

**From:** Ian Oppermann <Ian.Oppermann@acs.org.au>  
**Sent:** Friday, 2 October 2020 4:31 PM  
**To:** ACS Congress <ACSCongress@acs.org.au>  
**Subject:** ACS Congress - Motions and Notice of Meetings

Dear Congress Members,

The last few months have been extremely difficult.

Earlier this week, the ACS was contacted by SafeWork NSW after they received allegations of bullying at the ACS. Today, SafeWork have commenced a formal investigation.

I will not comment on the truth or otherwise of the increasingly angry online articles which have been released of late, but I can tell you that things are far from where they should be within the ACS, and within Management Committee.

Ultimately, my view is that Management Committee has failed the ACS, and in good conscience, I cannot condone the committee continuing with its current membership.

Management Committee is charged with the care and management of the ACS. It also has legal responsibility for the welfare of ACS staff. In my view, the Management Committee has failed, and is failing, to serve the ACS and to meet these obligations.

When elected as President, I promised greater transparency and greater member engagement. Unfortunately, I believe Management Committee has moved in the opposite direction. Management Committee has refused to answer questions asked by members, Management Committee has asked online news outlets to 'cease and desist' and we produce summaries of Management Committee meetings with the minimum detail legally required. There are reasonable questions as to the use of member funds which Management Committee does not address. A member-based organisation should be open by default.

After Andrew Johnson's resignation on 8<sup>th</sup> July 2020, Management Committee failed for weeks to confirm an interim CEO. This is despite identification of a suitable internal candidate. This failure prevents a proper transition of corporate knowledge and fails to acknowledge the risks to the ACS of a weakened management structure prior to appointment of a new CEO.

Most importantly however, Management Committee has failed to ensure the staff of ACS have a safe working environment. This is a fundamental, legally enforced, responsibility for any Management Committee.

Congress recently received a high-level summary of the VoiceProject staff survey. The staff survey, first presented to Management Committee in July 2020, portrays a culture of bullying and fear within the ACS. The carefully considered survey put forward by a credible independent organisation shows a significant number of ACS staff who responded to the survey do not believe the ACS is an ethical organisation, and that it is NOT safe to speak up. We have turned over 40% of staff for at least the past 3 consecutive years. The current ACS staff nonetheless love their teams and what the ACS strives to achieve. In my view, the response by the ACS Management Committee has been inadequate.

Currently, Management Committee is a group torn between strongly opposing views.

My proposed Motions arise from the current inability of Management Committee to reach consensus and address the crisis ACS currently finds itself facing. ACS will need to change to address this crisis. A refreshed and cohesive Management Committee is required as part of this change.

I ask you as Congress Members to please act on behalf of the ACS by casting your votes at Congress on the 9<sup>th</sup> October 2020 and then at the subsequently called meetings with the objective of achieving a fully functional Management Committee whose goals are for ACS to be an excellent professional representative organisation and an employer of distinction.

## **Motions and Notice of Meetings**

I am writing to you as a governance body of the ACS, which in accordance with Rule 8.1

- (a) may determine directions and policies for the Society, and
- (b) elects the Elected National Office Bearers, and
- (c) elects the Directors, and
- (d) provides advice to Management Committee, at its own instigation and/or at the request of Management Committee, on strategic planning and otherwise for the betterment of the Society.

I put the following motions to Congress for resolution on **9<sup>th</sup> October 2020**.

Each Motion is proposed by me and has been seconded by Christopher Radbone.

**Motion 1:** That all Management Committee minutes for 2019 and 2020 and hereafter on an ongoing basis be made available to Congress, other than those sections of minutes related to in-camera sessions, and those sections of minutes subject to ongoing legal privilege.

**Motion 2:** That a pecuniary interest register be established and updated at each Management Committee meeting when Interests and potential Conflicts of interest are declared where each member of Management Committee must disclose if they and/or any member of their immediate family, or any company they are associated with, receives any benefits from ACS or any supplier of goods or services to ACS. This register to be maintained by the secretariat of Congress on behalf of the ACS.

**Motion 3:** That a full and detailed independent financial audit be conducted of ACS expenditure for the financial years 2018/19, and 2019/20. This audit to specifically examine adherence to the ACS delegated authority framework, and examine formal agreements entered into by the ACS.

**Motion 4:** That Congress has lost confidence in the ACS Management Committee.

When the vote for these motions is held, it will be by a secret ballot to be scrutineered by ACS' auditors.

## **2. Vote to Remove National Office-Bearers and National Congressional Representatives**

As President, in accordance with Rule 8.9.2 (a), I give notice of a meeting of Congress to be held on **Monday 2<sup>nd</sup> November 2020** by electronic means. The purpose of this Congress meeting will be to vote on the removal of ACS Management Committee members.

- (1) Vote (in accordance with Rule 8.6.1 (f)) to remove each of the following National Office-Bearers:
  - a. Vice President, Community Boards – Craig Horne;
  - b. Vice President, Membership Boards – Nick Tate; and
  - c. Immediate Past President - Yohan Ramasundara.

When the vote for the removal of the listed National Office Bearers is held, it will be by a secret ballot to be scrutineered by ACS' auditors. This vote will be concluded before the next vote (2).

- (2) Vote in accordance with Rule 10.6.1(h), to remove National Congressional Representatives:
  - a. Maria Markman;
  - b. George Coldham;
  - c. Andrew Crawford; and
  - d. Michael Driver.

When the vote for the removal of the listed National Congress Representatives is held, it will be by a secret ballot to be scrutineered by ACS' auditors. This vote will be concluded before the next vote (3).

(3) Vote in accordance with Rule 10.6.1(h), to remove the National Treasurer:

a. Arnold Wong.

When the vote for the removal of the National Treasurer is held, it will be by a secret ballot to be scrutineered by ACS' auditors. This vote will take place after the votes for removal of National Office Bearers and National Congressional Representatives. This vote will be concluded before the next vote (4).

(4) Vote in accordance with Rule 10.6.1(h), to remove the National President:

a. Ian Oppermann;

When the vote for the removal of the National President is held, it will be by a secret ballot to be scrutineered by ACS' auditors. This vote will take place after the votes for removal of National Office Bearers, National Congressional Representatives and National Treasurer.

In accordance with the Rules, each vote requires 2/3 of those voting to vote in favour of any of the above resolutions. The effect of removal will be immediate following a successful vote.

### **3. Vote to Appoint National Office-Bearers and National Congressional Representatives**

As President, in accordance with Rule 8.9.2 (a), I give notice of a meeting of Congress to be held on **Monday 16<sup>th</sup> November 2020** by electronic means.

The purpose of this Congress meeting will be to vote on filling roles then vacant on ACS Management Committee.

Sincerely

Ian Oppermann