again concerning the organisation's overdue election.

The organisation was registered on 1 July 2014. According to subrule 47(e) of the organisation's rules, the organisation was required to lodge an election notification (known as the prescribed information) with the Fair Work Commission (the FWC) within 60 days of registration. Our records reveal that no such lodgement has yet been made. The election is for the organisation's Office Bearers, being the National President and Secretary/Treasurer, and Councillors of the National Council.

Sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* require an organisation to lodge, in the normal course of events, its prescribed information with the FWC within a certain timeframe, which is X number of days before the calling of nominations. However, this is the first election for the organisation and subrule 47(e) of the organisation's rules has precedents over all other election rules within the rules of your organisation. It requires, as mentioned above, that an election commence within 60 days of registration.

Therefore, the prescribed information should now be lodged with the FWC without delay. It should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009*. A sample template of the prescribed information can be found on our website at [www.fwc.gov.au/sample\\_documents](http://www.fwc.gov.au/sample_documents).

The prescribed information should be emailed to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). Given the election is very late the organisation will need to apply to the General Manager for an extension of time. Such request will need to set out the reason as to why the organisation was unable to comply with the requirement to lodge the prescribed information within 60 days of registration.

**It should be noted Section 189(2) is a civil penalty provision.** Failure to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or your organisation.

Should you seek any clarification in relation to the above, please contact me on (03) 8661 7936 or via email at [robert.pfeiffer@fwc.gov.au](mailto:robert.pfeiffer@fwc.gov.au).

Yours sincerely,

Robert Pfeiffer  
Senior Adviser  
Regulatory Compliance Branch