



Fair Work (Registered Organisations) Act 2009
POST ELECTION REPORT

Client: The Australasian Meat Industry Employees' Union
Contact details: Graham Smith
Federal Secretary
AMIEU
227 Henley Beach Road
TORRENSVALE SA 5031
Email: graham@sawa.amieu.asn.au
AIR contact officer: David Vale
Email: David.vale@fwc.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2016/127

RULES

Rules used for elections Rule ID: [007V:incorporates alterations of 3/9/2015(R2015/100)]

Rules difficult to apply/interpret:

I have identified the following defects in the rules and therefore difficult to apply:

- (a) *rules 17.6 and 17.7 do not apply to an election conducted by the AEC;*
- (b) *rules 17.8 and 17.9 are inconsistent with each other;*
- (c) *there is a conflict of interest in the Federal Secretary-Treasurer receiving nominations on behalf of the Federal Council in respect of the position of Federal Secretary-Treasurer if the current incumbent intends to stand for re-election.*

The application made by the AMIEU to the FWC for the arrangement to conduct the election is made under section 182 of the FW(RO) Act with the consequence that rule 17.6 of the AMIEU rules does not apply to the election conducted under the arrangement. The apparent application of rules 17.6 of the AMIEU rules to the election being conducted under the arrangement is a procedural defect in the AMIEU rules.

There is an inconsistency between rules 17.8 and 17.9 in as much as the duty of the returning officer under rule 17.8 to call for nominations at the biennial meeting of the Federal Council cannot operate with the requirement in rule 17.9 for the nominations to be given to the Federal

Council no later than two weeks prior to the biennial meeting. This is a procedural defect in the AMIEU rules.

There is the further difficulty that there is an obvious conflict of interest in having the Federal Secretary-Treasurer receive nominations for the office of Federal Secretary-Treasurer. This is also a procedural defect in the AMIEU rules. Further the conflict of interest could give rise to an irregularity if the nomination of rivals for the office were not properly processed by the Federal Secretary-Treasurer.

Model Rule reference (if any): N/A

ROLL OF VOTERS

As there were no contested offices, the Roll of voters was not required.

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: N/A
Other irregularities identified, and action taken: N/A

ATTACHMENTS

Declaration Result Uncontested Offices.



Chris Cox
Returning Officer
1 September 2106

The Australasian Meat Industry Employees' Union

SCHEDULED FEDERAL COUNCIL ELECTION 2016

Declaration of Results for Uncontested Offices

E2016/127

Below are 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.

Federal Office

Federal Secretary Treasurer

Candidates

SMITH, Graham

Federal President

Candidates

FERNANDEZ, Patricia

Federal Vice - President

Candidates

No nomination was received

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



Chris Cox
Returning Officer
31 August 2016



DECISION

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

The Australasian Meat Industry Employees Union (E2016/127)

MR ENRIGHT

MELBOURNE, 3 MAY 2016

Arrangement for conduct of election.

[1] On 14 April 2016 The Australasian Meat Industry Employees Union lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

| | |
|-----------------------------|-----|
| Federal Secretary Treasurer | (1) |
| Federal President | (1) |
| Federal Vice-President | (1) |

[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 GENERAL MANAGER

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Copy of Signed Decision

Title of Matter: Application/Notification by Australasian Meat Industry Employees Union, The
Section: s.189(1) RO Act - Notification of elections for office
Subject: Collegiate election: Federal Secretary (1); Federal President (1); Federal Vice-President (1)
Matter Number(s): E2016/127

A copy of the Delegate's decision is attached for your information.

The relevant rulebook can be accessed via the Fair Work Commission's [website](#).

To The Australasian Meat Industry Employees Union,

Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records to be declared to the Fair Work Commission. This includes changes to officers as a result of elections. Changes must be declared within 35 days and a template is available from the [website](#).

Dear Australian Electoral Commissioner via the Electoral Officer,

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

Contact: Mr Graham Smith of the organisation, as per the prescribed information.

Please send any declaration(s) and post election report to the Fair Work Commission at orgs@fwc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Carolyn Moloney through orgs@fwc.gov.au.

3 MAY 2016



Copy of Prescribed Information

Title of Matter: Application/Notification by Australasian Meat Industry Employees Union,
The
Section: s.189(1) RO Act - Notification of elections for office
Subject:
Matter Number(s): E2016/127

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

14 APRIL 2016

THE AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION

(Federal Council)



Federal Secretary
GRAHAM SMITH

227 Henley Beach Road Torrensville, SA 5034, Australia

Telephone: (08) 8274 4100

Facsimile: (08) 8274 4101

Federal President
PATRICIA FERNANDEZ

Website: <http://amieu.net/>

7 April 2016

The General Manager
Fair Work Australia
Level 8 Terrace Tower
80 William Street
EAST SYDNEY NSW 2011

Fax No. (02) 9380 6990



Dear Sir

Re: Election of AMIEU Federal Office Bearers

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 Federal Officers of the Australasian Meat Industry Employees' Union.

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

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

Federal Secretary
Federal President
Federal Vice-President

(b) The reason for the election is that the term of office of these officers will expire at the 2016 Federal Council meeting of the organisation, which is to be held in Cairns on 12-15 September 2016. It is proposed that the election be conducted on 15 September 2016.

(c) The offices referred to above are singular offices. There is to be one Federal Secretary, one Federal President, and one Federal Vice-President elected.

(d) The electorate for each of the offices is the Federal Council of the AMIEU. A current copy all of all such members of the Federal Council is attached.

(e) There is no opening day of nominations stipulated within our rules. Rule 17.9 provides that nominations for Federal President and Federal Vice President must be forwarded in writing to Federal Council no later than two weeks prior to the scheduled meeting. Nominations for Federal Secretary Treasurer are called for on the day of the election at the biennial meeting by the returning officer.

The AMIEU therefore proposes the following timetable to avoid any difficulties:-

Opening of nominations: Immediately.

Closing of nominations: 26 August 2016 [two weeks prior to the meeting].

(f) There is no closing date for the roll of voters. The Federal Council is a static body elected effectively with each quadrennial Branch election. As such, the need for a closing date for a roll of voters is unnecessary.

(g) The kind of voting system to be used in the conduct of the election is a collegiate 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 arrangements for the election to be held.

If you have any enquiries please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'G. Smith', with a stylized flourish extending from the end.

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