



29 August 2017

Mr Simon Collins  
Federal President  
Media, Entertainment and Arts Alliance  
federal@alliance.org.au

Dear Mr Collins,

cc: ACT Branch, [mail@alliance.org](mailto:mail@alliance.org)  
NSW Branch, [mail@alliance.org.au](mailto:mail@alliance.org.au)  
TAS Branch, [mail@meaa.org](mailto:mail@meaa.org)  
VIC Branch, [mail@alliance.org.au](mailto:mail@alliance.org.au)

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices for Federal, ACT, TAS, VIC, and NSW Branches [E2017/107]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### **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 regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

#### **Holders of office required to undertake approved training**

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

#### **Organisation must notify the Commission of changes**

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Media, Entertainment and Arts Alliance must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
2. Person(s) who have commenced to hold office:

- the name of the office now held;
- the date of the change of office holder;
- the name of the person now holding the office;
- the postal address of the person (generally the postal address of the organisation); and
  
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

**Christine Hibberd**  
**Registered Organisations Commission**

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

*[delete all that do not apply]*

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. *[include OLD name and address and NEW name and address of every branch that has changed]*
  2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

**ANNEXURE A**

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						

23 August 2017

# Post-election Report

**Media, Entertainment and Arts Alliance  
E2017/107**

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## Election(s) Covered in this Report

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Election Decision No/s: E2017/107

### Rules

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Rules used for the election:	[129VFED: Incorporates alterations of 06/04/2017 in matter R2017/45]
Rules difficult to apply/interpret:	Nil
Module Rule reference (if any)	Nil

### Roll of Voters

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Total number of voters on the Roll:	Various – see attached declaration/s
Number of apparent workplace addresses:	231 (total from all Branches)
Number of non-current addresses:	Various – see attached declaration/s
Other matters pertaining to the roll of voters:	Nil

### Irregularities

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



## Other Matters

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1. The nomination form drafted for use at this election followed Rule 79, and in particular Rule 79 (d) (iv). The AEC received feedback from candidates that this format was difficult to follow. It is suggested that instead of defining the nomination form, Rule 79 (d) could instead just list the requirements of the nomination form (as per (d) (i) to (iii)). This would provide future Returning Officers with the flexibility to draft a nomination form that not only complies with the Rules of MEAA but also easy to read and complete.

2. Rule 79 (j) provides that the 'place of employment' of each candidate shall be included on the ballot paper to guide members to cast their vote. Candidates interpreted 'place of employment' to mean a physical location (that is, city and state), their current job title (for example, stunt actor), or their employer.

MEAA should define what 'place of employment' means for the purpose of the ballot paper. Further, if a candidate is currently self-employed what constitutes their place of employment and/or if the candidate should specify "freelance".

Feedback received by the AEC from a couple of members also indicated that the branch the candidate belonged to would have been particular useful information on the ballot paper (to replace "place of employment") or the candidate statements – particularly as Rule 79 (c) and Rule 70A (a) contains a formula for the filling of positions.

## Attachments

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- 1) Declaration of Results for Uncontested Offices – NSW Branch, ACT Branch, Federal Offices & Stunt Committee
- 2) Declaration of Results for Uncontested Offices – QLD Branch
- 3) Declaration of Results for Uncontested Offices – VIC Branch
- 4) Declaration of Results for Uncontested Offices – TAS Branch
- 5) Declaration of Results for Uncontested Offices – WA Branch
- 6) Declaration of Results for Contested Offices – NSW Branch President [ECS Section]
- 7) Declaration of Results for Contested Offices – National Stunt Committee (Stunt Performer)
- 8) Declaration of Results for Contested Offices – Delegates to Federal Council [ECS Section]
- 9) Declaration of Results for Contested Offices – Delegates to Federal Council [Equity Section]
- 10) Declaration of Results for Contested Offices – Delegates to Federal Council [Media Section]



Renee Damasena  
Returning Officer  
23 August 2017

# Media, Entertainment and Arts Alliance ACT Branch

## Declaration of Results for Uncontested Offices

E2017/107

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.

### ACT Branch

#### Branch President

##### Candidates

CUMMING, Don

#### Branch Vice President (3)

##### Candidates

ROTHCHILDS, Fiona

No further nominations were accepted

### ACT Branch Council

#### Delegates to Branch Council [Media Section] (6)

##### Candidates

GEURTS, Frank

No further nominations were accepted

#### Delegates to Branch Council [Equity Section]

##### 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.



Renee Damasena  
Returning Officer  
7 July 2017

# Media, Entertainment and Arts Alliance Federal Council

## Declaration of Results for Uncontested Offices

E2017/107

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.

### Musicians Section

#### Delegates to Federal Council (2)

Candidates

Candidates

HARDY-SMITH, Tania  
SALTER, Ben

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



Renee Damasena  
Returning Officer  
7 July 2017

# Media, Entertainment and Arts Alliance Federal Officers

## Declaration of Results for Uncontested Offices

**E2017/107**

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.

### **Board Members**

#### **New South Wales Branch**

Candidates

TAN, Pearl

#### **Victoria Branch**

Candidates

BUTLER, Ben

#### **Queensland Branch**

Candidates

KLARWEIN, Jason

#### **Western Australia Branch**

Candidates

SAXON, Martin

#### **All Other Branches (SA, TAS, ACT)**

Candidates

BLACK, Shauna

### **Federal Officers**

#### **Federal President**

Candidates

COLLINS, Simon

#### **Federal President [Equity]**

Candidates

DALLIMORE, Chloe

**Federal President [Media]**

Candidates

STROM, Marcus

**Federal President [ECS]**

Candidates

TURNBULL, David

**Federal President [Musicians]**

Candidates

BROOK, Cameron

**Federal Vice President [Media] (2)**

Candidates

JANDA, Michael

PERCY, Karen Louise

**Federal Vice President [Equity] (2)**

Candidates

HOLMES, Abbe

MILL, Jonathan

**Federal Vice President [ECS/Musicians]**

Candidates

MARRIOTT, Sue

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



Renee Damasena  
Returning Officer  
7 July 2017

# Media, Entertainment and Arts Alliance National Stunt Committee

## Declaration of Results for Uncontested Offices

E2017/107

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.

### National Stunt Committee

#### National Stunts Committee Member (Safety Supervisors) (4)

##### Candidates

CHRISTIANSEN, Jimmy  
HARBACH, Nigel  
PAMPANELLA, Joe  
WILLIAMS, Lana

#### National Stunts Committee Member (Stunt Co-ordinators) (4)

##### Candidates

ANDERSON, Chris  
LYNCH, Tony  
SCHODEL, Nik  
TUSKAN, Darko

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



Renee Damasena  
Returning Officer  
7 July 2017

# Media, Entertainment and Arts Alliance NSW Branch

## Declaration of Results for Uncontested Offices

E2017/107

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.

### NSW Branch Officers

#### Branch President [Media Section]

Candidates

MISKELLY, Greg

#### Branch President [Equity Section]

Candidates

BURSILL, Tina

#### Branch President [Musicians Section]

Candidates

GAER, Leon

#### Branch Vice President [Media Section]

Candidates

CREAGH, Sunanda

#### Branch Vice President [Equity Section]

Candidates

HAZELDINE, Glenn

#### Branch Vice President [ECS Section]

Candidates

SMITH, Scott Russell

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



Renee Damasena  
Returning Officer  
7 July 2017

# Media, Entertainment and Arts Alliance

Scheduled Election – Victoria Branch – E2017/107

## Declaration of Results for Uncontested Offices

E2017/107

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.

Victoria Branch

Branch President [Media Section] (1)

Candidates

CANAWAY, Jane

Branch President [Equity Section] (1)

Candidates

ARTHUR, Robyn

Branch President [ECS Section] (1)

Candidates

HAIDON, David

Branch President [Musicians Section] (1)

Candidates

POLKE, Carl

Branch Vice-President [Media Section] (1)

Candidates

BADHAM, Van

Branch Vice-President [Equity Section] (1)

Candidates

DAVIS, Sharon

Branch Vice-President [ECS Section] (1)

Candidates

SHAW, Patricia

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



Benjamin Murray  
Returning Officer

7 June 2017



## Media, Entertainment and Arts Alliance NSW Branch

### Declaration of Results for Contested Offices

E2017/107

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.

#### NSW Branch Officers

Total number of names on the roll of voters	5625
Ballot papers issued	5530
Replacement ballot papers issued	5
<b>Total Ballot Papers Issued</b>	<b>5535</b>
Ballot papers / envelopes returned for scrutiny	712
Less ballot papers / envelopes rejected at preliminary scrutiny	14
Adjusting balance less*	49
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>649</b>
Percentage of ballot papers returned to number issued	12
Ballot papers returned as unclaimed mail	90
Ballot papers not returned	4733

\* Adjusting balance refers to the circumstance that the voter returned his/her vote but on extracting the ballot paper/s, the NSW President ECS ballot paper was not returned in amongst the other ballot papers.

#### Branch President [ECS Section]

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
MINOGUE, James	414	414
GREGORY, William	231	231
Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	645	645
Formal ballot papers	645	645
Informal ballot papers	4	4

I declare James Minogue elected.



Renee Damasena  
Returning Officer  
Australian Electoral Commission  
4 August 2017

## Media, Entertainment and Arts Alliance Federal Council

### Declaration of Results for Contested Offices

E2017/107

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.

#### Equity Section

Total number of names on the roll of voters	5112
Ballot papers issued	4990
Replacement ballot papers issued	5
<b>Total Ballot Papers Issued</b>	<b>4995</b>
Ballot papers / envelopes returned for scrutiny	727
Less ballot papers / envelopes rejected at preliminary scrutiny	18
Adjusting balance less*	20
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>689</b>
Percentage of ballot papers returned to number issued	14
Ballot papers returned as unclaimed mail	71
Ballot papers not returned	4197

\* Adjusting balance refers to the circumstance that the voter returned his/her vote but on extracting the ballot paper/s, the Equity Section ballot paper was not returned in amongst the other ballot papers.

#### Equity Section Delegates to Federal Council (19)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
BANAS, Michala	620	620
GARNER, Nadine	631	631
BIGGINS, Jonathan	619	619
STEWART, Courtney	600	600
FROST, Patrick	619	619
MORRELL, Geoff	587	587
PADDA, Bali	612	612
LOUDON, Jessica	593	593
COSSAR, Peter	609	609
FLETCHER, Alan	615	615
MAIN, Monica	618	618
TOVEY, Jessica	625	625
PRESS, Fiona	628	628
BISHOP, Mike	596	596
DALLIMORE, Helen	607	607
MCILWAIN, Liam	606	606
AH KIN, Camilla	621	621
MCCALL, Michael	600	600
CLARE, Dustin	594	594
GASKIN, Sam	503	503

Exhausted Votes		0
Loss/Gain by Fraction		0
Total votes	12103	12103
Formal ballot papers	637	637
Informal ballot papers	52	52

I declare Camilla Ah Kin , Michala Banas , Jonathan Biggins , Mike Bishop , Dustin Clare, Peter Cossar , Helen Dallimore , Alan Fletcher , Patrick Frost , Nadine Garner , Jessica Loudon , Monica Main , Michael McCall , Liam McIlwain , Geoff Morrell , Bali Padda , Fiona Press , Courtney Stewart and Jessica Tovey elected.



Renee Damasena  
 Returning Officer  
 Australian Electoral Commission  
 4 August 2017

# Media, Entertainment and Arts Alliance

## Tasmania Branch Election 2017

### Declaration of Results for Uncontested Offices

E2017/107

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.

#### Tasmania Branch

##### Branch President

###### Candidates

THOMAS, A. Mark

##### Branch Vice-President (3)

###### Candidates

No nominations were received

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



Michael Horwood  
Returning Officer

6 June 2017

## Media, Entertainment and Arts Alliance National Stunt Committee

### Declaration of Results for Contested Offices

**E2017/107**

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.

#### National Stunt Committee

Total number of names on the roll of voters	<b>190</b>
Ballot papers issued	<b>190</b>
Replacement ballot papers issued	<b>1</b>
<b>Total Ballot Papers Issued</b>	<b>191</b>
Ballot papers / envelopes returned for scrutiny	<b>38</b>
Less ballot papers / envelopes rejected at preliminary scrutiny	<b>2</b>
Adjusting balance less*	<b>1</b>
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>35</b>
Percentage of ballot papers returned to number issued	<b>19</b>
Ballot papers returned as unclaimed mail	<b>1</b>
Ballot papers not returned	<b>152</b>

\* Adjusting balance refers to the circumstance that the voter returned his/her vote but on extracting the ballot paper/s, the National Stunt Committee ballot paper was not returned in amongst the other ballot papers.

#### National Stunts Committee Member (Stunt Performer) (4)

Candidates	First Preference Votes	Votes
PARTRIDGE, Philip	22	25
PATHER, Puven	17	23*
ANDERSON, Philli	17	23
SILDNIK, Inge	21	25
BELL, Shane	9	0*
JEWSON, Alex	15	0*
DALTON, Haydn	26	30
TOYER, Benjamin	13	0*

\* Shane Bell was excluded at Count 1, Benjamin Toyer was excluded at Count 2, Alex Jewson was excluded at Count 3, and Puven Pather was excluded at Count 4.

Exhausted Votes		<b>14</b>
Loss/Gain by Fraction		<b>0</b>
Total votes	<b>140</b>	<b>126</b>
Formal ballot papers	<b>35</b>	<b>35</b>
Informal ballot papers	<b>0</b>	<b>0</b>

I declare Philli Anderson, Haydn Dalton, Philip Partridge and Inge Sildnik elected.



Renee Damasena  
Returning Officer  
Australian Electoral Commission  
4 August 2017

## Media, Entertainment and Arts Alliance Federal Council

### Declaration of Results for Contested Offices

**E2017/107**

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.

#### Media Section

Total number of names on the roll of voters	<b>5021</b>
Ballot papers issued	<b>4936</b>
Replacement ballot papers issued	<b>5</b>
<b>Total Ballot Papers Issued</b>	<b>4941</b>
Ballot papers / envelopes returned for scrutiny	<b>681</b>
Less ballot papers / envelopes rejected at preliminary scrutiny	<b>13</b>
Adjusting balance less*	<b>0</b>
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>668</b>
Percentage of ballot papers returned to number issued	<b>13</b>
Ballot papers returned as unclaimed mail	<b>53</b>
Ballot papers not returned	<b>4207</b>

#### Delegates to Federal Council [Media Section] (21)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
WYNNE, Emma	558	566
FLOWER, Wayne	474	500
LLOYD, Tim	455	494
RYAN, Peter	497	528
SYVRET, Paul	388	1*
MOLLOY, Fran	510	540
HIGGINS, Ean	387	0*
MCGOWAN, Michael	459	498
MACDONALD, Emily	456	500
SCHETZER, Alana	470	505
STREET, Andrew P	465	501
FARRELL, Paul	514	537
ARMBRUSTER, Stefan	509	540
TANNER, Steve	385	0*
CONVERY, Stephanie	484	504
WIKRAMANAYAKE, Marisa	479	506
PRIOR, Neale	444	491
FOYLE, Lindsay	426	470
ROPER, John	336	0*
MCLEISH, Kathy	540	554
TONKIN, Leigh	506	534
BUTSON, Tyron	276	0*
NANCARROW, Kirsty	532	552
TARRAN, Jen	415	457*
WHITTAKER, Jason	457	481
BUCCI, Nino	460	487
BARDON, Jane	529	540

Exhausted Votes		1125
Loss/Gain by Fraction		0
Total votes	12411	11286
Formal ballot papers	591	591
Informal ballot papers	77	77

\* Tyron Butson was excluded at Count 1, John Roper was excluded at Count 2, Steve Tanner was excluded at Count 3, Ean Higgins was excluded at Count 4, Paul Syvret was excluded at Count 5, and Jen Tarran was excluded at Count 6.

I declare Stefan Armbruster , Jane Bardon , Nino Bucci , Stephanie Convery , Paul Farrell , Wayne Flower , Lindsay Foyle , Tim Lloyd , Emily MacDonald , Michael McGowan , Kathy McLeish , Fran Molloy, Kirsty Nancarrow , Neale Prior , Peter Ryan , Alana Schetzer , Andrew P Street , Leigh Tonkin , Jason Whittaker , Marisa Wikramanayake and Emma Wynne elected.



Renee Damasena  
 Returning Officer  
 Australian Electoral Commission  
 4 August 2017



## Media, Entertainment and Arts Alliance Federal Council

### Declaration of Results for Contested Offices

#### ECS Section

Total number of names on the roll of voters	2968
Ballot papers issued	2916
Replacement ballot papers issued	3
<b>Total Ballot Papers Issued</b>	<b>2919</b>
Ballot papers / envelopes returned for scrutiny	489
Less ballot papers / envelopes rejected at preliminary scrutiny	14
Adjusting balance	0
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>475</b>
Percentage of ballot papers returned to number issued	16
Ballot papers returned as unclaimed mail	48
Ballot papers not returned	2382

#### Delegates to Federal Council [ECS Section] (8)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
O'BRIEN, Rachael	227	242*
WESTMORE, Rosemary	415	430
SPINK, Arthur	419	432
DONOVAN, Fiona	417	425
MAROSI, Howard	420	432
GALVIN, Sharna	386	404
LAFFERTY, John	381	396
DEVENPORT, Nigel	402	421
NOEL, Adam	217	0*
FREEMAN, Beverley	372	385

\*Adam Noel excluded at Count 1. Rachael O'Brien excluded at Count 2

Exhausted Votes		89
Loss/Gain by Fraction		0
Total votes	3656	3567
Formal ballot papers	457	457
Informal ballot papers	18	18

I declare Nigel Devenport , Fiona Donovan , Beverley Freeman , Sharna Galvin , John Lafferty , Howard Marosi , Arthur Spink and Rosemary Westmore elected.



Renee Damasena  
Returning Officer  
Australian Electoral Commission  
4 August 2017



27 June 2017

Mr Simon Collins  
Federal President  
Media, Entertainment and Arts Alliance  
federal@alliance.org.au

Dear Mr Collins,

cc: Secretary, Queensland Branch

### **Reminder of actions required when persons elected to office**

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2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;
  - the name of the person now holding the office;

- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

**Christine Hibberd**  
**Registered Organisations Commission**

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

*[delete all that do not apply]*

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. *[include OLD name and address and NEW name and address of every branch that has changed]*
  2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*

---

<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).]*

**ANNEXURE A**

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b>	<b>Occupation of <u>New</u> Office Holder</b>
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						



**Reference:** E2017/107

Mr Terry O'Connor  
Secretary  
Media, Entertainment and Arts Alliance  
Level 4  
16 Peel St  
South Brisbane QLD 4101

Dear Mr O'Connor,

**Media, Entertainment and Arts Alliance  
Scheduled Queensland Branch Election E2017/107**

The declaration of the election for uncontested offices is attached.

The election is now complete.

Yours sincerely



Steve Gillespie  
Returning Officer

14 June 2017

bcc all candidates

# **- Media, Entertainment and Arts Alliance Scheduled Queensland Branch Election E2017/107**

## **Declaration of Results for Uncontested Offices**

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.

### **Queensland Branch**

#### **Branch President [Media Section]**

Candidates

O'CONNOR, Terry

---

#### **Branch President [Equity Section]**

Candidates

BALK, Michael

#### **Branch President [ECS Section]**

Candidates

No nomination was received

#### **Branch Vice-President [Media Section]**

Candidates

MCMILLEN, Andrew

#### **Branch Vice-President [Equity Section]**

Candidates

MARQUET, Kathryn



**Delegates to Branch Council [Media Section] (12)**

Candidates

ARMBRUSTER, Stefan

BOWMAN, Leo

MACDONALD, Emily

MARSHALL, Sharon

MCLEISH, Kathy

MOORE, Felicity

NANCARROW, Kirsty

OLIVER, Michael

SCOTT, Joanne

SYVRET, Paul

No further nominations were accepted

**Delegates to Branch Council [Equity Section] (9)**

Candidates

BOURCHIER, Billy

COSSAR, Peter

FARROW, Penny

FRENCH, Matthew James

GOODMAN, Asabi E

JURSS, Brie

KLARWEIN, Jason

LEIGH, Racheal

STEVENSON, Kaye

**Delegates to Branch Council [ECS Section] (3)**

Candidates

O'BRIEN, Rachael


No further nominations were accepted

**Delegates to Branch Council [Musicians Section]**

Candidates

MADDEN, Richard

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

  
Steve Gillespie  
Returning Officer

14 June 2017





**Australian Government**  
**Registered Organisations Commission**

---

13 June 2017

Mr Simon Collins  
Federal President  
Media, Entertainment and Arts Alliance

Email: [matthew.chesher@meaa.org](mailto:matthew.chesher@meaa.org)

Dear Mr Collins,

**Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission a copy of the declarations of further results<sup>1</sup> for the election E2017/107. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe and that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Section 233(2) of the RO Act requires that an organisation must notify the Commission of any changes to the records for the holders of office in the organisation. If the election has resulted in any changes to the holders of office, the organisation must notify the Commission of these changes. The notification must include a declaration by the prescribed officer that the information is a correct statement of the changes made. If there have been no changes, a notification is not required.

If you have any questions in relation to this matter, please don't hesitate to contact me on (02) 6746 3283 or email at [stephen.kellett@roc.gov.au](mailto:stephen.kellett@roc.gov.au).

Yours faithfully

A handwritten signature in black ink that reads "Stephen Kellett".

Stephen Kellett  
Financial Reporting

---

<sup>1</sup> SA Branch

**From:** Jenny Southall [<mailto:Jenny.Southall@aec.gov.au>]  
**Sent:** Thursday, 8 June 2017 5:09 PM  
**To:** ROC - Registered Org Commission  
**Cc:** Renee Damasena; Jeanette Hill  
**Subject:** HPRM: ON CMS E2017/107 MEAA-SA PER and Declaration of Results STAGE 1  
[SEC=UNCLASSIFIED]

[E2017/107](#)

Good Morning

Re: E2017/107  
Media, Entertainment and Arts Alliance South Australia Branch  
Scheduled Election

STAGE 1 - only

Please find attached the Declaration of Results for Uncontested Offices as relate to the South Australia Branch.

Regards

Jenny Southall  
Manager  
Divisional ICE Team  
Australian Electoral Commission  
T: (08) 8237 6585 | F: (08) 8237 6581

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08Jun17\_E2017-10707Jun17\_Declaration07Jun17\_E2017-107  
\_MEAA-SA Branch\_PUncontetsted Result\_I\_Declaration Unconte

# Media, Entertainment and Arts Alliance Scheduled Election SA Branch E2017/107

## Declaration of Results for Uncontested Offices

E2017/107

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.

### Media Section

#### Branch President SA

##### Candidates

HARRIS, Samela

#### Delegates to SA Branch Council (12)

##### Candidates

BOOTH, Meredith  
COGGAN, Michael  
COLEMAN, Matt  
EICHLER, Kurtis  
HACKETT, Chris  
HOPTON, Nick  
LA CANNA, Xavier  
LOVE, Anthony  
MCDONALD, Will  
MCNALLY, Shane  
No further nomination was accepted

### Equity Section

#### Branch President SA

##### Candidates

HAY, Elizabeth

### **Delegates to SA Branch Council (6)**

#### Candidates

FALLON, Ruth  
FROST, Patrick  
HOLY, Alan  
PAGE, Christina  
No further nominations were accepted

### **ECS Section**

#### **Branch President SA**

#### Candidates

BICHARD, Jennifer

### **Delegates to SA Branch Council (5)**

#### Candidates

BROOKS, Ben  
KARAS, Roberto  
KNIGHT, Ashley  
LEVI, Travis  
No further nomination was accepted

### **Musicians Section**

#### **Delegates to SA Branch Council (2)**

#### Candidates

No nominations were received

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

Jenny Southall  
Returning Officer

7 June 2017

8 June 2017

# Post-election Report

**Media, Entertainment and Arts Alliance  
E2017/107**

# Contents

Election(s) Covered in this Report .....	3
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Irregularities.....	3
Other Matters .....	4
Attachments .....	4

## Election(s) Covered in this Report

---

Election Decision No/s: E2017/107

## Rules

---

Rules used for the election: [129VFED: Incorporates alternations of 06/04/2017 in matter R2017/45]

Rules difficult to apply/interpret: None  
Module Rule reference (if any) N/A

## Roll of Voters

---

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

OR *(delete the option which does not apply and this text)*

Total number of voters on the Roll: 692  
Number of apparent workplace addresses: 13  
Number of non-current addresses: 17

Other matters pertaining to the roll of voters:

## Irregularities

---

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None



## Other Matters

---

None

## Attachments

---

- 1) Declaration of Results for Uncontested Offices – Stage 1 only - SA

  
Jenny Southall  
Returning Officer

8 June 2017



**Australian Government**  
**Registered Organisations Commission**

8 June 2017

Mr Simon Collins  
Federal President  
Media, Entertainment and Arts Alliance

Email: [matthew.chesher@meaa.org](mailto:matthew.chesher@meaa.org)

Dear Mr Collins,

**Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission a copy of the declarations of a result for the election E2017/107. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe and that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Section 233(2) of the RO Act requires that an organisation must notify the Commission of any changes to the records for the holders of office in the organisation. If the election has resulted in any changes to the holders of office, the organisation must notify the Commission of these changes. The notification must include a declaration by the prescribed officer that the information is a correct statement of the changes made. If there have been no changes, a notification is not required.

If you have any questions in relation to this matter, please don't hesitate to contact me on (02) 6746 3283 or email at [stephen.kellett@roc.gov.au](mailto:stephen.kellett@roc.gov.au).

Yours faithfully

A handwritten signature in black ink that reads "Stephen Kellett".

Stephen Kellett  
Financial Reporting

**From:** KELLETT,Stephen  
**Sent:** Thursday, 8 June 2017 1:03 PM  
**To:** 'matthew.chesher@meaa.org'  
**Subject:** Attention Mr Simon Collins - E2017/107 - result - obligations - reminder  
[SEC=UNCLASSIFIED]

Dear Mr Chesher,

Please see attached my letter in relation to the above.

Yours faithfully

**STEPHEN KELLETT**  
Senior Adviser  
Financial Reporting  
**Registered Organisations Commission**

Tel: (02) 6746 3283  
Email: [stephen.kellett@roc.gov.au](mailto:stephen.kellett@roc.gov.au)

GPO Box 2983, MELBOURNE VIC 3001 | Level 13, 175 Liverpool Street, Sydney NSW 2000

[www.roc.gov.au](http://www.roc.gov.au)



**Australian Government**  
**Registered Organisations Commission**

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# Media, Entertainment and Arts Alliance Western Australia Branch

## Declaration of Results for Uncontested Offices

E2017/107

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.

### Western Australia Branch

#### Branch President (Media Section)

Candidates

TURNER, Martin

#### Branch President (Equity Section)

Candidates

HALUSZ, Stuart

#### Branch President (Musicians Section)

Candidates

LO SURDO, Frankie

#### Branch President (ECS Section)

Candidates

NANKIVELL, Matthew

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



Simon Bulloch  
Returning Officer

2 June 2017



# CORRECTION TO DECISION

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

**Media, Entertainment and Arts Alliance**  
(E2017/107)

MR ENRIGHT

MELBOURNE, 18 APRIL 2017

*Arrangement for conduct of election.*

[1] The decision issued by the Fair Work Commission on 12 April 2017, [2017] FWCD 2091, is corrected as follows:

- i. The Federal Office(r) described as “Federal Vice-President [Equity/General]” is corrected to “Federal Vice-President [Equity]”;
- ii. The Western Australia Branch office described as “Branch Vice-President [Media Section]” is corrected to “Branch President [ECS Section]”.



DELEGATE OF THE GENERAL MANAGER

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**From:** KELLETT, Stephen  
**Sent:** Tuesday, 18 April 2017 3:15 PM  
**To:** 'Industrial Elections'  
**Cc:** 'matthew.chesher@meaa.org'  
**Subject:** Attention Ms Renee Damasena - election MEAA - E2017/107 - correction to Decision

Dear Renee,

I refer to our discussion in relation to the above. Please see attached a copy of the Delegate's correction to the Decision (dated 12 April 2017).

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)



MEAA E2017 107  
Correction to Decisor

**From:** KELLETT, Stephen

**Sent:** Tuesday, 18 April 2017 12:55 PM

**To:** 'Industrial Elections'

**Subject:** RE: Attention Ms Renee Damasena - scheduled election - MEAA - E2017/107 (formerly allocated matter number E2016/232) - granted [DLM=For-Official-Use-Only]

Dear Renee,

Thank you very much for your email. I've conducted a further check of the issued Decision and the amended prescribed information and have not identified any additional errors in the Decision than those two which you have indicated.

There was, incidentally, an error in the amended prescribed information made by the organisation in that the minimum number of women Media Section Delegates to Branch Council in the South Australia Branch was stated as at least *three* when in fact the rules [see rule 79(c)(3)] require that where 12 delegates from a section are to be elected at least *four* must be women. This error was pointed out to the organisation which agreed that the minimum number should be four. Accordingly the Decision reflects the correct minimum number four.

I have arranged for a Correction to Decision to be issued, and will forward this as soon as it is signed.

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)

**From:** Industrial Elections [mailto:industrial.elections@aec.gov.au]

**Sent:** Tuesday, 18 April 2017 12:35 PM

**To:** KELLETT, Stephen

**Subject:** RE: Attention Ms Renee Damasena - scheduled election - MEAA - E2017/107 (formerly allocated matter number E2016/232) - granted [DLM=For-Official-Use-Only]

Hi Stephen,

As discussed, I have just done a cursory check and found that 2 of the offices are not the same as the PI submitted:

- Federal Vice President [Equity/General]
- Branch Vice President [Media Section] in the WA Branch.

Would you please advise if a correction will be issued. Please note that I have only managed a cursory check at this time and you may want to undertake your own checking before issuing a correction.

Thank you, Rene

**Ms.Renee Damasena | Assistant Director**

Industrial & Commercial Elections | NSW State Office

Australian Electoral Commission

T: (02) 9375 6361 | M: 0423 001 101 | F: (02) 6215 9910

---



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## DECISION

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

### **Media, Entertainment and Arts Alliance** (E2017/107)

MR ENRIGHT

MELBOURNE, 12 APRIL 2017

*Arrangement for conduct of election.*

[1] On 17 October 2016, the Media, Entertainment and Arts Alliance (‘the organisation’) lodged with the Fair Work Commission (‘the Commission’) a notice of prescribed information in relation to a scheduled election. That election was allocated matter number E2016/232.

[2] An issue arose with respect to certain offices to be elected in relation to a Branch identified in the rules as the “General Branch”. On 12 December 2016, following consultation between the Commission and the organisation, the organisation requested the Commission disregard the notice already lodged and signalled its intention to lodge an amended notice in early 2017 subject to the certification of such rule alterations as would be consistent with the discussions that had been held. On the same day, in response to this request, the Commission closed its file for matter number E2016/232.

[3] On 7 April 2017, one day after a relevant alteration to the rules of the organisation was certified on 6 April 2017<sup>1</sup>, the organisation lodged a fresh notice of prescribed information in relation to the scheduled election, and the election was allocated a new matter number E2017/107.<sup>2</sup>

[4] On 12 April 2017, following consultation between the Commission and the organisation, the organisation lodged an amended notice of prescribed information. The offices which are the subject of the amended notice are listed in Schedule A attached to this Decision.

---

<sup>1</sup> R2017/45

<sup>2</sup> For the avoidance of doubt, both matter numbers, E2016/232 and E2017/107, related to the same election, namely the election scheduled to take place in 2017 upon the expiry of terms of office. The latter matter number simply supersedes the former.

[5] I am satisfied that an election for the offices listed in Schedule A 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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## SCHEDULE A

**Federal Officers** [where two Vice-Presidents are elected from each section or group of sections, at least one shall be a woman, unless the President from the relevant section is a woman]

Federal President	(1)
Federal President [Equity]	(1)
Federal President [Media]	(1)
Federal President [ECS]	(1)
Federal President [Musicians]	(1)
Federal Vice-President [Media]	(2)
Federal Vice-President [Equity/General]	(2)
Federal Vice-President [ECS/Musicians]	(1)

Board members elected by and from branches (as follows):

NSW Branch	(1)
Victoria Branch	(1)
Queensland Branch	(1)
Western Australia	(1)
All other Branches (South Australia, Tasmania, ACT)	(1)

### **Federal Council**

Delegates to Federal Council [Media Section] (21)	[of which at least seven to be women and come from at least four states]
Delegates to Federal Council [Equity Section] (19)	[at least six to be women and come from at least four states]
Delegates to Federal Council [ECS Section] (8)	[at least two to be women and come from at least three states]
Delegates to Federal Council [Musicians Section] (2)	[which must be at least from 2 states]

### **National Stunt Committee**

[Equity Section members graded as stunt performers, stunt co-ordinators and safety supervisors]

Committee members (12)	[four members who are graded as safety supervisors from a minimum of three states; four members who are graded as stunt co-ordinators from a minimum of three states; and four members who are graded as stunt performers from a minimum of three states]
------------------------	---

**NSW Branch**

Branch President [Media Section]	(1)
Branch President [Equity Section]	(1)
Branch President [ECS Section]	(1)
Branch President [Musicians Section]	(1)
Branch Vice-President [Media Section]	(1)
Branch Vice-President [Equity Section]	(1)
Branch Vice-President [ECS Section]	(1)

**Victoria Branch**

Branch President [Media Section]	(1)
Branch President [Equity Section]	(1)
Branch President [ECS Section]	(1)
Branch President [Musicians Section]	(1)
Branch Vice-President [Media Section]	(1)
Branch Vice-President [Equity Section]	(1)
Branch Vice-President [ECS Section]	(1)

**Queensland Branch**

Branch President [Media Section]	(1)
Branch President [Equity Section]	(1)
Branch President [ECS Section]	(1)
Branch Vice-President [Media Section]	(1)
Branch Vice-President [Equity Section]	(1)

**Queensland Branch Council**

Delegates to Branch Council [Media Section] (12)	[of which at least four must be women]
Delegates to Branch Council [Equity Section] (9)	[of which at least three must be women]
Delegates to Branch Council [ECS Section] (3)	[of which at least one must be a woman]
Delegate to Branch Council [Musicians Section] (1)	

**South Australia Branch**

Branch President [Media Section]	(1)
Branch President [Equity Section]	(1)
Branch President [ECS Section]	(1)

**South Australia Branch Council**

Delegates to Branch Council [Media Section] (12)	[at least four must be women]
Delegates to Branch Council [Equity Section] (6)	[at least two must be women]

- Delegates to Branch Council [ECS Section] (5) [at least one must be a woman]  
Delegates to Branch Council [Musicians Section] (2)

**Western Australia Branch**

- Branch President [Media Section] (1)  
Branch President [Equity Section] (1)  
Branch President [Musicians Section] (1)  
Branch Vice-President [Media Section] (1)

**Tasmania Branch**

- Branch President (1)  
Branch Vice-President (3) [of which at least one must be a woman]

**ACT Branch**

- Branch President (1)  
Branch Vice-President (3) [of which at least one must be a woman]

**ACT Branch Council**

- Delegates to Branch Council [Media Section] (6) [at least two must be women]  
Delegates to Branch Council [Equity Section] (1)

**From:** KELLETT, Stephen  
**Sent:** Wednesday, 12 April 2017 4:04 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** Attention Ms Renee Damasena - scheduled election - MEAA - E2017/107 (formerly allocated matter number E2016/232) - granted

Dear Electoral Officer,

Please see attached a copy of the Delegate's decision in relation to the above. I also attach a copy of the rules certified on 6 April 2017.

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)



129V  
MEAA-R2017-45 060



E2017\_107  
Decision.pdf

**From:** KELLETT, Stephen  
**Sent:** Wednesday, 12 April 2017 4:01 PM  
**To:** 'matthew.chesher@meaa.org'  
**Subject:** Election - MEAA - scheduled election - E2017/107 (formerly allocated matter number E2016/232) - granted

Dear Matthew,

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\_107  
Decision.pdf

**From:** Matthew Chesher [mailto:matthew.chesher@meaa.org]  
**Sent:** Wednesday, 12 April 2017 12:46 PM  
**To:** KELLETT, Stephen; Renee Damasena  
**Cc:** Paul Murphy; Simon Collins; Jennifer O'Brien  
**Subject:** Revised MEAA Election Request

Dear Stephen and Renee,

Please find attached MEAA's revised correspondence concerning elections for its office holders.

Note that:

- the number of positions for section delegates to Branch Councils has been amended for South Australia and the ACT; and
- MEAA's proposed dates for the election have been amended.

Please don't hesitate to contact me if you have any questions.

Regards,

**Matthew Chesher**  
Director, Legal and Policy  
02 9333 0936  
0422 411 772

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General Manager  
Fair Work Australia  
Level 8, Terrace Towers  
80 William Street  
East Sydney NSW 2011

12 April 2017

Dear Sir/Madam

**Re: Elections for the Media, Entertainment & Arts Alliance – Revised Request**

As you are aware, I wrote on 7 April 2017 to advise that as per the Rules of the Media, Entertainment & Arts Alliance (MEAA), elections are required for a number of positions, whose terms of office are due to expire April 2017.

Following discussions with the Fair Work Commission concerning several branch's entitlement to Section Delegate to Branch Council positions, my Statement has been amended, as has the 'Members and Member Income' table.

In light of these changes, my Statement proposes a revised timeframe for the elections to be conducted.

Please do not hesitate to contact Matthew Chesher at [matthew.chesher@meaa.org](mailto:matthew.chesher@meaa.org) if you have any questions or comments about this request.

Yours sincerely

Simon Collins  
**Federal President**

## STATEMENT

Pursuant to the Fair Work (Registrations Organisations) Act 2009, s189(1), I Simon Collins, hereby provide the following information:

1. THAT I am the Federal President of the Media, Entertainment & Arts Alliance an organisation of employees registered under the Fair Work (Registered Organisations) Act 2009;
2. THAT an election is required under Rule 79 for the following positions in the Media, Entertainment & Arts Alliance:

### (1) FEDERAL OFFICE

Federal President	1 position
Federal Presidents [Equity]	1 position
Federal Presidents [Media]	1 position
Federal Presidents [ECS]	1 position
Federal Presidents [Musicians]	1 position
Federal Vice Presidents [Media]	2 positions
Federal Vice-President [Equity]	2 positions
Federal Vice-President [ECS/Musicians]	1 position

(where two Vice-Presidents are elected from each section or group of sections, at least one shall be a woman, unless the President from the relevant section is a woman)

Board members elected by and from branches:

NSW Branch	1 position
Victoria Branch	1 position
Queensland Branch	1 position
Western Australia Branch	1 position
All other Branches (South Australia, Tasmania, ACT)	1 position

### (2) FEDERAL COUNCIL

Media Section Delegates	(21 positions) (at least seven to be women and come from at least four states)
Equity Section Delegates	(19 positions) (at least six to be women and come from at least four states)
ECS Section Delegates	(8 positions) (at least two to be women and come from at least three states)
Musician Section Delegates	(2 positions) (which must be at least from 2 states)

### **(3) NATIONAL STUNT COMMITTEE**

[Equity Section members graded as stunt performers, stunt co-ordinators and safety supervisors]

- (i) four members who are graded as safety supervisors from a minimum of three states;
- (ii) four members who are graded as stunt co-ordinators from a minimum of three states; and
- (iii) four members who are graded as stunt performers from a minimum of three states.

### **(4) NSW BRANCH**

Media Section President	1 position
Equity Section President	1 position
ECS Section President	1 position
Musicians President	1 position
Media Section Vice-President	1 position
Equity Section Vice-President	1 position
ECS Vice-President	1 position

### **(5) VICTORIA BRANCH**

Media Section President	1 position
Equity Section President	1 position
ECS Section President	1 position
Musicians President	1 position
Media Section Vice-President	1 position
Equity Section Vice-President	1 position
ECS Vice-President	1 position

### **(6) QUEENSLAND BRANCH**

Media Section President	1 position
Equity Section President	1 position
ECS Section President	1 position
Media Section Vice-President	1 position
Equity Section Vice-President	1 position

#### **Queensland Section Delegates to Branch Council**

Media Section Delegates	12 positions (at least four must be women)
Equity Section Delegates	9 positions (at least three must be women)
ECS Section Delegates	3 positions (at least one must be a woman)
Musicians Section Delegates	1 position

**(7) SOUTH AUSTRALIA BRANCH**

Media Section President	1 position
Equity Section President	1 position
ECS Section President	1 position

**South Australia Section Delegates to Branch Council**

Media Section Delegates	12 positions (at least three must be women)
Equity Section Delegates	6 positions (at least two must be women)
ECS Section Delegates	5 positions (at least one must be a woman)
Musicians Section Delegates	2 positions

**(8) WESTERN AUSTRALIA BRANCH**

Media Section President	1 position
Equity Section President	1 position
Musicians Section President	1 position
ECS Section President	1 position

**(9) TASMANIA BRANCH**

Branch President	1 position
Branch Vice-President	3 positions (at least one must be a woman)

**(10) ACT BRANCH**

Branch President	1 position
Branch Vice-President	3 positions (at least one must be a woman)

**ACT Section Delegates to Branch Council**

Media Section Delegates	6 positions (at least two must be women)
Equity Section Delegates	1 position

All positions are for a two year term.

THAT the electorate comprises all members of the Media, Entertainment & Arts Alliance, or, where relevant, all members of the relevant Branch or Section.

THAT in accordance with Rule 79, the roll of voters shall close 7 days before the opening of nominations.

THAT in accordance with Rule 79, the MEAA Board resolved, inter alia, at its meeting on 3 April, 2017 that nominations shall open no later than 26 April, 2017 and close on 24 May 2017.

THAT owing to the possibility the relevant electoral processes could not be set in train within MEAA's preferred timeframe, the Board also authorised the next most feasible dates for elections to be conducted.

THAT in light of the Board's resolution, MEAA now proposes that nominations open no later than **10 May 2017** and close no later than **7 June 2017**.

Should a ballot be necessary, it should open on **3 July, 2017** and close no later than **28 July, 2017**.

THAT the voting system to be employed in the elections is a direct voting system.

THAT as Federal President of the Media, Entertainment & Arts Alliance, I am duly authorised to sign this statement.

Signed by:

A handwritten signature in blue ink, appearing to read 'Simon Collins', with a stylized flourish at the end.

Simon Collins  
Federal President

Members and member income as at June 30, 2016

FEDERAL REPRESENTATIVES

	NSW	Victoria	Queensland	South Australia	West Australia	Tasmania	ACT	TOTAL	President	Vice-Presidents 5	Delegates 50
Equity (incl residuals, imports)	1,481,495	1,044,229	336,069	90,710	145,055	19,541	28,365	<b>3,145,466</b>	1	2	<b>19</b>
	2,286	1,959	537	172	214	41	44	<b>5,253</b>			
Media	1,409,073	913,941	451,896	191,824	274,939	93,810	188,021	<b>3,523,506</b>	1	2	<b>21</b>
	2,051	1,426	721	282	436	138	266	<b>5,320</b>			
Entertainment, Crew and Sport	598,471	479,817	131,158	73,117	59,094	10,861	10,084	<b>1,362,601</b>	1	1	<b>8</b>
	1,131	1,473	247	160	154	20	18	<b>3,203</b>			
Musicians (incl SOMA)	151,351	71,504	30,914	45,293	56,151	19,995	1,128	<b>376,337</b>	1		<b>2</b>
	322	143	61	87	111	39	2	<b>765</b>			
General								<b>0</b>			<b>0</b>
								<b>0</b>			
Not allocated (Federal President)									1		
<b>TOTAL INCOME</b>	<b>3,640,391</b>	<b>2,509,491</b>	<b>950,037</b>	<b>400,944</b>	<b>535,239</b>	<b>144,208</b>	<b>227,599</b>	<b>8,407,909</b>			
<b>TOTAL MEMBERS</b>	<b>5,790</b>	<b>5,001</b>	<b>1,566</b>	<b>701</b>	<b>915</b>	<b>238</b>	<b>330</b>	<b>14,541</b>			
<b>TOTAL OFFICERS/DELEGATES</b>								<b>60</b>	<b>5</b>	<b>5</b>	<b>50</b>
<b>Branches</b>											
Board representatives	1	1	1		1			<b>5</b>			
<b>Officers</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>4</b>				
Equity	Pres, VP	Pres, VP	Pres, VP	Pres	Pres			<b>8</b>			
Media	Pres, VP	Pres, VP	Pres, VP	Pres	Pres			<b>8</b>			
ECS	Pres, VP	Pres, VP	Pres	Pres	Pres			<b>7</b>			
Musicians	Pres	Pres			Pres			<b>3</b>			
Not allocated								<b>2</b>			
						Pres, 3 VPs	Pres, 3 VPs	<b>33</b>			
<b>TOTAL Branches on Federal Council</b>								<b>93</b>			
<b>TOTAL Federal Council</b>											
Branch Council delegates	0	0	25	25	0	0	7				
Equity			9	6			1				
Media			12	12			6				
ECS			3	5			0				
Musicians			1	2			0				
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>7</b>				

**From:** Industrial Elections [<mailto:industrial.elections@aec.gov.au>]  
**Sent:** Tuesday, 11 April 2017 10:56 AM  
**To:** HALL, James  
**Subject:** RE: FWC Letter to AEC - E2017/107 - Application/Notification by Media, Entertainment and Arts Alliance [DLM=For-Official-Use-Only]

Good morning,

Please be advised that the AEC received an Election number previously for this election – E2016/232.

This was prior to the organisation restructuring and reviewing their rules.

In the Decision for E2017/107 – would you please make a reference to E2016/232 and that the previous election is superseded, or other appropriate forms of words.

Thank you, Renee

**Ms.Renee Damasena | Assistant Director**  
Industrial & Commercial Elections | NSW State Office  
Australian Electoral Commission  
T: (02) 9375 6361 | M: 0423 001 101 | F: (02) 6215 9910



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**From:** [james.hall@fwc.gov.au](mailto:james.hall@fwc.gov.au) [<mailto:james.hall@fwc.gov.au>]  
**Sent:** Friday, 7 April 2017 2:43 PM  
**To:** Industrial Elections <[industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au)>  
**Subject:** FWC Letter to AEC - E2017/107 - Application/Notification by Media, Entertainment and Arts Alliance

Please find attached correspondence regarding the matter **E2017/107 - Application/Notification by Media, Entertainment and Arts Alliance**

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General Manager  
Fair Work Australia  
Level 8, Terrace Towers  
80 William Street  
East Sydney NSW 2011

7 April 2017

Dear Sir/Madam

**Re: Elections for the Media, Entertainment & Arts Alliance**

I am writing to advise that as per the Rules of the Media, Entertainment & Arts Alliance (MEAA), elections are required for a number of positions, whose terms of office are due to expire April 2017.

We request that you make arrangements for an election to be conducted as per Rule 79.

My statement as required under the Fair Work (Registered Organisations) Act 2009 is enclosed, as is the information used to calculate electoral positions.

Please do not hesitate to contact Matthew Chesher at [matthew.chesher@meaa.org](mailto:matthew.chesher@meaa.org) if you have any questions or comments about this request.

Yours sincerely

Simon Collins  
**Federal President**



## STATEMENT

Pursuant to the Fair Work (Registrations Organisations) Act 2009, s189(1), I Simon Collins, hereby provide the following information:

THAT I am the Federal President of the Media, Entertainment & Arts Alliance an organisation of employees registered under the Fair Work (Registered Organisations) Act 2009;

THAT an election is required under Rule 79 for the following positions in the Media, Entertainment & Arts Alliance:

### (1) FEDERAL OFFICE

Federal President	1 position
Federal Presidents [Equity]	1 position
Federal Presidents [Media]	1 position
Federal Presidents [ECS]	1 position
Federal Presidents [Musicians]	1 position
Federal Vice Presidents [Media]	2 positions
Federal Vice-President [Equity]	2 positions
Federal Vice-President [ECS/Musicians]	1 position

(where two Vice-Presidents are elected from each section or group of sections, at least one shall be a woman, unless the President from the relevant section is a woman)

Board members elected by and from branches:

NSW Branch	1 position
Victoria Branch	1 position
Queensland Branch	1 position
Western Australia Branch	1 position
All other Branches (South Australia, Tasmania, ACT)	1 position

### (2) FEDERAL COUNCIL

Media Section Delegates	(21 positions) (at least seven to be women and come from at least four states)
Equity Section Delegates	(19 positions) (at least six to be women and come from at least four states)
ECS Section Delegates	(8 positions) (at least two to be women and come from at least three states)
Musician Section Delegates	(2 positions) (which must be at least from 2 states)

### **(3) NATIONAL STUNT COMMITTEE**

[Equity Section members graded as stunt performers, stunt co-ordinators and safety supervisors]

- (i) four members who are graded as safety supervisors from a minimum of three states;
- (ii) four members who are graded as stunt co-ordinators from a minimum of three states; and
- (iii) four members who are graded as stunt performers from a minimum of three states.

### **(4) NSW BRANCH**

Media Section President	1 position
Equity Section President	1 position
ECS Section President	1 position
Musicians President	1 position
Media Section Vice-President	1 position
Equity Section Vice-President	1 position
ECS Vice-President	1 position

### **(5) VICTORIA BRANCH**

Media Section President	1 position
Equity Section President	1 position
ECS Section President	1 position
Musicians President	1 position
Media Section Vice-President	1 position
Equity Section Vice-President	1 position
ECS Vice-President	1 position

### **(6) QUEENSLAND BRANCH**

Media Section President	1 position
Equity Section President	1 position
ECS Section President	1 position
Media Section Vice-President	1 position
Equity Section Vice-President	1 position

#### **Queensland Section Delegates to Branch Council**

Media Section Delegates	12 positions (at least four must be women)
Equity Section Delegates	9 positions (at least three must be women)
ECS Section Delegates	3 positions (at least one must be a woman)
Musicians Section Delegates	1 position

### **(7) SOUTH AUSTRALIA BRANCH**

Media Section President	1 position
Equity Section President	1 position
ECS Section President	1 position

**South Australia Section Delegates to Branch Council**

Media Section Delegates	11 positions (at least three must be women)
Equity Section Delegates	6 positions (at least two must be women)
ECS Section Delegates	5 positions (at least one must be a woman)
Musicians Section Delegates	3 positions

**(8) WESTERN AUSTRALIA BRANCH**

Media Section President	1 position
Equity Section President	1 position
Musicians Section President	1 position
ECS Section President	1 position

**(9) TASMANIA BRANCH**

Branch President	1 position
Branch Vice-President	3 positions (at least one must be a woman)

**(10) ACT BRANCH**

Branch President	1 position
Branch Vice-President	3 positions (at least one must be a woman)

**ACT Section Delegates to Branch Council**

Media Section Delegates	5 positions (at least one must be a woman)
Equity Section Delegates	1 position
ECS Section Delegates	1 position

All positions are for a two year term.

THAT the electorate comprises all members of the Media, Entertainment & Arts Alliance, or, where relevant, all members of the relevant Branch or Section.

THAT in accordance with Rule 79, the roll of voters shall close 7 days before the opening of nominations.

THAT in accordance with Rule 79, the MEAA Board resolved at its meeting on 3 April 2017 that nominations shall open no later than 26 April, 2017 and close on 24 May 2017. Although it is MEAA's preference that nominations be open for no less than four (4) weeks, the Rules of the Media, Entertainment & Arts Alliance do not prescribe the period for which nominations should be called.

Should a ballot be necessary, it should open on 21 June, 2017 and close no later than 19 July, 2017.

THAT the voting system to be employed in the elections is a direct voting system.

THAT as Federal President of the Media, Entertainment & Arts Alliance, I am duly authorised to sign this statement.

Signed by:

A handwritten signature in blue ink, appearing to read 'Simon Collins', written in a cursive style.

Simon Collins  
Federal President



12 December 2016

Mr Matthew Chesher  
Director, Legal and Policy  
Media, Entertainment and Arts Alliance  
PO Box 723  
STRAWBERRY HILLS NSW 2012

Also by email: [matthew.chesher@meaa.org](mailto:matthew.chesher@meaa.org)

Dear Mr Chesher

**E2016/232 - Elections for office within the Media, Entertainment and Arts Alliance**

I refer to your correspondence of 12 December 2016 in relation to the above matter.

In that correspondence, you advise that:

- The Media, Entertainment and Arts Alliance (the Association) acknowledges that there is substantial doubt regarding the capacity of the members attached to the General Branch to participate in the upcoming elections for office;
- The Association requests the Fair Work Commission (the Commission) to disregard the prescribed information lodged on 11 November 2016; and
- The Association intends to submit amended prescribed information early in 2017.

In granting this request, the Commission expects the Association to make the necessary rule alterations as a matter of urgency. In this regard, the Commission would expect the Association to make the necessary alterations to the rules of the Association and lodge a notice of particulars setting out those alterations with the Commission by late January or early February.

The Commission has limited capacity to delay the arrangement of the conduct of the election pursuant to section 189 of the *Fair Work (Registered Organisations) Act 2009*. Further, the establishment of the Registered Organisations Commission in early 2017 may also create difficulties given that the functions of certifying alterations to the rules of organisations and arranging for the conduct of their elections will be handled by two different bodies.

You also seek the Commission's advice regarding whether it will seek to arrange for the conduct of the election excluding those offices whose electorate includes the members attached to the General Branch and in the absence of any alterations being made to the rules of the Association **or** arrange for the conduct of the election for all relevant offices upon alterations to the rules of the Association to remedy the issue of the membership attached to the General Branch being made and certified.

I advise that the Commission's approach to dealing with this matter, as alluded to above, is to accept the request of the Association to disregard the prescribed information lodged on 11

November 2016 and arrange for the conduct of the election for all relevant offices after the necessary rule alterations have been made and certified. As noted in your correspondence, this would also involve the lodgement of amended prescribed information.

The alternative – the issuing of a “partial” decision arranging for the conduct of only non-affected offices – will present obvious difficulties for the Association, the Commission and the Australian Electoral Commission.

Given the above, I urge the Association to take steps as soon as possible to make the necessary rule alterations. Of course, the staff of the Commission would be willing to assist in this process to the extent possible.

If you would like to discuss the matters raised in this correspondence, please do not hesitate to contact me on 02 9308 1975 or email [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to be 'JH', followed by a period.

James Hall  
Senior Advisor  
Regulatory Compliance Branch



Mr James Hall  
Senior Advisor  
Regulatory Compliance Branch  
Fair Work Commission  
80 William Street  
SYDNEY NSW 2000

12 December 2016

*By email*

Dear Mr Hall,

**MEAA and General Branch**

I refer to our recent correspondence and our discussion at your offices on 28 November 2016.

The MEAA Board considered a report on the matters raised by the Fair Work Commission (the Commission) concerning the union's ability to maintain New Zealand-based members as full MEAA members.

MEAA acknowledge that there is substantial doubt over the eligibility of General Branch members to participate in MEAA's electoral processes.

As a precautionary step – and subject to MEAA receiving more detailed legal advice – we request that the Commission disregard our 11 November 2016 request to conduct elections for honorary office holders until further notice. MEAA hope to submit an amended election request in early 2017.

When this request is lodged with the Commission turns on whether the Commission will progress an application excluding General Branch members from participation (on the grounds that MEAA's General Branch rules are ultra vires) without MEAA formally amending its rules *or* will the Commission progress an election application only after MEAA's rules have been amended and such amendments approved by the Commission? MEAA would welcome the Commission's view on these alternatives.

Please do not hesitate to contact me if you have any questions.

Yours sincerely,

Matthew Chesher  
Director, Legal and Policy

**From:** HALL, James  
**Sent:** Friday, 18 November 2016 10:50 AM  
**To:** 'Matthew Chesher'  
**Subject:** RE: MEAA election query

Dear Mathew

I have discussed this matter with my colleagues this morning and our advice is that there are several options available in moving forward. Those options include:

1. Permitting a deferral of the elections for a **strictly limited** period of time. Given that the Commission **must** arrange for the conduct of an election upon the lodgement of prescribed information if an election is required to be held under the rules of an organisation pursuant to s. 189(3) of the Act, there is limited scope for us to delay the issuing of a decision directing the AEC to conduct the election. If a deferral is permitted, it would be on the basis that the MEAA will undertake to provide advice regarding how it intends to deal with the issue of the members attached to the General Branch and resolve any problems associated with compliance with the Act by **Monday 5 December 2016**. This may involve changing the internal administrative arrangements within the MEAA with regard to members attached to the General Branch and an alteration to the rules of the MEAA particularly rule 80(c)(i).
2. The Commission issuing a “partial” decision arranging for the conduct of the election for only those offices not affected by the issue membership of the General Branch. Such a decision would exclude the election of the offices of Federal President, Federal Vice President (Equity/General), Board Member (all other branches), General Branch Delegate to Federal Council and the officers of the General Branch for which the members of the General Branch are, or part of, the electorate. As noted in your email, rule 78(b) would provide a mechanism for the current holders of those offices to remain in office until their election can be arranged and conducted.

I hope this advice assists you and the MEAA in moving forward. I reiterate that the Commission is amenable to having further discussions in order to resolve this issue. I attach my previous correspondence of 16 November 2016 setting out our concerns regarding the eligibility for membership of the members attached to the General Branch in accordance with the Act for your reference.

Regards

James



**From:** Matthew Chesher [mailto:matthew.chesher@meaa.org]  
**Sent:** Thursday, 17 November 2016 2:48 PM  
**To:** HALL, James  
**Subject:** MEAA election query

Hi James,

If MEAA were to seek a deferral of the elections for all offices, would the GM of the Commission be able to consider such a request? This would involve, I believe, a decision by the MEAA Board - see rule 79 - to withdraw the current request to conduct election of 11 November 2016 in light of the correspondence between the FWC and MEAA.

Strictly speaking, if MEAA were to take this course of action (and it is not at all clear that we will seek to do this), a number of positions would exceed their two-year limitation - see MEAA rule 78.

I am for the moment seeking to outline possibilities to my senior officers and CEO.

Thank you,

**Matthew Chesher**  
Director, Legal and Policy  
02 9333 0936  
0422 411 772

Important notice - The information contained in this email is confidential. If you are not the intended recipient, you must not disclose or use the information in this email in any way. If you received it in error, please tell us immediately by return email and delete the document. The Media Entertainment & Arts Alliance does not guarantee the integrity of any emails or attached files. It is also not responsible for any changes made to them by any other person.



16 November 2016

Mr Matthew Chesher  
Director, Legal and Policy  
Media, Entertainment and Arts Alliance  
PO Box 723  
STRAWBERRY HILLS NSW 2012

Also by email: [matthew.chesher@meaa.org](mailto:matthew.chesher@meaa.org)

Dear Mr Chesher

### **E2016/232 - Elections for office within the Media, Entertainment and Arts Alliance**

I refer to your correspondence of 11 November 2016 in relation to the above matter particularly your advice concerning the nature and composition of the General Branch of the Media, Entertainment and Arts Alliance (MEAA). I wish to thank you for that information. From your advice, I understand that:

- All members attached to the General Branch are located in New Zealand;
- The General Branch is confined to performers and is known in New Zealand as “Equity New Zealand”;
- If a member attached to the General Branch relocates to Australia on a temporary or permanent basis and is actively seeking work within what may be broadly described as the performance industry, his or her membership is transferred to the appropriate State Branch of the MEAA within Australia (i.e. other than the General Branch); and
- The members attached to the General Branch constitute a different category of membership and are enrolled as members of the MEAA pursuant to a process separate and distinct from “International members” in accordance with rule 8(b).

I further note that the Fair Work Commission (and its predecessors) has arranged for the conduct of elections for offices within the MEAA involving members attached to the General Branch, and the AEC has accordingly conducted such elections, since 2007. From our records, it appears that the General Branch was established as a result of rule alterations certified on 2 January 2007 in matter R2006/385.<sup>1</sup>

Rules 3 and 4 of the Rules of the MEAA, which set out the conditions of eligibility for membership, do not explicitly limit membership to persons employed and/or resident in the Commonwealth of Australia. However, given the presumption that the *Fair Work (Registered Organisations) Act 2009* (the RO Act) operates domestically and/or on the basis of a connection

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<sup>1</sup> See Certificate issued on 2 January 2007 (PR974874) and Amending Certificate issued on 3 January 2007 (PR975695).

with Australia, there is considerable doubt regarding the capacity of the MEAA to enrol and retain members who reside and work in New Zealand without any relevant connection to the Commonwealth of Australia.

Section 18B of the RO Act sets out what constitutes a “federally registrable association of employees” for the purposes of s. 18 of the Act. Section 18B provides as follows:

- (1) An association of employees is ***federally registrable*** if:
  - (a) it is a constitutional corporation; or
  - (b) some or all of its members are federal system employees.
- (3) An association of employees is not ***federally registrable*** if it has a member who is not one of the following:
  - (a) an employee;
  - (b) a person specified in subsection (4);
  - (c) an independent contractor who, if he or she were an employee performing work of the kind which he or she usually performs as an independent contractor, would be an employee eligible for membership of the association;
  - (d) an officer of the association.
- (4) The persons specified for the purpose of paragraph (3)(b) are persons (other than employees) who:
  - (a) are, or are able to become, members of an industrial organisation of employees within the meaning of the *Industrial Relations Act 1996* of New South Wales; or
  - (b) are employees for the purposes of the *Industrial Relations Act 1999* of Queensland; or
  - (c) are employees for the purposes of the *Industrial Relations Act 1979* of Western Australia; or
  - (d) are employees for the purposes of the *Industrial and Employee Relations Act 1994* of South Australia.
- (5) An association of employees is not ***federally registrable*** if:
  - (a) it is only a body corporate because it is or has been registered under this Act (whether before or after the commencement of this subsection); and
  - (b) it is not the case that some or all of the association's members are federal system employees.

The term “federal system employee” is defined in s. 6 of the RO Act to mean a “national system employee” within the meaning of s. 13 of the *Fair Work Act 2009* (FW Act) or an independent contractor in the circumstances set out therein. A “national system employee” is defined, in turn, as an individual employed, or usually employed, by a “national system employer” as defined in s. 14 of the FW Act. Subsection 14(1) of the FW Act sets out various types of entities that constitute a “national system employer” reflecting the constitutional underpinnings of the FW Act. Sections 30D and 30N further expand the definition of a “national system employer” and reflect the referral of the industrial relations powers by the States to the Commonwealth.

It is apparent by the terms of section 18B of the RO Act that a federally registrable association of employees may have members beyond those that conform to the definition of a “federal system employee” such as those eligible for membership by virtue of the recognition of State legislation in section 18B(4) of the RO Act.

Of particular relevance to the present matter, such an association may have a member who is an employee within the ordinary common law definition of that term or usually such an employee<sup>2</sup> and an independent contractor who would, if he or she was an employee, be eligible for membership of the association.

It appears that the term “employee”, as it appears in the RO Act, should be construed in accordance with section 21(1)(b) of the *Acts Interpretation Act 1901* which provides as follows:

(1) In any Act:

...

(b) references to localities jurisdictions and other matters and things shall be construed as references to such localities jurisdictions and other matters and things in and of the Commonwealth.

Section 21(1)(b) may be displaced by legislation that exhibits a contrary intention.<sup>3</sup> However, the RO Act does not expressly indicate that it has any extraterritorial effect and it would seem that such a contrary intention cannot be implied from the terms of the Act. If this is correct, then the term “employee” as it appears in ss. 6 and 18B(3) of the RO Act must be construed to mean an employee “in and of Australia” or with a sufficient connection thereto.

In *Fair Work Ombudsman v Valuair Ltd (No 2)* (2014) 224 FCR 415 Buchanan J held that foreign air crew were not “employees” within the meaning of the FW Act as their contracts of employment, or their employment relationships, were not “in and of Australia”.

This leads to a concern regarding the status of members attached to the General Branch of the MEAA, principally with respect to the operation of section 171A of the RO Act. Subsection 171A(1)(b) provides that if a person is not, or is no longer, a person of a kind mentioned in subsections 18B(3)(a)-(d), then his or her membership of an employee organisation immediately ceases. That provision has effect despite anything contrary in the rules of an organisation<sup>4</sup> and was inserted into the RO Act by the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (the Transitional Act) in response to the decision of the Full Court of the Federal Court in *Australian Education Union v Lawler* (2008) 169 FCR 327. Section 171A of the Act has the effect of imposing on all organisations registered under the RO Act a “statutory purging rule”.<sup>5</sup>

The Transitional Act also amended section 230 of the Act so that subsection (2)(b) specifically provides that an organisation must remove from its membership register the name and postal address of each person who ceases to be a member under s. 171A within 28 days after the person ceases to be a member.

To the extent that the employment or engagement of members attached to the General Branch of the MEAA do not have a sufficient connection with Australia, and assuming that the terms “employee” and “independent contractor” in s. 18B(3) of the RO Act are construed to mean “in and of Australia”, it would appear that the membership of such members cannot continue pursuant to the operation of s. 171A of the RO Act.

With respect to the upcoming election, there is a further concern that, to the extent that it may involve participation by persons who cannot validly be members of the MEAA, an irregularity may occur regarding the election of the offices that such members are claimed to be part of the

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<sup>2</sup> *Fair Work (Registered Organisations) Act 2009*, s. 6 – definition of “employee”.

<sup>3</sup> *Acts Interpretation Act 1901*, s. 2(2).

<sup>4</sup> *Fair Work (Registered Organisations) Act 2009*, s. 171A(2).

<sup>5</sup> *Australian Education Union v General Manager of the Fair Work Commission* (2012) 246 CLR 177 at 125-126 per French CJ, Crennan & Kiefel JJ.

electorate for, namely, Federal President, Federal Vice President (Equity/General), Board Member (all other branches), General Branch Delegate to Federal Council and the officers of the General Branch.

Having said that, it is important to note two particular features of the RO Act which may affect the status of several members attached to the General Branch.

Firstly, as noted above, section 6 of the RO act contains an extended definition of an “employee” that includes “a person who is usually an employee”. Regarding the construction to be given to the words “usually an employee” North J, in considering whether a person is “usually an employer”, stated in *Australasian Meat Industry Employees’ Union v Belandra Pty Ltd* (2003) 126 IR 165 that:

*Whether a person is usually an employer is a question of fact to be determined in the light of all the circumstances in each case. There is no formula appropriate in all cases which can be used to answer the question. As to a past employment relationship, it may be relevant to know how long ago the person ceased to be an actual employer or to understand why the person ceased to be an actual employer. As to future employment, it may be relevant to know when such employment is to commence or resume, and the circumstances of any delay in commencing or resuming employment.*

To the extent that a member attached to the General Branch could be said to be usually an employee “in and of Australia” it is arguable that he or she can validly remain a member of the MEAA.

Secondly, section 166 of the RO Act provides certain protections for persons seeking to be admitted to, or remain a member of, an organisation registered under the RO Act. In particular subsection 166(3) of the RO Act extends this protection to persons qualified to be employed in a particular occupation subject to the additional requirement that the person seeks to be employed in the occupation. Given the capacity of New Zealand citizens to visit, stay and work in Australia pursuant to a Special Category visa and to the extent that a member attached to the General Branch is qualified and seeking employment as a performer in Australia, it is also arguable that he or she can be admitted to and remain a member of the MEAA. This would, we consider, require an attestation to that effect from each such member.

Before determining whether to arrange for the conduct of the upcoming election for offices within the MEAA as set out in the prescribed information lodged, the Regulatory Compliance Branch invites the MEAA to respond to the matters set out in this correspondence and/or provide any further information to the Delegate of the General Manager that the members attached to the General Branch have been validly admitted to, and remain, members of the MEAA in accordance with the RO Act. Given the timeframes involved with the election and the need to deal with this matter expeditiously, could you please provide any response by 30 November 2016.

I note that this is the first time this issue has been raised by the Fair Work Commission with the MEAA and I must stress that our intention is not to create unnecessary difficulties with regard to the regular conduct of the elections within the organisation. Our concern arises from the risks that the MEAA may be exposed to in the event that the members attached to the General Branch have not been validly admitted and retained as members.

If you would like to discuss the matters raised in this correspondence, please do not hesitate to contact me on 02 9308 1975 or email [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Yours sincerely



James Hall  
Senior Advisor  
Regulatory Compliance Branch



James Hall  
Senior Advisor  
Regulatory Compliance Branch - NSW  
Fair Work Commission  
Level 10, Terrace Tower  
80 William Street  
East Sydney NSW 2011

11 November 2016

By email: [james.hall@fwc.gov.au](mailto:james.hall@fwc.gov.au)

Dear Mr Hall,

Thank you for your letter dated 7 November 2016 concerning election for offices in the Media, Entertainment and Arts Alliance (MEAA).

#### **Form of Prescribed Information**

Please find attached amended prescribed information lodged under section 189(1) of the *Fair Work (Registered Organisations) Act* 2009 which proposes that the roll of voters shall close 7 days before the opening of nominations.

#### **General Branch Membership**

It is important to note that membership of MEAA's General Branch is confined to performers. It is known in New Zealand as *Equity New Zealand*. It is a Branch of MEAA in its own right and aligned to MEAA's Equity section – sometimes referred to *Actors Equity*. The General Branch's formation followed a vote of (then) National Distribution Union members in New Zealand in late 2005. The Branch was officially established by MEAA with effect from 1 July 2006.

The General Branch is managed by its own committee, but based on electoral formulae in MEAA's rules, it is eligible to elect a federal councilor to MEAA Federal Council and forms part of the constituency able to elect a member to the MEAA Board. Equity New Zealand has its own office premises in Auckland.

MEAA – as a general entity - (except the MEAA Media section) is affiliated with both the [Australian Council of Trade Unions](#) and the [New Zealand Council of Trade Unions](#).

You have otherwise asked five questions concerning the composition of this Branch and its role and interactions with MEAA. These matters are addressed in seriatim:

**One:** The mechanism by which persons located in New Zealand can become members of the MEAA.

**Response:** Applications for membership from New Zealand-based applicants can be submitted in hard or soft copy (online or physically).

📍 PO Box 723 Strawberry Hills NSW 2012 ☎ 1300 656 513

**BUILT ON INTEGRITY. POWERED BY CREATIVITY. MEAA.ORG**

For online, eligible persons can access the Actors Equity New Zealand website at <https://www.actorsequity.org.nz/home> and click through to the "Join Equity NZ" page <https://www.actorsequity.org.nz/join-equity>

The relevant fees are shown at the top of the page and applicants must complete the form with their personal, professional and payment details. Finally, the online form has a (compulsory) click box for applicants to acknowledge they understand that they are applying to join NZ Actors Equity.

Members may also complete physical (paper/hard copy) membership applications at events and/or meetings held in New Zealand. Once the form is completed by the applicant, it is scanned and emailed to the MEAA Member Central (in Australia) for processing.

All General Branch (NZ) membership applications are loaded on the MEAA Member Central database and given a unique 7 digit "membership number". They are identified on the database as "Branch NZ". All General Branch membership subscriptions are invoiced and receipted in NZ\$ and attract the NZ GST rate. All General Branch banking (deposits and payments) for membership subscriptions are processed via the Bank of New Zealand account.

**Two:** The nature of the membership attached to the "General Branch" of the MEAA including whether all members of that branch are located in New Zealand and if any members of the "General Branch" are located in Australia;

**Response:** All General Branch members are located in New Zealand. In the event that a General Branch member relocates to Australia either temporarily for work commitments (performance only) or permanently and actively seek work in the industry, they are transferred to the appropriate Australian branch (identified by State), commence paying membership subscriptions at the (Australian) Equity subscription fee levels and pay fees in AU\$.

**Three:** Whether the members located in New Zealand are considered to be, and conform to the definition of, "international members" pursuant to rule 8(b) of the rules of the MEAA or whether they are in another category of membership.

**Response:** MEAA Rule 8(b) provides:

*"International members shall be admitted for the period during which they are contracted to perform services in Australia pursuant to a valid visa. At the end of such period the member shall cease to be a member of the Association."*

MEAA Rule 5(q) defines an international member as:

**"international member"** means a member who is not ordinarily resident in Australia and<sup>1</sup> who is employed in Australia on a temporary basis or pursuant to

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<sup>1</sup> Emphasis added

*a contract for a specified duration and/or specified work [e.g. a theatrical or concert tour, film, radio or television programme].*

As can be seen from the definition, international membership requires a member to not ordinarily reside in Australia and that they be employed **in Australia<sup>2</sup>** on a temporary basis or pursuant to a contract for a specified term or work-type.

The general function of this Rule is to enable visiting actors, journalists, technical crew (and others) to join MEAA (and its sections) for the period of their stay in Australia.

The classification of international member is separate and distinct to the process used in and by the General Branch. It is also the case that a member of the General Branch would not avail themselves of the Rule 8(b) process because they already have standing as full MEAA members.

**Four:** How the relevant provisions of the rules of the MEAA regarding elections operate in practice regarding members located in New Zealand.

**Response:** Elections for Branch offices and those of the broader MEAA have been administered by the Australian Electoral Commission (AEC) through the Fair Work Commission since 2006 (E2006/274). Our records reflect that five (5) elections have been conducted in this way over that period (E2006/274, E2008/153, E2010/2612, E2012/400, E2014/243).

The AEC conducts postal ballots of members including those who reside in New Zealand in the event that a position is contested. The electoral timetable and arrangements are the same irrespective of a member's place of residence.

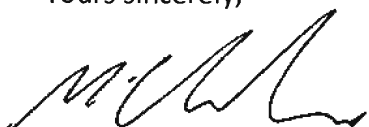
**Five:** Whether the "General Branch" is a reference to all members of the MEAA, regardless of the Section to which they belong, collectively electing the relevant offices.

**Response:** No.

We hope that the above information and revised application is sufficient to enable the Fair Work Commission to relay MEAA's election request to the Australian Electoral Commission (AEC).

If you or your colleagues require additional information, do not hesitate to contact me directly.

Yours sincerely,



Matthew Chesher  
Director, Legal and Policy

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<sup>2</sup> Emphasis added





7 November 2016

Mr Matthew Chesher  
Director, Legal and Policy  
Media, Entertainment and Arts Alliance  
PO Box 723  
STRAWBERRY HILLS NSW 2012

Also by email: [matthew.chesher@meaa.org](mailto:matthew.chesher@meaa.org)

Dear Mr Chesher

### **E2016/232 - Elections for office within the Media, Entertainment and Arts Alliance**

I refer to the prescribed information that was lodged on 17 October 2016 in relation to an election for offices within the Media, Entertainment and Arts Alliance (MEAA). During the course of considering the information lodged, the following matters arose which I wish to draw your attention to.

#### *Form of prescribed information*

In accordance with regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009* prescribed information must include:

- The day provided for in the rules as the day on which the roll of voters is to be closed; and
- A statement, signed by an authorised officer, that the information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the Act).

The prescribed information lodged does not provide a date for when the roll of voters is to be closed and is expressed to be lodged pursuant to s. 230(1)(d) of the Act.

Could you please remedy the above by lodging amended prescribed information which states that the information is lodged pursuant s. 189 rather than s. 230(1)(d) of the Act and provide a further paragraph to the effect of "THAT in accordance with rule 79, the roll of voters shall close 7 days before the opening of nominations".

#### *General Branch membership*

Among the offices for which an election is sought are those of the "General Branch". Clarification is sought as to the electors who fall within the scope of the "General Branch".

In this regard, I note that the prescribed information was lodged with a calculation sheet indicating how the number of various federal and branch offices set out in the prescribed information was determined. The calculation sheet indicates that all members of the "General Branch" are located in New Zealand.

In order for the Delegate of the General Manager to be satisfied that an election can indeed be arranged to the extent that it includes members attached to the "General Branch" located in New Zealand could you please provide further information regarding:

- The mechanism by which persons located in New Zealand can become members of the MEAA;
- The nature of the membership attached to the “General Branch” of the MEAA including whether all members of that branch are located in New Zealand and if any members of the “General Branch” are located in Australia;
- Whether the members located in New Zealand are considered to be, and conform to the definition of, “international members” pursuant to rule 8(b) of the rules of the MEAA or whether they are in another category of membership;
- How the relevant provisions of the rules of the MEAA regarding elections operate in practice regarding members located in New Zealand; and
- Whether the “General Branch” is a reference to all members of the MEAA, regardless of the Section to which they belong, collectively electing the relevant offices.

If you have any questions or queries in relation to this correspondence, please do not hesitate to contact me on 02 9308 1975 or email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to be 'JH', followed by a period.

James Hall  
Senior Advisor  
Regulatory Compliance Branch

**From:** MEAA CEO [<mailto:ceo@meaa.org>]

**Sent:** Monday, 17 October 2016 5:08 PM

**To:** Orgs

**Cc:** [matthew.chesher@meaa.org](mailto:matthew.chesher@meaa.org); [jennifer.obrien@meaa.org](mailto:jennifer.obrien@meaa.org); [andrew.crowley@meaa.org](mailto:andrew.crowley@meaa.org)

**Subject:** E2016/232 - Request for arrangements to be made for an election to be conducted at MEAA

Dear General Manager

Please find attached a request for arrangements to be made for an election to be conducted at MEAA, as per Rule 79. In addition, please find attached a copy of the MEAA rules and the votes calculation.

Yours sincerely

Paul Murphy

CEO



245 Chalmers Street Redfern NSW 2016

T: 02 9333 0944

F: 1300 730 543

M: 0413 386 105

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161017\_meaa  
election application.pdf



2016 MEAA Votes  
Calculation.pdf



current-rb-129v.docx



4 October 2016

Mr Simon Collins  
Federal President  
Media, Entertainment and Arts Alliance  
By email: [federal@alliance.org.au](mailto:federal@alliance.org.au)

CC: AEC Returning Officer by email: [industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au)

Dear Mr Collins,

### **Courtesy Letter - Election for offices [E2016/232]**

The rules of the Media, Entertainment and Arts Alliance indicate that an election for offices within the organisation is due to commence shortly.

- Federal Officers
- Delegates to Federal Conference
- National Stunt Committee
- Branch Officers

It appears that nominations for the election for the above-named offices open in January next year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Fair Work Commission (the Commission) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the Commission know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <https://www.fwc.gov.au/registered-organisations/fact-sheets-templates-webinars>.

The prescribed information should be emailed to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the General Manager within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the General Manager will consider such an application, there is no assurance that consent to a later day will be allowed.

**It should be noted Section 189(2) is a civil penalty provision.** Failure for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The Commission intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the Commission cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2016/232]

Should you seek any clarification in relation to the above, please contact the Commission on [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

Yours sincerely,



Annastasia Kyriakidis  
Regulatory Compliance Branch