

8 June 2022

Post-election report

Shop, Distributive and Allied Employees Association

Queensland Branch

Scheduled election

E2022/53

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Election(s) Covered in this Report

Organisation: SDAEA - Queensland Branch

Election: Scheduled

Election Decision No/s: E2022/53

Rules

Rules used for the election:

- 006N: Incorporates alterations of 30 January 2022 [R2021/197] (replaces rulebook dated 10 December 2021 [R2021/157])
- 006N-QLD: Incorporates alterations of 24 November 2016 [R2016/151] (Replaces alterations of 2 May 2016 [R2016/71])

Roll of Voters

Based on an analysis of the register of members the Returning Officer has formed the opinion that the:

- There were no concerns in the construction of the Roll of Voters
- There are no concerns in the data provided by the organisation

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- As there is no rule pertaining to tied results, I am applying s193 (1) (b) of the Fair Work (Registered Organisations) Act 2009 to determine the tied results by drawing a lot.
- The AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. The ballot opening date for the conduct of the ballot which varied from the rule was set to allow stakeholders to fully participate.

Signed

Olivia Lee

Returning Officer

Australian Electoral Commission

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8 June 2022

Attachments

A. Declaration of Results for uncontested Offices

Shop, Distributive and Allied Employees Association
Queensland Branch
DECLARATION OF RESULTS - E2022/53
Uncontested Offices

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

OLIVER Cassandra

Vice President (1)

Candidates

BESWICK Ellie

Secretary-Treasurer (1)

Candidates

GAZENBEEK Chris

Assistant Secretary (1)

Candidates

POWER Justin

Branch Delegate to National Council (6)

Candidates

BESWICK Ellie

FLOOD Belinda

GAZENBEEK Chris

OLIVER Cassandra

PULUNGAN Sharon

WEDGWOOD Margaret

State Council District Representatives- Greater Brisbane Area (5)

Candidates

BURGESS Kath

JARRETT Pierina

MOSS Dianne

PULUNGAN Sharon

WEDGWOOD Margaret

State Council District Representatives- Southern and Western Districts (2)

Candidates

KNAP Bevan

OCHOLA Stacy

State Council District Representatives- Northern Districts (Sunshine Coast, Gympie, Maryborough and Bundaberg Districts) (2)

Candidates

FLOOD Belinda

MCDUFF Mary

State Council District Representatives- Shop Assistants and Storemen and Packers in Retail Stores Award - Central Division (1)

Candidates

TOWNSEND Lynn

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

Ishtiaq Ahmed on behalf of

Olivia Lee

Returning Officer

Telephone: 02 9375 6360

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31/05/2022





DECISION

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

Shop, Distributive and Allied Employees Association (E2022/53)

MR STEENSON

SYDNEY, 4 APRIL 2022

Arrangement for conduct of election.

[1] On 11 and 22 March 2022 the Queensland Branch (**the 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 Representative (as per Branch rule 7(a))	(10)
Branch Delegate to National Council (as determined by National rule 8(a))	(6)

[2] Section 189 of the *Fair Work (Registered Organisations) Act 2009* (**the RO Act**) requires an organisation or branch to lodge prescribed information in a set timeframe. This lodgement requirement is known as the ‘prescribed day’. Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (**the Regulations**) specifies that the prescribed day is a date two months before nominations are due to open, and prescribed information must be lodged before then.

[3] The Branch did not lodge the prescribed information before the prescribed day as required by the RO Act and the Regulations. The prescribed information should have been lodged by 1 March 2022. In its amended prescribed information dated 22 March 2022, the Secretary-Treasurer of the Branch, Mr Gazenbeek, stated that the delay was due to “*a number of pressing issues, including staff shortages and resignations from elected officers*”.

[4] While I have no doubt that the branch has dealt with pressing issues and challenges, I am not satisfied that the above reason is a sufficient ground to justify the failure to comply with a statutory obligation. Having regard to the normal and reasonable expectation that registered organisations and their branches take steps to ensure that they comply with the time-frame requirements set out not only in the legislation but also in instruments pertaining to their own governance and formulated by the organisations themselves (such as their own rules), I decline

on this occasion to allow, under section 189(2) of the Act, a later day for lodgement. As section 189 is a civil penalty provision, failure to lodge before the prescribed day can leave an organisation open to penalties and will be considered if further late lodgements are forthcoming.

[5] However, the refusal of an extension of time under section 189(2) does not affect a determination that I am required to make in an election matter for the purposes of section 189(3) of the Act – that is, whether or not the requested election is required.

[6] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under section 189(3) of the RO Act, 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, Christopher John Gazenbeek, being the Secretary-Treasurer 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 Queensland Branch of the Shop Distributive and Allied Employees' Association.
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.

[delete as appropriate]

4. There is no casual vacancy as at 22 March 2022.
5. *[If there is insufficient nominations]*: Insufficient nominations were received in an earlier election(s) and the declaration/s of results is/are attached.- NOT APPLICABLE
6. There is no rule alteration pending.
7. *[In relation to scheduled elections, if lodged less than 2 months before nominations open]* This statement **IS NOT** lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason it is lodged after the prescribed time is:
 - a. There have been a number of pressing issues, including staff shortages and resignations from elected officers.
 - b. An extension of time request was lodged for this election on 22 March 2022.

NOTE: Extensions of time should be requested at least two months before nominations open. A failure to lodge Prescribed Information on time can lead to civil penalties under the RO Act.

8. *If the number of elected representatives is calculated on a formula(s) defined in the rules*:
 - a. The rule number(s) which specify(s) the formula(s) is/are [INSERT RULE NUMBER(S)]:

- b. The formula(s) is/are [INSERT THE FORMULA(S)]:
- c. The information for calculating the formula(s) is [INSERT THE INFORMATION, *e.g. it could be the number of members or the amount of capitations received, or other information. You will need to refer to your rules to determine what information is required*]:
- d. The relevant date(s) for this information is [INSERT DATE(S)]
- e. *[If the relevant information for calculating the formula(s) is not provided above under c]* The relevant information for calculating the information has not been provided because [INSERT REASON, *e.g. the relevant date is in the future*]:

Signed: 

Dated: 22 March 2022

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.

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	President	1- No formula	Direct Voting System	Scheduled	Whole Electorate
Queensland	Vice-President	1- No formula	Direct Voting System	Scheduled	Whole Electorate
Queensland	Secretary-Treasurer	1- No formula	Direct Voting System	Scheduled	Whole Electorate
Queensland	Assistant Secretary	1- No formula	Direct Voting System	Scheduled	Whole Electorate
Queensland	State Council Member	10- No formula	Direct Voting system	Scheduled	As per Rule 7a of the Shop Distributive and Allied Employees' Association (Queensland Branch) rules
Queensland	National Council Member	As per SDA National rule 8a	Direct Voting System	Scheduled	In accordance with Rule 15 of the Shop Distributive and Allied Employees' Association (Queensland Branch) rules

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	First Monday in May subrule 15(b)	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
Nominations CLOSE	No later than 12pm, fourth Friday of May subrule 15(b)	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide

Roll of Voters cut off date	7 days prior to nominations opening (rule 15e)	Insert date and reference the relevant rule
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NOTES: 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'. This also applies where rules are silent as to the nominated dates.
 If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.
 If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#).