



23 December 2024

Matthew Journeaux
Federal Secretary/Treasurer
The Australasian Meat Industry Employees' Union - Queensland, Western Australia, and Northern Territory Branch
Sent via email: matt@amieuqld.asn.au

cc: Matthew Journeaux,, federal@sawa.amieu.asn.au

Dear Matthew Journeaux



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2024/145

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australasian Meat Industry Employees' Union - Queensland, Western Australia, and Northern Territory Branch 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](#).



Why do I need to tell you the results of the election when you’ve already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn’t required.

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.

20 December 2024

Post-election report

The Australasian Meat Industry Employees Union
Queensland Western Australia and Northern
Territory Branch
New Position Election
E2024/145

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Election(s) Covered in Post-Election Report (PER)

Organisation:	The Australasian Meat Industry Employees Union (AMIEU) Queensland, Western Australia and Northern Territory (QWANT) Branch
Election Decision No:	E2024/145
Election:	New Position Election
Date ballot closed:	17 December 2024
Date the nominations closed:	29 October 2024
Date results declared:	18 December 2024
Date PER due:	15 January 2025

Relevant legal provisions

Fair Work (Registered Organisations) Act 2009 ('the Act')

197 Post-election report by AEC

Requirement for AEC to make report

- (1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

- (2) The report must include details of the prescribed matters.

Contents of report—register of members

- (3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:
 - (a) an unusually large proportion of members' addresses that were not current; or
 - (b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;

this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

Contents of report—difficult rules

- (4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

Subsection (3) relevant only for postal ballots

- (5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

190 Organisation or branch must not assist one candidate over another

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

193 Provisions applicable to elections conducted by AEC

- (1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
 - (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
 - (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
 - (i) to ensure that no irregularities occur in or in relation to the election; or
 - (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or
 - (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.
- (2) A person commits an offence if the person does not comply with a direction under subsection (1).

Penalty: 30 penalty units.
- (3) Subsection (2) does not apply so far as the person is not capable of complying.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).
- (4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.
- (5) An offence against subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:
 - (a) action taken under subsection (1); or
 - (b) an act done in compliance with a direction under subsection (1).
- (7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:
 - (a) dies or becomes unable to complete the conduct of the election or the taking of the step; or
 - (b) ceases to be qualified to conduct the election or to take the step;
the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

6 Definitions

irregularity, in relation to an election or ballot, includes:

- (a) a breach of the rules of an organisation or branch of an organisation; and
- (b) an act or omission by means of which:
 - (i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or
 - (ii) a correct ascertainment or declaration of the results of the voting;
is, or is attempted to be, prevented or hindered; and
- (c) a contravention of section 190.

140 Declaration of result of election (s 193)

- (1) Within 14 days after the closing day of an election, the AEC must issue a declaration stating the following:
 - (a) the total number of persons on the roll of voters;
 - (b) the total number of ballot papers issued (if applicable);
 - (c) the total number of envelopes that were returned undelivered by the closing day of the ballot to the AEC (if applicable);
 - (d) the total number of ballot papers received by the electoral official by the closing day of the ballot (if applicable);
 - (e) the result of the election;
 - (f) the total number of informal ballot papers (if applicable).
- (2) In subregulation (1), *closing day*, for an election, means:
 - (a) if a ballot is not required—the day on which nominations for the election close; or
 - (b) if a ballot is required—the closing day of the ballot.
- (3) Immediately after issuing a declaration under subregulation (1), the AEC must give a copy of the declaration to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

141 Post-election report by AEC (s 197(2))

- (1) For subsection 197(2) of the Act, the following matters are prescribed for inclusion in the report (the *post-election report*) given under subsection 197(1) of the Act:
 - (a) the declaration mentioned in regulation 140;
 - (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
 - (c) any matters in relation to the roll of voters including those matters contained in subsection 197(3) of the Act;
 - (d) the number of written allegations (if any) of irregularities made to the AEC during the election;
 - (e) action taken by the AEC in relation to those allegations;
 - (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.
- (2) The AEC must:
 - (a) give the post-election report within 30 days after the closing day of the election; and
 - (b) publish a notice on its web site advising that a copy of the post-election report can be obtained from the AEC on the request of a member who was eligible to vote in the election.
- (3) The AEC must supply a copy of the post-election report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

145 Elections conducted by AEC—no unauthorised action

- (1) For any election conducted by the AEC under Part 2 of Chapter 7 of the Act, a person other than the person conducting the election must not do, or purport to do, any act in the conduct of the election other than as directed or authorised by the person conducting the election.

Note: This subregulation is a civil penalty provision (see regulation 168).

- (2) The AEC must advise the General Manager of a possible contravention of subregulation (1) not later than 21 days after the AEC has become aware of the possible contravention.

Declaration of result of election

In accordance with reg 140 of the Regulations, the AEC issued a declaration of the result of election E2024/145 on 18 December 2024. For a copy, see **Attachment A**.

The Australasian Meat Industry Employees Union Rules

The Australasian Meat Industry Employees Union Rules used for the election:

- 007V: Incorporates alterations of 5 August 2024 [R2024/71]

Tied Vote:

The AMIEU rules do not provide guidance regarding what action should be taken when there is a tied vote.

The AEC model rules state that:

- *If two or more candidates have each received the same number of votes and one of them has to be elected or excluded, the Returning Officer shall decide by lot which candidate is to be elected or excluded*

Roll of Voters

There were no issues of note with the Roll of Voters.

Written allegations of any irregularities

The AEC did not receive any written allegations of irregularities during the election.

Other irregularities

The AEC did not identify any other irregularities in the election.

Signed

Benjamin Murray
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
20 December 2024

Attachments

A. Declaration of Results for Contested Offices

The Australasian Meat Industry Employees Union
DECLARATION OF RESULTS - E2024/145
Contested Offices

New Position 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:

Branch Committee of Management Representative from Western Australia (1)

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	515
Number of voters issued with voting material	515
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	515
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	44
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	43
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	49
Voting material packs not returned by voters by closing date of the ballot	422
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	9 %

Branch Committee of Management Representative from Western Australia (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
WINTER, Adam	24	24
HICKS, Anthony	19	19

Total ballot papers admitted for this office	43
Formal Ballot papers	43
Informal Ballot papers	0

I declare the following elected:

- WINTER, Adam

Benjamin Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
18/12/2024



DECISION

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

The Australasian Meat Industry Employees' Union
(E2024/145)

MR STEENSON

SYDNEY, 4 SEPTEMBER 2024

Arrangement for conduct of election.

[1] On 12 August 2024, the Queensland, Western Australia, and Northern Territory Branch (the Branch) of the Australasian Meat Industry Employees' Union (AMIEU), lodged with the Fair Work Commission (Commission) prescribed information for an election to fill the following new office for remainder of the term:

Branch Committee of Management Representative from Western Australia (1)

[2] The prescribed information states that the election is due to the internal restructuring of the AMIEU. The restructuring involved the AMIEU dissolving its South and Western Australian Branch, and the attachment of members from Western Australia to a new Branch, named the Queensland, Western Australia, and Northern Territory Branch. (Members from South Australia were attached to another Branch, which is the subject of another election decision today, E2024/146).

[3] The office named above was created in rule alterations were approved by the General Manager of the Commission on 5 August 2024 in matter R2024/71 – specifically rule 47.13.3.

[4] I am satisfied that an election for the abovenamed office 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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THE AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION

(Queensland Branch)

ABN 68 929 349 791



Branch Secretary
MATTHEW JOURNEAUX

Level 1, 39 Lytton Road, East Brisbane Qld 4169, Australia
Telephone: (07) 3217 3766
Email: admin@amieugld.asn.au
Website: www.amieugld.asn.au

12 August 2024

The General Manager
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

Dear Sir or Madam

Re: Election of WA Representative to QWANT Branch Committee of Management

In accordance with subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*, I wish to advise the General Manager of the need to conduct an election for an officer of the Queensland, Western Australia and Northern Territory Branch of the Australasian Meat Industry Employees' Union (AMIEU).

The need for the election arises from the creation of a new office, consequent upon the internal restructuring of the AMIEU. That restructuring entailed the dissolution of the South and Western Australian Branch of the Union, and the attachment of its members to other Branches. In particular, members of the union resident in Western Australia were attached to the Queensland and Northern Territory Branch. This was formalised by rule changes approved by the General Manager on Monday 5 August 2024.

The rule changes resulted in the creation of the Queensland Western Australian and Northern Territory Branch. The committee of management of the branch includes a new office, that of Western Australian committee of management representative. The rules of the AMIEU dealing with the dissolution and restructuring of branches (Rule 38.5.3) provide for an election to be held within three months of the restructuring taking effect.

Therefore, in accordance with Regulation 138 of the *Fair Work (Registered Organisations) Act 2009* I am providing the following prescribed information:

- (a) The name of each office or position for which an election is required:

Branch Committee of Management Representative from Western Australia (1)
- (b) The reason for the election is that the office has been created by restructuring of the AMIEU, and consequent rule changes recently approved by the Commission.
- (c) The office is a singular office.

Regional Offices

Rockhampton:

178 Quay Street
Rockhampton Q 4700
Telephone: (07) 4922 4336
Facsimile: (07) 4922 5984
Email: paul@amieugld.asn.au

- (d) The electorate for this office is the members of the Queensland Western Australia and Northern Territory Branch of the AMIEU who are resident in Western Australia.
- (e) There is ambiguity in the rules relating to the relevant dates for opening and closing nominations
 - (i) Rule 50.8 of the AMIEU's rules provide that nominations shall open "at least 14 days" before the close of nominations.
 - (ii) The date on which nominations are to close, subject to the minimum period in Rule 50.8, appears to be left to the discretion of the Returning Officer (which, in the absence of an exemption being obtained, is the Australian Electoral Commission: see Rule 50.4).
 - (iii) Rule 50.14 provides that the date the ballot closes is to be 35 days after the close of nominations.
 - (iv) A proposed timeline for the conduct of the ballot could therefore be:

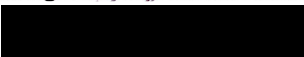
Date for opening of nominations: 17 September 2024
Date for closing of nominations: 1 October 2024
Date for close of ballot: 5 November 2024
 - (v) The AMIEU has no objection to the AEC adjusting or amending the proposed timetable as it sees fit.
- (f) Rule 50.7 provides for the roll of voters to close 7 days prior to the date fixed by the returning officer for the opening of nominations.
- (g) The kind of system to be used in the election a direct voting system (by secret postal ballot using a first-past-the-post counting of ballots: see rule 50.3, 50.11, 50.18-50.20).

The short time frame (3 months) provided for in the rules for the election of the new office means that the Prescribed Information has not been lodged by (and indeed, is not possible to be lodged by) the prescribed day: see Reg 138(3), *Fair Work (Registered Organisations) Regulations 2009*, and Section 189(2) of the *Fair Work (Registered Organisations) Act 2009*. Accordingly, the AMIEU requests that the Commission allow for the prescribed timeframe to be abridged for the lodgment of the prescribed election information, or to make such alterations to the timeframe of the election as it deems fit.

I intend to request the Federal Council of the Union to consider an amendment to its rules that will alter the three month timeframe for the election of new officers under (pursuant to ruled 38.5.3) that to one which allows the statutory timeframe to be complied with.

If you have any queries regarding the above, please direct them to Craig Buckley (Ph: 07 3217 3766, or email craig@amieuqld.asn.au in the first instance).

Regards,


Matthew Journeaux
Secretary
AMIEU QWANT Branch