



10 January 2018

Mr Keith Rhoades
President
Local Government and Shires Association of New South Wales
lgsa@lgsa.org.au

Dear Mr Rhoades,

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 contested offices for Directors Metropolitan/Urban (7) and Directors Rural/Regional (7) [E2017/114]. 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 Local Government and Shires Association of New South Wales 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

Mitch Webster
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].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 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]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ 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.]*

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.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<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>						



10 January 2018

Mr Keith Rhoades
President
Local Government and Shires Association of New South Wales
lgsa@lgsa.org.au

Dear Mr Rhoades

Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/114

On 20/12/2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/114 dated 20/12/2017. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rules for submitting proxy voting and substitution voting delegates could potentially impact whether a ballot in the secret ballot is valid. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

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 regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
-
- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Mitch Webster

Registered Organisations Commission

20 December 2017

Post-election Report

**E2017/114 Local Government and Shires
Association of New South Wales**

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Election(s) Covered in this Report

Election Decision No/s: E2017/114

Rules

Rules used for the election: 142N: Incorporates alterations of 01/03/2017 in matter D2016/68 and R2017/26

Rules difficult to apply/interpret: The AEC and the Association discussed prior to the Election Notice being issued that the different times in the Rules for submitting proxy voting and substitution voting delegates could potentially impact whether a ballot in the secret ballot is valid. To remedy this, the AEC issued a direction under subsection 193(1) of the Fair Work (Registered Organisation) Act 2009 (the 'Act'): *A member of the LGNSW wishing to notify a change of delegate under either rules 34(b) or (c) of the Association's Rules must give notice in writing signed by either the Mayor or the General Manager of the member to both the Chief Executive or his or her nominee and the Returning Officer by 5pm the business day before the day of the opening of the ballot.*

This was subsequently written into the Election Notice to clarify the arrangements.

Model Rule reference (if any) See above

Roll of Voters

Total number of voters on the Roll: See Declaration of Results as there were more than one roll.

Number of apparent workplace addresses: Not applicable. The ballot is conducted by attendance

Number of non-current addresses: Nil

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

Other Matters

1) The Rules of the Association do not include a provision for how candidates' names were to appear on the ballot paper. As a remedy, the Returning Officer conducted a draw for ballot paper positions and advised all candidates and the Association the time, date and place for the draw.

2) Schedule B, paragraph 15 of the Rules, states that the ballot paper(s) must include the candidates declared current registered political party membership. A number of political parties are registered differently in the State and Federal jurisdiction. It is recommended that the Rules specify which jurisdiction applies so that registered political party membership can be presented consistently on the ballot paper.

Attachments

- 1) Declaration of Results – President, Treasurer and Vice Presidents
- 2) Declaration of Results - Directors



Renee Damasena
Returning Officer
20 December 2017

Local Government & Shires Association of New South Wales Election of Board of Directors

Declaration of Results for Contested Offices

E2017/114

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.

Local Government & Shires Association of NSW

Total number of names on the roll of voters	436
• Metropolitan/Urban Voting Delegates	216
• Rural/Regional Voting Delegates	220
Ballot papers issued	410
• Metropolitan/Urban Voting Delegates	199
• Rural/Regional Voting Delegates	211
Replacement ballot papers issued	Various
• President	1
Total Ballot Papers Issued	Various
• President	411
• Treasurer	410
• Vice President Metropolitan/Urban	199
• Vice President Rural/Regional	211
Ballot papers / envelopes returned for scrutiny	Various
• President	410
• Treasurer	409
• Vice President Metropolitan/Urban	198
• Vice President Rural/Regional	211
Less ballot papers / envelopes rejected at preliminary scrutiny	Various
• President (spoilt)	1
Adjusting balance	NA
Total Ballot Papers Admitted to Scrutiny	Various
• President	409
• Treasurer	409
• Vice President Metropolitan/Urban	198
• Vice President Rural/Regional	211
Percentage of ballot papers returned to number issued	>99%
Ballot papers not returned	Various

Treasurer*

I declare Marjorie Spooner O'Neill elected.

President*

I declare Linda Scott elected.

Vice President (Metropolitan/Urban)*

I declare Angelo Tsirekas elected.

Vice President (Rural/Regional)*

I declare Lindsay Brown elected.

* Please note, first preference votes and distribution of votes are attached for each office.



Renee Damasena
Returning Officer
Australian Electoral Commission

7 December 2017

Local Government & Shires Association of New South Wales Election of Board of Directors

Declaration of Results for Contested Offices

E2017/114

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.

Local Government & Shires Association of NSW

Total number of names on the roll of voters	436
• Metropolitan/Urban Voting Delegates	216
• Rural/Regional Voting Delegates	220
Ballot papers issued	Various
• Metropolitan/Urban Voting Delegates	199
• Rural/Regional Voting Delegates	211
Replacement ballot papers issued	Various
• Directors Metropolitan/Urban	2
• Directors Rural/Regional	2
Total Ballot Papers Issued	Various
• Directors Metropolitan/Urban	201
• Directors Rural/Regional	213
Ballot papers / envelopes returned for scrutiny	Various
• Directors Metropolitan/Urban	201
• Directors Rural/Regional	213
Less ballot papers / envelopes rejected at preliminary scrutiny	Various
• Directors Metropolitan/Urban (spoilt)	2
• Directors Rural/Regional (spoilt)	2
Adjusting balance	NA
Total Ballot Papers Admitted to Scrutiny	Various
• Directors Metropolitan/Urban	199
• Directors Rural/Regional	211
Percentage of ballot papers returned to number issued	100%
Ballot papers not returned	0

Directors (Metropolitan/Urban) (7)*

I declare Karen McKeown, Mazhar Hadid, Julie Griffiths, Khal Asfour, George Greiss, Lesley Furneaux-Cook and Michael Regan elected.

Directors (Rural/Regional) (7)*

I declare Darriea Turley, Phyllis Miller, Marianne Saliba, Ruth Fagan, Benjamin William Shields, Rod Kendall and Paul Harmon elected.

* Please note, full count reports are attached for each office.



Renee Damasena
Returning Officer
Australian Electoral Commission

8 December 2017



Copy of Signed Decision

Title of Matter: Application/Notification by Local Government and Shires Association of New South Wales
Section: s.189(1) RO Act - Notification of elections for office
Subject: Scheduled election - President; Vice President (Metropolitan/Urban); Vice President (Rural/Regional); Treasurer; Directors (Metropolitan/Urban) (7); Directors (Rural/Regional) (7).
Matter Number(s): E2017/114

A copy of the Commissioner's decision is attached for your information.

The relevant rulebook can be accessed via the Fair Work Commission's [website](#).

Dear Local Government and Shires Association of New South Wales,

Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records to be declared to the Registered Organisations Commission. This includes changes to officers as a result of elections. Changes must be declared within 35 days and a template is available from the [website](#).

Dear Australian Electoral Commissioner via the Electoral Officer,

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

Contact: Mr Keith Rhoades of the organisation, as per the prescribed information.

Please send any declaration(s) and post election report to the Registered Organisations Commission at regorgs@roc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Carolyn Moloney through regorgs@roc.gov.au.

25 MAY 2017



DECISION

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

Local Government and Shires Association of New South Wales (E2017/114)

MR ENRIGHT

MELBOURNE, 25 MAY 2017

Arrangement for conduct of election.

[1] On 24 April 2017 the Local Government and Shires Association of New South Wales lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Vice President (Metropolitan / Urban)	(1)
Vice President (Rural / Regional)	(1)
Treasurer	(1)
Directors (Metropolitan / Urban)	(7)
Directors (Rural / Regional)	(7)

[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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24 April, 2017

General Manager
Fair Work Commission
Level 10, Terrace Tower
80 William Street
EAST SYDNEY NSW 2011

By Email: orgs@fwc.gov.au

Dear General Manager

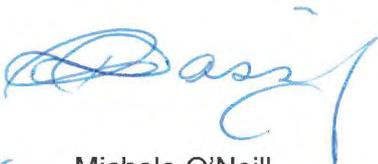
NOTICE AND STATEMENT OF PRESCRIBED INFORMATION FOR AN ELECTION

The Local Government and Shires Association of New South Wales ("the Association") writes in relation to section 189(1) of the *Fair Work (Registered Organisations) Act 2009* (Cth) which requires the Association to lodge the prescribed information in relation to an election that is to be conducted by the Australian Electoral Commission.

Attached is the Statement of Prescribed Information, signed by the duly authorised officer of the Association detailing the information as required by Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009* (Cth).

If you have any questions, please contact the undersigned on 9242 4142.

Yours sincerely


per Michele O'Neill
Senior Industrial Officer

Encl: Statement of Keith Rhoades AFSM, President of the Local Government and Shires Association of New South Wales

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, Keith David Rhoades being President of the Local Government and Shires Association of New South Wales, also known as Local Government NSW, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Local Government and Shires Association of NSW.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (Cth) (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: Keith David Rhoades AFSM

Dated: 21/4/2017

ANNEXURE A

- Elections that are required :

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>
President	1	Direct Voting System by delegates of ordinary members as set out in rule 39(c)	Scheduled
Vice President (Metropolitan/Urban)	1	Direct Voting System by delegates of ordinary members from Metropolitan/Urban councils as set out in rule 40(a), including the member of the Board of the ALC who is the delegate for the Sydney/Newcastle ALC.	Scheduled
Vice President (Rural/Regional)	1	Direct Voting System by delegates of ordinary members from Rural/Regional councils as set out in rule 40(b), including members of the Board of the ALC who are delegates from those ALC regions that are treated as Rural/Regional councils.	Scheduled
Treasurer	1	Direct Voting System by delegates of ordinary members as set out in rule 40(c)	Scheduled
Directors (Metropolitan/Urban)	7	Direct Voting System by delegates of ordinary members from Metropolitan/Urban councils as set out in rule 40(d) including the member of the Board of the ALC who is the delegate for the Sydney/Newcastle ALC.	Scheduled
Directors (Rural/Regional)	7	Direct Voting System by delegates of ordinary members from Rural/Regional councils as set out in rule 40(e), including members of the Board of the ALC who are delegates from those ALC regions that are treated as Rural/Regional councils	Scheduled

- Important dates:

	Direct Voting System
Nominations OPEN	16 October 2017 (rule 5(a) of Schedule B) being 7 weeks prior to the first business day of the Annual Conference
Nominations CLOSE	7 November 2017 (rule 8 of Schedule B) being 4 weeks prior to the first business day of the Annual

	<i>Conference</i>
Roll of Voters cut off date	<i>9 October 2017 (rule 3 of Schedule B) being at least 7 days prior to the date upon which the Returning Officer calls for nominations.</i>