



12 November 2019

Matthew Deaner
Executive Director
Screen Producers Association of Australia
Sent via email: info@screenproducers.org.au

Dear Matthew Deaner

Organisation must respond to the post-election report of the Australian Electoral Commission: E2019/69

On 6/11/2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2019/69. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular Rules 6(b), 16(c) and 16(f). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and
- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Christine Hibberd
Registered Organisations Commission

6 November 2019

Post-election report

Screen Producers Association of Australia

Scheduled election

E2019/69

Contents

Election(s) Covered in this Report.....	3
Rules	3
Roll of Voters	3
Irregularities	4
Other Matters	4
Signed	5
Attachments	5
A. Declaration of results for Contested & Uncontested Offices	

Election(s) Covered in this Report

Organisation: Screen Producers Association of Australia
Election: Scheduled
Election Decision No: E2019/69

Rules

Rules used for the election: [118N: Incorporates alterations of 11/07/2014] [R2013/114]
(replaces 30/03/2012 version)

Rules difficult to apply/interpret:

Rule 6(b), 16(c) and 16(f) are difficult to apply.

Rule 6(b) of the Association states that the members of the Association are categorised into 5 classifications. As such, the term 'class' mentioned in Rule 16(c) and 16(f) refers to five classifications of membership mentioned under Rule 6(b).

However, according to the list of members provided for this election, the Association has divided the members into two broad categories of classes as follows:

Television, Feature Film, Documentary, Animation & New Media and Services & Facilities

As per the above, the Association provided written confirmation that the council voted in 2014 in accordance with Rule 8(g) to change the classifications to better reflect the evolving nature of the industry.

It is recommended that this change needs to be reflected in the rules of the Association by limiting the classifications into two broad categories instead of the existing five classifications.

It is also recommended that the Association reviews the rule 15 (b) (i) (B) and 15 (b) (i) (C) in response to the probable changes in rules of the Association.

This was raised in the post-election report related to the election numbers E2017/84 and E2018/78.

Model Rule reference (if any): None

Roll of Voters

Stage 1 Election:

As no nomination was received, no one was declared elected in the stage 1 election.

Stage 2 Election:

Election of Television Council Member

Total number of voters on the Roll: 281

Number of apparent workplace addresses:	281
Number of non-current address:	N/A
Other matters pertaining to the roll of voters:	N/A

Election of Services & Facilities Council Member

Total number of voters on the Roll:	34
Number of apparent workplace addresses:	33
Number of non-current address:	N/A
Other matters pertaining to the roll of voters:	N/A

Irregularities

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

The Returning Officer was advised that Mr. Stuart Menzies had submitted a nomination form for the position of the Council Member.

The Returning Officer found that his nomination form, which was received on 4 September 2019, was not processed and his name was not included on the accepted nomination list.

An email from Mr. Stuart Menzies withdrawing his nomination was received by the AEC.

The Returning Officer acknowledged Mr Menzies withdrawal by email.

Other irregularities identified, and action taken: No

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Rules of the Association are silent in regards to the closing time of nomination. To address the issue the Returning Officer took action under Section 193(1)(b)(i) of the *Fair Work (Registered Organisations) Act 2009* and closed the Nomination period after 14 days from the opening date of the nomination.
- Rules of the Federation are silent in regards to the withdrawal period of nomination. To address the issue the Returning Officer took action under Section 193(1)(b)(i) of the *Fair Work (Registered Organisations) Act 2009* and closed the Nomination withdrawal period after 14 days from the opening date of the nomination.

Other:

- Rule 15 (b) (iv) refers to rule 14 of the association. It is noted that rule 14 does not exist. Rule 13 has been mentioned twice. It is recommended that this error be corrected.

Signed



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
E: nswelections@aec.gov.au
P: 02 9375 6331
6 November 2019

Attachments

- A. Declaration of results for Contested & Uncontested Offices

Screen Producers Association of Australia
DECLARATION OF RESULTS - E2019/69 - Stage 1
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:

President (1)

Candidates

No Nominations Received

Vice President (1)

Candidates

No Nominations Received

As no nominations were received, I declare no candidate elected.

Ishtiaq Ahmed

for Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: nswelections@aec.gov.au
18/07/2019





6 November 2019

Matthew Deaner
Executive Director
Screen Producers Association of Australia
Sent via email: info@screenproducers.org.au

Dear Matthew Deaner,

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 contested and uncontested offices in matter E2019/69. 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 Screen Producers 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.

Yours faithfully,

Romy Kaur
Registered Organisations Commission

Screen Producers Association of Australia
DECLARATION OF RESULTS - E2019/69 - Stage 2
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:

Television, Feature Film, Documentary, Animation & New Media

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters	281
Number of voters issued with voting material	281
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	281
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot	54
Number of declaration envelopes rejected at preliminary scrutiny	4
Number of ballot papers returned outside declaration envelopes	0
COUNT	
Total ballot papers admitted to the count	50
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	14
Voting material packs not returned by voters by closing date of the ballot	213
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	19 %

Television Council Member (2)

Candidates	Final Votes
TOSI, Jenni	44
NOBLE, Amy	28
RYAN, Suzanne	24

Total ballot papers admitted for this office	50
Formal Ballot papers	50
Informal Ballot papers	0

I declare the following elected:	Order Elected
• TOSI, Jenni	1
• NOBLE, Amy	2

Feature Film Council Member (2)

Candidates

REDMAN David

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

Documentary Council Member (2)

Candidates

PUNCHARD Ed

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

Animation and New Media Council Member (1)

Candidates

No Nominations Received

As no nomination was received, I declare no one elected for the above Office.

Services & Facilities

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	34
Number of voters issued with voting material	34
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	34
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	10
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	9
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	5
Voting material packs not returned by voters by closing date of the ballot	19
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	29 %

Services & Facilities Council Member (2)

<u>Candidates</u>	<u>Final Votes</u>
HUGHES, John	6
MELTZER, Sean	5
READ, Dan	6

Total ballot papers admitted for this office	9
Formal Ballot papers	9
Informal Ballot papers	0

I declare the following elected:	Order Elected
• HUGHES, John	1
• READ, Dan	2



Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: nswelections@aec.gov.au
25/10/2019



DECISION

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

Screen Producers Association of Australia (E2019/69)

MR ENRIGHT

MELBOURNE, 21 MAY 2019

Arrangement for conduct of election.

[1] On 2 May 2019 the Screen Producers Association of Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Vice President	(1)
Television Council Member	(2)
Feature Film Council Member	(2)
Documentary Council Member	(2)
Services and Facilities Council Member	(2)
Animation and New Media Council Member	(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 (AEC).

[3] I note that in the post-election report for the each of the previous two scheduled elections for officers (E2018/78 and E2017/84), the AEC identified to the organisation a number of rules relevant to the election which were difficult to apply. The AEC recommended that the organisation consider rule changes to address these issues. I understand that the organisation is considering relevant rule changes but has not yet transacted them.



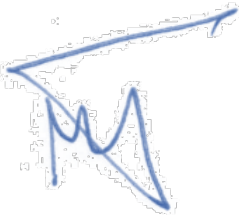
DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR351367

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

1. I, Michael Tear, being the President of the Screen Producers Association of Australia, make the following statement:
2. I am authorised to sign this statement containing prescribed information for the Screen Producers Association of Australia.
3. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
4. The elections that are required are set out in the table in Annexure A.
5. This statement **IS** lodged at least 2 months before nominations open for the election below.



Signed: Michael Tear, President

Dated: 29 April 2019

[Submitted via Cerberus]

ANNEXURE A (Stage 1)

- Elections that are required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
<i>National</i>	<i>President</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>Full Producer Members allocated to Divisions and Services & Facilities Members</i>
<i>National</i>	<i>Vice-President</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>Full Producer Members allocated to Divisions and Services & Facilities Members</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Roll of Voters cut off date	<i>Wednesday, 3 July 2019</i>	
Nominations OPEN	<i>Wednesday, 10 July 2019</i>	
Nominations CLOSE	<i>Wednesday, 24 July 2019</i>	

ANNEXURE A (Stage 2)

- Elections that are required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
<i>National</i>	<i>Television Council Member</i>	<i>2</i>	<i>DVS</i>	<i>Scheduled</i>	<i>Members of relevant voting divisions</i>
<i>National</i>	<i>Feature Film Council Member</i>	<i>2</i>	<i>DVS</i>	<i>Scheduled</i>	<i>Members of relevant voting divisions</i>
<i>National</i>	<i>Documentary Council Member</i>	<i>2</i>	<i>DVS</i>	<i>Scheduled</i>	<i>Members of relevant voting divisions</i>
<i>National</i>	<i>Services & Facilities Council Member</i>	<i>2</i>	<i>DVS</i>	<i>Scheduled</i>	<i>Members of relevant voting divisions</i>
<i>National</i>	<i>Animation & New Media Council Member</i>	<i>1</i>	<i>DVS</i>	<i>Scheduled</i>	<i>Members of relevant voting divisions</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Roll of Voters cut off date	<i>Wednesday, 7 August 2019</i>	
Nominations OPEN	<i>Wednesday, 14 August 2019</i>	
Nominations CLOSE	<i>Wednesday, 28 August 2019</i>	

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