



18 January 2019

Ms Nella Kikianis  
President  
Real Estate Employers' Federation of South Australia and the Northern Territory  
arvin@reefsant.org.au

Dear Ms Kikianis,

### **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 stage 1 and 2 uncontested offices for SA/NT Branches [E2018/145]. 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, as soon as practicable after receiving the post-election report, 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 Real Estate Employers' Federation of South Australia and the Northern Territory 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

**Matthew Indrigo**  
**Registered Organisations Commission**

17 December 2018

# Post-election report

Real Estate Employers' Federation of  
South Australia and the Northern  
Territory  
Scheduled Election  
E2018/145

# Contents

Election(s) Covered in this Report .....	3
Rules .....	3
Roll of Voters .....	3
Irregularities .....	3
Other Matters.....	4
Signed.....	4
Attachments.....	4
A. Declaration of results for Uncontested Offices – SA/NT.....	5
B. Declaration of results for Uncontested Offices – SA/NT Stage 2.....	6

# Election(s) Covered in this Report

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Organisation: Real Estate Employers' Federation of South Australia and the Northern Territory  
Election: Scheduled  
Election Decision No/s: E2018/145

## Rules

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Rules used for the election: R2015/179 Incorporates alternations of 2/11/2015

Rules difficult to apply/interpret: Nil

Model Rule reference (if any): Nil

For more details see the Model Rules on the AEC website:

[https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

## Roll of Voters

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

## Irregularities

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

Other irregularities identified, and action taken: Nil

## Other Matters

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Returning Officer actions required (Section 193):

Details:

S193 decision made by Returning Officer in relation to Rule 5.6.4

Due to a delay with Stage 1 nominations and declaration, Stage 2 could not commence until declaration of Stage 1 which was 22 November 2018. Under Rule 5.6.4 of the Real Estate Employers Federation SA/NT Rules "the nomination period should be no less than 14 days". Real Estate Employers Federation had a scheduled Board Meeting on Wednesday 5 December 2018 to hold Stage 2 of their election followed by their AGM which they did not wish to move.

Outcome – As the Returning Officer the decision was made under Section 193 of the Fair Work Commission Act to reduce Stage 2 nomination period from 14 days to 13 days.

## Signed

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Deanne Tully  
Returning Officer  
Australian Electoral Commission  
E: saelections@aec.gov.au  
P: 08 8237 6508  
17 December 2018

## Attachments

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- A. Declaration of results for Uncontested Offices – SA/NT  
Stage 1
- B. Declaration of results for Uncontested Offices – SA/NT  
Stage 2

# Attachment A

## Real Estate Employers' Federation of South Australia and the Northern Territory

### DECLARATION OF RESULTS - E2018/145 Uncontested Offices

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#### Scheduled Election

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 are:

#### Members of REEF SA/NT

##### Board Member (8)

##### Candidates

HARVEY, Andrew

SLAPE, Emma

FORDE, Samantha

TOOP, Suzannah

ROBINSON, Scott

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

Deanne Tully  
Returning Officer  
Australian Electoral Commission  
21/11/2018

# Attachment B

## Real Estate Employers' Federation of South Australia and the Northern Territory

### DECLARATION OF RESULTS - E2018/145 - Stage 2 Uncontested Offices

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#### Scheduled Election

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 are:

#### Board Office-Bearers

##### President (1)

###### Candidates

FORDE Samantha

##### Deputy President (1)

###### Candidates

SLAPE Emma

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

Deanne Tully  
Returning Officer  
Telephone: 08 8237 6508  
Email: saelections@aec.gov.au  
13/12/2018





## DECISION

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

### **Real Estate Employers' Federation of South Australia and the Northern Territory** (E2018/145)

MR ENRIGHT

MELBOURNE, 3 SEPTEMBER 2018

*Arrangement for conduct of election.*

[1] On 2 August 2018 the Real Estate Employers' Federation of South Australia and the Northern Territory lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Board Member	(8)
President	(1)
Deputy President	(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 COMMISSIONER

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## Registered Organisations Commission

ATT: Sam Gallichio  
GPO Box 2983  
MELBOURNE VIC 3001

2<sup>nd</sup> August 2018

### **Re: Request for conduct of Elections for Board Member, President and Deputy President**

In accordance with the prescriptions of the Fair Work Act 2009 (Act), REEF SA/NT is required to call for nominations for the election of eight (8) vacant Board Member positions, one (1) President and one (1) Deputy President on its Board.

Please find below my notice of statement to be used in relation to the REEF SA/NT request for scheduled elections for the mentioned vacant position on its Board.

### **Notice of Statement**

I, Nella Kikianis, being the President of the Real Estate Employers Federation of South Australia and the Northern Territory, make the following statement:

I am the President of the Real Estate Employers Federation of South Australia and the Northern Territory,

I am authorised to lodge the following prescribed information concerning the forthcoming election of eight (8) vacant Board Member positions, and one (1) President and one (1) Deputy President to the Board of the Real Estate Employers Federation of South Australia and the Northern Territory.

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

### **Reason for Election**

- A. An election was held by the Australian Electoral Commission (AEC) for all REEF SA/NT Board Members (8) in December 2014 [E2014/150].

Since the above election, by the AEC, two (2) Board Members resigned. No Election was held and the two (2) positions were temporarily filled under Rule 8.4 "Casual Vacancies" of the REEF SA/NT constitution.

In accordance with Rule 8.3.1 (b) of the REEF SA/NT constitution the term of Board Members of the Federation shall be as follows:

**"(b) Board Members shall hold office for a term of 4 years and shall be eligible for re-election."**

The 4-year term of eight (8) Board Members of the Federation expires on 18 December 2018. As a requirement under the Act all elections of office holders in our organisation are

conducted by the Australian Electoral Commission (AEC). We seek your assistance in commencing this process.

- B. An election was held by the Australian Electoral Commission (AEC) for President and Deputy President in December 2016 (E2016/156).

In accordance with Rule 8.3.1 (a) of the REEF SANT constitution the term of the President and Deputy President of the Federation shall be as follows:

**“(a) The President and Deputy-President shall hold office for a term of 2 years and shall be eligible for re-election.”**

The 2-year term of the President and Deputy President of the Federation expires on 21 January 2019. As a requirement under the Act all elections of office holders in our organisation are conducted by the Australian Electoral Commission (AEC). We seek your assistance in commencing this process.

### Statement of prescribed information

#### Board members

1. Eight “vacant position” is required to be filled under Rule 5 “Election of Board Members and Office Bearers”.
2. The eight “vacant position” is to be elected under the direct voting system.
3. The electorate for the direct voting system for the eight “vacant position” will be the REEF SA/NT financial members (rule 8.1.2)
4. Nominations for the eight “vacant position” will open at the discretion of the AEC in accordance with Rule 5.
5. Nominations for the eight “vacant position” will close at the discretion of the AEC in accordance with Rule 5.
6. The “Register of voters” Rule 5.3.1(a) shall close, seven (7) days before nominations for the election open, as determined by the AEC in accordance with Rule 5.

#### President & Deputy President

1. The “President” is required to be filled under Rule 5.6 Election of Board Office-Bearers (President and Deputy President)
2. The “Deputy President” is required to be filled under Rule 5.6 Election of Board Office-Bearers (President and Deputy President)
3. The “President and Deputy President” shall be elected by, and from amongst, the Board Members in the manner provided in this Rule.
4. Nominations for the “President and Deputy President” will open at the discretion of the AEC in accordance with Rule 5.
5. Nominations for the “President and Deputy President” will close at the discretion of the AEC in accordance with Rule 5.
6. The “Register of voters” Rule 5.3.1(a) shall close, seven (7) days before nominations for the election open, as determined by the AEC in accordance with Rule 5.


Victoria Edwards, REEF SA/NT Executive Officer (EO) will provide the AEC with any administrative assistance during the process.

Should you require further information please do not hesitate to contact myself or Victoria Edwards (EO) on 08 8366 4311 or [REDACTED] or email [eo@reefsant.org.au](mailto:eo@reefsant.org.au).

Attachment "A" is a record of terms of office for the REEF SA/NT Board.

Attachment "B" is a list of all Board members and their contact details.

Yours Sincerely



Nella Kikianis  
President

2 August 2018

*[PLEASE NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]*

## ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
SA/NT	Board Members	8	DVS	Scheduled	All members
SA/NT	President	1	DVS	Scheduled	All members
SA/NT	Deputy President	1	DVS	Scheduled	All members

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	<i>At the discretion of AEC in accordance with rule 5.</i>	
<b>Nominations CLOSE</b>	<i>At the discretion of AEC in accordance with rule 5.</i>	
<b>Roll of Voters cut off date</b>	<i>7 days prior to nominations opening (rule 5)</i>	

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'to be determined by the returning officer'. Casual vacancies must be accompanied by proof of resignation and attached to this statement.

**'ATTACHMENT A'**

First Name	Last Name	Position	Date Appointed	Term of Office (years)	Expiry date	Resignation date (if applicable)
Nella	Kikianis	President	21-Jan-17	2	21-Jan-19	
Nella	Kikianis	Member	18-Dec-14	4	18-Dec-18	
Samantha	Forde	Deputy President	21-Jan-17	2	21-Jan-19	
Samantha	Forde	Member	18-Dec-14	4	18-Dec-18	
Paul	Stanton	Member	18-Dec-14	4	18-Dec-18	
Suzannah	Toop	Member	18-Dec-14	4	18-Dec-18	
Andrew	Harvey	Member	18-Dec-14	4	18-Dec-18	
Emma	Slape	Member	18-Dec-14	4	18-Dec-18	
Patricia	Capone	Member (casual vacancy to replace Derek)	3-Aug-17		18-Dec-18	
Linda	Baker	Member (casual vacancy to replace Mark)	7-Sep-17		18-Dec-18	
Derek	Lynch	President	21-Jan-15	2	21-Jan-17	21-Jan-17
Derek	Lynch	Member	18-Dec-14	4	18-Dec-18	21-Jan-17
Mark	Burns	Member	18-Dec-14	4	18-Dec-18	21-Jan-17



6 June 2018

Ms Arvin Bisbal  
Chief Executive Officer  
Real Estate Employers' Federation of South Australia and the Northern Territory  
Sent via email: [arvin@reefsant.org.au](mailto:arvin@reefsant.org.au)

CC: AEC Returning Officer by email: [industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au)

Dear Ms Bisbal,

**Courtesy Letter - Election for offices [E2018/145]**

The rules of the Real Estate Employers' Federation of South Australia and the Northern Territory indicate that an election for offices within the organisation is due to commence shortly.

- President
- Deputy President
- Board Members

It appears that nominations for the election for the above-named offices open in September this year.

**Reminder: prescribed information must be lodged**

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

**If you do NOT agree that an election is due**

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know on [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au) as soon as possible.

**If you agree that an election is due**

If you agree that an election is due, the prescribed information must be lodged within the month. The prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au). When lodging the prescribed information, please quote [E2018/145]

**If you are unable to lodge the prescribed information on time**

If your organisation believes that it will be unable to comply with the prescribed day as set out in

the Regulations, it will need to apply to the Commissioner within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that consent to a later day will be allowed.

### **Penalties apply**

**It should be noted Section 189(2) is a civil penalty provision.** Failure for an organisation to lodge prescribed information at least two months before nominations open may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

### **Insufficient nominations**

If there are insufficient nominations, or if a casual vacancy arises after the conduct of this election, then those unfilled or vacated offices must be filled in accordance the organisation's rules, and in any event in a timely manner.

Should you seek any clarification in relation to the above, please contact the ROC on [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours faithfully,



**Sam Gallichio**  
**Registered Organisations Commission**