

25 October 2017

Post-election Report

VANA E2017/125

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Election Covered in this Report

Election Decision No/s: E2017/125

Rules

Rules used for the election: 235V: incorporates alterations of 01/02/2017 in matter R2016/287

Rules difficult to apply/interpret: Nil

Module Rule reference (if any) N/A

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

N/A

Attachments

- 1) Declaration of results for Uncontested Offices – Stage 1
- 2) Declaration of results for Uncontested Offices – Stage 2

Jeff Webb
Returning Officer

25 October 2017



Reference: VIC17/144

Mr Ron Thorpe
Treasurer/Director
VANA Limited
4/202 Ferntree Gully Rd
Clayton VIC 3168

Dear Mr Thorpe,

VANA Limited
Executive Stage 2 E2017/125

The declaration of the election for uncontested offices is attached.

The election is now complete.

Yours sincerely



Jeff Webb
Returning Officer

24 October 2017

cc all candidates

VANA Limited
Stage 2 Executive E2017/125

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.

Chairperson

Candidates

PECORA, Christopher Ignatius

Treasurer

Candidates

THORPE, Ronald David

Vice-Chairperson

Candidates

MCDONALD, Kathryn Louise

Executive Director

Candidates

LIU, Luke

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
24 October 2017



28 September 2017

Mr Ron Thorpe
Treasurer
VANA Limited
General@vana.com.au

Dear Mr Thorpe,

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 stage 1 uncontested offices for the Board [E2017/125]. 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 VANA Limited 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].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>						

VANA Limited
DECLARATION OF RESULTS - E2017/125
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:

Board

Director (2)

Candidates

CASAGRANDA Ivan

PECORA Chris

Non-Member Director (1)

Candidates

THORPE Ron

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
Australian Electoral Commission
26 September 2017



DECISION

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

VANA Limited
(E2017/125)

CHRIS ENRIGHT

MELBOURNE, 1 JUNE 2017

Arrangement for conduct of election.

[1] On 17 May 2017 VANA Limited (the organisation) lodged with the Registered Organisations Commission (the Commission) prescribed information for an election to fill the following offices:

Board

Director	(2)
Non-Member Director	(1)

Executive

Chairperson	(1)
Treasurer	(1)
Vice Chairperson	(1)
Executive Director	(1)

[2] On 25 May 2017, the Commission contacted the organisation seeking confirmation regarding the number of offices of Director required to be elected for this scheduled election.

[3] On 25 May 2017, the organisation provided evidence of a November 2016 board meeting in which one of the offices of Director elected in E2014/220, was vacated through resignation. Furthermore on 30 May 2017, the organisation provided evidence in the form of a board motion of 30 May 2017, effectively determining not to fill that vacated office. I am satisfied that the rules of the organisation do not compel the organisation to fill the vacated office.

[4] I note with some concern however, that the November 2016 resignation referred to above was not accompanied by a notification of changes to records lodgement in accordance with section 233(2) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

[5] I remind the organisation that 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. Failure to comply with this obligation is subject to a civil penalty provision. Despite the failure to lodge the required notification of changes to records declaration, I acknowledge that the changes relating to the November 2016 resignation were declared in the organisation's annual return AR2017/63 which was lodged with the

Commission on 7 February 2017. The organisation must ensure that notifications of changes to records are lodged, and lodged within 35 days of the change occurring.

[6] 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: Kathy Xu <kathy@vana.com.au>
Sent: Wednesday, 17 May 2017 4:08 PM
To: ROC - Registered Org Commission
Cc: Ron Thorpe; Chris Samartzis
Subject: Prescribed Information - Lodgement of VANA Board Election 2017
Attachments: prescribed information - VANA board election 2017 lodge.pdf

Dear Officers,

Please find attached the Prescribed Information - Lodgement of VANA Board Election 2017.

Regards,

Kathy Xu | Events & Office Manager



Suite 4, 202 Ferntree Gully Road Clayton Vic 3168
t (03) 8540 7000 f (03) 8540 7077 e kathy@vana.com.au
www.vana.com.au www.vananews.com.au

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Email: general@vana.com.au
Webpage: www.vana.com.au

10 May 2017

Dear Officer,

Arrangements for conduct of an election

Pursuant to Section 189 of the Fair Work (Registered Organisation) Act 2009 and Regulation 138 under the Act, we hereby lodge the following prescribed information concerning the 2017 Board and Executive election for VANA Ltd.

(a) *The name of each office in respect of which an election is required:*

BOARD

- *Chairperson (1)*
- *Non-Member Director (1)*
- *Director (1)*

EXECUTIVE

- *Chairperson*
- *Treasurer*
- *Vice Chairperson*
- *Executive Director*

(b) *The reason for their election:*

- The term of office of the following director will expire:
 1. Chairperson – Chris Pecora
 2. Non-Member Director – Ron Thorpe
 3. Director – Ivan Casagranda
- The term of office for the executive will expire
 1. Chairperson – Chris Pecora
 2. Treasurer – Ron Thorpe
 3. Vice Chairperson – Kate McDonald
 4. Executive Director – Luke Liu

- (c) *The electorate of each office:*
- The electorate for the Board is the total Membership of VANA Ltd
 - The electorate for the Executive is the Board
- (d) *The date and time of the commencement and explanation of the nomination period as set out in the rules of VANA Ltd*

For the Board notice that nominations are required for those Offices to be filled at the Annual General Meeting (AGM) shall be sent by the Returning Officer to each Member at least three months before the date of the AGM. Nominations shall be forwarded so as to be received by the returning officer no later than 3:00pm on the Friday closest to the sixtieth day before the AGM.

The AGM is scheduled for 28th November 2017.

For the Executive notice that nominations are required shall be sent by the Returning Officer to each Director no more than seven days after the completion of election of Directors.

Nominations papers signed by the nominators and endorsed with the consent of the candidate shall be forwarded so as to be received by the Returning Officer no later than 3:00pm on the Friday nominated by the Returning Officer. This will be no later than the third Friday after the notice that nominations were required, was sent by the Returning Officer.

- (e) Cut of date for roll in all cases – 7 days prior to the opening date for nominations (rule 22A)
- (f) *The voting system to be employed in the conduct of the election:*

The voting systems for the Board positions will be direct voting system. The voting system for the Executive will be a one tier collegiate electoral system by and from the Board.

We request you allow the lodgement of the above prescribed information to enable our elections to proceed in accordance with the constitution of VANA Ltd.

Yours sincerely,



Ron Thorpe
Treasurer/Director
VANA Ltd



8 May 2017

Mr Ron Thorpe
Treasurer
VANA Limited

Sent via email: General@vana.com.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Thorpe,

Courtesy Letter - Election for offices [E2017/125]

The rules of the VANA Limited indicate that an election for offices within the organisation is due to commence shortly.

- Executive/Office Holders
- Non-Member Director

It appears that nominations for the election for the above-named offices open in August this year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to regorgs@roc.gov.au. If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the Commissioner within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that consent to a later day will be allowed.

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2017/125]

Should you seek any clarification in relation to the above, please contact the ROC on regorgs@roc.gov.au.

Yours sincerely,



Sam Gallichio

Adviser

Registered Organisations Commission