

5 March 2021

Post-election report

The Australian Directors Guild Limited
Scheduled election
E2020/147

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Election(s) Covered in this Report

Organisation: The Australian Directors Guild
Election: Scheduled
Election Decision No/s: E2020/147

Rules

Rules used for the election: 157N: Incorporates alterations of 19 November 2020 [R2020/146].

Rules difficult to apply/interpret: ERS1.1 Nomination closing date: stipulated timeframe puts nominations closing in middle of ballot period. ERS3.10 States all ballot material will be held in custody of Guild following election.

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

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Section 193 applied due to COVID-19 pandemic and due to procedurally defective rule ERS1.1. RO determined timing of nominations and ballot to ensure these dates did not clash. Rules state ballot closes day before AGM to allow for declaration of results at meeting; this was changed due to COVID-19 pandemic.

Signed



Michelle Carmody
Returning Officer
Australian Electoral Commission
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P: 03 9285 7131
5 March 2021

Attachments

Declaration of results for Uncontested Offices

Australian Directors Guild Limited
DECLARATION OF RESULTS - E2020/147
Uncontested Offices

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:

Secretary (1)

Candidates

No Nominations Received

Vice President - Documentary (1)

Candidates

BROINOWSKI, Anna

Vice President - New Media (1)

Candidates

TAN, Pearl

Treasurer (1)

Candidates

No Nominations Received

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



Michelle Carmody
Returning Officer
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25/02/2021





DECISION

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

Australian Directors Guild Limited
(E2020/147)

MR ENRIGHT

MELBOURNE, 13 AUGUST 2020

Arrangement for conduct of election.

[1] On 7 August 2020 the Australian Directors Guild Limited lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Secretary	(1)
Vice President-Documentary	(1)
Vice President- New Media	(1)
Treasurer	(1)

[2] In previous election decisions E2017/175 dated 21 August 2017 and E2018/166 dated 13 September 2018 I referred to analysis of the rules of the Guild which identified that those rules did not provide for the day on which the roll of voters is to be closed and it appeared, as a consequence, that the rules of the Guild do not comply with s 143(3) of the *Fair Work (Registered Organisations) Act 2009* (RO Act). At the time, I described this as a circumstance that must be remedied as soon as possible.

[3] In a post-election report of E2018/166 dated 13 December 2018, the Australian Electoral Commission (AEC) found that the rules of the Guild were difficult to interpret or apply. In particular, the report stated that ‘The rules of the Australian Directors Guild Limited are silent on the day on which the roll of voters closes. According to Section 143(3) of *the Fair Work (Registered Organisations) Act 2009* that day must be within 7 to 30 days before nominations open.’

[4] In its post-election report of E2017/175 dated 15 November 2017, the AEC found that the rules of the Guild were difficult to interpret or apply, and noted, in addition to the rules not providing a day for the close of the roll of voters, that the ‘(r)ules are silent about resolving a tied ballot if required.’

[5] On 16 November 2017 staff of the ROC wrote to the Guild to remind it of its obligations as a consequence of the AEC’s 2017 report. Staff of the ROC also wrote to the Guild on 21

September 2018, arising from the 2018 election decision, regarding the Guild's rules and apparent non-compliance with s143(3) of the RO Act.

[6] As at the date of this decision, the Guild has not remedied its rules to ensure compliance with s 143(3) of the RO Act. Nor has it provided for a rule to resolve tied ballots if so required.

[7] Following the lodgement of prescribed information in this matter, ROC staff contacted the organisation about these matters, and staff of the Guild have undertaken to take steps to address these issues, including developing rules amendments, so as to ensure compliance. However, at this time, no proposed rule changes have been transacted by the Guild or submitted to the Fair Work Commission. I encourage the organisation to take these steps as soon as possible.

[8] I propose to arrange for separate correspondence to again be provided to the Guild in relation to these matters.

[9] Section 189 of the RO Act nevertheless requires me to issue an election decision if I am satisfied that an election is required. Having considered the prescribed information submitted by the organisation, 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 RO Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

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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, SAMANTHA LANG being the PRESIDENT of the AUSTRALIAN DIRECTORS GUILD LTD make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Directors Guild Ltd
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. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed: Samantha Lang (President)



Dated: 7 August 2020

[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.]

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
<i>National</i>	<i>Secretary</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All Full Members</i>
<i>National</i>	<i>Vice President - Documentary</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All Full Members</i>
<i>National</i>	<i>Vice President – New Media</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All Full Members</i>
<i>National</i>	<i>Treasurer</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>All Full members</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>9th October 2020</i>	
Nominations CLOSE	<i>12th November 2020</i>	
Ballots CLOSE	<i>2nd December 2020 (AGM 3rd December)</i>	

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as ‘to be determined by the returning officer’. Casual vacancies must be accompanied by proof of resignation and attached to this statement.