



4 June 2018

Mr Christopher Gazenbeek  
Secretary  
Shop, Distributive and Allied Employees Association-Queensland Branch  
secretary@sdaq.asn.au

Dear Mr Gazenbeek,

cc: general@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 Queensland Branch [E2018/16]. 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 Shop, Distributive and Allied Employees Association-Queensland 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

**Christine Hibberd**  
**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>						

**Post Election Report**

*Fair Work (Registered Organisations) Act 2009*

**POST ELECTION REPORT**

**Shop, Distributive and Allied Employees  
Association (Queensland Branch)**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: *E2018/16*

**RULES**

Rules used for the election: *7, 4, 15, 21, 22, 22A, 26 & 35*

Rules difficult to apply/interpret: *none*

Model Rule reference (if any) *N/A*

**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*

**ATTACHMENTS**

Declaration of Results for Uncontested Offices – QLD

A handwritten signature in black ink, appearing to read 'D McKenzie', with a large loop at the start and a trailing flourish.

David McKenzie  
Returning Officer

29/5/18

**Shop, Distributive and Allied Employees Association**  
**Queensland Branch**  
**DECLARATION OF RESULTS - E2018/16**  
**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:

**QLD Branch**

**Office Name**

**Candidates**

**Assistant Secretary**

POWER Justin

**Branch Delegate to National Council**

BESWICK Ellie  
HOGG John  
GAZENBEEK Chris  
KETTER Chris  
PULUNGAN Sharon  
OLIVER Cassandra June

**President**

HOGG John

**Secretary-Treasurer**

GAZENBEEK Chris

**State Council District Representatives Greater Brisbane Area**

BURGESS Kath  
JARRETT Pierina  
PULUNGAN Sharon  
WEDGWOOD Margaret  
OLIVER Cassie

**State Council District Representatives Northern Districts (Sunshine Coast, Gympie, Maryborough and Bundaberg Districts)**

FLOOD Belinda  
WILLIAMS Tracy



**State Council District Representatives Shop Assistants and Storemen and Packers in Retail**

WELCH Robyn

**State Council District Representatives Southern and Western**

MCLEAN Sarah

KNAP Bevan

**Vice-President**

BESWICK Ellie

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



David McKenzie  
Returning Officer  
Australian Electoral Commission  
29/05/2018





## DECISION

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

### **Shop, Distributive and Allied Employees Association** (E2018/16)

MR ENRIGHT

MELBOURNE, 13 MARCH 2018

*Arrangement for conduct of election.*

[1] On 16 February and 12 March 2018 the Queensland 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:

President	(1)
Vice-President	(1)
Secretary-Treasurer	(1)
Assistant Secretary	(1)
State Council District Representatives (as per Branch rule 7(a))	(10)
Branch Delegate to National Council	(6)

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

I, Mr Christopher John Gazenbeek, being the Branch Secretary of the Shop Distributive and Allied Employees' Association (Queensland Branch) make the following statement:

1. I am authorised to sign this statement containing prescribed information for [the Shop Distributive and Allied Employees' Association (Queensland Branch)].
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.

This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed: 

Dated: 12 March 2018

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

## ANNEXURE A

- Elections that are required [insert as many pages as required]:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
Queensland	Secretary- Treasurer	1	Direct Voting	Scheduled	Whole Electorate
	President	1	Direct Voting	Scheduled	Whole Electorate
	Assistant Secretary	1	Direct Voting	Scheduled	Whole Electorate
	Vice President	1	Direct Voting	Scheduled	Whole Electorate
	National Council Member	6	Direct Voting	Scheduled	Whole Electorate
	State Council Member	10	Direct Voting	Scheduled	Whole Electorate
...					

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	<i>First Monday in May (rule 15 sub rule b )</i>	
<b>Nominations CLOSE</b>	<i>No later than 12 noon, fourth Friday of May (rule 15b)</i>	
<b>Roll of Voters cut off date</b>	<i>(rule15e)</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.



1 February 2018

Mr Christopher Gazenbeek  
Secretary  
Shop, Distributive and Allied Employees Association-Queensland Branch

Sent via email: [secretary@sdaq.asn.au](mailto:secretary@sdaq.asn.au)

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

Dear Mr Gazenbeek,

**Courtesy Letter - Election for offices [E2018/16]**

The rules of the Shop, Distributive and Allied Employees Association-Queensland Branch indicate that an election for offices within the branch is due to commence shortly.

- Secretary/Treasurer
- Assistant Secretary
- State Council and Delegates to National Council

It appears that nominations for the election for the above-named offices open in May 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 [E2018/16]

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

If your branch 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**