



4 October 2018

Ms Linda Scott  
President  
Local Government and Shires Association of New South Wales  
lgsa@lgsa.org.au

Dear Ms Scott

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/96**

On 21-09-2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/96 dated 21-09-2018. 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 rule 48A. 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](mailto: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

**Christine Hibberd**

**Registered Organisations Commission**



4 October 2018

Ms Linda Scott  
President  
Local Government and Shires Association of New South Wales  
lgsa@lgsa.org.au

Dear Ms Scott,

### **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 [E2018/96]. 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 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

**Christine Hibberd**  
**Registered Organisations Commission**

21 September 2018

**Local Government and Shires  
Association of New South Wales**  
Casual Vacancy election  
E2018/96

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## Election(s) Covered in this Report

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Election Decision No/s: E2018/96

## Rules

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Rules used for the election:	142N: Incorporates alterations of 01/03/2017 in matter D2016/68 & R2017/26
Rules difficult to apply/interpret:	<p>Rule 48. “Subject to rule 48A, where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office”.</p> <p>There are no further rules on how to conduct a secret postal ballot. As there may be future casual vacancies, the rules for filling casual vacancies need to be more complete.</p>

## Roll of Voters

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Total number of voters on the Roll:	236
Number of apparent workplace addresses:	169
Number of non-current addresses:	3
Other matters pertaining to the roll of voters:	N/A

## Irregularities

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Details of written allegations of irregularities, and action taken by AEC:	N/A
Other irregularities identified, and action taken:	N/A

## Other Matters

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Returning Officer actions required (Section 193):

Details: As mentioned above, in regards to Rule 48, more information should be included in Schedule B to assist the conduct of a secret postal ballot. For example, rules in Schedule B 5 (a), 8, 11, and rule 16 in regards to absent voting, do not cater for a secret postal ballot for a casual vacancy.

## Signed

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Anthony Carey  
Returning Officer  
Australian Electoral Commission  
E: nswelections@aec.gov.au  
P: 02 9375 6361  
21 September 2018

# Attachments

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

Local Government and Shires Association of New South Wales  
DECLARATION OF RESULTS - E2018/96  
Contested Office

Casual Vacancy Election

The results of the election for the following office conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

LGNSW Rural Regional Council Delegates

Total number of persons on the roll of voters	236
Ballot Papers Issued	236
Replacement ballot papers issued	1
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>237</b>
Ballot papers/envelopes returned for scrutiny	146
Less ballot papers/envelopes rejected at preliminary scrutiny	3
Adjusting balance	0
<b>TOTAL BALLOT PAPERS</b>	<b>143</b>
Percentage of ballot papers returned to number issued	62%
Ballot papers returned as unclaimed mail by closing date of ballot	0
Ballot papers not returned by voters	90

Vice President (Rural/Regional) (1)

Candidates		First Preference Votes	Final Votes
MACK	Kevin Francis	21	
KING	Dominic	13	
BAKER	Kevin	3	
DAGG	Melanie	39	58
FAGAN	Ruth	13	
LE MOTTEE	Paul	7	
MILLER	Phyllis	15	
GASH	Joanna	12	
FERGUSON	Scott	19	84

Total votes 143  
Formal ballot papers 142  
Informal ballot papers 1

I declare the following elected:

- FERGUSON Scott



Anthony Carey  
Returning Officer  
Australian Electoral Commission  
17/09/2018





## DECISION

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

### Local Government and Shires Association of New South Wales (E2018/96)

MR ENRIGHT

MELBOURNE, 9 MAY 2018

*Arrangement for conduct of election.*

[1] On 10 April 2018 the Local Government and Shires Association of New South Wales lodged with the Registered Organisations Commission prescribed information in relation to an election to fill the following casual vacancy:

Vice President (Rural/Regional) (1)

[2] I am satisfied that an election for the above-named 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 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, Linda Scott, being the President of the Local Government and Shires Association of New South Wales, also known as Local Government NSW ("**LGNSW**"), make the following statement:

1. I am authorised to sign this statement containing prescribed information for LGNSW.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (Cth) ("**RO Act**").
3. The election that is required is set out in the table in Annexure A.
4. The resignation letter is attached for each casual vacancy.



Signed: Linda Scott (LGNSW President)

Dated: 10th April 2018.

**ANNEXURE A**

- Elections that are required:

<b>Name of Office</b>	<b>Number required</b>	<b>Voting System</b>	<b>Reason for Election</b>
<i>Vice President (Regional/Rural council)</i>	<i>1</i>	<i>Secret postal ballot as set out in rule 48</i>	<i>Casual vacancy (the resignation is attached)</i>

- Important dates:

	<b>Casual Vacancies</b>
<b>Nominations OPEN</b>	<i>Determined by the returning officer</i>
<b>Nominations CLOSE</b>	<i>Determined by the returning officer</i>
<b>Roll of Voters cut-off date</b>	<i>Determined by the returning officer</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.