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ACS turmoil as president calls for leadership spill



James Riley
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Editorial Director
6 October 2020

Australian Computer Society president Ian Oppermann is calling on his own National Congress to support a vote of no confidence against the organisation's Management Committee, the effective ruling body of the 50-year-old, member-based professional association.

Dr Oppermann, who was elected as president of the ACS last March, says the Management Committee has failed the membership of the society, and had failed to meet its legal



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responsibility for the welfare of its staff.

In an extraordinary letter to members of the ACS National Congress, Dr Opperman has put forward four motions to be voted on at a meeting of congress on Friday.



Ian Opperman: The ACS president has called for a radical change of leadership on the society's ruling body

The first calls for greater transparency through the publishing of all Management Committee meeting minutes for 2019 and 2020. The second calls for a register of pecuniary interests, where Management Committee members can openly lodge potential conflicts of interest. The third motion proposes an independent audit of the ACS' financial records with a detailed examination of its spending.

The final motion proposed by Dr Oppermann calls for a vote on the simple vote on the proposition "That Congress has lost confidence in the ACS Management Committee".

Dr Oppermann revealed in the letter to the 25 National Congress members that the state workplace regulator SafeWork NSW had been in contact with the ACS, having received allegation of bullying and that a formal investigation was underway.

"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," he said in the letter.

"When elected as President, I promised greater transparency and greater member engagement. Unfortunately, I believe Management Committee has moved in the opposite direction."

Dr Opperman cited a pattern of behaviour displayed by the management committee that lacked the level of transparency that should be expected of a membership-based organisation, which he says "should be open by default".

The allegations of lack of transparency lack of transparency range

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The allegations of lack of transparency, lack of transparency, range from the management committee refusing to provide answers to member queries about spending, to the issuing of lawyers' "cease and desist" threats against media, to details of management committee meetings kept to the barest legal minimums.

He said that since ACS chief executive Andrew Johnson resigned from the organisation on July 8, the management committee had failed for weeks to confirm an interim CEO, despite a suitable internal candidate being identified.

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, he said.

"Most importantly however, management committee has failed to ensure the staff of ACS have a safe working environment," Dr Oppermann said. "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 per cent of staff for at least the past three 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."

The proposed motions put the future of the ACS in the hands of its National Congress. A deeply divided management committee had been unable to reach a consensus on how to deal with the current crisis and a vote of no confidence would enable an effective spill of the committee, allowing a new team to enact change.

The letter gives notice of a further meeting to be held on Monday November 2 to vote on a series of motions that would ultimately remove the current membership of the management committee, and then notice of a further meeting to be held on November 16 to reconstitute that committee to move ahead.

"I ask you as Congress Members to please act on behalf of the ACS by casting your votes at Congress on the 9th 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," Dr Oppermann says in the letter.

Much of the internal brawling at the ACS dates to the fallout from a proposed restructure last year from being an incorporated association in the ACT to become a Company Limited by guarantee.

That restructure was put to a vote at an special general meeting on October 25 2019, and was passed by a single vote (<https://www.innovationaus.com/acs-restructures-in-narrowest-vote/>). This outcome was challenged (<https://www.innovationaus.com/acs-battle-heads-to-federal-court/>) by senior ACS member Roger Clarke in the Federal Court citing voting irregularities.

The court ultimately sided with Mr Clarke (<https://www.innovationaus.com/court-declares-acv-vote-to-be-invalid/>), with Justice Michael Wigney offering a scathing

assessment of the ACS' handling of the special general meeting. The ACS, which was advised by Clayton Utz, was ordered to pay costs.

Justice Wigney called particular attention to the role played by former ACS president Yohan Ramasundara in chairing the meeting, the administration of ACS' outgoing chief executive Andrew Johnson in convening the meeting, as well as former company secretary Andrew Madry's handling of the vote and the treatment of proxies.

Justice Wigney said in the judgement: "Mr Ramasundara breached his duties as chair of the 25 October 2019 meeting by adopting a procedure which unreasonably and unjustifiably limited or curtailed debate concerning the special resolution."

"Mr Ramasundara's decision to adopt that procedure was not taken reasonably with a view to facilitating the purpose for which his power to regulate the meeting was conferred, which included to facilitate discussion and debate by those present at the meeting."

The ACS is yet to properly deal with the fallout from the failed restructure and subsequent court case, including the reputational damage sustained by the very public and ongoing battle with a group of senior members.

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).

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4 COMMENTS



Will Jevons
3 months ago

Reply

Is this the pot calling the kettle black or Khrushchev denouncing Stalin's regime? I bit of both I suspect, but useful to remember that Khrushchev not only stood by but had his hands dirty under this regime despite his later denouncement.



Dave
3 months ago

Reply

It's interesting how Oppermann turned on the COM who have been elected byACS members and are reputable members of the Australian IT community.Why has Oppermann has hung his own COM to save himself ? Maybe there is a bigger reason behind the motion to spill ? I question whether this article with Oppermann and Clarke is an attempt to coerce the narrative in media with more sinister implications for the ACS. Is Oppermann being puppeteered by Mr Clark? This smells fishy to me!



Andrew McCredie
3 months ago

Reply

Congratulations to Ian for his efforts to reform this important organisation.



Ann Moffat
3 months ago

Reply

Much emphasis has been placed on the court case concerning the ACS becoming an incorporated association in the ACT to become a Company Limited by guarantee.
 Whilst the rescue group is not against this change per se, it is the draconian constitution that underpins this change that is at issue. That constitution would enable the members of the rulina clique and their acolvtes to keep their kev

positions as the ruling body of the society in perpetuity.
What the ACS badly needs is a new constitution that serves the needs of members and supports open election of positions on ACS committees and boards.

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