

# 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  
PAUL CONWAY

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

25 September 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 Post-Election Report written  
response and extract – E2018/147**

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 attached.

The AMIEU confirms that, in accordance with s.198(3), a copy of the AMIEU's response, the difficult rules report and the results of the election have been made available to AMIEU Members here <https://amieu.asn.au/2018-election-results/>

Yours faithfully,

**Graham Smith  
Federal Secretary / Treasurer**

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PATRICIA FERNANDEZ

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Catherine Bernoth  
Returning Officer  
Australian Electoral Commission

Via email: [Catherine.Bernoth@aec.gov.au](mailto:Catherine.Bernoth@aec.gov.au)

25/9/2018

Dear Catherine

## **Post-election report of the Australian Electoral Commission: E2018/147**

I refer to the abovementioned report and note the issue raised with rule 17.8.

This rule has always meant that in 'dealing with and completing' the nominations the election would either be declared unopposed or an election held as necessary. In either event the nominations are accordingly dealt with. Perhaps just a little older language.

Notwithstanding this, we will raise this correspondence at our next federal meeting.

Yours sincerely,

**GRAHAM SMITH**  
Federal Secretary



19 September 2018

Mr Graham Smith  
Federal Secretary/Treasurer  
Australasian Meat Industry Employees Union  
graham@sawa.amieu.asn.au

Dear Mr Smith

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/147**

On 17/09/2018 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/147 dated 17/09/2018. 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 17.8. 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**

17 September 2018

**The Australasian Meat Industry  
Employees Union  
Scheduled election  
E2018/147**

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# Election(s) Covered in this Report

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Organisation: The Australasian Meat Industry Employees Union  
Election: Scheduled – Collegiate  
Election Decision No/s: E2018/147

## Rules

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Rules used for the election: 007v: incorporates alternations of 05/04/2018 (R2018/4)

Rules difficult to apply/interpret: Rule 17.8

17.8 At the biennial meeting of the Federal Council:-

17.8.1 nominations for an election of the Federal President shall be **dealt with** and completed; and

17.8.2 nominations for an election of the Vice-President shall then be **dealt with** and completed; and

- As nominations close 2 weeks prior to the biennial meeting – the nominations cannot be ‘dealt’ with – if required a ballot takes place at the meeting.

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

[https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

## Roll of Voters

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Total number of voters on the Roll: 21

Number of apparent workplace addresses: 21

Number of non-current addresses: 0

Other matters pertaining to the roll of voters: 0

## Irregularities

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

Other irregularities identified, and action taken:

## Other Matters

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Returning Officer actions required:

Details:

Rule 10 - Refers to Eligibility to Vote but the rules are silent on close of rolls. Utilised the AEC current policy to close rolls a minimum of 7 days before nominations open was imposed.

The rules were also silent on withdrawal of nominations – utilised AEC policy when rules silent and set date as close of nominations.

## Signed

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Catherine Bernoth  
Returning Officer  
Australian Electoral Commission  
E: nswelections@aec.gov.au  
P: 02 9375 6375  
17 September 2018

## Attachments

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- A. Consolidated Report on Roll of voters (only list if included) Declaration of results for Contested Offices – Federal



**The Australasian Meat Industry Employees Union**  
**DECLARATION OF RESULTS - E2018/147**  
**Contested Offices**

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**Scheduled 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:

**Federal Council**

Total number of persons on the roll of voters	21
Ballot Papers Issued	21
Replacement ballot papers issued	0
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>21</b>
Ballot papers/envelopes returned for scrutiny	21
Less ballot papers/envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
<b>TOTAL BALLOT PAPERS</b>	<b>21</b>
Percentage of ballot papers returned to number of persons on the roll	100%
Ballot papers returned as unclaimed mail by closing date of ballot	0
Ballot papers not returned by voters	0

**Federal President(1)**

<u>Candidates</u>	<u>Votes</u>
CONWAY Paul	11
JOURNEAUX Matt	10

<b>Total Ballot Papers</b>	<b>21</b>
Formal ballot papers	21
Informal ballot papers	0

I declare the following elected:

- CONWAY Paul

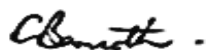
**Federal Vice-President(1)**

<u>Candidates</u>	<u>Votes</u>
DA SILVA John	11
SMITH Justin Smith	10

<b>Total Ballot Papers</b>	<b>21</b>
Formal ballot papers	21
Informal ballot papers	0

I declare the following elected:

- DA SILVA John



Catherine Bernoth  
Returning Officer  
Australian Electoral Commission  
12/09/2018



## DECISION

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

**The Australasian Meat Industry Employees Union**  
(E2018/147)

MR ENRIGHT

MELBOURNE, 12 JUNE 2018

*Arrangement for conduct of election.*

[1] On 5 June 2018 The Australasian Meat Industry Employees Union lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

<PR351089>

**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009***

I, Graham Smith, being the Federal Secretary Treasurer of the Australasian Meat Industry Employees Union, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australasian Meat Industry Employees Union.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. The electorate is the Federal Council of the AMIEU. A current copy of all members of the Federal Council is set out in Annexure B.
5. No rule alterations are pending that will impact the election.
6. This statement is lodged at least 2 months before nominations open for the election below.



Signed:

Graham Smith

Dated: 5 June 2018

*[PLEASE NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

## ANNEXURE A

Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
<i>Federal</i>	<i>Federal Vice-President</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled. The term of office will expire at the 2018 Federal Council meeting of the AMIEU, which is to be held in Darwin between 10 and 14 September 2018.</i>  <i>It is proposed that the election be conducted on 10 September 2018.</i>	<i>The electorate for the office is the Federal Council of the AMIEU. Please see Annexure B.</i>
<i>Federal</i>	<i>Federal President</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled. The term of office will expire at the 2018 Federal Council meeting of the AMIEU, which is to be held in Darwin between 10 and 14 September 2018.</i>  <i>It is proposed that the election be conducted on 10 September 2018.</i>	<i>The electorate for the office is the Federal Council of the AMIEU. Please see Annexure B.</i>

The AMIEU proposes the following timetable:-

	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	<i>Immediately – noting that there is no opening day of nominations stipulated in the AMIEU rules.</i>
<b>Nominations CLOSE</b>	<i>24 August 2018 – noting that Rule 17.9 provides that nominations for the offices must be forwarded in writing to Federal Council no later than two weeks prior to the scheduled meeting.</i>
<b>Roll of Voters cut off date</b>	<i>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.</i>

**ANNEXURE B**

## MEMBERS OF THE AMIEU FEDERAL COUNCIL

Branch	Name of Office	Name of Office Holder	Postal Address of Office Holder
Federal	Federal Secretary Treasurer	Graham Smith	c/- the Australasian Meat Industry Employees Union Federal Council at 227 Henley Beach Road, Torrensville South Australia 5031
Federal	Federal President	Patricia Fernandez	c/- the Australasian Meat Industry Employees Union NSW Branch, 62 Prospect St. Rosehill NSW 2142
Federal	Federal Vice President	Paul Conway	c/- the Australasian Meat Industry Employees Union Victorian Branch 62 Lygon Street, Carlton South, Victoria 3053

New South Wales Branch	Secretary-Treasurer	Patricia Fernandez	c/- the Australasian Meat Industry Employees Union NSW Branch, 62 Prospect St. Rosehill NSW 2142
New South Wales Branch	Delegate to Federal Council	Diana Sully	c/- the Australasian Meat Industry Employees Union NSW Branch, 62 Prospect St. Rosehill NSW 2142
New South Wales Branch	Delegate to Federal Council	Mark Perkins	c/- the Australasian Meat Industry Employees Union NSW Branch, 62 Prospect St. Rosehill NSW 2142

Queensland Branch	Branch Secretary	Matthew Journeaux	c/- the Australasian Meat Industry Employees Union Queensland Branch 1/39 Lytton Road, East Brisbane, Queensland 4169
Queensland Branch	Delegate to Federal Council	Ian McLauchlan	c/- the Australasian Meat Industry Employees Union Queensland Branch 1/39 Lytton Road, East Brisbane, Queensland 4169

Queensland Branch	Delegate to Federal Council	Warren Earle	c/- the Australasian Meat Industry Employees Union Queensland Branch 1/39 Lytton Road, East Brisbane, Queensland 4169
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Newcastle and Northern Branch	Secretary	Grant Courtney	c/- the Australasian Meat Industry Employees Union Newcastle and Northern Branch, 34 Union St, Newcastle West, New South Wales 2302
Newcastle and Northern Branch	Delegate to Federal Council	Mark Cooke	c/- the Australasian Meat Industry Employees Union Newcastle and Northern Branch, 34 Union St, Newcastle West, New South Wales 2302
Newcastle and Northern Branch	Delegate to Federal Council	Justin Smith	c/- the Australasian Meat Industry Employees Union Newcastle and Northern Branch, 34 Union St, Newcastle West, New South Wales 2302

Tasmanian Branch	Secretary-Treasurer	Andrew Foden	c/- the Australasian Meat Industry Employees Union Tasmanian Branch at 237 Wellington Street Launceston Tasmania 7250
Tasmanian Branch	Delegate to Federal Council	Glenn Russell Mansfield	c/- the Australasian Meat Industry Employees Union Tasmanian Branch at 237 Wellington Street Launceston Tasmania 7250
Tasmanian Branch	Delegate to Federal Council	Jonathan Leigh Ainslie	c/- the Australasian Meat Industry Employees Union Tasmanian Branch at 237 Wellington Street Launceston Tasmania 7250

Victorian Branch	Secretary-Treasurer	Paul Conway	c/- the Australasian Meat Industry Employees Union Victorian Branch 62 Lygon Street, Carlton South, Victoria 3053
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Victorian Branch	Delegate to Federal Council	Barrie Chalkley	c/- the Australasian Meat Industry Employees Union Victorian Branch 62 Lygon Street, Carlton South, Victoria 3053
Victorian Branch	Delegate to Federal Council	Gwynnyth Evans	c/- the Australasian Meat Industry Employees Union Victorian Branch 62 Lygon Street, Carlton South, Victoria 3053

South and Western Australian Branch	Secretary-Treasurer	Sharra-Leagh Anderson	c/- the Australasian Meat Industry Employees Union South & Western Australian Branch at 227 Henley Beach Road, Torrensville South Australia 5031
South and Western Australian Branch	Delegate to Federal Council – SA	Kaine Sic	c/- the Australasian Meat Industry Employees Union South & Western Australian Branch at 227 Henley Beach Road, Torrensville South Australia 5031
South and Western Australian Branch	Delegate to Federal Council – SA	Scott Challinger	c/- the Australasian Meat Industry Employees Union South & Western Australian Branch at 227 Henley Beach Road, Torrensville South Australia 5031
South and Western Australian Branch	Delegate to Federal Council – WA	John Da Silva	c/- the Australasian Meat Industry Employees Union South & Western Australian Branch at 227 Henley Beach Road, Torrensville South Australia 5031
South and Western Australian Branch	Delegate to Federal Council – WA	Peter Legg	c/- the Australasian Meat Industry Employees Union South & Western Australian Branch at 227 Henley Beach Road, Torrensville South Australia 5031