

THE AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION

(Federal Council)



Branch Secretary
ROSS RICHARDSON

Federal President
GRAHAM BIRD

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9 March 2005

The Registrar
Australian Industrial Registry
Level 8, Terrace Towers
80 Williams Street
EAST SYDNEY NSW 2011

VIA FACSIMILE: 02-9380 6990

Dear Registrar

Re: Prescribed Information in relation to the Election of Officers

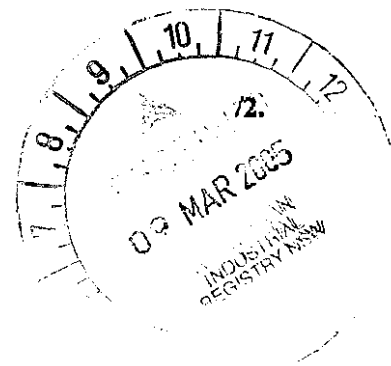
I refer to the above. On 7 March 2005 I was authorised and directed by the Federal Executive of the Australasian Meat Industry Employees Union ['the Union'] to lodge in the Registry the prescribed information in relation to the election of the federal officers of the union.

In this regard I refer you to correspondence from your Mr McKerrow dated 4 March 2005. For your reference I provide a copy of that correspondence.

It appears that since 1990, elections which have been conducted in good faith and in accordance with the rules of the Union for the federal officers may not have satisfied the requirements of the current or past legislation, particularly in relation to the conduct of ballots by the Australian Electoral Commission.

In accordance with the recommendation of your Mr McKerrow in the correspondence dated 4 March 2005, I now provide the prescribed information required by regulation 138 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations*:-

1. The names of the officers for which an election is required are as follows:
 - (i) Federal Secretary/Treasurer;
 - (ii) Federal President; and
 - (iii) Federal Vice President.



2.

2. The reason for the election is that the term of the office or position has expired and/or the office or position was not filled at the previous election.
3. There are no multiple offices to be determined prior to the prescribed day.
4. The electorate does not comprise of members of any branch, section or other division of the union.
5. Nominations for the offices are governed by the provisions of Rule 17.9 of the Union. Nominations must be in writing by any member of the Federal Council of the union to the Federal Council no later than two weeks prior to the biennial meeting of the Council.
6. The day in which the role of voters is to be closed is not relevant because the election is done by a collegiate system. The persons elected to Federal Council are elected in the quadrennial Branch elections of the Union. The members of the Federal Council were elected at the last quadrennial Branch elections between September 2001 – November 2001. They all hold office for four years.
7. The kind of voting system to be used in the conduct of the election is a collegiate electoral system.

In relation to point 5 above, we respectfully suggest that nominations may be opened at any time to deal with the election of such officers. If more than one nomination is received, the Union will make arrangements for a meeting of Federal Council to deal with the election of the federal officers. Such meeting (if necessary) shall not be scheduled any sooner than 14 clear days after nominations have closed.

I certify that this prescribed information has been lodged under sub-section 189(1) of the *Registration and Accountability of Organisations* Schedule to the *Workplace Relations Act 1996* (Cth.).

I further make application for such extension of time that is necessary so that the "prescribed day" under sub-section 189(2) of the *Registration and Accountability of Organisations* Schedule shall be the date on which this correspondence is received by the Registrar.

The grounds upon which we rely in seeking this extension are as follows:-

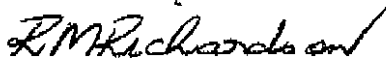
- (i) The Union has, in good faith but perhaps mistakenly, conducted its own internal elections for the Federal officers.
- (ii) No candidate, successful or otherwise has ever challenged this process.

3.

- (iii) No individual or entity has ever challenged the validity of actions taken by federal officers elected by these means. No person will be prejudiced as a result of the extension of time.
- (iv) Upon being advised by Mr McKerrow of the Registry of this potential problem, the Federal Executive of this union took immediate steps to address the matters to which its attention was directed, and has followed the recommendations made by Mr McKerrow.

Should I be able to provide any further clarification or information, I would only be too pleased to assist you.

Yours faithfully



ROSS RICHARDSON
ACTING FEDERAL SECRETARY
A.M.I.E.U.



Australian Government
Australian Industrial Registry

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Mr Ross Richardson
Federal Secretary/Treasurer
The Australasian Meat Industry Employees Union
Level 1, 39 Lytton Road
EAST BRISBANE QLD 4169

Dear Mr Richardson

Election of Federal Officers

I refer to our recent phone conversation. In our discussion I indicated that a review of the Registry's records indicates that there is no record of the Union lodging prescribed information for the conduct of an election of its Federal Officers since 1990.

I enclose a copy of the Industrial Registrar's decisions in matters E2084 and E2070 of 1990 in which arrangements were made to fill a casual vacancy in the office of Federal Secretary Treasurer and to fill the offices of Federal President, Federal Vice President and Assistant Federal Secretary respectively at elections conducted at a biennial meeting of the Federal Council in 1990. I have also enclosed a copy of the returning officer's declarations for these offices. There are no later records for elections to these offices held in the Registry. I note that the office of Assistant Federal Secretary is no longer provided for under the rules.

As you indicated, the Union's rules provide for these officers to be elected by a college comprising the members of the Federal Council. The persons elected Federal President and Federal Vice President hold office for two years while the Federal Secretary Treasurer's term is four years - see sub-rules 17.1 - 17.3.

Section 182(1) of the RAO Schedule¹ provides that "each election for an office in an organisation, or branch of an organisation, must be conducted by the AEC". Section 182(2) provides that s181(1) does not apply if an exemption from this requirement under s186 is in force. There is no record of any exemption being granted to the Union under this provision.

I understand that after 1990 it may have been the practice of the Union to conduct its own elections for these positions. However, all elections of officers must be conducted by the AEC and be preceded by the Union lodging prescribed information in the Registry under s189(1), the Registrar determining that an election is required under the rules and the issue of a decision to that effect. That decision then authorises the AEC to conduct the election.

Sub-rule 13.3 provides for the Federal Council to meet "on the first Monday in September 1982 and thereafter at intervals of two years". It would appear that the most recent meeting would have occurred in September 2004 and that the next meeting is due in September 2006.

I note that Mr T Hannan lodged the Union's annual return of information in the Registry in the capacity of "Federal Secretary" on 6 April 2004 and that you are now described by that title. The absence of any election conducted under the RAO Schedule for your office or those of other Federal Officers may cast doubt on the capacity of persons occupying those offices to exercise the powers and duties of their office and the validity of actions taken by the officers.

¹ The Registration and Accountability of Organisations Schedule (Schedule 1B to the *Workplace Relations Act 1996*) (the RAO Schedule) - these requirements also applied under the previous enactments.

In these circumstances, I would recommend that the Union arrange to lodge prescribed information under s189(1) seeking that elections be conducted for its Federal Offices.

Yours sincerely



Peter McKerrow -
for Deputy Industrial Registrar

4 March 2005



Australian Government
Australian Industrial Registry

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Mr Ross Richardson
Federal Secretary/Treasurer
The Australasian Meat Industry Employees Union
Level 1, 39 Lytton Road
EAST BRISBANE QLD 4169

Dear Mr Richardson

Re: Election of Federal Officers (E2005/57)

I refer to your application dated 9 March 2005 enclosing prescribed information under s189(1) of Schedule 1B of the *Workplace Relations Act 1996* ('the RAO Schedule') in respect of an election for the Federal Officers of the organisation.

I have granted the request for an election. I have also granted an extension of time until 9 March 2005 for lodging the prescribed information in accordance with s189(3)(a) of the RAO Schedule.

My certificate is enclosed. Arrangements will be made for the conduct of the election by an officer of the Australian Electoral Commission who will shortly contact you in relation to those arrangements.

Yours sincerely

A handwritten signature in black ink that reads 'Barry Jenkins'.

Barry Jenkins
Deputy Industrial Registrar

14 March 2005

Workplace Relations Act 1996

s.189 RAO Schedule - arrangements for the conduct of an election

The Australasian Meat Industry Employees Union
(E 2005/57)

DECISION

On 9 March 2005 the abovenamed organisation lodged in the Industrial Registry prescribed information in relation to the conduct of an election for the following offices.

Federal President	(1)
Federal Vice President	(1)
Federal Secretary/Treasurer	(1)

I am satisfied that an election is required to be held under the rules of the organisation and therefore I am making arrangements for the conduct of the election by the Australian Electoral Commission under section 189(3) of Schedule 1B of the *Workplace Relations Act 1996*.



Barry Jenkins
DEPUTY INDUSTRIAL REGISTRAR

14 March 2005

Brendan Carroll
Returning Officer
Australian Electoral Commission
Level 6
488 Queen Street
Brisbane QLD 4000

APPOINTMENT TO CONDUCT AN ELECTION AND/OR BALLOT

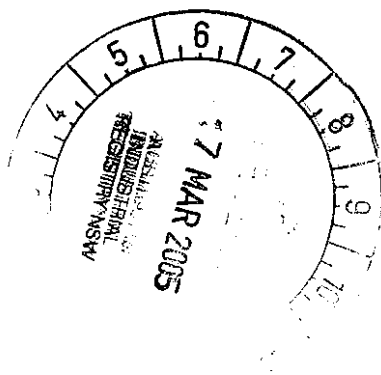
The AEC has made arrangements to conduct the following election and/or ballot.

Scheduled Federal Officers Election E2005/57
The Australasian Meat Industry Employees Union

I have appointed you to conduct the above event. Please take the necessary steps.

Gordon Webster
for Australian Electoral Officer
for Queensland

16 March 2005



The Australasian Meat Industry Employees Union

2005 Federal Officers Election

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Election E2005/57, conducted in accordance with the provisions of Section 189 of Schedule 1B of the Workplace Relations Act 1996 and in accordance with the rules of the organisation.

In accordance with AMIEU Rule 17.9, nominations for the above election closed at 12.00 noon on Friday 8 April 2005.

I now advise the following results.

Federal Council

Federal President

Candidate: BIRD, Graham

Federal Vice-President

Candidate: SULLY, Diana

Federal Secretary/Treasurer

Candidate: RICHARDSON, Ross

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected to the offices specified. The election is now complete.

Brendan Carroll
Returning Officer

11 April 2005