



11 April 2018

Mr Allan Fazldeen  
Secretary  
Australian Community Services Employers Association, Union of Employers  
info@cmsolutions.org.au

Dear Mr Fazldeen,

### **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 [E2017/271]. 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 Australian Community Services Employers Association, Union of Employers 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)<br/>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>      |   |  |  |   |   |   |
|                 |   |  |  |   |   |   |
|                 |   |  |  |   |   |   |
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|                 |   |  |  |   |   |   |
|                 |   |  |  |   |   |   |

Insert date of report: 29/03/2018

# Post-election Report

**Australian Community Services Employers Association,  
Union of Employers E2017/271**

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## Election(s) Covered in this Report

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Election Decision No/s: E2017/271

## Rules

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|                                     |  |
|-------------------------------------|--|
| Rules used for the election:        | [010Q: Incorporates alterations of 24/10/2014 (R2012/136 and R2013/50) replaces rulebook dates (14/10/2009)] |
| Rules difficult to apply/interpret: | None   |
| Module Rule reference (if any)      | N/A  |

## 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: None

Other irregularities identified, and action taken: NA



## Other Matters

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None

## Attachments

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- 1) Declaration of Results for Uncontested Offices – QLD



Tim Gordon  
Returning Officer

29/03/2018

**Australian Community Services Employers Association,  
Union of Employers**  
**DECLARATION OF RESULTS - E2017/271**  
**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:

**President (1)**

Candidates

PONTING            Deborah

**Vice-President (1)**

Candidates

O'BRIEN            Jennifer

**Secretary (1)**

Candidates

TEAGUE            Kim

**Treasurer (1)**

Candidates

GEORGE            Lyanna

**Board Member (6)**

Candidates

FAZLDEEN        Allan

HOENS             Peter

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



Tim Gordon  
Returning Officer

29 March 2018



## DECISION

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

**Australian Community Services Employers Association, Union of  
Employers**  
(E2017/271)

MR ENRIGHT

MELBOURNE, 22 JANUARY 2018

*Arrangement for conduct of election.*

[1] On 14 December 2017 and 11 January 2018 the Australian Community Services Employers Association, Union of Employers lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

|                |     |
|----------------|-----|
| President      | (1) |
| Vice-President | (1) |
| Secretary      | (1) |
| Treasurer      | (1) |
| Board Member   | (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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**From:** Catherine Norris <catherinen@cmsolutions.org.au>  
**Sent:** Thursday, 11 January 2018 3:49 PM  
**To:** ROC - Registered Org Commission  
**Subject:** E2017/271 - ACSEA - Application for Election  
**Attachments:** Statement of Prescribed Information for an Election 2018.pdf

To Whom It May Concern,

Attached is Australian Community Services Employers Association application for an Election of Board Members.

If there are any problems please do not hesitate to contact me.

Kind Regards,  
Catherine

Catherine Norris | Joint General Manager  
Responsible for Member Services



Email: [catherinen@cmsolutions.org.au](mailto:catherinen@cmsolutions.org.au) | Website: [www.cmsolutions.org.au](http://www.cmsolutions.org.au)  
Mobile: 0417 757 755 | Call: 1300 007110  
Fax: 07 3852 5188  
Unit 5, 321 Kelvin Grove Road, Kelvin Grove Qld 4059



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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, **ALLAN FAZLDEEN** being the **SECRETARY** of the **AUSTRALIAN COMMUNITY SERVICES EMPLOYER ASSOCIATION, UNION OF EMPLOYERS**, make the following statement:

1. I am authorised to sign this statement containing prescribed information for **AUSTRALIAN COMMUNITY SERVICES EMPLOYER ASSOCIATION, UNION OF EMPLOYERS**.
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.
4. This statement **IS** lodged at least 2 months before nominations open for the election below.



Signed:

Dated: 10 January 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<br><i>Direct voting system;<br/>Collegiate electoral system</i> | Reason for Election<br><i>Scheduled;<br/>Casual vacancy;<br/>New office created;<br/>Insufficient nominations</i> | Electorate                                     |
|-----------------|-----------------------|-----------------|---|---|--|
| <i>National</i> | <i>President</i>      | <i>1</i>        | <i>DVS</i>  | <i>Scheduled</i>  | <i>All Members of Association (Rule 20(3))</i> |
|                 | <i>Secretary</i>      | <i>1</i>        | <i>DVS</i>  | <i>Scheduled</i>  | <i>All Members of Association (Rule 20(3))</i> |
|                 | <i>Treasurer</i>      | <i>1</i>        | <i>DVS</i>  | <i>Scheduled</i>  | <i>All Members of Association (Rule 20(3))</i> |
|                 | <i>Vice President</i> | <i>1</i>        | <i>DVS</i>  | <i>Scheduled</i>  | <i>All Members of Association (Rule 20(3))</i> |
|                 | <i>Board Member</i>   | <i>6</i>        | <i>DVS</i>  | <i>Scheduled</i>  | <i>All Members of Association (Rule 20(3))</i> |
|                 |                       |                 |   |   |  |
|                 |                       |                 |   |   |  |
|                 |                       |                 |   |   |  |
|                 |                       |                 |   |   |  |

- Important dates:

|                                    | Direct Voting System                                       | Collegiate Electoral System |
|------------------------------------|--|-----------------------------|
| <b>Nominations OPEN</b>            | <i>First Monday of the Month (rule 20 (9))</i>             |                             |
| <b>Nominations CLOSE</b>           | <i>21 days after noms open (rule 20 (11))</i>              |                             |
| <b>Roll of Voters cut off date</b> | <i>30 days prior to nominations opening date (rule 27)</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.

**From:** Catherine Norris <catherinen@cmsolutions.org.au>  
**Sent:** Thursday, 14 December 2017 10:28 AM  
**To:** ROC - Registered Org Commission  
**Subject:** ACSEA - Application for Election of Board Members  
**Attachments:** ACSEA-PrescribedInformationforElection-14122017.pdf

To Whom It May Concern,

Attached is Australian Community Services Employers Association application for an Election of Board Members.

Please refer to page 3 of our application of an email received from Ms Carolyn Moloney from the Regulatory Compliance Branch in regards to the Election process.

If there are any problems please do not hesitate to contact me.

Kind Regards,  
Catherine

Catherine Norris | Joint General Manager  
Responsible for Member Services



Email: [catherinen@cmsolutions.org.au](mailto:catherinen@cmsolutions.org.au) | Website: [www.cmsolutions.org.au](http://www.cmsolutions.org.au)  
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## Neale Brosnan

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**From:** MOLONEY, Carolyn  
**Sent:** Tuesday, 9 February 2016 12:17 PM  
**To:** Neale Brosnan  
**Subject:** Election and rules enquiry - ACSEAUE

Dear Mr Brosnan,

Thank you for your enquiry in relation to the election timetable, in accordance with the rules, of the Australian Community Services Employers Association, Union of Employers.

I understand your concerns in relation to the timing of the next scheduled election. The rules state that the terms of office expire three years after the declaration of the result of the ballot (r 20(1)); that all elected officers will take up office in September of each election year (r 20(2)); and that the election is to be commenced in such months before September as is determined by the Board and in the same month every three years thereafter (r 20(3)). The problem with this timetable is that if this schedule were followed, the current office holders, elected as you say in March 2015, would not have three year terms that expire in September.

While elections must be conducted in accordance with the rules, the greater concern in my view is that the current officers are able to hold office for a three year term, which is also in accordance with the rules. This also seems to be generally in keeping with the stated intention in rule 20(3) that the election shall be commenced in the same month every three years.

I would therefore advise that the organisation lodge the prescribed information in December 2017, or before 5 January 2018 to enable the election to be held in early March 2018. This is because regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* provides that the prescribed day (for lodgement of prescribed information) is the day occurring 2 months before the first day when a person may, under the rules of the organisation, become a candidate in an election. When lodging the prescribed information, the organisation can refer to this email by way of explanation of the date of lodgement.

Needless to say, the problem that remains is that sub-rules 20(1), 20(2) and 20(3) refer to the commencement of terms of office being in September of the election year. In this regard, the organisation may choose to rectify this through an alteration of its rules. If so, I would recommend that the draft rule changes be lodged with the Fair Work Commission, with a request for advice and assistance, prior to undertaking the resolution process to vote on the proposed rules. That way, we can assess the proposed rules with reference to legislative requirements and Delegate precedents, and if necessary, provide recommendations to increase the likelihood of certification. This would avoid potentially having to conduct a further internal resolution process to alter the rules. The draft rules and request for advice and assistance can be lodged by email to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

I hope this has helped to alleviate your concerns. If you have any further questions or concerns, please don't hesitate to phone me on (02) 9308 1972, or email [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

***Please be aware my telephone number has changed. My new phone number is 02-9308 1972. Please update your records accordingly.***

Kind regards,

**CAROLYN MOLONEY**  
Regulatory Compliance Branch

**Fair Work Commission**  
Tel: 02 9308 1972