

Shop, Distributive and Allied Employees Association

E2014/253 - Casual Vacancy - Branch Delegate to National Council

Declaration of Results for Contested Offices

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.

Victorian Branch

Ballot papers issued	41782
Replacement ballot papers issued	0
Total Ballot Papers Issued	41782
Ballot papers / envelopes returned for scrutiny	8905
Less ballot papers / envelopes rejected at preliminary scrutiny	174
Total Ballot Papers Admitted to Scrutiny	8731
Percentage of ballot papers returned to number issued	21
Ballot papers returned as unclaimed mail	211
Ballot papers not returned	32732

Branch Delegate to National Council

<u>Candidates</u>	<u>Votes</u>
CAFINI, Anthony	601
FOX, Julia	6936
JOHNSTONE, Michael	994
Total votes	8731
Formal ballot papers	8531
Informal ballot papers	200

I declare Julia Fox elected.



Laura Leavy
Returning Officer
Australian Electoral Commission
19 March 2015

Fair Work (Registered Organisations) Act 2009 – Schedule 1

POST ELECTION REPORT

Shop, Distributive & Allied Employees Association

ELECTION/S COVERED IN THIS REPORT

Election Decision No: E2014/253

RULES

Rules used for the election: [006N-VIC: Incorporates alterations of 17/11/2014 (R2014/175) (*replaces* 12/11/2013 (R2013/355) *version*)

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 41,793

Number of apparent workplace addresses: Nil

Number of non-current addresses: 222 (211 envelopes returned undelivered and 11 members without addresses listed)

Other matters pertaining to the roll of voters: Nil

IRREGULARITIES

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

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration



Laura Leavy
Returning Officer
AEC Melbourne
26 March 2015

Mr Michael Donovan
State Secretary
Shop, Distributive & Allied Employees' Association – Victorian Branch
65 Southbank Boulevard
SOUTHBANK VIC 3006

Post-Election Report For: **Shop, Distributive and Allied Employees Association - Victorian Branch**
Vacancy – Branch Delegate to National Council
E2014/253

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 (RAO) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

A handwritten signature in blue ink, appearing to read 'Laura Leavy', is enclosed in a thin black rectangular border.

Laura Leavy
Returning Officer
26 March 2015



DECISION

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

Shop, Distributive and Allied Employees Association (E2014/253)

MR ENRIGHT

MELBOURNE, 26 NOVEMBER 2014

Arrangement for conduct of election.

[1] On 19 November 2014 the Victorian Branch of the Shop, Distributive and Allied Employees Association lodged with the Fair Work Commission the prescribed information in relation to an election to fill a casual vacancy for the remainder of the term of office in the following office:

Branch Delegate to National Council (1)

[2] The prescribed information was not lodged before the day prescribed by Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. That day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election. The Branch has requested that I allow a later day for the lodgement of the prescribed information under subsection 189(2) of the *Fair Work (Registered Organisations) Act 2009*. Having considered the reason for late lodgement, I allow lodgement on 19 November 2014 in this instance.

[3] I am satisfied that an election for the abovenamed office 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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Fair Work (Registered Organisations) Act 2009

Statement and Notice of Prescribed Information

I, MICHAEL JOHN DONOVAN, of 65 Southbank Boulevard, Southbank, Victoria make the following statement:

1. I am the Branch Secretary/Treasurer of the Shop, Distributive & Allied Employees' Association, Victorian Branch and I am authorised to lodge the following prescribed information concerning an election in the SDA Victorian Branch.
2. I confirm that the following information is being lodged under sub-section 189 (1) of the Fair Work (Registered Organisations) Act 2009 ("the Act").
3. SDA Victorian Branch Delegates to National Council were elected for a four year term on 9 January 2014. See attached declaration of the ballot by the Australian Electoral Commission.
4. One of the Victorian Branch Delegates to National Council elected on January 2014 was Lorraine Watson.
5. By letter dated 14 November 2014 Lorraine Watson resigned from the office of Victorian Branch Delegate to National Council. See attached copy of the letter of resignation.
6. At a meeting of State Council held on 19th November 2014, the following resolution was passed:

"State Council notes that the resignation of Lorraine Watson dated 14 November 2014 means that there is a casual vacancy arising in the office of Branch Delegate to National Council and that more than three quarters of the term of office remains to be served. Pursuant to Rule 36 (ba) and Rule 44 (e)(1) State Council resolves that nominations shall be called on Monday 12 January 2014 for one (1) Branch Delegate to National Council and shall close at 10:30 am on Thursday 29th January 2015. If a ballot is required it shall open on Friday 27th February 2015 and close at 10am on Thursday 19 March 2015."

7. I provide the following prescribed information:

Prescribed Day

The prescribed day for the purposes of subsection 189(2) of the Act and for the purposes of the Fair Work (Registered Organisations) Regulations 2009 is the 12th November 2014. The SDA Victorian Branch seeks an extension of time to lodge the prescribed information up to 19th November 2014.

Offices/Positions and Electorate

For the purposes of Regulation 138(1)(a), 138 (1)(c) and 138(1)(d) I state that the name of each office or position for which an election is required are set out below, the number of those offices or positions is set out below and the name of the branch, section or division for each position is set out below.

OFFICE	NO. OF THOSE OFFICES	DIVISION
Branch Delegate to National Council	1	Victorian Branch

Reason for the Election

For the purpose of Regulation 138 (1)(b) the reason for the election is that a casual vacancy in the office has occurred and that more than three quarters of the term of office remains to be served.

Nominations Open/Close

For the purpose of Regulation 138(1)(e) the date of the beginning and end of the period in which nominations will be called for in relation to the election are as follows:

- date of the beginning of the period in which nominations will be called for is the 12th January 2015; and
- date and time of the end of the period in which nominations will be called for is 10:30am on the 29th January 2015.

Close of Roll

For the purpose of Regulation 138(1)(f) I state that pursuant to Rule 36(e) of the registered Rules of the Victorian Branch that the day provided for in the rules of the organisation as the day on which the roll of voters is to be closed is the 5th January 2015, being seven days before the day on which nominations open.

Voting System

For the purpose of Regulation 138(1)(g) I state that the kind of voting system to be used in the conduct of the election is a direct voting system.

Signed:


.....
Michael Donovan

19 November 2014



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65 Southbank Boulevard
Southbank Vic 3006

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email	info@sda.vic.org
web	www.sda.vic.org

State Secretary: **Michael Donovan**

19 November 2014

General Manager
Fair Work Commission
GPO Box 1994
Melbourne VIC 3001

Dear Sir/Madam

Re: Provision of Prescribed Information re Election in SDA Victorian Branch

Please find, attached the prescribed information in respect of an election for an office in the Shop, Distributive & Allied Employees' Association, Victorian Branch.

The information supplied is in accordance with sub-section 189(1) of the Fair Work (Registered Organisations) Act 2009 and with Regulation 138 of the Fair Work (Registered Organisations) Regulations 2009.

Should you require any further information please do not hesitate to contact the undersigned on 9698 1489.

Yours sincerely

Michael Donovan
Branch Secretary/Treasurer

- Shop, Distributive and Allied Employees Association Division and Branch Delegates

Declaration of Results for Uncontested Offices

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.

E2013/279

Victorian Branch

Division Delegate to Branch Conference - Metropolitan Division (20)

Candidates

ARATHOON, Bernadette
BELL, Ricky
BURKE, Antony
CANNON, Kathryn
DUNN, Judith
JOHNSTONE, Anne
JONES, Nola
KERFORD, Bernadette
KOO, John
LETHBORG, Pauline
LIBBIS, Trevor
O'GARA, Alain
PETERSON, Sarah
PREEST, Simon
SIWEK, Jennifer
STEVENS, Michelle
SUMNER, Madella
TRIMBLE, Tammy
WILTON, Michelle
ZSARIK, Leanne

Division Delegate to Branch Conference - Ballarat Division (2)

Candidates

HUNTER, Korinea
WINZAR, Kim

Division Delegate to Branch Conference - Bendigo Division (2)

Candidates

RYAN, Patricia
WHELAN, Lesley

Division Delegate to Branch Conference - Geelong Division (2)

Candidates

COTTER, Eileen
WARFE, Debra-anne

Division Delegate to Branch Conference - Mallee Division

Candidates

HESLOP, Dianne

Division Delegate to Branch Conference - Latrobe Division

Candidates

HOLLAND, Julie

Division Delegate to Branch Conference - Hair, Beauty & Modelling Division

Candidates

SCIBILIA, Ada

Division Delegate to Branch Conference - Western Division

Candidates

LEE, Fiona

Division Delegate to Branch Conference - North-Western Division

Candidates

BECKER, Debra

Division Delegate to Branch Conference - Northern Division

Candidates

TANNER, Debra

Division Delegate to Branch Conference - North Eastern Division

Candidates

MACPHERSON, Ian

Division Delegate to Branch Conference - Gippsland and Central Division

Candidates

HOLLINGSWORTH, Suzanne

Division Delegate to Branch Conference - Distribution Division

Candidates

ERICKSEN, Peter

Branch Delegate to National Council (8)

Candidates

CAPOZZI, Joanna
CONNELLY, Patricia
DONOVAN, Michael
FORNI, Maureen
GOSS, Lori
JONES, Nola
SCIBILIA, Ada
WATSON, Lorraine

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



Jeff Webb
Returning Officer
9 January 2014