

Screen Producers Association of Australia

DECLARATION OF RESULTS - E2024/71 - Stage 2

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:

Council of Management

Vice President (1)

Candidates

RYAN Suzanne

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

Benjamin Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
06/12/2024





18 November 2024

Matthew Deaner
Executive Director
Screen Producers Association of Australia
Sent via email: info@screenproducers.org.au

Dear Matthew Deaner



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2024/71

An election has recently been completed by the Australian Electoral Commission (AEC) for the Screen Producers Association of Australia and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members and what information you need to lodge with the Fair Work Commission (the Commission).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to the Commission at regorgs@fwc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (regulation 141). The notice must be on your website for at least three months.



Can we put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete approved financial training (section 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face-to-face and online [financial training packages on the Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR receive an [exemption by the Commission](#) **within six months** of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the *Fair Work (Registered Organisations) Act 2009* (the RO Act), and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast](#), such as [episode 17 - conflicts of interest](#).

STEP 3: Notifications of change



A notification of change must be lodged with the Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to regorgs@fwc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

Real-life example of penalties in Court An organisation failed to make a series of notifications of change on time.

The Full Court said ‘The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.’

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@fwc.gov.au.

Yours sincerely

Fair Work Commission



The Commission has an interim [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

Screen Producers Association of Australia
DECLARATION OF RESULTS - E2024/71 - Stage 1
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:

Producer Member Division

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	356
Number of voters issued with voting material	356
Total number of voters issued with replacement voting material	1
Total number of voting material packs issued	357
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	76
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	75
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	32
Voting material packs not returned by voters by closing date of the ballot	249
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	21 %

Producer Councillor (Group A) (3)

<u>Candidates</u>	<u>Final Votes</u>
BARRY, Rebecca	31
SCOTT, Lisa	40
MURRAY, Nick	36
WASHINGTON, Kylie	17
WHYTE, Kevin	17
O'BRIEN, Monica	17
FA'AOSO, Aaron	33
NEBAUER, Catherine	30

Total ballot papers admitted for this office	75
Formal Ballot papers	75
Informal Ballot papers	0

I declare the following elected:	Order Elected
• SCOTT, Lisa	1
• MURRAY, Nick	2
• FA'AOSO, Aaron	3

Services and Facilities Member Division

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	43
Number of voters issued with voting material	43
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	43
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	12
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	12
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	2
Voting material packs not returned by voters by closing date of the ballot	29
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	28 %

Services and Facilities Councillor (Insufficient Nominations) (1)

<u>Candidates</u>	<u>Final Votes</u>
SCOTT, Stephanie	2
HEWITT, Jill	8
CHRISTIANSEN, Christian	2
Total ballot papers admitted for this office	12
Formal Ballot papers	12
Informal Ballot papers	0

I declare the following elected:

- HEWITT, Jill

Benjamin Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
18/10/2024





DECISION

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

Screen Producers Association of Australia

(E2024/71)

MS GUINA

MELBOURNE, 19 JULY 2024

Arrangement for conduct of election.

[1] On 26 June 2024 the Screen Producers Association of Australia (the **organisation**) lodged with the Fair Work Commission (the **Commission**) prescribed information, and on 11 July 2024 the organisation lodged amended prescribed information for an election to fill the following offices for a new term of office:

Producer Councillors (Group A)	(3)
President	(1)
Vice President	(1)

[2] In the same amended prescribed information, the organisation requested an election to fill the following office due to insufficient nominations received in a previous election (**E2023/76**):

Services and Facilities Councillor	(1)
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[3] Rule 14 of the organisation's rules relevantly provides that the Council shall comprise of six (6) Producer Councillors and one (1) Services and Facilities Councillor - a total of seven (7) Councillors. Their term of office is for two years.

[4] In May 2020, the organisation rules¹ introduced an alternating election process so that half the Councillor offices are due for an election each year. Sub-rule 16(a) provides that the Councillors shall be divided into two groups - Group A made up of three (3) Councillors and Group B made up of four (4) Councillors.

[5] Sub-rule 16(c)(iii) provides that the Services and Facilities Councillor is always in Group B. Therefore, Group A comprises of three (3) Producer Councillors and Group B comprises of three (3) Producer Councillors and one (1) Services and Facilities Councillor.

¹ Rules certified on 15 May 2020 in R2019/121 and R2020/27

[6] Sub-rule 16(4) outlines the alternate year election timetable stating that Group A Councillors are elected in odd-numbered years, and Group B Councillors are elected in even-numbered years. However, due to the Covid-19 pandemic, the initial 2020 election (E2020/87) was delayed with that election ultimately being conducted in late 2021. As a result, subsequent Group A and Group B elections were no longer synchronised in accordance with the intended timetable.

[7] Since E2022/70, I note that the Group A Councillor election has been conducted in even-numbered years, and the subsequent Group B Councillor election in odd-numbered years. This has apparently occurred to maintain the rotational election cycle anticipated by sub-rule 16(4), notwithstanding that it does not correspond with the yearly election timetable. I accept that this has occurred due to circumstances outside the organisation's control (being the Covid-19 pandemic and associated delays), however I note that the organisation has taken no action to remedy this deficiency. Accordingly, it is my recommendation that the organisation amend its rules as soon as practicable to ensure that the relevant rules correspond with its yearly election cycle as appears to have been adopted over the past three years.

[8] 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 *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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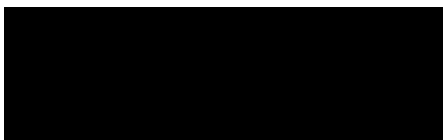
PR755304

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, Tracey Vieira, being the President of the Screen Producers Association of Australia make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Screen Producers Association of Australia.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. There are no current rule changes pending.
4. The elections that are required are set out in the table in Annexure A.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.
6. Date for the SPAA Annual General Meeting of Members is scheduled for Tuesday, 15 November 2024

Signed:



Dated: 11 July 2024

NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@fwc.gov.au.

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
National	Producer Councillor (Group A)	3	Direct Voting System	Scheduled	National
National	Services & Facilities Councillor	1	Direct Voting System	Insufficient nominations	National
National	President	1	Collegiate electoral system	Scheduled	Elected Council Only
National	Vice President	1	Collegiate electoral system	Scheduled	Elected Council Only

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN for Council Positions	Preferred 4 September 2024 but will be determined by the returning officer	NA
Nominations CLOSE for Council Positions	Preferred 4 October 2024 but will be determined by the returning officer	NA
Roll of Voters cut off date for Council Positions	7 days before nominations open (see rule 15(e))	NA
Nominations OPEN for President & Vice President Positions	NA	Will be determined by the returning officer on completion of Council position elections

Nominations CLOSE for President & Vice President Positions	NA	Will be determined by the returning officer on completion of Council position elections
Roll of Voters cut off date for President & Vice President Positions	NA	Will be determined by the returning officer on completion of Council position elections

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as ‘To be determined by the returning officer’. This also applies where rules are silent as to the nominated dates.

If the nomination dates are ‘To be Determined by the Returning Officer’, but your organisation has a preference, please state ‘To be Determined by Returning Officer’ and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#)