



16 January 2019

SDA NSW Secretary  
Shop, Distributive and Allied Employees Association-New South Wales Branch  
secretary@sdansw.asn.au

Dear SDA NSW Secretary,

cc: Gerard Dwyer, gerard@sda.org.au

### **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 uncontested offices for NSW Branch [E2018/180]. 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 Shop, Distributive and Allied Employees Association-New South Wales Branch 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**

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

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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)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

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](mailto: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.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</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>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						


13 December 2018

# Post-election report

**Shop, Distributive and Allied  
Employees Association**  
New South Wales Branch  
Scheduled election  
E2018/180

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# Election(s) Covered in this Report

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Organisation: New South Wales Branch  
Election: Scheduled  
Election Decision No/s: E2018/180

## Rules

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Rules used for the election: 006N-NSW: Incorporates alterations of 11/04/2017 (R2016/306)

Rules difficult to apply/interpret: Nil  
Model Rule reference (if any): N/A

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): Nil

Details: N/A

## Signed

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Catherine Bernoth  
Returning Officer  
Australian Electoral Commission  
E: nswelections@aec.gov.au  
P: 02 9375 6375  
13 December 2018

## Attachments

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### A. Declaration of Results for Uncontested Offices – NSW

**Shop, Distributive and Allied Employees Association**  
**New South Wales Branch**  
**DECLARATION OF RESULTS - E2018/180**  
**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:

**NSW Branch Members**

**Branch President (1)**

Candidates

DUMYCZ Maria

**Branch Vice-President (1)**

Candidates

WILLIAMS Carol

**Branch Secretary-Treasurer (1)**

Candidates

SMITH Bernie

**Branch Assistant Secretary-Treasurer (1)**

Candidates

TONKLI Robert

**Branch Trustee (2)**

Candidates

MANOS Adamina

SLENDER Julie

**Branch Councillor (7)**

Candidates

APPS Ann

BARROS Suzanne

BOLLEN Vincent John

BOLTJES Pauline

FUNGE Suzanne

WRIGHT Jason

YARWOOD Cathy

**Branch Delegate to National Council (9)**

Candidates

APPS Ann

BARROS Suzanne

DONNELLY Greg

DUMYCZ Maria

SAMMAK Sam

**Branch Delegate to National Council... (continued)**

SLENDER Julie  
SMITH Bernie  
TONKLI Robert  
WILLIAMS Carol

**Retail Members of NSW Branch**

**Branch Councillor (3)**

Candidates

DUFTY Cheryl  
RIZK Nayfeh  
TYRRELL Donna Maree

**Drug & Allied Members of NSW Branch**

**Branch Councillor (1)**

Candidates

SAMMAK Sam

**All Other Industry and Vocational Groupings NSW**

**Branch Councillor (1)**

Candidates

KRAAYMAAT Martin

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

*C Bernoth .*

Catherine Bernoth  
Returning Officer  
Telephone: 02 9375 6375  
Email: nswelections@aec.gov.au  
12/12/2018



## DECISION

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

### **Shop, Distributive and Allied Employees Association** (E2018/180)

MR ENRIGHT

MELBOURNE, 6 SEPTEMBER 2018

*Arrangement for conduct of election.*

[1] On 14 August and 3 September 2018 the New South Wales Branch of the Shop, Distributive and Allied Employees Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

- Branch President
- Branch Vice-President
- Branch Secretary-Treasurer
- Branch Assistant Secretary-Treasurer
- Branch Trustee (2)
- Branch Councillors (12) elected as follows:
  - Branch Councillors elected by the total membership in the whole of the Branch (7)
  - Branch Councillors elected by the Retail membership only of the Branch (3)
  - Branch Councillor elected by the Drug & Allied membership only of the Branch (1)
  - Branch Councillor elected by the members of all other industry and vocational groupings only of the Branch (1)
- Branch Delegates to National Council (9)

[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

Printed by authority of the Commonwealth Government Printer

<PR351155>

3 September 2018

Mr Sam Lynch  
Registered Organisations Commission  
GPO Box 2983  
MELBOURNE VIC 3001

By Email: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

Dear Sam,

**Re: E2018/180**  
**Re: Conduct of Elections in Branch**

Please find enclosed amended documentation as requested containing the prescribed information in respect of an election pursuant to section 189 (1) of the Fair Work (Registered Organisations) Act 2009 in the Shop, Distributive & Allied Employees' Association, New South Wales Branch.

The Branch Council of the New South Wales Branch of the Association wishes the elections to be conducted by the Australian Electoral Commission and accordingly the attached documentation is forwarded to you in order to commence the process leading to this election.

If you need any further information, please do not hesitate to contact me on (02) 9392 9501 or 0413 679 038.

Yours faithfully,



**Bernie Smith**  
**BRANCH SECRETARY-TREASURER**

enc

**Branch Secretary**  
Bernie Smith

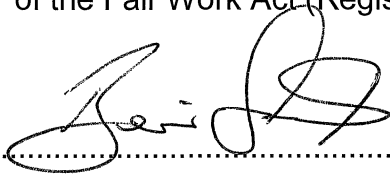


## Statement and Prescribed Information in Respect of an Election

I, Bernard Joseph Smith, of Level 3, 8 Quay Street, Sydney in the State of New South Wales, make the following statement:-

1. I am the Branch Secretary-Treasurer of the New South Wales Branch of the Shop, Distributive and Allied Employees' Association, an organisation of employees registered under the Fair Work Act (Registered Organisations) Act 2009.
2. I am authorised to lodge the following amended prescribed information concerning forthcoming elections in the New South Wales Branch of the Shop, Distributive and Allied Employees' Association.
3. I confirm that the following information is being lodged under Section 189 (1) of the Fair Work Act (Registered Organisations) Act 2009.

Signed: .....



Date: .....

3/9/18

### Offices / Positions

Name of Each Office	Number of Each Office	Electorate
Branch President	1	Total Membership in the whole of the Branch
Branch Vice-President	1	As above
Branch Secretary-Treasurer	1	As above
Branch Assistant Secretary-Treasurer	1	As above
Branch Trustee	2	As above
Branch Councillor	7	As above
Branch Councillor	3	Retail membership only of the Branch
Branch Councillor	1	Drug & Allied membership only of the Branch
Branch Councillor	1	Members of all other industry and vocational groupings only of the Branch
Branch Delegate to National Council	9	Total membership in the whole of the Branch



The reason for the election for each office named above is that the term of office is due to expire in the normal course of events under the rules of the New South Wales Branch of the Organisation.

For the purpose of determining the number of Branch Delegates to National Council I confirm that the number of financial members of the Branch on 31 December 2017 was 60,234.

Under the Rules of the Branch, the closing date for all nominations for the offices set out above is 2:30pm on Monday, 10 December 2018. The Rules provide that the Returning Officer shall call for nominations by advertisement in the public notices column of the Sydney Morning Herald which advertisement shall appear twice at least three days apart and shall each give not less than fourteen days' notice of the date on which nominations are to close.

The voting system to be employed in the conduct of the election is a direct voting system by the members in the electorates as stated above.

To be precise, if the above dates were to be followed, nominations would open on Friday 23 November 2018 and the first advertisement calling for nominations in the Public Notices column of the Sydney Morning Herald would appear on Friday 23 November 2018. The second advertisement in the Public Notices column of the Sydney Morning Herald would appear on Monday 26 November 2018. Nominations then close at 2.30pm Monday 10 December 2018. The cut off date for the roll is Friday 16 November 2018, in accordance with Rule 10(h).

14 August 2018

Sam Gallichio  
Registered Organisations Commission  
GPO Box 2983  
MELBOURNE VIC 3001

By Email: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

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**Re: E2018/180**  
**Re: Conduct of Elections in Branch**

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Yours faithfully,



Bernie Smith  
**BRANCH SECRETARY-TREASURER**

enc

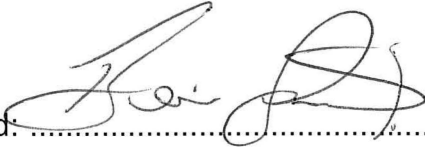
**Branch Secretary**  
Bernie Smith



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

Signed:  Date: 14/8/18

### Offices / Positions

Name of Each Office	Number of Each Office	Electorate
Branch President	1	Total Membership in the whole of the Branch
Branch Vice-President	1	As above
Branch Secretary-Treasurer	1	As above
Branch Assistant Secretary-Treasurer	1	As above
Branch Trustee	2	As above
Branch Councillor	7	As above
Branch Councillor	3	Retail membership only of the Branch
Branch Councillor	1	Drug & Allied membership only of the Branch
Branch Councillor	1	Members of all other industry and vocational groupings only of the Branch
Branch Delegate to National Council	9	Total membership in the whole of the Branch

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Under the Rules of the Branch the second advertisement in the Public Notices column of the Sydney Morning Herald would appear on or about Friday 23 November 2018.

The voting system to be employed in the conduct of the election is a direct voting system by the members in the electorates as stated above.

To be precise, if the above dates were to be followed, nominations would open on Monday 26 November 2018 and nominations close at 2.30pm Monday 10 December 2018. The cut off date for the roll is Monday 19 November 2018, in accordance with Rule 10(h).