

10 July 2018

# Post-election Report

**“Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union”  
known as the Australian Manufacturing Workers’ Union (AMWU) – New South Wales  
Manufacturing membership, Food and Confectionery Division and Printing Division-  
Vacancy Election - E2018/69**

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## Election(s) Covered in this Report

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Election Decision No/s: E2018/69

## Rules

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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

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

## Irregularities

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

Other irregularities identified, and action taken: None

## Other Matters

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None

## Attachments

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- 1) Declaration of results for Uncontested Offices



Noopur Madan  
Returning Officer

10 July 2018



9 July 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: Printing Division New South Wales Region, info@amwu.asn.au  
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 NSW Branch [E2018/69]. 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, as soon as practicable after receiving the post-election report, 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**

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

**NEW SOUTH WALES**

**DECLARATION OF RESULTS - E2018/69**

**Uncontested Offices**

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**Casual Vacancies 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:

**Manufacturing Membership**

**Delegate to State Council (1)**

Candidates

CHARLES, Albert

**Food and Confectionery Division**

**Delegate to State Council (2)**

Candidates

JONES, Haromi

NOEL, Kelly

**Printing Division**

**Rank and File State Conference Delegate to Administrative Committee  
(1)**

Candidates

EMIR, Sean

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



Noopur Madan  
Returning Officer  
Australian Electoral Commission  
29/06/2018



## 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)**  
(E2018/69)

MR ENRIGHT

MELBOURNE, 2 MAY 2018

*Arrangement for conduct of election.*

[1] On 16 March 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 (**ROC**) prescribed information for an election to fill casual vacancies in the following offices for the remainder of the term:

### **New South Wales**

#### Manufacturing Membership

Delegate to State Council (1)

#### Food and Confectionery Division

Delegate to State Council (2)

#### Printing Division

Rank and File State Conference Delegate to Administrative Committee (1)

[2] I note that in the covering letter to the prescribed information, the National Secretary of the AMWU Mr Paul Bastian indicated that the prescribed information was not lodged before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. In his correspondence dated 12 March 2018, Mr Bastian requested an extension of time for the lodgement of the prescribed information.

[3] In relation to the late lodgement of prescribed information, Mr Bastian stated that "we have instituted a systematic, national review of the administrative procedures required to ensure that vacant positions are filled in a timely manner. Arising from the Review, I regret to advise that as a result, we have uncovered a number of similar circumstances".



[4] The review referred to by Mr Bastian followed notifications made to the AMWU by the ROC dealt with in E2018/12 with the relevant decision [2018] ROCD 26 issued on 14 February 2018.

[5] 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. I have carefully considered the application made by the AMWU and on this occasion I allow on this occasion a later day for lodgement.

[6] 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 COMMISSIONER

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<PR351047>

12 March, 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.

Also attached, please find correspondence sent to the ROC on 13 February, 2018 in which we applied for an extension of time for the lodgement of the Prescribed Information for Election E2018/12. We appreciate that you have granted the extension and set the election in train.

As outlined in this correspondence, we have instituted a systematic, national review of the administrative procedures required to ensure that vacant positions are filled in a timely manner.

Arising from the Review, I regret to advise that as a result, we have uncovered a number of similar circumstances to that which triggered our correspondence of 13 February.

In that light, we again seek an extension of time for the lodgement of the Prescribed Information as attached.

Please find following a brief outline of the circumstances that have led us to this unfortunate position.

### **Manufacturing Membership – Delegate to State Council**

On 29 April, 2016, Mr. Todd Nickle was appointed to fill a vacancy in the office of State Conference Delegate pending an election. While holding that temporary office, Mr. Nickle was elected to the office of State Councillor on 12 May, 2016.

Mr. Nickle did not subsequently stand for the office of State Conference Delegate and, upon the declaration of that election on 7 March, 2017, Mr. Nickle's eligibility for the office of State Councillor fell away.

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

Unfortunately, due to an administrative oversight, no subsequent steps were taken for an election to be conducted for the vacant office of State Councillor.

### **Food & Confectionery Division – Delegate to State Council**

We have two vacancies in this area for which we seek an extension of time.

The first is in identical circumstances as outlined above with regard to Mr Nickle in that Ms. Haromi (Pepe) Jones was appointed to fill a vacancy in the office of State Conference Delegate pending an election. While holding that temporary office, Ms. Jones was elected to the office of State Councillor on 12 May, 2016.

Ms. Jones did not subsequently stand for the office of State Conference Delegate and, upon the declaration of that election on 7 March, 2017, Ms. Jones' eligibility for the office of State Councillor fell away.

Unfortunately, due to an administrative oversight, no subsequent steps were taken for an election to be conducted for the vacant office of State Councillor.

The other vacancy in this area arises from the resignation of Ms. Beatriz Cullen from the office of State Councillor effective 27 February, 2017. Again, I regret to advise that due to an administrative oversight, no subsequent steps were taken for an election to be conducted for the vacant office of State Councillor.

### **Printing Division – Rank and File State Conference Delegate to Administrative Committee**

Again with the above position, Mr Charles Evans was appointed to fill a vacancy in the office of State Conference Delegate pending an election. While holding that temporary office, Mr Evans was elected to the office of Rank and File State Conference Delegate to Administrative Committee.

Mr Evans did not subsequently stand for the office of State Conference Delegate and, upon the declaration of that election on 7 March, 2017, Mr Evans' eligibility for the office of Rank and File State Conference Delegate to Administrative Committee.

Unfortunately, due to an administrative oversight, no subsequent steps were taken for an election to be conducted for the vacant office of Rank and File State Conference Delegate to Administrative Committee.

As a result of our review of vacant offices arising from our correspondence of 13 February, we have determined that the office of Printing Division Rank and File State Conference Delegate to State Administrative Committee is vacant and we request an extension of time for the lodgement of the Prescribed Information as attached.

Once again, we acknowledge the oversight that has led to this unfortunate situation.

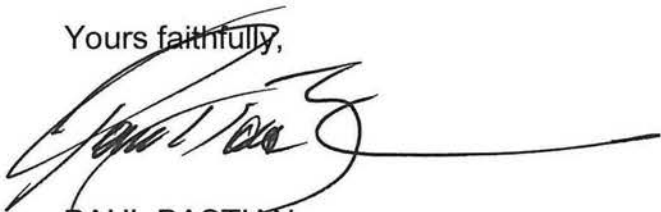
I am confident that the new national systems of oversight in this area which have uncovered these anomalies will help us ensure that they do not happen again.

For your information, I have referred this matter to the Audit, Risk and Investment Committee of the National Council to oversee the implementation of our new systems of national oversight on these matters and to regularly report to the National Council on compliance as required.

We hope that our continued diligence and commitment to good governance will stand us in good stead in your consideration of our application.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Paul Bastian', with a long horizontal line extending to the right.

PAUL BASTIAN  
NATIONAL SECRETARY

*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)**

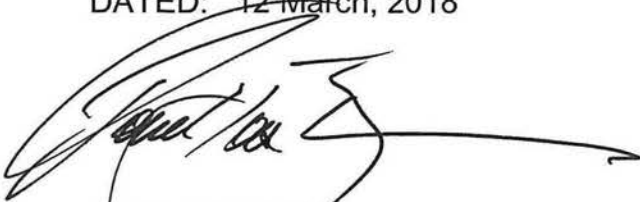
**PRESCRIBED INFORMATION FOR ELECTIONS**

**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: ~~12~~ March, 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. These positions were filled in Election E2015/294 – in the case of one of the State Council positions from the Food & Confectionery Division, the incumbent has since resigned (a copy of the resignation is attached). In all other cases, the incumbents were elected at the State Conference, however, they have since become ineligible (see covering correspondence).
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) Consistent with Rule 4 – Part B, subrule 14(a), the vacancy that relates to Manufacturing Membership Division 2, the Returning Officer shall conduct an election by and from the specified delegates to that State Conference.
  - (b) Consistent with Rule 53 – Part G, subrule 31, the vacancy that relates to the Food & Confectionery Division, 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

### **Food & Confectionery Division**

Delegates to State Council (2)  
(Electorate: All NSW State Conference  
Delegates from the Food & Confectionery  
Division)

*Casual vacancy*  
Rule 53 – Part G

### **Printing Division**

Rank and File State Conference Delegate  
to Administrative Committee  
(Electorate: All NSW State Conference  
Delegates from the Printing Division)

*Casual vacancy*  
Rule 29