

## HIBBERD,Christine

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**From:** AMIEU NSW <amieunsw@amieu.asn.au>  
**Sent:** Wednesday, 30 August 2017 9:47 AM  
**To:** ROC - Registered Org Commission  
**Subject:** E2017/44 AMIEU NSW Branch  
**Attachments:** Letter to Registered Organisation Commission.pdf; Partial Extract of Post-election Report.pdf; Letter to AEC 1 & 2.pdf; Declaration - P. Fernandez.pdf

Good Morning,

Please find attached correspondence from Ms Patricia Fernandez.

*Kind regards,*

**Stephanie Cirillo**

Personal Assistant to Secretary, Patricia Fernandez.

AMIEU NSW BRANCH

62 Prospect St

ROSEHILL NSW 2142

Ph: 9893 9011

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

[www.facebook.com/amieunswbranch](https://www.facebook.com/amieunswbranch)



*The AMIEU respectfully acknowledges that our building stands on the lands of the Dharug people, the traditional custodians of this land.*



**The Australasian Meat Industry Employees' Union**  
**NEW SOUTH WALES BRANCH**

62 Prospect Street,  
ROSEHILL NSW 2142  
Ph: (02) 9893 9011  
Toll free: 1800 451 535  
Fax No: (02) 9687 6853  
Email: [amieunsw@amieu.asn.au](mailto:amieunsw@amieu.asn.au)  
Website: [www.amieu.asn.au](http://www.amieu.asn.au)

Patricia Fernandez  
Secretary

17<sup>th</sup> August 2017

YOUR REF: E2017/44

The Australian Electoral Commission  
Attention: Mr Ahmed Ishtiaq  
By email: [ishtiaq.ahmed@aec.gov.au](mailto:ishtiaq.ahmed@aec.gov.au)

Dear Sir

**THE AUSTRALASIAN MEAT EMPLOYEES UNION, NEW SOUTH WALES  
BRANCH AND THE POST-ELECTION REPORT ("THE REPORT")  
WRITTEN RESPONSE TO THE POST ELECTION REPORT**

Thank you for your email of 9 August 2017 and the attached Report.

In relation to the report and the recommendation Rule change, please note there is no officeholder within the Branch to effect the Rule change and the Branch cannot proceed to unilaterally effected change of the Rules.

I am writing to the Federal Executive recommending that the Rule change proposed in the Report be adopted.

The Federal Executive is next scheduled to meet on 7 and 8 September 2017 and I propose subject to the view of my colleagues on the Federal Executive that the report will be the subject of consideration and as I say, I will be supporting a Rule change to give effect to the concerns raised in the Report.

Yours faithfully,

Patricia Fernandez



21 August 2017

Miss Patricia Fernandez  
Secretary-Treasurer  
The Australasian Meat Industry Employees' Union-New South Wales Branch  
pfernandez@amieu.asn.au

Dear Miss Fernandez

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/44**

On 9/08/2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/44 dated 9/08/2017. 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 August 2017

# Post-election Report

E2017/44 - The Australasian Meat Industry Employees' Union New South Wales Branch



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# Election(s) Covered in this Report

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Election Decision No/s: E2017/44

## Rules

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Rules used for the election:	[007V: incorporates alterations of 03/11/2016 (R2016/254)]
Rules difficult to apply/interpret:	Rule 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.”
Model Rule reference (if any)	<p>The rule is not practical, nor does it guarantee the security of returned ballot materials at the post office.</p> <p>The AEC has a Model Rule Guide to address the issue identified above. (<a href="http://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections/index.htm">http://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections/index.htm</a>).</p> <p>It is recommended that AMIEU adopts a rule similar to paragraph 16.1 which states:</p> <p>“16.1 Postal facilities for ballot material 16.11 The returning officer shall, for the purpose of receiving ballot material in respect of a ballot, use a private box or other secure postal facility at a post office or mail centre. Access to the private box mentioned in this rule shall be limited to a) persons authorised by Australia Post, b) the returning officer, and c) persons authorised in writing by the returning officer.”</p>

## Roll of Voters

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Total number of voters on the roll	3343
Number of apparent workplace address	225
Number of non-current address	3

## Irregularities

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

A written complaint was received by a candidate regarding voter entitlement/ eligibility to vote and the number of work place address on the roll of voters.

The AEC responded that AMIEU has certified the member list as correct in accordance with section 230(2) of the Fair Work (Registered Organisation) Act 2009 and that it is a member's prerogative to specify where they would like to have their AMIEU information sent, including work place address. Upon further follow up with the later issue, AMIEU advised that members who nominated work place address may not have a stable address. The complaint was closed without further issue.

Other irregularities identified, and action taken:  
None

## Other Matters

## Attachments

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- 1) Declaration of Results

Ishtiaq Ahmed  
Returning Officer  
9 August 2017



**The Australasian Meat Industry Employees' Union  
New South Wales Branch Elections 2017**

**Branch Committee of Management & Federal Council Delegates**

**Declaration of Results for Contested and Uncontested Offices**

**E2017/44**

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.

**The Australasian Meat Industry Employees Union - New South Wales Branch**

Total number of names on the roll of voters	3343
Ballot papers issued	3343
Replacement ballot papers issued	15
Total Ballot Papers Issued	3358
Ballot papers / envelopes returned for scrutiny	626
Less ballot papers / envelopes rejected at preliminary scrutiny	31
Percentage of ballot papers returned to number issued	18%

**President**

<u>Candidates</u>	<u>Votes</u>
RAY, Benjamin	174
HART, Deborah	415

Formal ballot papers	589
Informal ballot papers	6

I declare Deborah Hart elected.

**Secretary-Treasurer**

<u>Candidates</u>	<u>Votes</u>
FERNANDEZ, Patricia	442
HICKEY, Jim	151

Formal ballot papers	593
Informal ballot papers	2

I declare Patricia Fernandez elected.

**Organisers (5)**

<u>Candidates</u>	<u>Votes</u>
AQUILINA, Stephen	446

CLAREY, Jamie	171
CLARK, CHRISTOPHER THOMAS	428
DEVINE, Andrew	165
HOLDEN, Michael	477
MONTECILLO, Arthur	150
PERKINS, Mark	433
PURSE, Jason	168
SULLY, Diana	463
Formal ballot papers	593
Informal ballot papers	2

I declare Stephen Aquilina, Christopher Thomas Clark, Michael Holden, Mark Perkins and Diana Sully elected.

### **The Australasian Meat Industry Employees Union - New South Wales Branch**

Total number of names on the roll of voters	3343
Ballot papers issued	3343
Replacement ballot papers issued	15
<b>Total Ballot Papers Issued</b>	<b>3358</b>
Ballot papers / envelopes returned for scrutiny	626
Less ballot papers / envelopes rejected at preliminary scrutiny	36
Percentage of ballot papers returned to number issued	18%

### **Members of the Committee of Management (12)**

<u>Candidates</u>	<u>Votes</u>
BOURKE, Bradley	541
BOWLING, Grant	543
DIRICKX, Rebecca	524
KNAAP, David	541
MAJNARIC, Joe	537
MONTECILLO, Faith	554
NASH, Carl	539
NIUMATA, Stephen Joseph	518
NOA, Millicent	536
POLOGA, Nive.K.	519
SANSON, Luke	218
SOMERVILLE, Anthony	548
YABSLEY, Troy	521
Formal ballot papers	579
Informal ballot papers	11

I declare Bradley Bourke, Grant Bowling, Rebecca Dirickx, David Knaap, Joe Majnaric, Faith Montecillo, Carl Nash, Stephen Joseph Niumata, Millicent Noa, Nive.K. Pologa, Anthony Somerville and Troy Yabsley elected.

### **Delegates to Federal Council (2)**

<u>Candidates</u>	<u>Votes</u>
HICKEY, Jim	158
PERKINS, Mark	406
RAY, Ben	167
SULLY, Diana	433

Formal ballot papers

589

Informal ballot papers

1

I declare Mark Perkins and Diana Sully elected.

**Vice-President (2)**

Candidates

MEYLAN, Glenn

I declare Glenn Meylan elected.  
No other nominations received.



Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission

11 July 2017

**The Australasian Meat Industry Employees' Union  
New South Wales Branch Elections 2017**

**Branch Committee of Management & Federal Council Delegates**

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**Secretary-Treasurer**

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Informal ballot papers	2

I declare Patricia Fernandez elected.

**Organisers (5)**

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AQUILINA, Stephen	446

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CLARK, CHRISTOPHER THOMAS	428
DEVINE, Andrew	165
HOLDEN, Michael	477
MONTECILLO, Arthur	150
PERKINS, Mark	433
PURSE, Jason	168
SULLY, Diana	463
Formal ballot papers	593
Informal ballot papers	2

I declare Stephen Aquilina, Christopher Thomas Clark, Michael Holden, Mark Perkins and Diana Sully elected.

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BOURKE, Bradley	541
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NOA, Millicent	536
POLOGA, Nive.K.	519
SANSON, Luke	218
SOMERVILLE, Anthony	548
YABSLEY, Troy	521
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I declare Bradley Bourke, Grant Bowling, Rebecca Dirickx, David Knaap, Joe Majnaric, Faith Montecillo, Carl Nash, Stephen Joseph Niumata, Millicent Noa, Nive.K. Pologa, Anthony Somerville and Troy Yabsley elected.

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<u>Candidates</u>	<u>Votes</u>
HICKEY, Jim	158
PERKINS, Mark	406
RAY, Ben	167
SULLY, Diana	433

Formal ballot papers

589

Informal ballot papers

1

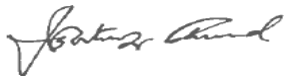
I declare Mark Perkins and Diana Sully elected.

**Vice-President (2)**

Candidates

MEYLAN, Glenn

I declare Glenn Meylan elected.  
No other nominations received.



Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission

11 July 2017



# DECISION

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

## **The Australasian Meat Industry Employees' Union** (E2017/44)

MR CHRIS ENRIGHT

MELBOURNE, 24 FEBRUARY 2017

*Arrangement for conduct of election.*

[1] On 20 February 2017 the New South Wales Branch of The Australasian Meat Industry Employees' Union ('the organisation') lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Federal Council Delegate (2)

### **Branch Committee of Management**

President (1)  
Vice-President (2)  
Secretary-Treasurer (1)  
Organiser (5)  
Committee Member (12)

[2] I am satisfied that an election for the above-named 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  
FAIR WORK COMMISSION

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**From:** KELLETT, Stephen  
**Sent:** Monday, 27 February 2017 9:45 AM  
**To:** 'amieunsw@amieu.asn.au'  
**Subject:** Election - E2017/44 - granted

Dear Ms Fernandez,

Please see attached a copy of the Delegate's Decision in relation to the above.

Yours faithfully

**STEPHEN KELLETT**  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
(mob.) 0429 462 979  
(email) [stephen.kellett@fwc.gov](mailto:stephen.kellett@fwc.gov)



E2017 44 AMIEU  
NSW\_Decision.pdf



**From:** KELLETT, Stephen  
**Sent:** Monday, 27 February 2017 9:45 AM  
**To:** 'Industrial Elections'  
**Subject:** Election - AMIEU NSW Branch - E2017/44 - granted

Dear Electoral Officer

Please see attached a copy of the Delegate's Decision in relation to the above.

Yours faithfully

**STEPHEN KELLETT**  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
(mob.) 0429 462 979  
(email) [stephen.kellett@fwc.gov](mailto:stephen.kellett@fwc.gov)



E2017 44 AMIEU  
NSW\_Decision.pdf

**From:** KELLETT, Stephen  
**Sent:** Friday, 24 February 2017 2:06 PM  
**To:** 'Industrial Elections'  
**Subject:** Election - AMIEU NSW Branch - E2017/44 - prescribed information

Dear Electoral Officer,

Please see attached prescribed information in relation to the above.

Yours faithfully

**STEPHEN KELLETT**  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
(mob.) 0429 462 979  
(email) [stephen.kellett@fwc.gov](mailto:stephen.kellett@fwc.gov)



notice and statement  
of presc. information.



Letter.pdf

**From:** AMIEU NSW Branch [mailto:amieunsw@amieu.asn.au]  
**Sent:** Monday, 20 February 2017 10:49 AM  
**To:** Orgs  
**Subject:** SK - AMIEU NSW Branch Correspondence

Dear Industrial Registrar,

Please find attached correspondence from the AMIEU NSW Branch.

Regards,

**Patricia Fernandez**  
*Secretary/Treasurer*  
AMIEU NSW Branch  
Unit 3/190 George St  
PARRAMATTA NSW 2150  
Mob +61419601955  
Phone (02) 98939011  
Fax (02) 98676853  
Email [pfernandez@amieu.asn.au](mailto:pfernandez@amieu.asn.au)  
Email [amieunsw@amieu.asn.au](mailto:amieunsw@amieu.asn.au)  
Web [www.nsw.amieu.asn.au](http://www.nsw.amieu.asn.au)

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Statement and Fair Work - Elections  
Notice of Prescribed I Letter - 20.2.17.doc



**The Australasian Meat Industry Employees' Union**  
**NEW SOUTH WALES BRANCH**

3/190 George Street  
Parramatta NSW 2150  
Ph: (02) 9893 9011  
Toll free: 1800 451 535  
Fax No: (02) 9687 6853  
Email: [amieunsw@amieu.asn.au](mailto:amieunsw@amieu.asn.au)  
Website: [www.amieu.asn.au](http://www.amieu.asn.au)

Patricia Fernandez  
Secretary

**Statement and Notice of Prescribed Information under Regulation 138 of  
the Fair Work (Registered Organisation) Act**

I, PATRICIA FERNANDEZ, Secretary/Treasurer of the Australasian Meat Industry Employees' Union, New South Wales Branch make the following statements:

1. I am the Secretary/Treasurer of the Australasian Meat Industry Employees' Union, New South Wales Branch.
2. I am duly authorised to lodge the following prescribed information concerning forthcoming elections in the New South Wales Branch of the Australasian Meat Industry Employees' Union and;
3. I confirm that the following is being lodged under subsection 189 (1) of the Fair Work (Registered Organisation) Act schedule.

Signed:

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**PATRICIA FERNANDEZ**  
**SECRETARY/TREASURER**  
**AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION**  
**NEW SOUTH WALES BRANCH**

Dated: 20th February 2017



# The Australasian Meat Industry Employees' Union

## NEW SOUTH WALES BRANCH

3/190 George Street

Parramatta NSW 2150

Ph: (02) 9893 9011

Toll free: 1800 451 535

Fax No: (02) 9687 6853

Patricia Fernandez  
Secretary

20<sup>th</sup> February 2017

General Manager  
Fair Work Australia  
80 William Street  
EAST SYDNEY NSW 2011

Dear Sir,

I wish to advise that the elections for the Australasian Meat Industry Employees' Union (NSW Branch) are due in accordance with Rule 50.1 of the Rules of the Union.

On the 24<sup>th</sup> January 2017 a meeting of the NSW Branch Committee of Management was held and an agenda item listed under item 3 was the forth coming Branch elections. You will note from the minutes of that meeting that two (2) resolutions were carried, the first in respect of the conduct of the elections and the Committee of Management also determined in accordance with Rule 52.20 Organisers that the number of Organisers to be elected at the forth coming elections to be five (5).

I have enclosed a copy of the Agenda and Minutes of that meeting.

In accordance with subsection 189 (1) of the Fair Work (Registered Organisation) Act, Schedule 1B and prescribed information in Fair Work (Registered Organisation) Regulation 138, I provide the following information;

1. (a) The name of each office or position for which an election is required;

One (1)	President
Two (2)	Vice Presidents
One (1)	Secretary/Treasurer
Five (5)	Organisers
Twelve (12)	Committee of Management Members
Two (2)	Federal Council Delegates

(b) Reason for the election is that:

- i. The term of the office or position of the above has expired or is due to expire in the normal course of events under the Rules of the Organisation.

- (c) There are no officers or positions for which an election is to be held before the prescribed day.
  - (d) The election by the direct voting system for the whole of the membership of the New South Wales Branch.
  - (e) Rule 50.1 Branch Elections provides that the branch elections are to be held not later than the thirty first day of December 1969 and shall be conducted on every fourth year. The previous election was held in 2013. The election can be held in 2017 as long as it is prior to the thirty first day of December 2017.
  - (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:
    - ii. A direct voting system
2. I have attached a statement signed by me, as Secretary/Treasurer of the Australasian Meat Industry Employees' Union, New South Wales Branch, duly authorised to sign the statement. The information is lodged under subsection 189 (1) of the Fair Work (Registered Organisation) Act.
  3. The prescribed information is lodged pursuant to sub section 189 (2) of the Fair Work (Registered Organisation) Act schedule. The prescribed day being at least 2 months before a person may under the Rules become a candidate in the election.

I request that you make arrangements for the election to be held as soon as possible.

Should you require any further information, please do not hesitate to contact me.

Thank you for your consideration in this matter.

Yours sincerely,



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**PATRICIA FERNANDEZ**  
**SECRETARY/TREASURER**