

# THE AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION

(Federal Council)



Federal Secretary  
GRAHAM SMITH

227 Henley Beach Road Torrensville, SA 5034, Australia

Telephone: (08) 8274 4100

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Federal President  
PATRICIA FERNANDEZ

Website: [www.amieu.asn.au](http://www.amieu.asn.au)

21 February 2018

**Registered Organisations Commission  
GPO Box 2983  
Melbourne VIC 3001**

Via email only to: [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

Dear Madam / Sir,

**Re: The Australasian Meat Employees Union, Tasmanian Branch Post-Election Report written response and extract**

The AMIEU confirms that, in accordance with s.198(2), the AMIEU has responded to the Australian Electoral Commission (AEC) difficult rules report. A copy of the response is annexed hereto.

The AMIEU confirms that, in accordance with s.198(3), a copy of the AMIEU's response and relevant extract from the difficult Rules report have been made available to AMIEU Members here: <https://tas.amieu.asn.au/>

Yours faithfully,

**Kristen Rogers  
National Industrial Officer  
Australasian Meat Industry Employees Union**

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13 February 2018

**The Australian Electoral Commission  
Returning Officer, Tasmania  
Michael Horwood**

Via email only to: [michael.horwood@aec.gov.au](mailto:michael.horwood@aec.gov.au)  
[Industrial.elections@aec.gov.au](mailto:Industrial.elections@aec.gov.au)

Dear Michael,

**Re: The Australasian Meat Employees Union, Tasmanian Branch Post-Election Report written response**

Thank you for providing a copy of Australian Electoral Commission (AEC) Post-election Report on 9 February 2018.

I note the stated difficulty of the AEC in applying Rule 50.15 of the Rules of the Australasian Meat Industry Employees Union (AMIEU).

Pursuant to Rule 39 of the Rules of the AMIEU, rules may be altered or rescinded or new rules made by the AMIEU's Federal Council.

The AMIEU's Federal Council meets bi-annually, and is due to meet in September 2018.

In accordance with sub-rule 39.2, proposals for the alterations of rules may be made by any Branch Committee of Management, Federal Council or Federal Executive.

I will raise the matter with the Federal Executive at our next meeting in March to advise of the difficulty faced by the AEC as described in the Post-election Report. If the Federal Executive then determine to raise this matter at the Federal Council in order to discuss a rule change, the Federal Executive will refer this matter to our June meeting where the agenda for Federal Council is prepared.

Yours faithfully,

**Graham Smith  
Federal Secretary / Treasurer**



9 February 2018

Federal Secretary  
Australasian Meat Industry Employees Union  
federal@sawa.amieiu.asn.au

Cc: Tasmanian Branch, amieutas@bigpond.com

Dear Federal Secretary

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/232**

On 9/02/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/232 dated 9/02/2017. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule 50.15. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

**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 regs 141(4) and (5)).

**A written response must be provided to the AEC**

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

**Extract of report must be made available to members**

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

**Written response must be made available to members**

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
  - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
  - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

### **Penalties may apply**

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

### **If the organisation or branch decides to alter its rules in response to the AEC's report**

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

**Christine Hibberd**

**Registered Organisations Commission**



9 February 2018

Federal Secretary  
Australasian Meat Industry Employees Union  
federal@sawa.amieu.asn.au

Dear Federal Secretary,

cc: Tasmanian Branch, amieutas@bigpond.com

### **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 and contested offices for Tasmanian Branch [E2017/232]. 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 Australasian Meat Industry Employees Union, The 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].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  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]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> 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](mailto: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.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<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>						

9 February 2018

# Post-election Report

**Australasian Meat Industry Employees' Union,  
Tasmanian Branch - E2017/232**

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## Election(s) Covered in this Report

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Election Decision No/s: E2017/232

## Rules

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Rules used for the election: 007V: alterations of 03/11/2016 in matter R2016/254

Rules difficult to apply/interpret: Rule 50.15 – which states:

**50.15** The Returning Officer shall arrange for a post office box of sufficient size to hold all returned ballot papers and a further post office box for unclaimed envelopes with unused ballot papers both in the Returning Officer's own name and address and arrange that both post office boxes shall not be available to be opened by the Returning Officer until the close of the ballot.

The process described above is not practical in reality. For the election we have just conducted we utilised the AEC's usual post boxes and mail service, and the ballot paper envelopes receipted from Australia Post were placed into a locked and sealed ballot box until the scrutiny

## Roll of Voters

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Total number of voters on the Roll: 351

Number of apparent workplace addresses: 0

Number of non-current addresses: 16

Other matters pertaining to the roll of voters: The number of non-current addresses is high.

## Irregularities

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Details of written allegations of irregularities, and action taken by AEC:

Other irregularities identified, and action taken: Nil

## Other Matters

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Nil

## Attachments

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1. Declaration of uncontested and contested offices.

Michael Horwood  
Returning Officer, Tasmania

9 February 2018

# The Australasian Meat Industry Employees Union

## Tasmanian Branch

### DECLARATION OF RESULTS - E2017/232

#### Uncontested and Contested 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:

#### Tasmanian Branch

Total number of persons on the roll of voters	351
Ballot Papers Issued	351
Replacement ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>351</b>
Ballot papers/envelopes returned for scrutiny	77
Less ballot papers/envelopes rejected at preliminary scrutiny	1
Adjusting balance	0
<b>TOTAL BALLOT PAPERS</b>	<b>76</b>
Percentage of ballot papers returned to number issued	22
Ballot papers returned as unclaimed mail by closing date of ballot	16
Ballot papers not returned	258

#### Delegate to Federal Council (2)

<u>Candidates</u>		<u>Votes</u>
MANSFIELD	Glenn Russell	50
TARRANT	Cindy Maree	40
AINSLIE	Jonathan Leigh	54
Total votes		144
Formal ballot papers		72
Informal ballot papers		4

I declare the following elected:

- AINSLIE Jonathan Leigh
- MANSFIELD Glenn Russell

Order elected

- 1
- 2

## **Branch Committee of Management**

### **Northern Sub-branch (2)**

#### **Representative**

##### Candidates

MANSFIELD Glenn Russell  
MALINOWSKI Paul

I declare the following elected:

- MANSFIELD Glenn Russell
- MALINOWSKI Paul

### **Southern Sub-branch (2)**

#### **Representative**

##### Candidates

No nominations were received

### **North West Sub-branch (2)**

#### **Representative**

##### Candidates

AINSLIE Jonathan Leigh

I declare the following elected:

- AINSLIE Jonathan Leigh



Michael Horwood  
Returning Officer  
Australian Electoral Commission  
31 January 2018



## DECISION

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

### **The Australasian Meat Industry Employees Union** (E2017/232)

MR ENRIGHT

MELBOURNE, 9 NOVEMBER 2017

*Arrangement for conduct of election.*

[1] On 31 October 2017 The Australasian Meat Industry Employees Union lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices, due to insufficient nominations received in a previous election (E2017/119):

#### **Tasmanian Branch**

Delegate to Federal Council (2)

#### **Branch Committee of Management**

Representatives from the following Sub-branches:

Northern Sub-branch (2)

Southern Sub-branch (2)

North West Sub-branch (2)

[2] 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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**From:** Kristen Rogers <federal@sawa.amieu.asn.au>  
**Sent:** Tuesday, 31 October 2017 4:33 PM  
**To:** ROC - Registered Org Commission  
**Cc:** Graham Smith; AMIEU  
**Subject:** Re: Australasian Meat Industry Employees' Union Tasmanian Branch elections  
**Attachments:** 3110201738128915.pdf

Good afternoon,

Please find the attached correspondence concerning a further election for the Australasian Meat Industry Employees' Union Tasmanian Branch. Please note that no paper copy of this correspondence will be issued.

With warm regards,

**Kristen Rogers, LLB/LP BBSc**  
National Industrial Officer

**Australasian Meat Industry Employees Union – Federal Office**  
227 Henley Beach Road, Torrensville, South Australia 5031

Phone: 0438 128 915

Email: [federal@sawa.amieu.asn.au](mailto:federal@sawa.amieu.asn.au)



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# THE AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION

(Federal Council)



Federal Secretary  
GRAHAM SMITH

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31 October 2017

**Registered Organisations Commission  
GPO Box 2983  
Melbourne VIC 3001**

By email only to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

Dear Sir or Madam,

**Re: Australasian Meat Industry Employees' Union Tasmanian Branch elections**

In accordance with subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*, I wish to advise of the need to conduct an election for eight (8) offices within the Australasian Meat Industry Employees' Union Tasmanian Branch.

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

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

Delegate to Federal Council (2)

Committee of Management Northern Sub-branch (2)

Committee of Management Southern Sub-branch (2)

Committee of Management North West Sub-branch (2)

(b) The reason for the election is that the eight (8) offices described in (a) above were not filled at the previous election. The background is as follows.

- i) Elections for the Australasian Meat Industry Employees' Union Tasmanian Branch took place between June and October 2017.
- ii) No nominations were received for the eight (8) positions described in (a) above.
- iii) Nominations for the positions of Secretary/Treasurer, President, Assistant Secretary and Vice-President were received and the Declaration of Results for those uncontested offices was issued by the AEC on 3 October 2017.

iv) The eight (8) positions described in (a) above are temporarily vacant, until filled in accordance with this new election.

(c) More than one of the offices for which an election is required has the same name. There are eight (8) offices in total, comprised of the following.

Delegate to Federal Council (2)

Committee of Management Northern Sub-branch (2)

Committee of Management Southern Sub-branch (2)

Committee of Management North West Sub-branch (2)

(d) The electorate for the direct voting system is the whole of the Tasmanian Branch.

(e) The date and time of the beginning and end of the period in which nominations of candidates will be called for or may be made under the rules of the organisation or branch in relation to the election

The rules of the AMIEU do not specifically state when the nomination period begins or ends.

Rule 50.1 specifies that a ballot shall be conducted not later than the thirty-first day of December 1969... and henceforth such ballot shall be conducted on every fourth year.

It is noted that an election was held in 2017, and that the election resulted in eight (8) vacant offices.

Rule 50.8 specifies that the Returning Officer must advertise the election, that this must occur at least fourteen days prior to the close of nominations, and that the date for the close of nominations is to be fixed by the Returning Officer.

(f) Rule 50.7 provides that the Returning Officer shall compile a roll of members eligible to vote pursuant to Rule 10. Rule 10.1.1 contains the provision no later than 30 days before the date fixed for the opening of nominations.

(g) The kind of voting system to be used in the conduct of the election is a direct voting system.

This information is lodged under s.189(1) of the *Fair Work (Registered Organisations) Act 2009*. I certify that I am an officer of the organisation authorised to provide this information.

I request that you make the appropriate arrangements for the conduct of the election for eight (8) officers of the Australasian Meat Industry Employees' Union Tasmanian Branch.

I state that the above information is the information prescribed by Regulation 138 of the *Fair Work (Registered Organisations) Regulation 2009*, and is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

Please do not hesitate to contact me if you have in queries in relation to the above, or if you require any additional information.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'G. Smith', with a long horizontal stroke extending to the right.

**GRAHAM SMITH  
FEDERAL SECRETARY  
A.M.I.E.U.**