



16 January 2019

Mr Walter Kuhn
President
Printing Industries Association of Australia
info@printnet.com.au

Dear Mr Kuhn,

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 stage 1 and 2 uncontested and contested offices for National Branch [E2018/136]. 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, as soon as practicable after receiving the post-election report, 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 Printing Industries Association of Australia 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

Matthew Indrigo
Registered Organisations Commission

13 December 2018

Printing Industries Association of Australia
Scheduled Election
E2018/136

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Election(s) Covered in this Report

Organisation: Printing Industries Association of Australia

Election: Scheduled

Election Decision No/s: E2018/136

Rules

Rules used for the election:

162V: This rulebook incorporates the alterations of 01/01/2014 determined on 11/11/2013 (R2013/67)

Rules difficult to apply/interpret:

Rule 37 – Board

The rule does not provide a mechanism for resolving a nomination that is made under both sub rule (1)(a) and (1)(b) if the person is successful at both.

For clarity, the rule needs to state that no one person can be elected to be a Board Member representing a state and “all members of the Association” – sub rules (1)(a) and (b) respectively. Further, that if a person is elected to ‘Board Member representing all members of the Association’, then his/her nomination for state representative is deemed to have been withdrawn (assuming that (1)(b) is thought to be the more superior office).

Alternatively, PIAA can consider a rule that prevents multiple nominations.

Both alternatives would deal with the issue of a person being elected under (1)(a) and (b) simultaneously.

Rule 88 – Elections

Rule 90 – Elections of Board Members

A number of questions regarding the nomination process were asked at this election. To minimize confusion, the rules can be better written to state:

- Only the authorised representative of the member, in accordance with Rule 5 and 38 of the Association can nominate or be nominated for the election.
- The authorised representative must be properly authorised as such at the time of making the nomination. Note; see below for suggestion/s of properly authorising a representative.
- A nominator and nominee must belong to the same electorate in which he/she is nominating or voting in. For example a Western Australian candidate must

be a member in Western Australia and be nominated by a Western Australian member/s.

- A candidate and a nominator cannot be from the same member.

The Association should review whether Rule 88 (6) (c) is required. The rules do not provide a definition of a 'Director'. Further, in small organisations the authorised representative and candidate may be the 'Director' him/herself.

Rule 92 – Election of Office Bearers

Similar to the above, I suggest additions to sub-rule (6) and for it to read, "Nominations may be made by members of the board who have been elected for the ensuing year. Members of the Board can self-nominate or be nominated by another member of the Board. Nominations shall be confined to such members of the Board. A nomination will not be valid unless a signed consent of the nominee is received by the Returning Officer before the closing date."

I note that sub rule (8), which asks voters to indicate an order of preference so that in the event of the elimination of a candidate (for example elected to a higher office) then an effective vote may still be cast, is different to the strike out method in Rule 88 (4) which was employed in the election of Board Members. I suggest that if my comments regarding Rule 37 is accepted, then an "order of preference" voting system may also be appropriate for Board Members. For example, if Candidate A is a candidate for a state and to represent all members, and is successfully elected to the later, then the remaining candidates in the state can still be counted instead of being "struck out" and not counted.

A further consideration for the Association, is whether the eliminated candidate's votes are then passed to the next preferred candidate on the ballot paper.

Rule 11 – Register of Members

Rule 32 – Voting

Rule 88 – Elections

The Register of Members should also include electorate details or voting state of the member, especially where the member may be a multi-state member and/or if the office address is different to that of the voting state. Rule 32 and/or Rule 88 should then clarify that the member's electorate or voting state determines their voting entitlement for 37 (1) (a) and (b). For example, a

member who is in the electorate of Western Australian can only vote for the candidate for 'Board Member representing Western Australia' and the candidate for 'Board Member representing all members'.

Whilst it is clear that an authorised representative votes on behalf of the member, there is no mechanism in the rules for notifying the Association who the authorised representative is or when there is a change. I suggest a more formal mechanism is required. A simple rule such as, "Members must notify the Association in writing if and when the member's authorised representative changes. Notification must be in the form of *[insert requirement]*. Notifications received before close of business 5pm will take effect on the same day."

I also note that the roll closes 7 days before the posting of nomination forms in Rule 88 (6) – currently this rule refers to financial members, but the Association can also use this date to be the date for members to confirm their authorised representative. This option will reduce the issues encountered on the date candidates become authorised representatives and their eligibility to nominate. If this option is preferred, the rules need to specify this clearly.

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

https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections

Roll of Voters

Total number of voters on the Roll:	Various – see attached Contested Declaration of Results for Stage One
Number of apparent workplace addresses:	Not applicable
Number of non-current addresses:	Nil
Other matters pertaining to the roll of voters:	Nil

Irregularities

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

Other irregularities identified, and action taken: Nil

Other Matters

Returning Officer actions required (Section 193) as the registered rules of the Association are silent in regards to the withdrawal of nominations.

Consequently, action was taken under Section 193(1)(b)(i) of the Fair Work (Registered Organisations) Act 2009 to only allow for the withdrawal of nominations up to the close of nominations and not beyond. It was advised to candidates in the election notice and on the nomination form that withdrawal of nominations will not be accepted after the close of nominations.

Signed



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

Attachments

- A. Declaration of results for:
Stage One: Contested and Uncontested Offices – National
- B. Declaration of results for:
Stage Two: Uncontested Offices - National

Printing Industries Association of Australia
DECLARATION OF RESULTS - E2018/136
Uncontested Offices

Scheduled Election

The Results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Office Bearers

President (1)

Candidates

KUHN, Walter

Deputy President (1)

Candidates

LEO, Sarah

Honorary Secretary (1)

Candidates

PETTARAS, Theo

Honorary Treasurer (1)

Candidates

GEORGANTZAKOS, John

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



Catherine Bernoth
Returning Officer
Australian Electoral Commission
22/11/2018

Printing Industries Association of Australia

DECLARATION OF RESULTS - E2018/136

Contested and Uncontested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Queensland

Board Member (1)

Candidates

ECKERSLEY, Tom

New South Wales

Board Member (1)

Candidates

GEORGANTZAKOS, John

Victoria

Total number of persons on the roll of voters	67
Ballot Papers Issued	67
Replacement ballot papers issued	2
TOTAL BALLOT PAPERS ISSUED	69
Ballot papers/envelopes returned for scrutiny	27
Less ballot papers/envelopes rejected at preliminary scrutiny	2
Adjusting balance	0
TOTAL BALLOT PAPERS	25
Percentage of ballot papers returned to number issued	39%
Ballot papers returned as unclaimed mail by closing date of ballot	0
Ballot papers not returned by voters	40

Board Member (1)

Candidates

Votes

PATTERSON Ron

10

PIDGEON Kevin

15

Total Ballot papers admitted for this office

25

Formal ballot papers

25

Informal ballot papers

0

I declare the following elected:

- PIDGEON Kevin

Tasmania

Total number of persons on the roll of voters	8
Ballot Papers Issued	8
Replacement ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	8
Ballot papers/envelopes returned for scrutiny	6
Less ballot papers/envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
TOTAL BALLOT PAPERS	6
Percentage of ballot papers returned to number issued	75%
Ballot papers returned as unclaimed mail by closing date of ballot	0
Ballot papers not returned by voters	2

Board Member (1)

<u>Candidates</u>	<u>Votes</u>
CLARK Peter	3
GUILLIAMSE Martin	<u>3</u>
Total Ballot papers admitted for this office	6
Formal ballot papers	6
Informal ballot papers	0

I declare the following elected:

- GUILLIAMSE Martin

** As the votes were equal the candidate elected was determined by lot as per rule 88(7)(b).*

South Australia**Board Member (1)**

Candidates
LEO, Sarah

Western Australia**Board Member (1)**

Candidates
PITTAWAY, Anthony

Australian Capital Territory**Board Member (1)**

Candidates
CELARC, Richard

National representing all members**Board Member (2)**

Candidates
PETTARAS, Theo
KUHN, Walter

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



Catherine Bernoth
Returning Officer
Australian Electoral Commission
30/10/2018



DECISION

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

Printing Industries Association of Australia (E2018/136)

MR ENRIGHT

MELBOURNE, 6 AUGUST 2018

Arrangement for conduct of election.

[1] On 1 July and 10 July 2018 the Printing Industries Association of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Board Members (9)

Office Bearers

President	(1)
Deputy President	(1)
Honorary Secretary	(1)
Honorary Treasurer	(1)

[2] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

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

I, Walter Kuhn, being the President of the Printing Industries Association of Australia (PIAA), make the following statement:

1. I am authorised to sign this statement containing prescribed information for Printing Industries Association of Australia.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
6. No rule alterations are pending that will impact the election.



Signed: Walter Kuhn

Dated: 10 July 2018

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

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
<i>National</i>	<i>Board</i>	<i>9</i>	<i>Direct voting system</i>	<i>Scheduled</i>	<i>State (5) and National (2)</i>
<i>National</i>	<i>Office Bearers</i>	<i>4</i>	<i>Collegiate electoral system</i>	<i>Scheduled</i>	<i>From Board</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Roll of Voters cut-off date	<i>15 August 2018</i>	<i>N/A</i>
Nominations OPEN	<i>1 September 2018</i>	<i>Within 7 days of confirmation of Board positions (Rule 92 (4))</i>
Nominations CLOSE	<i>14 September 2018</i>	<i>7 days (Rule 92(5))</i>
Call for Election	<i>1 November 2018</i>	<i>14 days (Rule 92(8))</i>
Close of Voting	<i>15 November 2018</i>	<i>14 days</i>