

Veterans demand ACS resignations



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Editorial Director
6 January 2020

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A chorus of senior tech industry luminaries are demanding that heads must roll at the Australian Computer Society in the wake of an adverse ruling by the Federal Court against the society and the conduct of its senior officers.

Leading the calls for a radical remake of the ACS is former federal president of the Liberal Party and ACS founding member Professor Ashley Goldsworthy, who accused ACS leadership of "incompetence, ineptness, and sheer duplicity."

He has called for the immediate resignations of the President Yohan Ramasundara and the entire management committee, including chief executive Andrew Johnson, as well as the ACS company secretary Andrew Madry.

The Federal Court orders (<https://www.comcourts.gov.au/file/Federal/P/NSD1892/2019/3875061/event/30141586/doc>) handed down by Justice Michael Wigney two days before Christmas, declared that the convening of a special meeting of the ACS last October was invalid, and that a special resolution passed at the meeting – which would have restructured the organisation – was also invalid.

The judgement (<https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2019/2019fca2175>) which was scathing of the behaviour of ACS executive officers in the conduct of the meeting, has thrown the ongoing management of the society into disarray. Mr Ramasundara's two year term as ACS president expired on December 31, with no elected replacement in place and no national council meeting yet scheduled to elect another.

Several ACS state councils would need to elect new delegates to the national council – as a number of representatives' terms also expired on December 31 – before fresh elections could be held. While it is not uncommon in the running of such associations for the leadership positions to be extended, the ACS confirmed on Monday that Mr Ramasundara was no longer president.

The ACS has not responded to *InnovationAus* inquiries about the process for elections for the state representation on the national management committee, or the election of a new president. It said in a statement that chief executive Andrew Johnson would not resign, and nor other members of the national management committee.

The Federal Court judgement has hobbled an ACS management plan to change the



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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.

At stake is the control of the Australian Computer Society's more than \$30 million annual revenue and \$25 million in liquid assets.

The court action had been initiated by Canberra-based ACS fellow Roger Clarke and a group of other senior rebels who challenged the way in which the October meeting had been convened and conducted.

Mr Clarke has been particularly vocal in his criticism of the ACS under the presidency of Yohan Ramasundara, claiming it had strayed far from its primary purpose as a professional organisation. Recent multi-million dollars acquisitions of startup organisations and the take-over of the industry group ADMA (Association of Data-Driven Marketing and Advertising) spurred the court action against management.

The way forward for the society is likely to be sought through a case management hearing ordered by the court, which has yet to be scheduled but is expected by mid-February.

While the ACS management has told members it intends to work through the process with the assistance of the court, Mr Clarke and other senior ACS Fellows have been working on a new draft constitution for the society that retains ultimate power over the direction of the organisation in the hands of its members.

Of all the ACS members *InnovationAus* spoke to on Monday, the most conciliatory – ironically – was Mr Clarke. While he says the mismanagement of the ACS restructure had been shocking, he was mindful of the potential collateral damage of mass resignations from the ranks of senior executives and the national management committee. (He does say, however, that there are some that should “consider their positions”.)

“While we accept that the ACS needs to evolve, we are concerned that over the past 18 months the members are having far less of a say in the future of the association,” Mr Clarke said.

“The ACS was established as an association for its professional members, but the impact of the proposed changes would destroy the ACS as a professional society, and effectively turn it into an industry association or marketing corporation. Senior members should have a greater role to play in determining the future path of the ACS,” he said.

But the anger among the ACS rebels remains palpable. In an email to ACS state and national office bearers obtained by *InnovationAus*, Prof Goldsworthy said “as a collective you are a disgrace”.

“In the recent imbroglio which you imposed on the Society you behaved in the most unprofessional manner. Unfortunately you cannot dismiss these comments as the ravings of a discontented member, they are the judgements of Justice Wigney of the Federal Court,” he said.

He said the Federal Court judgement had “exposed in forensic detail for all to see the devious Machiavellian stratagem, skull-duggery and misplaced sanguine expectations of the President and the Management Committee.

Prof Goldsworthy called the judgement a “litany of incompetence, ineptness, and sheer duplicity” and said Mr Ramasundara and the rest of the national management committee were “manifestly unfit” to hold office and should resign.

Prof Goldsworthy's is a founding member of the ACS (1966); was elected as National

President four times; was elected National Vice-President four times; was appointed as a Founding Fellow in 1969, and a Founding Honorary Life Member (one of three) in 1977, and 27 years on National Council, 20 years on the Fellows Committee; 18 years as Australian representative to the International Federation for Information Processing (IFIP), and more than four years as the ACS chief executive.

In an email to members on Monday the ACS management outlined the top-line details of the December 23 ruling, and says the elections process to replace expired executives would be "reactivated" next week.

The ACS played down the severity of the Federal Court ruling.

"No process is ever perfect, and for a not-for-profit membership body we have shown an exhaustive effort to keep all members involved in the consultation processes, and to participate in the resolution process," it said in an email to members obtained by *InnovationAus*. "That said, we have fallen well short in this instance."

"A case management hearing will be scheduled for February 2020. We will take the key learnings from the judgment, and with the assistance of external advice, appropriately collaborate with the Court through the case management hearing to apply relevant process improvements."

"We will be extra conscious of the ACS members' best interests through this collaboration with the Court. You have our commitment that we will address those shortcomings through the case management hearing and execute the process as per any directions from the Court."

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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