

24 November 2021

Post-election report

Australian Entertainment Industry
Association
Scheduled election
E2021/139

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Election(s) Covered in this Report

Organisation: Australian Entertainment Industry Association
Election: Scheduled
Election Decision No/s: E2021/139

Rules

Rules used for the election: [031N: Incorporates alterations of 27 April 2020 [R2019/159]]
Replaces rulebook of 5 August 2019 [R2018/317]

Rules difficult to apply/interpret: Nil

Other Matters

Returning Officer actions required (Section 193): Yes

Details: *Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.*

Signed



Andrew Reid
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
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24 November 2021

Australian Entertainment Industry Association
DECLARATION OF RESULTS - E2021/139
Contested 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:

Australian Entertainment Industry Association

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	329
Number of voters issued with voting material	329
Total number of voters issued with replacement voting material	15
Total number of voting material packs issued	344
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	119
Number of declaration envelopes rejected at preliminary scrutiny (minus)	3
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	221
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	5
Voting material packs not returned by voters by closing date of the ballot	205
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	36.17 %

Executive Councillors (15)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
ALLAN, Fiona	2,977	2,977
BENNETT, Nathan	2,294	2,294
BROOKMAN, Torben	3,456	3,456
CHRISTIE, Libby	2,523	2,523
COPPEL, Michael	2,852	2,852
DONNELLY, Susan	3,678	3,678
HARRIS, Mike	2,268	2,268
HARVEY, Will	1,870	1,870
LOVETT, Virginia	3,495	3,495
MAINLAND, Kath M	2,670	2,670
MCGREGOR, Tim	2,430	2,430
MOUSAFERIADIS, Peter	1,117	1,117
MURDOCH, Euan	2,284	2,284

MURPHY-OATES, Ali	2,846	2,846
SINCLAIR, Alex	2,598	2,598
SMITH, Melanie Rachel	2,762	2,762
THRELFALL, Andrew	2,438	2,438
TWOMEY, Lissa	2,554	2,554
VINCE, Judy	3,137	3,137
WINNING, Fiona	2,699	2,699
WITHERS, Louise	2,457	2,457
WORTON, Tim	1,506	1,506

Total ballot papers admitted for this office	221
Formal Ballot papers	214
Informal Ballot papers	7

I declare the following elected:

	Order Elected
• DONNELLY, Susan	1
• LOVETT, Virginia	2
• BROOKMAN, Torben	3
• VINCE, Judy	4
• ALLAN, Fiona	5
• COPPEL, Michael	6
• MURPHY-OATES, Ali	7
• SMITH, Melanie Rachel	8
• WINNING, Fiona	9
• MAINLAND, Kath M	10
• SINCLAIR, Alex	11
• TWOMEY, Lissa	12
• CHRISTIE, Libby	13
• WITHERS, Louise	14
• THRELFALL, Andrew	15



Andrew Reid
 Returning Officer
 Telephone: 07 3049 2165
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 18/11/2021

Australian Entertainment Industry Association
DECLARATION OF RESULTS - E2021/139
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:

Australian Entertainment Industry Association

President (1)

Candidates

EVANS Richard

Vice-President (2)

Candidates

KOTZAS John

O'CONNOR Maria

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Andrew Reid
Returning Officer
Telephone: 07 3049 2165
Email: IEBevents@aec.gov.au
18/11/2021





DECISION

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

Australian Entertainment Industry Association (E2021/139)

MR STEENSON

SYDNEY, 19 AUGUST 2021

Arrangement for conduct of election.

[1] On 5 August 2021 the Australian Entertainment Industry Association (the organisation) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Vice-President	(2)
Executive Councillors	(15)

[2] In the organisation's correspondence dated 5 August 2021, the President advised that the prescribed information has not been lodged at least two months before nominations for the election are due to open.

[3] Section 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the **RO Act**) requires that registered organisations whose elections are conducted by the Australian Electoral Commission (the **AEC**) must lodge prescribed information with the Commission in order for arrangements to be made for those elections.

[4] Section 189(2) of the RO Act requires that prescribed information be lodged before the 'prescribed day'. The RO Act, in particular Regulation 138(3) defines the 'prescribed day' as the day occurring '2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in an election'. In other words, it must be lodged at least two months before the date on which nominations open. Section 189(2) of the RO Act is a civil penalty provision and late lodgement can therefore leave an organisation open to litigation and potential liable to a penalty.

[5] Rule 18(a) of the organisation's rules requires that the Returning officer send each financial member who is eligible to vote, a notice specifying the offices to be filled at the forthcoming election at least 63 days before the organisation's annual general meeting (**AGM**). The organisation has advised that the AGM has 'notionally' been arranged to take place on 24 November 2021. If the AGM proceeds as arranged, the notice calling for nominations would be required by 22 September 2021, in line with the timeframe required by the organisation's rules, with the prescribed information due two months beforehand (i.e. by 22 July 2021).

[6] In its correspondence, the organisation stated that the reason for the delay in lodgement is that the organisation's office is based in Melbourne, which has been subject to two recent lockdowns, both in June and in July 2021, resulting from the Covid-19 pandemic. The organisation has advised that the lockdowns have disrupted staff attendance at its office. Additionally, the organisation has advised that the entertainment industry, in relation to which the organisation represents employers connected to that industry, has been severely impacted by the Covid-19 pandemic, which has led to a significant reduction in the organisation's staff resources, and consequently the re-prioritisation of remaining staff resources to support the provision of services to members during the lockdown periods.

[7] All organisations registered under the *Fair Work (Registered Organisations) Act 2009* (the RO Act), as well as having certain privileges and entitlements as a result of that registration, have certain obligations that they must meet. One of these is in relation to elections, consistent with democratic control of registered organisations being an object of the RO Act.

[8] The normal and reasonable expectation is that registered organisations will take steps to ensure they comply with the time-frame requirements set out not only in the RO Act but also in instruments or references pertaining to their own governance, such as the rules formulated by organisations themselves.

[9] However, having regard to the circumstances giving rise to the lodgement of prescribed information after the prescribed date, and the challenges that these have presented for the organisation, I am satisfied that it is appropriate to allow, under section 189(2) of the Act, a later day for lodgement.

[10] Having noted the delay in lodgement of prescribed information for this election and allowed a later day on this occasion, I advise the organisation that the clear and unequivocal expectation is that future lodgements of prescribed information be made within the timeframe set out in the RO Act and the organisation's own rules.

[11] 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 RO Act, I am making arrangements for the conduct of the election by the AEC.



DELEGATE OF THE COMMISSIONER

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PR352013

5 August 2021

Commissioner Mark Bielecki
Registered Organisations Commission
GPO Box 2983
Melbourne VIC 3001

Dear Commissioner,

**Re: Prescribed Information in Respect of Election
Regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009***

I am writing to request that the Registered Organisations Commission approve the conduct of an election by the Australian Electoral Commission (AEC) in accordance with the attached statement of prescribed information.

Should you require any additional information, Kim Tran, Director, Policy & Governance, can be contacted on 0411 640 453 or by email at ktran@liveperformance.com.au.

Yours sincerely,



Evelyn Richardson
Chief Executive

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, Richard Evans, being the President of the Australian Entertainment Industry Association (AEIA), trading as Live Performance Australia (LPA), make the following statement:

1. I am authorised to sign this statement containing prescribed information for AEIA.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).
3. The offices for which the election is required are:

President	(1)
Vice-President	(2)
Executive Councillors	(15)

The offices are in accordance with Rule 14(b) that “The Executive Council will consist of not less than 6 Members of the Executive Council and no more than 18 Members of the Executive Council, which includes the President and the 2 Vice-Presidents.”

4. The election is a scheduled election – that is, the terms of office are due to expire in the normal course of events under the Registered Rules of AEIA.
5. The electorate for the ballot is the entire membership (all financial members) of the Association (in accordance with Rule 18(g)).
6. The voting system to be used in the direct voting system.
7. This statement IS NOT lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason it is lodged after the prescribed time is due to the disruptive nature of working in a COVID-19 environment.
 - AEIA is based in Melbourne. Melbourne has been subject to 2 recent lockdowns (May-June 2021 and July 2021) that has disrupted the AEIA team’s attendance in the office.
 - In addition, the industry which AEIA represents (live entertainment) has been severely impacted by COVID-19. This has led to AEIA having to significantly reduce its staff resources and re-prioritising remaining staff resources to supporting the industry survive in a COVID-19 world.
8. There are no non-office positions for which this election is requested.
9. No rule alterations are pending that will impact the election.

Signed:



Dated: 5 August 2021

Timeline for election

ACTIVITY / MILESTONE	CURRENT RULES Timing
Nominations OPEN	Rule 18a – at least 63 days before the AGM. The latest date for opening nominations is: Wednesday, 22 September 2021
Nominations CLOSE	Rule 18b – at least 42 days before the AGM. The latest date for closing nominations is: Thursday, 13 October 2021
Roll of Voters cut off date	Rule 18g - 85 days prior to the AGM, which is: Tuesday, 7 September 2021
Ballot OPENS	Rule 20i – the closing date and time for the ballot must be at least 21 days after the date ballot papers are posted. The latest date for posting ballot papers is: Wednesday 20 October 2021
Ballot CLOSES	Rule 20i – at least 21 days after the date ballot papers are posted. Rule 20j – at least 14 days prior to the AGM. The latest date for closing the ballot is: Wednesday, 10 November 2021
AGM	Wednesday, 24 November 2021