

Screen Producers Association of Australia Election President & Vice President S1

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2011/2578

Screen Producers Association of Australia

President

Candidate

ROSEN, Brian

Vice President

Candidate

TAYLOR, Sue

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

Kathryn Montgomery
Returning Officer

20 July 2011



**Screen Producers Association of Australia
Division Councillors**

DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

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.

E2011/2578

Documentary Division Councillors (2)

Candidates

HILTON, Chris

OGILVIE, Andrew

I declare Chris Hilton and Andrew Ogilvie elected.

Feature Film Division Councillors (2)

Candidates

GRANT, Ben

REDMAN, David

I declare Ben Grant and David Redman elected.

Service and Facilities Division Councillors (2)

Candidate

MCAUSLAND, Alaric

I declare Alaric McAusland elected.

No other nominations received.

Television Programme Division Councillors (2)

Total number of persons on the roll of voters	83
Ballot papers issued	83
Duplicate ballot papers issued	0
TOTAL BALLOT PAPERS ISSUED	83
Ballot papers / envelopes returned for scrutiny	37
Less ballot papers / envelopes rejected at preliminary scrutiny	1
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	36
Percentage of ballot papers returned to number issued	44%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	46

Votes

Candidates

BARRON, Paul

25

LALOR, Jenny

21

TATARKA, Ros

22

Total votes

68

Formal Ballot papers

34

Informal ballot papers

2

I declare Paul Barron and Ros Tatarka elected

Animation and New Media Division Councillor (1)

Candidate

WILSON, Jennifer

I declare Jennifer Wilson elected.

Kathryn Montgomery
Returning Officer Australian Electoral Commission
15 September 2011



Mr Anthony Ginnane
President
Screen Producers Association of Australia
34 Fitzroy Street
SURRY HILLS NSW 2010

Attention : Ms Emma Beaumont
Sponsorship and Events Manager

**Post Election Report For: Screen Producers Association of Australia
Stages 1 & 2 - E2011/2578**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members. Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 (RAO) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Kathryn Montgomery
Returning Officer

11 October 2011

POST ELECTION REPORT

Screen Producers Association of Australia Stages 1 & 2

ELECTION/S COVERED IN THIS REPORT

Election Decision No: E2011/2578

RULES

Rules used for the election: [118N: Incorporates alterations of 22/6/11] [R2011/122]
(replaces 20/10/2005 version)

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

ROLL OF VOTERS

Television Programme Division:

Total number of voters on the Roll: 83
Number of apparent workplace addresses: 83
Number of non-current addresses: Nil
Other matters pertaining to the roll of voters: Nil

As no other Divisions were contested no roll of voters were requested.

IRREGULARITIES

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

Other irregularities identified, and action taken: Nil

ATTACHMENTS

A: Declaration of Results Stage 1 President & Vice President
B: Declaration of Results Stage 2 Division Councillors



Kathryn Montgomery
Returning Officer
11 October 2011



FAIR WORK
AUSTRALIA

DECISION

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

Screen Producers Association of Australia
(E2011/2578)

T. NASSIOS

MELBOURNE, 22 JUNE 2011

Arrangement for conduct of election.

[1] On 6 and 31 May 2011 the Screen Producers Association of Australia lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

President
Vice-President

Feature Film Division Councillors (2)
Television Programme Division Councillors (2)
Documentary Division Councillors (2)
Service and Facilities Councillors (2)
Animation and New Media Division Councillor (1)

[2] I am satisfied that elections for the abovenamed offices are 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 elections by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

Printed by authority of the Commonwealth Government Printer

<Price code A, PR510386 >



FAIR WORK
AUSTRALIA

2 June 2011

Mr Antony Ginnane
President
Screen Producers Association of Australia
34 Fitzroy Street
SURREY HILLS NSW 2010
By email: spa@spaa.org.au

Attention: Emma Beaumont
emma@spaa.org.au

Dear Mr Ginnane,

**Section 189(1) Fair Work (Registered Organisations) Act 2009 (RO Act)
Prescribed information in relation to an election - E2011/2578**

I refer to your letter dated 31 May 2011. Your letter appears to advise that:

- the request for two (2) Television and Division Councillors in the prescribed information lodged on 6 May was a typographical error due to the recent abolition of the Television Commercials Division; and
- the roll of voters for the Councillors' election should close on 5 August 2011.

In light of your advice, there are several issues that must be resolved before an election decision (to arrange for the AEC to conduct the elections) by the Delegate is issued. The possible issues that have been identified are as follows:

1. the alteration of the SPAA rules do not take effect unless particulars of the alterations and a declaration has been lodged with FWA under section 159 RO Act and the General Manager or his Delegate has certified the alterations of the rules. This should be lodged within 35 days after the rule alteration has been passed. Therefore, at present the Television Commercials Division still exists in the current SPAA rules and will continue to exist in the organisation rules in spite of the resolution passed at the meeting on 23 September 2010; and
2. the result of the proposed rule alteration contained in the minutes of the Special Meeting of 23 September appears to alter the number of Animation and New Media Division Councillors from one to two. See the instructions regarding 'clause 15' of the SPAA rules in the Minutes which is also reproduced in paragraph a) below. This does not appear to be the intention of the organisation as the amended prescribed information seeks election for the office of one, not two, Animation and New Media Division Councillor.

Accordingly, the suggested course of action would be to:

- a) Assess the rule alteration that was passed by resolution on 23 September 2010. According to the instructions regarding clause 15 contained in the Minutes of the Special Meeting of 23 September, the amended rules will read as follows:

11 Exhibition Street Telephone: (03) 8661 7777
Melbourne VIC 3000 International: (613) 8661 7777
GPO Box 1994 Facsimile: (03) 9655 0401
Melbourne VIC 3001 Email: melbourne@fwa.gov.au

“15(b)(i) Council shall be composed of:

- (A) A President and a Vice President both elected by the general body of the Members subject to Rule 15(c);*
- (B) Two (2) representatives from each Division and the Animation and New Media Division;*
- (C) Such additional representatives and persons as may be determined from time to time by Members in General Meeting.”*

The effect of this proposed rule alteration provides that there shall be two representatives from each Division including the Animation and New Media Division on the Council of Management. However, it is noted that this is not reflected in the prescribed information lodged on 6 May or the amended prescribed information lodged on 31 May 2011.

If two positions is the intended result of the rule alteration, the organisation should lodge the particulars of the rule alteration under s159 following the steps set out in paragraph c) of this letter. You will also need to provide the number of members of each Division, and apply to the Delegate for an extension of time to lodge the alterations beyond 35 days after the rule alterations were passed by resolution. Additionally, the prescribed information regarding the election for Councillors representing the Animation and New Media Division will need to change from one to two Councillors.

- b) However, if the proposed rule alteration passed on 23 September 2010 did not alter the SPAA rules as intended as set out in the Minutes, in order to achieve the intended outcome the Council should immediately convene a Special Meeting of Members in accordance to clause 35(b) of the SPAA rules.

In convening the Special Meeting, please ensure compliance with clause 21 (President to convene Special Meeting within 21 days from date of receipt of the requisition from 10 members, and provide at least 7 days notice to all members of time, place and general nature of the business as set out in the requisition), clause 23(a)(iv) (quorum of Special Meetings - ten financial members) and clause 35(c) (resolution to pass amendment is by three-quarters of members present voting in favour of amendment).

- c) Then lodge the rule alteration immediately.

Rule alterations lodged under s159 RO Act require the following documents:

- ✓ Notice setting out the particulars of the alteration; and
- ✓ Declaration, signed by an officer (such as yourself), stating that the alterations were made in accordance with the rules of the organisation, the action taken under those rules to make the alteration and the particulars set out in the notice are true and correct to the best of the knowledge and belief of the signatory.

A copy of a previous rule alteration by SPAA (R2005/310) has been enclosed for your information as a sample. Page two is the notice setting out the particulars and page three contains the declaration.

- d) If the Delegate is satisfied that the alteration complies with and is not contrary to the legislation and has been made under the rules of the organisation, the rule alteration will be certified and the rule alterations will take effect from the date of certification. The election decision may then be issued to give effect to the new rules.

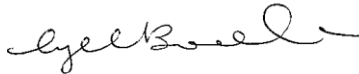
With the nominations for the President and Vice President's election opening on 8 July, I strongly suggest that this matter be given your immediate attention.

Please advise us in writing by 6 June:

- whether the alterations passed on 23 September are as intended, and therefore the particulars of the rule alteration and declaration should be lodged under s159 immediately; or
- whether another Special Meeting is required to pass further resolutions regarding the rule alterations to only abolish Television Commercial Division and not affect the composition of the Council. If so, please advise when this meeting is scheduled.

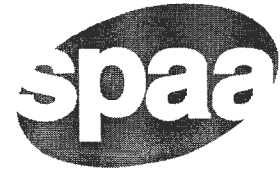
I will immediately advise the AEC once written advice on how your organisation wish to proceed is received. If you require any further assistance please do not hesitate to contact me on (03) 8661 7989 (Tues to Fri) or by email at cynthia.lobooth@fwa.gov.au Once the relevant documents are lodged I will endeavour to process the matters expeditiously to assist in adhering to the election timetable.

Yours sincerely,



Cynthia Lo-Booth
Tribunal Services and Organisations
Fair Work Australia

Encl.



May 31, 2011

Cynthia Lo-Booth
Tribunal Services and Organisation
Fairwork Australia
GPO Box 1994
Melbourne VIC 3001

Dear Cynthia

**Re: FWA Letter of May 2, 2011 pursuant to SPAA elections,
Section 189(1) Fair Work (Registered Organisations) Act 2009 (RO Act)
Prescribed information in relation to an election**

Thank you for your letter of May 2.

A. Television Commercials Division

In relation to your point 1 – Request for the Office of ‘Television Division Councillor (2)’:

I wish to advise that the inclusion of this Division in our letter was a typographical error on our part. We have in fact abolished the Television Commercials Division. I enclose the minutes from the Minutes of the SPAA Special General Meeting held at the Medina on Crown, 359 Crown Street, Surry Hills NSW 2010 on Thursday 23rd September 2010.

The following resolution to amend the Constitution was passed:

- Clause 6 – Membership: delete “(iv) Television Commercial Members”.
- Clause 6 – Membership: renumber 6 (b) sub-paragraphs accordingly.
- Clause 15 – Council of Management: delete from 15 (b) (i) (B) “except the Television Commercials Division”, delete 15 (b) (i) (C) in its entirety and renumber 15 (b) (i) (D) as 15 (b) (i) (C).

We seek the consent of Fair Work Australia in accordance with the Fair Work (Registered Organisations) Act 2009 to approve and amend the SPAA Constitution accordingly.

34 Fitzroy Street
Surry Hills NSW 2010
Ph +612 9360 8988
Fax +612 9360 8977
Email spaa@spaa.org.au

B. The offices in respect of which the election is required should now read:

Feature Film Division Councillors (2)
Television Program Division Councillors (2)
Documentary Division Councillors (2)
Services and Facilities Division Councillors (2)
Animation and New Media Division Councillor (1)

C. Closure of Roll of Voters

In relation to your point 2 – ‘Closure of roll of voters – Councillors election’:

Your reading of the constitution is correct and the roll of voters for the Councillor’s election should close on August 5.

Please don’t hesitate to contact me if you need anything further.

Regards



Antony I Ginnane
SPAA President

Minutes of SPAA Special General Meeting
Medina on Crown, 359 Crown Street, Surry Hills NSW 2010
Thursday 23rd September 2010

Meeting opened 5.31pm.

Present:

Daniel Scharf, Alaric McAusland, Kevin Powell, David Hannay, Kingston Anderson, Dan Pearce, Antony I.Ginnane, Michael Bouchier, James Vernon, Kristy Vernon, Antonia Barnard, Su Armstrong, Brian Rosen, Owen Johnston, Tom Jeffrey, Sandra Alexander, Anthony Mrsnik, Jennifer Wilson, Greg Harman, Andrew Ogilvie.

In attendance:

Geoff Brown, Julie Marlow, Bethwyn Serow, Owen Johnston.

The Special General Meeting convened directly after the Annual General Meeting. The meeting was called to move a motion for the Television Commercial Division of SPAA to become part of the Services and Facilities Division.

Geoff Brown gave some background to this issue. In September 2009, SPAA's Television Commercials (TVC) members agreed to terminate the TVC Offshore Agreement with MEAA, which had been the focus of the Division's attention for some time. After this decision, it became clear that the Division had experienced decreasing membership and a lack of active support, which was consistent with the challenges facing this sector of the industry generally.

Council considered the situation and proposed that:

- The Television Commercials Division becomes part of the services and facilities Division;
- TVC producers who wish to avail themselves of additional services offered by SPAA can retain SPAA on an 'as needs' basis for an hourly charge (currently \$150 per hour).

Council believed that this agreement is the most effective way of providing support to those TVC producers who require SPAA's assistance whilst ensuring that each of SPAA's various Divisions remains appropriately resourced and vital.

This proposal will require a change to the SPAA constitution.

The following resolution was put to the meeting:

That, subject to the consent of Fair Work Australia in accordance with the Fair Work (Registered Organisations) Act 2009, the Television Commercials Division be removed from the constitution and its members be eligible to join the Services and Facilities Division. The following changes are to take effect:

- Clause 6 – Membership: delete “(iv) Television Commercial Members”.
- Clause 6 – Membership: renumber 6 (b) sub-paragraphs accordingly.
- Clause 15 – Council of Management: delete from 15 (b) (i) (B) “except the Television Commercials Division”, delete 15 (b) (i) (C) in its entirety and renumber 15 (b) (i) (D) as 15 (b) (i) (C).

Moved: Tom Jeffrey

Seconded: Stuart Scowcroft.

Resolution carried unanimously.

Meeting closed 5.40pm.



Antony J Ginnane
SPAA President



FAIR WORK
AUSTRALIA

19 May 2011

Mr Antony Ginnane
President
Screen Producers Association of Australia
34 Fitzroy Street
SURRY HILLS NSW 2010

By email: spaa@spaa.org.au

Dear Mr Ginnane

**Section 189(1) Fair Work (Registered Organisations) Act 2009 (RO Act)
Prescribed information in relation to an election**

I have received the prescribed information lodged under section 189 dated 2 May 2011. The document was lodged with Fair Work Australia on 6 May 2011.

I am seeking further information regarding the following matters in the prescribed information:

1. Request for the office of 'Television Division Councillor (2)'

Rule 15(b)(i)(C) of the Screen Producers Association of Australia rules relevantly states that the Council of Management includes, amongst other Division representatives:

"One (1) representative from each of the Television Commercials Division and the Animation and New Media Division;"

Accordingly, there should only be one (1) Television Commercials Division Councillor contained in the prescribed information, not two.

2. Closure of roll of voters - Councillors' election

Rule 16(e) and point 5 of the prescribed information relevantly states that:

"The roll of voters for the ballot shall close seven days before the day on which nominations open."

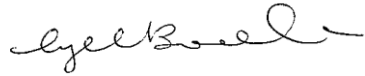
Regarding the closure of the roll of voters for the Councillors' election, the nominations open on 12 August 2011, therefore the roll of voters in respect of this election should close on 5 August 2011 and not on 1 July 2011 as stated in the prescribed information.

If you are in agreement with the matters which I have raised in this letter please lodge an amended prescribed information dated and signed by yourself as soon as possible to facilitate the completion of this matter. If you are of the opinion that the lodged prescribed information is correct and does not require amendment, please lodge further information to address why the

organisation is of the opinion that there should be two (2) Television Commercials Division Councillors and the roll of voters closure date for the Councillor's election is 1 July 2011.

If you have any questions regarding this letter I may be contacted via email at cynthia.lobooth@fwa.gov.au or by telephone on (03) 8661 7989 (Tues - Fri).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cynthia Lo-Booth', with a stylized flourish at the end.

Cynthia Lo-Booth
Tribunal Services and Organisation



2 May 2011

Tribunal Services and organisations
Fairwork Australia
GPO Box 1994
Melbourne Vic. 3001

To whom it may concern.

Prescribed Information in respect of Election – Section 189 of the Fair Work (registered Organisations) Act 2009 (the RO Act)

I am the President of the Screen Producers Association of Australia and am authorised to sign this statement which is lodged in accordance with the Subsection s189(1) of Schedule I B of the Workplace Relations Act 1996.

1. The offices in respect of which the election is required are:

President
Vice-President

Feature Film Division Councillors (2)
Television Program Division Councillors (2)
Documentary Division Councillors (2)
Services and Facilities Division Councillors (2)
Television Division Councillor (2)
Animation and New Media Division Councillor (1)

2. The reason the election is required is:

The term of all these offices has expired.

3. The electorate for the election is for the Divisions of:

Feature Film Division
Television Program Division
Documentary Division
Services and Facilities Division
Television Division
Animation and New Media Division

34 Fitzroy Street
Surry Hills NSW 2010 Australia
Telephone +61 2 9360 8988
Facsimile +61 2 9360 8977
email spaa@spaa.org.au
www.spaa.org.au
ABN 46 091 470 324

4. The dates and times that nominations open and close are:

Sections 15A(b) and 16(b) of the Screen Producers Association of Australia's Rules provided for notice that an election will be held for the positions of President, Vice President and Councillors and of closing dates for the lodging of nominations and for voting and calling for nominations shall be given to members at least twenty eight (28) days before the closing date for voting, such date being not less than seven (7) days before the date fixed for the next Annual General Meeting.

Stage 1

Dates for President and Vice President's elections

SPAA AGM	22 September 2011
Close of Roll	1 July 2011
Nominations Open	8 July 2011
Nominations Close	22 July 2011
Ballot Opens	29 July 2011
Ballot Closes	12 August 2011

Stage 2

Dates for Councillors' election

Close of Roll	1 July 2011
Nominations Open	12 August 2011
Nominations Close	26 August 2011
Ballot Opens	2 September 2011
Ballot Closes	16 September 2011

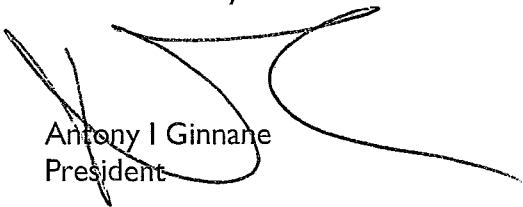
Please note that SPAA has been advised by the Australian Industrial Registry that according to the Rules 15A (b) 16 (b) it is not essential that the above elections are held separately. However the Association has traditionally held the elections in two stages and would prefer to continue doing so.

5. The role of voters shall close seven days before the day on which nominations open. (This means that anyone who is financial seven days before the nominations open is allowed to vote.) This is according to Section r138(1)(f) and per new provisions in rules 15A(e) & 16(e).

6. The voting system to be used in the conduct of the election is:

The direct voting system.

Yours sincerely



Anthony I Ginnane
President