



8 May 2018

Mr Paul Bastian
National Secretary
"Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the
Australian Manufacturing Workers' Union (AMWU)
national.secretary@amwu.asn.au

Dear Mr Bastian,

cc: New South Wales Branch, steven.murphy@amwu.asn.au

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices for New South Wales Branch [E2018/12]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU) must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.
2. Person(s) who have commenced to hold office:
 - the name of the office now held;

- the date of the change of office holder;
- the name of the person now holding the office;
- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Christine Hibberd
Registered Organisations Commission

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

3 May 2018

Post-election Report

“Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU) – E2018/12

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Election(s) Covered in this Report

Election Decision No/s: E2018/12

Rules

Rules used for the election: (188V: Incorporates alterations of 30 November 2017 [D2017/03 & D2017/04] (replaces rulebook dated 21 August 2017 [R2017/62])

Rules difficult to apply/interpret: (e.g., None)

Model Rule reference (if any): (e.g., N/A)

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

Other Matters

None

Attachments

- 1) Declaration of results for Uncontested Offices



Noopur Madan
Returning Officer

3 May 2018

**Automotive, Food, Metals, Engineering, Printing and Kindred
Industries Union known as the
Australian Manufacturing Workers' Union (AMWU)
Casual Vacancy Election
E2018/12
New South Wales Branch**

DECLARATION OF RESULTS - E2018/12
Uncontested Offices

Vacancy 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:

New South Wales

Manufacturing Membership

Delegate to State Council

Candidates

NAKITCH, Michael

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



Noopur Madan
Returning Officer
Australian Electoral Commission
27/04/2018



DECISION

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

"Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU)
(E2018/12)

MR ENRIGHT

MELBOURNE, 14 FEBRUARY 2018

Arrangement for conduct of election.

[1] On 29 January 2018 the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU) (**the organisation**) lodged with the Registered Organisations Commission (**the Commission**) prescribed information for an election to fill a casual vacancy in the following office for the remainder of the term:

New South Wales

Manufacturing Membership

Delegate to State Council (1)

[2] The prescribed information included a letter which indicated that the relevant resignation took effect on and from Friday 10 March 2017. Relevantly, Rule 4 Part B(15)(a) of the AMWU rules provides that:

“As soon as practicable after the occurrence of the vacancy (and no later than 30 days after the occurrence of the vacancy) the State Returning Officer shall determine the opening and closing dates for lodging nominations”.

[3] In those circumstances, staff of the Commission made inquiries with the organisation about whether the prescribed information was lodged before the prescribed day required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*.

[4] On 13 February 2018, Mr Paul Bastian, National Secretary of the organisation, wrote to the Commission noting the requirements of Rule 4 – Part A [sic] sub-rule 15(a) of the AMWU Rules while advising that the reason for the delay in lodging the prescribed information was largely due to an incorrect assumption that the vacant office could be filled by appointment. Mr Bastian further explained that the organisation has been placing

significant focus and effort into meeting its legislative requirements in regards to the notification of resignations within 35 days.

[5] In addition, Mr Bastian advised that *“in light of this event, we have replicated our national administrative systems for resignations such that it now applies to the filling of vacancies”*. Furthermore, *“We acknowledge the oversight on this occasion but we hope and trust that our record of good and diligent governance on these matters, the outline of factors that contributed to the error as above, and the introduction of new national administrative systems to ensure that such an error cannot occur again, will stand us in good stead”*.

Application for a later day

[6] Notwithstanding Rule 4 – Part B(15)(a) and that the resignation took effect on 10 March 2017, the organisation applied to lodge the prescribed information by a later day in accordance with section 189(2) of the *Fair Work (Registered Organisations) Act 2009*.

[7] In considering the application under section 189(2) for lodgement by a later day, I have taken into account the relevant facts and circumstances. I was impressed by the demonstrable candour of the organisation and I accept the oversight explanation. I have taken into account the steps being taken by the organisation to introduce new administrative systems to ensure that future prescribed information is lodged in accordance with its statutory obligations.

[8] The focus of the Commission is directed toward assisting registered organisations to achieve high levels of voluntary compliance and in my view, the [AMWU’s] *‘record of good and diligent governance on these matters, the outline of factors that contributed to the error as above, and the introduction of new national administrative systems to ensure that such an error cannot occur again’* have, on this occasion, served to stand the organisation *‘in good stead’*.

[9] Having regard to the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* but also in instruments or references pertaining to the governance arrangements formulated by organisations themselves, I allow on this occasion a later day for lodgement.

[10] 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 COMMISSIONER

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svc-adlib5

From: Fiona Googh <fiona.googh@amwu.org.au>
Sent: Tuesday, 13 February 2018 4:17 PM
To: ROC - Registered Org Commission
Cc: Peter Cozens
Subject: E2018/12 - AMWU NSW Vacancy Election - Application for extension of time
Attachments: E201712_001.pdf

Good afternoon,

Please find attached, correspondence from Paul Bastian, AMWU National Secretary, in relation to the above Election.

Regards

Fiona Googh

Executive Assistant to Paul Bastian

Australian Manufacturing Workers' Union

Level 4, 133 Parramatta Road (PO Box 160), Granville, 2142

T: 02 8868 1524 | F: 02 9897 9274 | W: www.amwu.org.au



13 February, 2018

Commissioner
Registered Organisations Commission
GPO Box 2983
Melbourne Vic 3001

Attention: Michael Moutevelis

Dear Commissioner,

Re: E2018/12 – NSW Vacancy Election.

I refer to the above election and the subsequent call between Michael Moutevelis from your office and the AMWU's National Executive Officer, Peter Cozens on 12 February, 2012.

We thank you for bringing this matter to our attention.

The Union wishes to apply for an extension of time for the lodgement of the Prescribed Information in this matter.

We note that Rule 4 – Part A sub-rule 15(a) provides that the Prescribed Information should have been *lodged "as soon as practicable after the occurrence of the vacancy (and no later than 30 days after the occurrence of the vacancy)"*.

A number of factors in combination have led us to this position:

- It was incorrectly assumed that the vacant positions arising from the resignation of Mr Wallace could all be filled by appointment as his resignation arose in the last three quarters of the term of office. This provision applies for his vacated National and State Conference positions but not, of course, for his State Council position.
- There was also an incorrect assumption that the filling of the position could be done 'as soon as practicable' as is the case in so many other of the Union's elected positions.
- And finally – but importantly – the National Office of the Union has been placing significant focus and effort on maintaining our systems to ensure that we meet the legislative requirement to notify of resignations within 35 days and we have not, to date, placed commensurate focus on the filling of those vacancies.

Australian Manufacturing
Workers' Union
Registered as AFMEPKIU
National Office
Level 4
133 Parramatta Road
Granville NSW 2142
Telephone: 02 8868 1500
Facsimile: 02 9897 9274
amwu@amwu.asn.au

I can assure you that in light of this event, we have replicated our national administrative systems for resignations such that it now applies to the filling of vacancies across the six States, our three National Divisions and the general, national, membership area and the 21 distinct general and regional membership areas with office bearers across the country.

We acknowledge the oversight on this occasion but we hope and trust that our record of good and diligent governance on these matters, the outline of factors that contributed to the error as above, and the introduction of new national administrative systems to ensure that such an error cannot occur again, will stand us in good stead in your consideration of our application.

Should you have any questions or require further information, please don't hesitate to contact Peter Cozens on (02) 8868 1524.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Paul Bastian", with a stylized flourish at the end.

PAUL BASTIAN
NATIONAL SECRETARY

svc-adlib5

From: Rhys Richards <Rhys.Richards@aec.gov.au>
Sent: Monday, 5 February 2018 8:10 AM
To: MOUTEVELIS,Michael
Subject: FW: AMWU E2018/12 [SEC=UNCLASSIFIED]
Attachments: PI.pdf

Hi Michael

Please see below for your information and action regarding this election.

Regards

Rhys Richards | Senior Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6362 | M: unknown | F: (02) 6215 9910



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Australian Electoral Commission

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From: Peter Cozens [<mailto:peter.cozens@amwu.org.au>]
Sent: Saturday, 3 February 2018 3:00 PM
To: Rhys Richards <Rhys.Richards@aec.gov.au>
Cc: Fiona Googh <fiona.googh@amwu.org.au>
Subject: FW: AMWU E2018/12 - NSW Vacancy Election [SEC=UNCLASSIFIED]

Hi Rhys,

Just to confirm that we agree with your assessment and that the position can be filled by a member from Division 1 or Division 2 of the Manufacturing Membership for the reasons you have outlined

Kind regards, peter

From: Rhys Richards [<mailto:Rhys.Richards@aec.gov.au>]
Sent: Wednesday, 31 January 2018 11:46 AM
To: Peter Cozens
Cc: Fiona Googh
Subject: AMWU E2018/12 - NSW Vacancy Election [SEC=UNCLASSIFIED]

Hi Peter

Confirmation Required

Attached is a PI just received from ROC which lists the following position:

Delegate to State Council – NSW Manufacturing Membership (Division2)

This is a collegiate election from the NSW delegates from the Manufacturing Membership to State Conference.

Upon reading the rules the entitlements for holding office for TSA Division members and Metals and Engineering members for the office of Delegate to State Council have ceased.

I refer to Rule 25(5) which I think confirms the entitlements on and from 1/10/2014 ends at the next scheduled election which was held in May 2016 for this office.

I would appreciate your thoughts on this matter before making a final decision.

Regards

Rhys Richards | Senior Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6362 | M: unknown | F: (02) 6215 9910



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23 January, 2018

Commissioner
Registered Organisations Commission
GPO Box 2983
Melbourne Vic 3001



Dear Commissioner,

Re: Prescribed Information for AMWU Elections.

Please find attached the Prescribed Information and Statement of Facts pursuant to section 189 of the *Fair Work (Registered Organisations) Act 2009* concerning elections to be conducted due to casual vacancies.

If you have any questions or comments in relation to the attached documentation please contact Peter Cozens on (02) 8868 1524.

Yours faithfully,

PAUL BASTIAN
NATIONAL SECRETARY

Australian Manufacturing
Workers' Union
Registered as AFMEPKIU
National Office
Level 4
133 Parramatta Road
Granville NSW 2142
Telephone: 02 8868 1500
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Fair Work (Registered Organisations) Act 2009
s189
Regulation 138 of the Fair Work (Registered Organisations) Regulations 2009
Prescribed Information for Elections

“Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU)

PRESCRIBED INFORMATION FOR ELECTIONS

SUPPORTING STATEMENT

I, Paul Bastian, of 133 Parramatta Road, Granville, in the State of New South Wales, union official, state as follows:

1. I am the National Secretary of the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU), an organisation of employees registered under the *Fair Work (Registered Organisations) Act 2009* (the Act).
2. I am authorised to lodge the information prescribed by regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*.
3. An election is required for the office specified in the attached.
4. This information is lodged under subsection 189(1) of the Act.

DATED: 23 January, 2018



PAUL BASTIAN
NATIONAL SECRETARY

“Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU)

PRESCRIBED INFORMATION FOR ELECTIONS

1. The following office requires an election to be conducted by the Australian Electoral Commission for the reasons given in italics. Pursuant to paragraph 138(1)(d) of the *Fair Work (Registered Organisations) Regulations 2009* (“the Regulations”), the electorate for the office is given under the title of the office or position. This position was filled in Election E2015/294 and the incumbent has since resigned. For your information, a copy of the resignation is attached.

2. Pursuant to sub-regulation 138(1) of the Regulations, Fair Work Australia is advised that for the listed office, the Rules of the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU) provide that:
 - (a) As the vacancy relates to Manufacturing Membership Division 2, consistent with Rule 4 – Part B, subrule 14(a), the Returning Officer shall conduct an election by and from the specified delegates to that State Conference.

3. Pursuant to sub-regulation 138(1)(g) of the Regulations, the Rules provide that a collegiate electoral system is to be used in the conduct of the elections.

NEW SOUTH WALES

Manufacturing Membership (Division 2)

Delegate to State Council
(Electorate: All NSW State Conference
Delegates from the Manufacturing
Membership – Division 2)

Casual vacancy
Rule 4 – Part B