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# ACS settles Federal Court debacle



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The Australian Computer Society has drawn a line under its disastrous attempt to restructure the organisation last year, having been ordered by the Federal Court on Monday to pay \$127,000 in legal costs to rebel member Roger Clarke.

The court orders effectively end the immediate legal bunfight over the handling of an ACS plan to change the corporate structure of the organisation from its current status as an incorporated association under ACT law into a company limited by guarantee under the Corporations Act and regulated by ASIC.

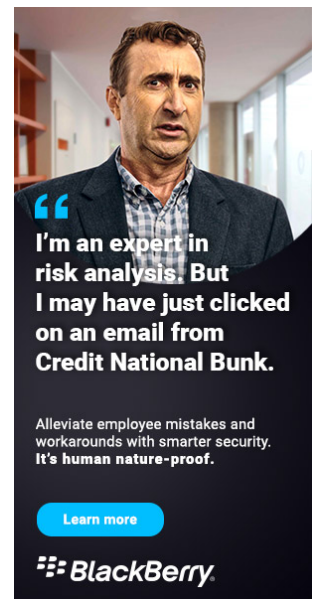
But the fight over the future direction of the organisation remains a highly contested area.

Federal Court Justice Wigney on Tuesday ordered that that the ACS pay Mr Clarke's costs, but otherwise dismissed any further actions in relation to the matter.

The ruling follows an action taken by Mr Clarke in relation to an extraordinary general meeting of the society held last October to seek the change in corporate structure. The EGM had passed the motion by a single vote, but a challenge in the Federal Court determined the meeting invalid as a result of multiple legal problems in the way the motion had been carried out.

At stake has been both the strategic direction of the Australian Computer Society, as well as the \$45 million annual revenue stream the accreditation body generates.

The court encouraged the two parties toward a voluntary mediation



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process.

The ACS is understood to have declined to enter any discussion either on the contested process used to attempt to drive the changes through the approval process, or the controversial changes to the society's constitution that had been at the heart of the conflict.

Despite the damning assessment of the Federal Court on December 23, the ACS management has refused to engage with its dissenting members.

In a short statement published on the society's website, the ACS said it would now "reassess" plans on how it would transition to a Company Limited By Guarantee.

The ACS' newly elected president Ian Oppermann has subsequently acknowledged an imperfect process and has committed to a wide consultation.

Mr Opperman told InnovationAus that the changes to structure of the society was a less contested element and has committed to consulting widely on the future direction of the skills body.

The damaging fight between a rebel alliance of older members and the ACS management committee has been ugly, and expensive for the society. In addition to the \$127,000 in costs awarded to Mr Clarke, the society is thought to have spent more than half a million dollars on its own legal consultancy.

For Roger Clarke, the Federal Court decision to declare the October extraordinary general meeting of the ACS invalid, and the damning assessment delivered on December 23 by Justice Wigney was an important moment in the history of the 50-year-old ACS.

Mr Clarke said the rebel group would continue to pressure the organisation to review its management plans and had built an important public momentum for greater transparency in the way the multi-million-dollar business moves forward.

"The attitudes of the management committee is going to be much different to the attitudes of late last year," Mr Clarke told InnovationAus. "Even if it's the same people around the table."

"There is a lot more scepticism on the management committee than there was before (about the way the ACS is being run)," he said.

**Do you know more?** Contact James Riley via [Email](mailto:james@innovationaus.com) (<mailto:james@innovationaus.com>) or [Signal](https://play.google.com/store/apps/details?id=org.thoughtcrime.securesms&hl=en_AU) ([https://play.google.com/store/apps/details?id=org.thoughtcrime.securesms&hl=en\\_AU](https://play.google.com/store/apps/details?id=org.thoughtcrime.securesms&hl=en_AU)).

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